

CHAPTER XI

OPEN-FIELD FARMS AND PASTURE COMMONS (1793-1815)

Condition of open-field arable land and pasture commons as described by the Reporters to the Board of Agriculture, 1793-1815; (1) The North and North-Western District; (2) West Midland and South-Western District; (3) South-Eastern and Midland District; (4) Eastern and North-Eastern District; (5) the Fens; the cumulative effect of the evidence; procedure under private Enclosure Acts; its defects and cost; the General enclosure Act of 1801; the Inclosure Commissioners; the new Board of Agriculture.

IT might perhaps be supposed that in 1793 the agricultural defects of the ancient system of open arable fields and common pasture had been remedied by experience; that open-field farmers had shared in the general progress of farming; that time alone was needed to raise them to the higher level of an improved standard; that, therefore, enclosures had ceased to be an economic necessity. In 1773, an important Act of Parliament had been passed, which attempted to help open-field farmers in adapting their inconvenient system of occupation to the improved practices of recent agriculture. Three-fourths of the partners in village-farms were empowered, with the consent of the landowner and the tithe owner, to appoint field-reeves, and through them to regulate and improve the cultivation of the open arable fields. But any arrangement made under these powers was only to last six years, and, partly for this reason, the Act seems to have been from the first almost a dead letter. At Hunmanby, on the wolds of the East Riding of Yorkshire, the provisions of the Act were certainly put in force*, and it is possible that it was also applied at Wilburton in Cambridgeshire. With these exceptions, little, if any, use seems to have been made of a well-intentioned piece of legislation.

* Isaac Leatham's *General View of the Agriculture of the East Riding of Yorkshire* (1794), p. 45. Thomas Stone, in his *Suggestions for Rendering the Inclosure of Common Fields and Waste Lands a source of Population and Riches* (1787), says that he knew of no instance in which the Act had been put in force.

Small progress had in fact been made among the cultivators of open-fields. Here and there, the new spirit of agricultural enterprise had influenced the occupiers of village farms. In rare instances improved practices were introduced. But the demand for increased food supplies had become, as our ancestors were experiencing, too pressing for delay. Any continuous series of adverse seasons created a real scarcity of bread, and more than once during the Napoleonic wars, famine was at the door. Unless food could be produced at home, it could not be obtained elsewhere. An extension of the cultivated area was the quickest means of adding to production. Agriculturists at the close of the eighteenth century were convinced that no adequate increase in the produce of the soil could be obtained, unless open-field farms were broken up, and the commons brought into more profitable cultivation. If they were right in that belief, the great agricultural change was justified, which established the uniform system with which we are familiar to-day. The point is one of the greatest importance. The uncritical praises lavished by sixteenth and seventeenth century travellers on open-field farming are of little value because they had no higher standard with which to compare its results. Such a standard had now been to some extent created. It may therefore be useful to illustrate, from the contemporary records supplied by the Reports to the Board of Agriculture, the condition of open arable land and of pasture-commons in the years 1793-1815. The material is arranged according to the four districts into which, for statistical purposes, the English counties are usually divided. The cumulative force of

the evidence is great. But some of it relates to wastes which were not attached to village farms, although common of pasture and fuel was often claimed over the area by the inhabitants of the neighbourhood. As to the reliability of the whole evidence, it would be only fair to add that the Reporters were not likely to be prejudiced in favour of open-field farms or unappropriated commons.

1. In the *North and North-Western District*, enclosure had gone on apace since 1770. In Northumberland, for instance (1805), very little common land was left which could be made profitable under the plough. 120,000 acres were said to have been enclosed "in the last thirty years." In Durham, it is stated that "the lands, or common fields of townships, were for the most part inclosed soon after the Restoration." The Reporter laments "that in some of the rich parts of the county, particularly in the neighbourhood of the capital of it, large quantities of land should still lie totally deprived of the benefit of cultivation, in commons; and that ancient inclosures, by being subject to the perverse custom of intercommon, be prevented from that degree of fertilization, to which the easy opportunity of procuring manure, in most cases, would certainly soon carry the improvement of them; in their present state, little or no benefit is derived to any person, whatsoever, entitled either to common, or intercommon, from the use of them." The waste lands of the West Riding of Yorkshire are calculated at 265,000 acres capable of cultivation. The Reporter proposes to "add to these the common fields which are also extensive, and susceptible of as much improvement as the wastes." The man on inclosed land "has not the *vis inertiae* of his stupid neighbour to contend with him, before he can commence any alteration in his management . . . he is completely master of his land, which, in its open state, is only *half* his own. This is strongly evident in the cultivation of turnips, or other vegetables for the winter consumption of cattle; they are constantly cultivated in inclosures, when they are never thought of in the open fields in some parts." In the North Riding "few open or common fields now remain, nearly the whole having long been inclosed." But on the commons the practice of surcharging is said to have increased to "an alarming degree." It had become a frequent custom for persons, often dwelling in distant townships, to take single fields which were entitled to common rights, and stock the commons with an excessive quantity of cattle. In Cumberland (1794), there were still 150,000 acres of improvable common, which were "generally overstocked." "No improvement of breed was possible, while a man's ewes mixed promiscuously with his neighbour's flocks." There were "few commons but have parts which are liable to rot, nor can the sheep be prevented from depasturing it." "If any part of the flock had the scab or other infectious disease, there was no means of preventing it from spreading." A large part of these commons was good corn-land; if enclosed, and part ploughed for grain crops, not only would there be an increased supply of corn, but, instead of "the ill-formed, poor, starved, meagre animals that depasture it at present," there might be "an abundant supply of fat mutton sent to our big towns." In Cheshire (1794), there were said to be of "common fields, probably not so much as 1000 acres." Staffordshire in 1808 contained little more than 1000 acres of open-fields, which "are generally imperfectly cultivated, and exhausted by hard tillage." Since the reduction of their area, the general produce of the county is stated to be greater, the stock better, and the rent higher by 5s. an acre. The county was "emerging out of barbarism." But, thirty years before, on some of the "best land of the county," the rotation had been "(1) fallow; (2) wheat; (3) barley; (4) oats; and often oats repeated, and then left to Nature; the worst lands left to pasture and spontaneous rubbish; turnips and artificial grasses scarcely at all known in farming." In Derbyshire (1811), a list of the thirteen open arable fields which remained is given. "Many of them," says the

Reporter, "must remain in their present open, unproductive, and disgraceful state, (though principally in the best stratum in the County)" owing to the expense of enclosure. There were, however, still thirty-six open commons, such as Elmton, with its "deep cart-ruts, and every other species of injury and neglect that can, perhaps be shown on useful land; part of it has been ploughed at no distant period, as completely exhausted as could be, and then resigned to Weeds and Paltry"; or Hollington, which, "though overgrown with Rushes through neglect, is on a rich Red Marl soil"; or Roston, "miserably carted on, cut up, and in want of Draining; in wet seasons it generally rots the sheep depastured on it; . . . probably injurious, rather than beneficial, in its present state, both to the Parishioners and the Public."

2. In the *West Midland and South-Western District, Shropshire (1794)* "does not contain much common field lands, most of these having been formerly enclosed, and before acts of parliament for that purpose were in use; but the inconvenience of the property being detached and intermixed in small parcels, is severely felt, as is also the inconvenience of having the farm buildings in villages." There still remained large commons of which the largest were Clun Forest and Morfe Common, near Bridgnorth. The Reporter strongly advocates their enclosure. "The idea of leaving them in their unimproved state, to bear chiefly gorse bushes, and fern, is now completely scouted, except by a very few, who have falsely conceived that the inclosing of them is an injury to the poor; but if those persons had seen as much of the, contrary effects in that respect as I have, I am fully persuaded their opposition would at once cease. Let those who doubt, go round the commons now open, and view the miserable huts, and poor, ill-cultivated, impoverished spots erected, or rather thrown together, and inclosed by themselves, for which they pay 6d. or 1s. per year, which, by loss of time both to the man and his family, affords them a very trifle towards their maintenance, yet operates upon their minds as a sort of independence; this idea leads the man to lose many days work by which he gets a habit of indolence; a daughter kept at home to milk a poor half-starved cow, who being open to temptations, soon turns harlot, and becomes a distressed, ignorant mother, instead of making a good useful servant."

Herefordshire (1794) contained a great number of open field farms, occupying some of "the best land of the county," and pursuing the "invariable rotation of (1) fallow, (2) wheat, (3) pease or oats, and then fallow again." Speaking of the waste lands at the foot of the Black Mountains above the Golden Valley, the Reporter says : "I do appeal to such gentlemen as have often served on Grand Juries in this county, whether they have not had more felons brought before them from that than from any other quarter of the county." He attributes this lawlessness to the right, which the cottager possessed in virtue of his arable holding, of turning out stock on the hills, and to the encouragement which this right afforded him of living by any means other than his labour.

Worcestershire (1794) contained from 10,000 to 20,000 acres of wastes, "in general depastured by a miserable breed of sheep belonging to the adjoining cottagers and occupiers, placed there for the sake of their fleeces, the meat of which seldom reaches the market, a third fleece being mostly the last return they live to make." Yet, adds the Reporter, "most of the common or waste land is capable of being converted into tillage of the first quality." Considerable tracts still lay in open-fields, especially in the neighbourhood of Bredon, Ripple, and to the east of Worcester. "The advantages from inclosing common fields . . . have been very considerable; . . . the rent has always risen, and mostly in a very great proportion; the increase of produce is very great, the value of stock has advanced almost beyond conception; . . . indeed it is in inclosures alone, that

any improvement in the line of breeding in general can be made." Speaking of the district towards the Gloucestershire border, it is stated that "the lands being in common fields, and property much intermixed, there can be of course but little experimental husbandry; being, by custom, tied down to three crops and a fallow. . . . The mixture of property in our fields prevents our land being drained, and one negligent farmer, from not opening his drains, will frequently flood the lands of ten that lie above, to the very great loss of his neighbours and community at large. Add to this, that although our lands are naturally well adapted to the breed of sheep, yet the draining etc. is so little attended to in general, that, out of at least 1000 sheep, annually pastured in our open fields, not more than forty, on an average, are annually drawn out for slaughter, or other uses; infectious disorders, rot, scab, etc. sweep them off, which would not be the case if property were separated." Of the pasture commons, it is said that they are "overstocked," "produce a beggarly breed of sheep," and "are of little or no value." Again, it is stated that, where enclosures "have been completed fifteen or twenty years, property is trebled; the lands drained; and if the land has not been converted into pasture, the produce of grain very much increased; where converted into pasture, the stock of sheep and cattle wonderfully improved. Where there are large commons, advantages are innumerable, to population as well as cultivation, and instead of a horde of pilferers, you obtain a skilful race, as well of mechanics as other labourers."

In Gloucestershire (1794) common fields and common meadows still prevailed over extensive districts. Of the Cotswold district the Reporter says: "probably no part of the kingdom has been more improved within the last forty years than the Cotswold Hills. The first inclosures are about that standing; but the greater part are of a later date. Three parishes are now inclosing; and out of about thirteen, which still remain in the common field state, two, I understand, are taking the requisite measures for an inclosure: the advantages are great, rent more than doubled, the produce of every kind proportionably increased." Of the Vale of Gloucester he says: "I know one acre which is divided into eight lands, and spread over a large common field, so that a man must travel two or three miles to visit it all. But though this is a remarkable instance of minute division, yet, it takes place to such a degree, as very much to impede all the processes of husbandry. But this is not the worst; the lands shooting different ways, some serve as headlands to turn on in ploughing others; and frequently when the good manager has sown his corn, and it is come up, his slovenly neighbour turns upon it, and cuts up more for him, than his own is worth. It likewise makes one occupier subservient to another in cropping his land; and in water furrowing, one sloven may keep the water on, and poison the lands of two or three industrious neighbours." Lot meadows were numerous in the county, on which the herbage was common after haymaking. Several tracts such as Corse Lawn, Huntley and Gorsley Commons were practically wastes, "not only of very little real utility, but productive of one very great nuisance, that of the erection of cottages by idle and dissolute people, sometimes from the neighbourhood, and sometimes strangers. The chief building materials are store-poles, stolen from the neighbouring woods. These cottages are seldom or never the abode of honest industry, but serve for harbour to poachers and thieves of all descriptions." In the Vale of Tewkesbury the common fields were "very subject to rot. . . . Though it is reckoned they (farmers) lose their flocks once in three years on average, there is a considerable quantity kept, the farmers being persuaded they could not raise corn without them. The arable fields after harvest are stocked without stint. When spring seedtime commences, they are confined to the fallow quarter of the field, and stinted in proportion to the properties; they are folded every night, and kept so hard, that scarce a blade of

grass or even a thistle escapes them; and this management is thought essentially necessary, especially on the stiff soils, to keep them in good order, such soils being too hard to plough in very dry weather, and, of course, not eligible in wet. The grass and weeds, without this expedient, would often get so much ahead as not to be afterwards conquered."

Another agricultural Report on Gloucestershire was presented in 1807. The Reporter mentions that, in the reign of George III., "more than seventy Acts have passed the Parliament for inclosing or laying into severalty." "By these proceedings, the landlord and occupier are benefited; the former in an advance of rent, the latter in the increase of crops. On the Cotswolds, many thousand acres are brought into cultivation, which before were productive of little more than furze and a few scanty blades of grass. In the Vale, by the inclosure of common fields, lands have been laid together, and rescued from the immemorial custom, or routine of crops-wheat, beans, and fallow; and the farmers have found, to their great advantage, that clover, vetches and turnips may be raised in the fallow year, which was before attended only with labour and expense." The Reporter enumerates five advantages resulting from enclosure of common field farms:--(1) an increase of crops and rent; (2) the commutation of tithes; (3) the drainage of the land; (4) the removal of the injury and cause of disputes occasioned by turning on the head- and fore-lands of neighbours; (6) the encouragement of population. Of the advantages of enclosing common pastures or wastes he is equally convinced; "the common or waste lands in the Vale are seldom stinted to a definite quantity of stock in proportion to the number of acres occupied; but the cottager claims by custom to stock equally with the largest landholder. It is justly questioned whether any profit accrues to either from the depasturing of sheep, since the waste commons, being under no agricultural management, are usually poisoned by stagnated water, which corrupts or renders unwholesome the herbage, producing rot, and other diseases in the miserable animals that are turned adrift to seek their food there." Since 1794 Corse Common had been enclosed. From the results the Reporter of 1807 illustrates some of the benefits of enclosure. "The supposed advantages derived by cottagers, in having food for a few sheep and geese on a neighbouring common, have usually been brought forward as objections to the enclosing system. This question was much agitated with regard to the inclosure of Corse Chace in this county ; but if the present state and appearance of it, since the inclosure in 1796, be contrasted to what it was before, or its present produce of corn to the sheep that used to run over it, little doubt can remain of the advantageous result in favour of the community; 1350 acres of wet and rushy waste were inclosed, and, in the first year of cultivation, the produce was calculated at 20,250 bushels of wheat, or of some other crop in equal proportion. If it could even be proved that some cottagers were deprived of a few trifling advantages, yet the small losses of individuals ought not to stand in the way of certain improvements on a large scale." The Reporter also quotes two Cotswold parishes, formerly open-fields, but now enclosed, as examples of increased produce. In Aldsworth, the annual produce of corn rose from 720 quarters to 2300 quarters; in Eastington, it increased from 690 quarters to 2100 quarters. He adds that enclosures encouraged labour. "Labourers, who formerly were under the necessity of seeking employment in London and other places, now find it in sufficient quantity at home in their respective parishes."

In Somersetshire (1797) the two largest districts of waste land were the Brent Marsh and King's Sedgmoor. The Reporter describes the Brent Marsh as a country which had "been heretofore much neglected, probably on account of the stagnant waters, and unwholesome air. But of late many efforts have been made to improve the soil, by draining and enclosing, under a

variety of Acts of Parliament. The benefit resulting therefrom has been astonishing." The total area was over 20,000 acres, of which many thousands, "heretofore overflown . . . and of little or no value, are become fine grazing and dairy lands." Besides the general improvement to the health of the district, "scarcely a farmer can now be found who does not possess a considerable landed property; and many whose fathers lived in idleness and sloth, on the precarious support of a few half-starved cows, or a few limping geese, are now in affluence." On the South Marsh, chiefly formed by the river Parret, "near thirty thousand acres of fine land are frequently overflown for a considerable time together, rendering the herbage unwholesome for the cattle, and the air unhealthy to the inhabitants." An Act of Parliament had been recently (1791) obtained for draining a portion of this fen called King's Sedgemoor, containing "about 20,000 acres."

The Dorsetshire commons in 1794 were "generally overrun with furze and ant-hills," worth 8s. an acre unenclosed, but "highly proper to cultivate, and, if converted, would be worth from 18s. to 20s. an acre." A second Report on Dorsetshire was issued in 1812. The Reporter calls attention to the "half year meads." One person has the hay, and another person the "after-shear." These meadows were not near commonable fields, and the origin of the claim is not clear. Obviously, neither of the persons who shared the produce was likely to attempt to improve the herbage.

In Wiltshire (1794) the Reporter fixes on four disadvantages of open-field husbandry: (1) the obligation to plough and crop all soils alike; (2) the impossibility of improving sheep; (3) the difficulty of raising food for their winter keep; (4) the expense, trouble, and excessive number of horses required to cultivate detached dispersed lands. On the south-east side of the county lay a considerable tract of open-fields, and in the north-west, in the centre of the richest land of the district, were scattered numerous commons. The open arable fields are said to be in "a very bad state of husbandry," and the common pastures in a "very neglected unimproved" condition. "There are," says the Reporter, "numerous instances in which the common-field arable land lets for less than half the price of the inclosed arable adjoining; and the commons are very seldom reckoned worth anything, in valuing any estate that has a right on them." For the last half-century very little land had been enclosed, "although the improvement on the lands, heretofore inclosed, has been so very great." "The reason seems to have been the very great difficulty and expence of making new roads in a country naturally wet and deep, and where the old public roads were, till within the last few years, almost impassable." Good turnpike roads had now been introduced; villages were energetic in repairing the approaches to them; and "it is to be hoped that so great an improvement as that of inclosing and cultivating the commonable lands will no longer be neglected." The crying need was the want of drainage. The common pastures from Westbury to Cricklade were in a "wet rotten state," depastured by an "unprofitable kind of stock," but "wanting only inclosing and draining to make them as good pasture land as many of the surrounding inclosures." Some of the cold arable fields would have been much more valuable if turned to pasture, and, in their undrained state, even the driest were "not safe for sheep in a wet autumn."

3. From the *South-Eastern and Midland District* the evidence is the fullest, because the district was still in a great measure farmed on the open-field system.

In Berkshire (1794) there were 220,000 acres of open-fields, and downs, to 170,000 acres of inclosed land. Half of the county "is still lying in common fields; and though it is not divided

into such very small parcels as in some other counties, the farmer labours under all the inconvenience of commonable land; and by that, is withheld from improving or treating his land, so as to return the produce which it ought to do, if entire, and under a good course of husbandry." "We generally see on all the commons and waste lands, a number of miserable cattle, sheep, and horses, which are a disgrace to their respective breeds, and the cause of many distempers."

In Buckinghamshire (1794) 91,906 acres remained in open-fields The Reporters point out that "the slovenly operations of one man are often of serious consequence to his neighbours, with whose property his lands may lie, and generally do lie, very much intermixed. Every one is aware of the noxious quality of weeds, whose downy and winged seeds are wafted by every wind, and are deposited upon those lands which are contiguous to them; and which before were perhaps as clean as the nature of them would admit, to the manifest injury of the careful and attentive farmer. Inclosures would, in a certain degree, lessen so great an evil; they would also prevent the inroads of other people's cattle, as particularized in the parish of Wendover, and in which one man held eighteen acres in thirty-one different allotments."

Oxfordshire in 1794 contained "upwards of an hundred uninclosed parishes or hamlets." The Reporter enumerates several advantages of enclosure. "The first of these is getting rid of the restrictions of the former course of husbandry, and appropriating each of the various sorts of land to that use to which it is best adapted. 2. The prevention of the loss of time, both as to labourers and cattle, in travelling . . . from one end of a parish to another; and also in fetching the horses from distant commons before they go to work. 3. There is a much better chance of escaping the distempers to which cattle of all kinds are liable from being mixed with those infected, particularly the scab in sheep. This circumstance, in common fields, must operate as a discouragement to the improvement of stock . . . 5. The great benefit which arises from draining lands, which cannot so well, if at all, be done on single acres and half acres, and would effectually prevent the rot amongst sheep, so very common in open field land. 6. Lastly the preventing of constant quarrels, which happen as well from the trespasses of cattle, as by ploughing away from each others' land." Otmoor, near Islip, containing "about four thousand acres," is mentioned as the largest and most valuable tract of waste in the county. "This whole tract of land lies so extremely flat, that the water, in wet seasons, stands on it a long time together, and of course renders it very unwholesome to the cattle, as well as the neighbourhood. The sheep are thereby subject to the rot, and the larger cattle to a disease called the moor evil. The abuses here (as is the case of most commons where many parishes are concerned) are very great, there being no regular stint, but each neighbouring householder turns out upon the moor what number he pleases. There are flocks of geese likewise kept on this common, by which several people gain a livelihood."

In 1809, Arthur Young reported on Oxfordshire, where he found that, in proportion to its extent, more land had been enclosed since 1770 in the county than in any other part of England. Otmoor and Wychwood Forest were still uninclosed wastes. Apart from the question of productiveness, he urged that the enclosure of the latter district was necessary on moral grounds. "The vicinity is filled with poachers, deer-stealers, thieves, and pilferers of every kind; offences of almost every description abound so much, that the offenders are a terror to all quiet and well-disposed persons; and Oxford gaol would be uninhabited, were it not for this fertile source of crimes." Nearly one hundred parishes still remained in open-fields. "It is," says Young, speaking

of open-field practices, "a well-known fact that men have ploughed their land in the night for the express purpose of stealing a furrow from their neighbour; and at all times it is a constant practice in some to plough from each other." "I have known," says one of his informants, "years wherein not a single sheep totally kept in the open field has escaped the rot." Yet on this same land, enclosed and drained, not one sheep died from the rot in nineteen years.

In 1770, the South and East of Warwickshire had mainly consisted of open-fields. Now (1794) there still remained 50,000 acres. But in 1813 it is reported that a very small area continued in an unenclosed state.

Northamptonshire, in 1794, contained 89 parishes still in open-fields. There was, therefore, "above one third of the whole (county) by no means in the best state of cultivation of which it is susceptible." The commons did not "yield pasturage," "at the highest computation," which was worth more than "5s. an acre. Indeed, if the calculation was fairly made, the occupiers are not benefited to the extent of half that sum, as the stock which they send to depasture upon these commons is liable to so many diseases and accidents, as, one year with another, nearly counterbalances any advantages which can be derived from possessing this right. . . . By every information that could be procured, it appears that the stock is not kept with a view to any profit that can possibly arise from the sales, but merely as the means of cultivating and manuring the soil. Indeed, long experience has evinced, that no species of stock kept in these open fields can be carried to market on terms nearly so advantageous as the same articles raised by those farmers who occupy inclosed lands; nor is it to be supposed, considering the manner in which the stock is treated, that the owners will pay much attention to the improvement of the different breeds." As to the arable land, "the several occupiers must conform to the ancient mode of cultivation of each division or field in which their lands are respectively situated; from which it will appear that one obstinate tenant (and fortunate must that parish be accounted, where only one tenant of that description may be found) has it in his power to prevent the introduction of any improvement. . . . The tillage lands are divided into small lots of two or three old-fashioned, broad, crooked ridges (gathered very high towards the middle, or crown, being the only means of drainage that the manner in which the lands are occupied will admit of), and consequently the farmer possessing 100 acres must traverse the whole extent of the parish, however large, in order to cultivate this small portion."

In Leicestershire (1800) very little open-field land was left "not more than 10,000 acres." In Nottinghamshire (1798) enclosure was proceeding rapidly. "Good land, with extensive commons," is said to be most capable of improvement; "clay land with small commons," to have been the least capable. Midway between the two came "clay land with large commons." But "even the worst" may be increased in value by a fourth, after deducting all improvements.

In Middlesex (1794) many thousands of acres of wastes lay unenclosed--"an absolute nuisance to the public." The commons of Enfield, Edmonton, and Tottenham were frequently flooded; but no effort was made to keep the ditches scoured. In 1798 there were still 17,000 acres of "common meadows, all capable of improvement, not producing to the community in their present state more than 4s. an acre." To the Reporter's eyes the commons were "a real injury to the public," partly because they tempted the poor man to settle on their borders, build a cottage out of the material they afforded, and trust to his pigs and poultry for a living; partly because

they became "the constant rendezvous of gypseys, strollers and other loose persons . . . the resort of footpads and highwaymen." The arable land of the county is estimated at 23,000 acres, of which, in 1798, 20,000 were in open-fields.

In Hampshire (1813) the Reporter found the commons so overstocked as to produce little or no substantial benefit to those who enjoyed the grazing rights, and the surface "shamefully deteriorated" by the exercise of rights of turbarry or paring turf for fuel. He hopes to see "every species of intercommonable rights extinguished," and, with them, "that nest and conservatory of sloth, idleness, and misery, which is uniformly to be witnessed in the vicinity of all commons, waste-lands, and forests throughout the kingdom."

4. In the *Eastern and North-Eastern* counties, neither Essex nor Hertfordshire possessed many commons or open-field farms. A description of the inhabitants of the neighbourhood of Epping and Hainault Forests in Essex (1795) has been already quoted. In Hertfordshire (1795) the Reporter notes that the few remaining open-fields had been freed from the old restraints, and were cultivated as if they were held in separate occupation. Speaking of pasture commons, he says: "Where wastes and commons are most extensive, there I have perceived that cottagers are the most wretched and worthless; accustomed to rely on a precarious and a vagabond subsistence, from land in a state of Nature, when that fails they recur to pilfering. . . . For cottagers of this description the game is preserved and by them destroyed." Of Cheshunt Common (1813) it is stated that "the common was not fed by the poor, but by a parcel of jobbers, who hired cottages, that they might eat up the whole."

Two-thirds of the county of Huntingdon in 1793 lay in openfields. Proprietors rarely had more than two or three acres contiguous. "The residue lies in acres and half acres quite disjointed, and tenants under the same land-owner cross each other continually in performing their necessary daily labour. . . . The sheep of the common fields and commons are of a very inferior sort, except in some few instances, and little if any care is taken either in the breeding, feeding or preserving them; and from the neglected state of the land on which they are depastured, and the scanty provision for their support in winter, and the consequent diseases to which they are liable, their wool is also of a very inferior quality."

On the uplands of Lincolnshire (1794) there were but few openfield farms. "The sheep of the common fields," says the Reporter, "I do not bring into this account from the circumstances of hardship, attending the scantiness of their food, the wetness of their layer, the neglect of a proper choice in their breed, their being overheated in being (where folded) dogged to their confinement, where they are often too much crowded; the scab, the rot, and every circumstance attend them, which can delay their being profitable; so that it may be reasonably concluded, that they are of less value than those bred in inclosures, from 10s. to 15s. per head, and their fleeces are equally unproductive." Five years later Arthur Young reported on this part of the county. He describes the true Lincolnshire cattle which he found on openfield farms as a "wretched" breed ; "they all run together on a pasture, without the least thought of selection." At three years old, they were worth little more than half what they fetched on enclosed land. Open-field farmers "breed four or five calves from a wretched cow before they sell it, so that a great quantity of food is sadly misapplied." It was from this "post-legged, square-buttocked breed of demi-elephants," to use Marshall's description, that the Navy beef of England was chiefly provided. The open-

field sheep had not improved. "I never," says Young, apparently with surprise, "saw a fold in the county, except in a few open fields about Stamford; . . . but the sheep are miserably bad; in wool 8 or 9 to the tod." In the East Riding of Yorkshire (1794) the pasture commons varied "in extent from two hundred to two thousand five hundred acres, and all of them may be converted into useful land by drains, sub-divisions, plantations, and other improvements. . . . When commons are not stinted in proportion to the stock they are capable of keeping, very little benefit is derived from them. . . . It is not a little extraordinary to see a starving stock upon a common of five hundred acres soaked with water, when the expense of a few shillings for each right, prudently laid out in drains and bridges, would double its value. Such is the obstinacy of men, and so difficult is it to induce them to form the same opinion; though an union of sentiment would much more materially promote their interest."

Norfolk in 1796 contained 80,000 acres of unimproved commons, and about one-fourth of the arable area of the county was tilled on the common or open-field system. "There is," says the Reporter, who was the well-known Nathaniel Kent, "still a considerable deal of common-field land in Norfolk, though a much less proportion than in many other counties; for notwithstanding common rights for great cattle exist in all of them, and even sheep-walk privileges in many, yet the natural industry of the people is such, that, whenever a person can get four or five acres together, he plants a whitethorn hedge round it, and sets an oak at every rod distance, which is consented to by a kind of general courtesy from one neighbour to another." "Land," he elsewhere remarks, "when very much divided, occasions considerable loss of time to the occupier, in going over a great deal of useless space, in keeping a communication with the different pieces. As it lies generally in long narrow slips, it is but seldom it can receive any benefit from cross-ploughing and harrowing, therefore it cannot be kept so clean; but what is still worse, there can be but little variety observed in the system of cropping; because the right which every parishioner has of commonage over the field, a great part of the year, prevents the sowing of turnips, clover, or other grass seeds, and consequently cramps a farmer in the stock which he would otherwise keep." Commons of pasture lay "in all parts of the county, and are very different in their quality. Those in the neighbourhood of Wymondham and Attleborough are equal to the finest land in the county, worth, at least, twenty shillings an acre; being capable of making either good pasture, or producing corn, hemp or flax. There are other parts which partake of a wet nature and some of a furze and heathy quality; but they are most of them worth improving, and all of them capable of producing something; and it is a lamentable thing, that those large tracts of land should be suffered to remain in their present unprofitable state." Under the head of Poor Rates, the Reporter observes "that the larger the common, the greater the number and the more miserable are the poor." In the parishes of Horsford, Hevingham, and Marsham, which "link into each other, from four to nine miles from Norwich, there are not less than 3,000 acres of waste land, and yet the average of the rates are, at least, ten shillings in the pound. This shows the absolute necessity of doing something with these lands, or these, uncultivated, will utterly ruin the cultivated parts, for these mistaken people place a fallacious dependence upon these precarious commons, and do not trust to the returns of regular labour, which would be, by far, a better support to them." Of Wymondham Common, Arthur Young wrote in 1801. The area was 2,000 acres; but "the benefit to the poor is little or nothing further than the keeping a few geese; as to cows there are very few. The common is so overstocked with sheep that cows would be starved on it; and these sheep are mostly in the hands of jobbers, who

hire small spots contiguous [to the common] for no other purpose. These men monopolise almost the whole."

Bedfordshire in 1794 was famous for its backward farming. It still disputed with Cambridgeshire the reputation of being the Boeotia of agriculture. It contained 217,000 acres of open or common fields, common meadows, common pastures, and waste lands, to 68,000 acres of enclosure and 22,000 acres of woodlands. As a rule, the enclosed land was as badly farmed as the open-fields. Hence the practice of enclosing had fallen into disrepute. The Reporter seems to suggest another reason for the reluctance of landlords to enclose. "It has," he says, "frequently occurred to me in practice, that some of the occupiers of a common field are pursuing the best possible mode of management the situations are capable of, whilst others are reducing land intermixed therewith to the lowest state of poverty, beggary and rubbish. . . . Upon the inclosure of common fields it frequently occurs that commissioners are obliged to consider such worn-out land of considerably less value than such parts as have been well-farmed; of course, the proprietors, whose misfortune it has been to have their land badly occupied, have had a smaller share, upon the general division of the property, than they otherwise would have had, in case their land had been better farmed." In one respect enclosed land had the advantage. Sheep in Bedfordshire were practically only used as manure-carriers. They were "generally of a very unprofitable quality, but more especially those bred in the common fields, where the provision intended for their maintenance is generally unwholesome and scanty. . . . From the undrained state of the commons and common fields, the stock of sheep depastured upon them is but too frequently swept away by the rot ; and, it being absolutely necessary, according to the present system of farming, that their places should be constantly supplied with others for the folding of the land, under such circumstances of casualty and necessity, the healthiness of the animal when purchased is the first and almost the only object of consideration with the farmers." Sheep, from any county, of any breed, and of any description, were therefore bought indiscriminately. Nine-tenths of the sheep of the common fields of the country are "coarse in their heads and necks, proportionately large in their bones, high on the leg, narrow in their bosoms, shoulders, chines and quarters, and light in their thighs, and their wool is generally of a very indifferent quality, weighing from three to four pounds per fleece. . . . The sheep bred upon the inclosures are generally of a much superior quality . . . very useful and profitable." Thirteen years later (1807), 43 parishes, or about a third of the county, were farmed on the open-field system. To the rapid spread of enclosures and to the influence and example of great landlords, the Reporter attributed the material improvement in the sheep stock of the county.

Out of 147,000 acres of arable land in Cambridgeshire (1794) 132,000 lay in open-fields. The rental of the enclosed land averaged 18s. per acre, and that of the open-fields 10s. On the uplands of the county, as distinguished from the fen districts, there were 2,000 acres of half-yearly meadow lands which were grazed by the village partners from hay-harvest till Easter; 7,500 acres of highland common; 8,000 acres of fen or moor common, which, though easily drained, "contribute little to the support of the stock, though greatly to the disease of the rot in the sheep and cows." The Reporter considered that no general improvement of the farming of the county was possible until the intermixed lands of "the common open fields" were laid together and occupied in severalty. He made it part of his business to enquire into the feeling of "the yeomanry in their sedate and sober moments . . . as to this important innovation upon the establishment of ages. A few have given an unqualified dissent, but they were flock-masters;

others have concurred under certain limitations, but the mass of the farmers are decidedly for the measure in question." He estimates that the general average produce per acre of enclosed land exceeded that of the open-fields in the following proportions: wheat, 3 bushels 1 peck; rye, 3 pecks; barley, 15 bushels 1 peck; oats, 1 bushel 1 peck; peas, 2 bushels 1 peck. "But, if a single instance be adverted to, and a comparison made between the parishes of Childersley, which is enclosed, and Hardwicke, which remains in open common field, and which parishes appear by the journal to consist of a perfectly similar soil," the result is much more favourable to enclosures. Childersley produced 24 bushels of wheat to Hardwicke's 16 bushels; 36 bushels of barley to 18 bushels; 36 bushels of oats to 18 bushels, or 20 bushels of oats to 8 bushels. To this increase of produce must be added another advantage. Childersley and Knapwell, both enclosed, were entirely exempt from the rot among their sheep, while the neighbouring parishes were desolated by the disease. The ravages of the rot which are chronicled may probably have been exceptional. On the open-fields of Gamlingay a fourth of the flock, or 340 sheep, perished in 1793. The mortality is attributed to the want of drainage in the arable land. At Croxton in 1793 1,000 sheep were rotted on the unenclosed lands, and, in the same year, 700 on the open-fields of Eltsley. In 1813 another Report on Cambridgeshire was issued. In the interval of twelve years, the area of open-field and common had been greatly lessened. In consequence, says the Reporter, Cambridgeshire farmers "have an opportunity of redeeming the county from the imputation it has so long lain under, of being the worst cultivated in England, and of proving (the fact) that the same industry, spirit and skill which have been manifested in other parts of the Kingdom, exist also in this, the open-field state and system precluding the possibility of exercising them."

To the Eastern and North Midland districts mainly belonged the fen-lands. This vast tract of waterlogged land still included Peterborough Fen in Northamptonshire, embraced small portions of both Norfolk and Suffolk, and extended over a considerable part of Huntingdonshire, Cambridgeshire, and Lincolnshire. At a moderate computation, the total area, which at the best was imperfectly drained, and lay to a great extent unenclosed, comprised 600,000 acres. The drainage works of the seventeenth century had only partially succeeded. Where the system had been carefully watched and maintained, the land had been greatly improved. But the neglected outfalls were once more choked with silt; the porous banks admitted the water almost as fast as it was removed by the draining-mills; in some instances they had been broken down by floods and not repaired; in some they had been wilfully damaged or destroyed by the commoners. Yet much of this drowned area, either actually or potentially, consisted of some of the richest land in Great Britain. Some portions of the drier ground were cultivated on the open-field system, and the commons were numerous and extensive.

Peterborough Fen (1793) consisted of from 6,000 to 7,000 acres of "fine level land, of a soil equal to any perhaps in the kingdom of Great Britain, and susceptible of the highest cultivation." In its present wet state it was dangerous to stock. Farmers living in the neighbourhood never turned their cattle on it except in very dry seasons. It was, however, depastured by the horses, cattle, and sheep of 32 parishes in the Soke of Peterborough. "Considering the present mode of management," says the Reporter, "it is impossible that any advantage can arise to the persons having right therein." But, in his opinion, the land, if properly drained, enclosed, and tilled, might yield a greatly increased produce and employ from 1300 to 1400 hands.

The Huntingdonshire fens contained (1793) 44,000 acres. Marshall speaks of "the disgraceful state in which some of these lands were suffered to remain (a blank in English territory)." The Reporter says that the fen is "generally unproductive, being constantly either covered with water, or at least in too wet a state for cultivation." Of so little value was it that those who exercised rights over it frequently preferred relinquishing their claims to paying the drainage taxes. Very considerable portions of the fen districts were occupied by meres--shallow lakes filled with water which was often brackish. Their only value lay in the reeds, which were used for thatching or in malting, and in the fishing. But many of the meres were so silted up with mud that the fish had diminished in numbers. Their drainage, says the Reporter in 1811, would be of inestimable service to the health of the inhabitants. "They are awful reservoirs of stagnated water, which poisons the air for many miles round about, and sickens and frequently destroys many of the inhabitants, especially such as are not natives."

In Cambridgeshire (1794) there were "50,000 acres of improved fen, and 200,000 acres of wastes and unimproved fen." Vancouver, who was the Reporter to the Board, walked over every parish in the district in order to obtain reliable information. Except on foot, he could not penetrate into the recesses of the district. Neighbouring parishes were ignorant of each other's condition. The roads were often impassable, and at their best were only repaired with a silt which resembled "pulverised sand." Almost everywhere he speaks of the "deplorable condition of the drainage," and consequently of the "miserable state of cultivation" which prevailed on the open-field lands. The fenlands of Chatteris, Elm, Leverington, Parson Drove, Wisbech St. Mary's and Thorney, amounting to about 50,000 acres yield "a produce far beyond the richest high lands in the county, averaging a rent of more than fifteen shillings per acre. Whereas the waste, the drowned, and partially improved fens, amounting on a moderate computation to 150,000 acres, cannot be fairly averaged at more than four shillings per acre." Very rarely were the open-fields and commons even in a fair state of cultivation. Wilburton was a favourable example. There field-reeves had been appointed by the parish, with power to open up neglected drains at the expense of those to whom they belonged. But almost universally the common pasture was deteriorated by turf-cutting; the marsh lands, if tilled, were exhausted by barbarous cropping; and effective drainage was prevented by the intermixed condition in which the land was occupied: At Snailwell, an open upland parish, there was a flock of 1,200 Norfolk sheep, which were only "kept healthy by being prevented from feeding upon the wet moory fen common." The general attitude of the ague-stricken, opium-eating fen-men towards the drainage of the district may be illustrated by the example of Burwell, a chalkland parish on the Suffolk border. "Any attempt in contemplation of the better drainage" of Burwell fen, already "greatly injured by the digging of turf," and "constantly inundated," is considered as hostile to the true interests of these deluded people." In 1794 the principal Lincolnshire commons were the East and West (29,000 acres), the Wildmore Fen (10,500 acres), the East and West Deeping Fens (15,000 acres). The East and West and Wildmore Fens were "under better regulations than any others in the fen country." "Yet," says the Reporter, "they are extremely wet and unprofitable in their present state, standing much in need of drainage, are generally overstocked, and dug up for turf and fuel. The cattle and sheep depastured upon them are often very unhealthy, and of an inferior sort, occasioned by the scantiness, as well as the bad quality of their food, and the wetness of their lair. Geese, with which these commons are generally stocked . . . are often subject to be destroyed. It is not a constant practice with the commoners to take all their cattle off the fens upon the approach of winter; but some of the worst of the neat cattle, with the horses,--and particularly those upon

Wildmore Fen,--are left to abide the event of the winter season; and it seldom happens that of the neat cattle many escape the effects of a severe winter. The horses are driven to such distress for food that they eat up every remaining dead thistle, and are said to devour the hair off the manes and tails of each other and also the dung of geese." A second Reporter (1799), Arthur Young, speaks of "whole acres" in Wildmore Fen as "covered with thistles and nettles four feet high and more. There are men that have vast numbers of geese, even to 1000 and more. . . . In 1793 it was estimated that 40,000 sheep, or one per acre, rotted on the three fens (i.e. on East and West and Wildmore Fens). So wild a country nurses up a race of people as wild as the fen; and thus the morals and eternal welfare of numbers are hazarded and ruined for want of an inclosure. . . . In discourse at Louth upon the characters of the poor, observations were made upon the consequences of great commons in nursing up a mischievous race of people; and instanced that, on the very day we were talking, a gang of villains were brought to Louth gaol from Coningsby, who had committed numberless outrages upon cattle and corn; laming, killing, cutting off tails, and wounding a variety of cattle, hogs, and sheep; and that many of them were commoners on the immense fens of East, West, and Wildmore."

These descriptions apply to commons under the best regulations. Deeping Fens may be taken as examples of the ordinary management of Lincolnshire commons in the fen districts. "They stand," thinks the Reporter of 1794, "very much in need of inclosing and draining, as the cattle and sheep depastured thereon are very unhealthy. The occupiers frequently, in one season, lose four fifths of their stock. These commons are without stint, and almost every cottage within the manors has a common right belonging to it. Every kind of depredation is made upon this land in cutting up the best of the turf for fuel; and the farmers in the neighbourhood, having common rights, availing themselves of a fine season, turn on 7 or 800 sheep each, to ease their inclosed land, whilst the mere cottager cannot get a bite for a cow; but yet the cottager, in his turn, in a colourable way, takes the stock of a foreigner as his own, who occasionally turns on immense quantities of stock in good seasons. The cattle and sheep, which are constantly depastured on this common, are of a very unthrifty ill-shapen kind, from being frequently starved, and no attention paid to their breed. Geese are the only animals which are at any time thrifty; and these frequently, when young, die of the cramp, or, when plucked, in consequence of the excessive bleakness and wetness of the commons. A goose pays annually from 1s. to 16d. by being 4 times plucked. These commons are the frequent resort of thieves, who convey the cattle into distant Counties for sale."

The North Fens round the Isle of Axholm formed in 1794 another large area (12,000 acres) of commons and wastes. If "divided and inclosed," says the Reporter, they "would for the most part make very valuable land . . . in their present state, they are chiefly covered with water, and in summer throw forth the coarsest of productions; the best parts, which are those nearest the enclosed high lands, are constantly pared and burnt to produce vegetable ashes. . . . The more remote parts of the common are dug up for fuel. On account of the general wetness of those commons, and their being constantly overstocked by the large occupiers of contiguous estates, or in such seasons as the depasturage is desirable in summer, to ease the inclosed land, the cattle and sheep necessarily depastured thereon at all seasons being those of the cottagers, who are for the most part destitute of provision for them in winter, are always unthrifty, and subject to various diseases, which render them very unprofitable to the occupiers." The farming of the open arable fields had, in the Reporter's opinion, deteriorated rather than progressed. "If," he says, "

those gentlemen, whether proprietors or agents, who have any concern in the management of common fields, will examine into the present mode of occupancy of the different classes of them . . . they will in most cases find them in a weak impoverished state; and that the original systematic farming of them is either lost or laid aside, and that the agriculture of the common fields of this county has rather declined than improved." The Cambridgeshire Reporter, it may be added, formed the same opinion of the open-fields in that county, and he produces some evidence to prove that the rental of open farms had fallen since the seventeenth century.

The general impression left by this mass of evidence is that the agricultural defects of the intermixture of land under the open-field system were overwhelming and ineradicable; that as an instrument of land cultivation it had probably deteriorated since the thirteenth century; that no increased production or general adoption of improved practices could be expected under the ancient system. But the Reporters note exceptions, from which other conclusions may possibly be drawn. In some districts the customary rotations had been abandoned for independent cultivation, or modified so as to admit some variation of cropping. Thus, by agreement, in Berkshire a portion of the fields was "hitched," or, according to the Wiltshire equivalent, "hooked." In other words, common rights of pasture on the arable land were suspended so as to allow the cultivation of turnips, clover, or potatoes. Elsewhere, again, portions of the arable land were withdrawn from tillage to serve as cow-commons. Nor must it be supposed that enclosed land was always better cultivated than open-field farms. The Bedfordshire and Lincolnshire Reporters, for example, state that in certain cases enclosure had produced no improvement, and in Wiltshire the Reporter hints that open-field regulations at least prevented some abuses to which land held in severalty was liable. In some districts landlords imposed upon tenants of separate holdings the same restrictions and course of cropping by which they had been fettered as occupiers of land in open-fields. Without a large expenditure on equipment the agricultural conditions of enclosed land were often worsened, rather than bettered. Thus the Somersetshire Reporter quotes an example from the Mendip Hills, where, when land had been enclosed, the landlord refused to erect the necessary buildings. Similar cases might have been collected from many other parts of the country. In these respects, as well as in others, landlords had yet to be taught the business of owning and letting land. There were "Goths and Vandals," not only among tenants, but also among owners.

Before any accurate estimate can be formed of the agricultural advantages or defects of arable farming on intermixed strips of land subject to common grazing rights, and of stock breeding and rearing on pasture commons, it is necessary to allow for some possibilities of improvement by the cultivators of open-fields and for some neglected opportunities by landlords and tenants of enclosed land. But, when every reasonable allowance has been made, it is clear that the balance was overwhelmingly in favour of separate occupation. As an instrument of production the ancient system was inferior. Every advance in science made by agriculture, and every new resource which is adopted, only served to accentuate the relative disadvantages of open-field farming. Change was, in the circumstances, necessary. It was generally effected by obtaining Parliamentary sanction for an enclosure.

The ordinary procedure, by which open-fields or commons were enclosed under Parliamentary authority, opened with a Petition presented to Parliament by persons locally interested. The Petition was signed by the owner of the land or lord of the manor, by the owner of the tithes, and

by a majority of the persons interested. No fixed rule seems to have been followed, as to the proportion of consents and dissents. But Parliamentary Committees looked to the values as well as to the numbers which were represented. On this Petition, by leave of the House, a Bill was introduced, read a first and second time, and then referred to a Committee, which might consist of the whole House or of selected members. The Committee, after receiving counter-petitions and hearing evidence, reported to the House, that the standing orders had, or had not, been complied with; that the allegations were, or were not, true; that they were, or were not, satisfied that the parties concerned had consented to the Bill. On the Committee's Report, the Bill either was rejected, or was read a third time, passed, sent to the Lords, and received the Royal Assent. If the Bill passed, the Commissioners, or Commissioner, named in the Act, arrived at the village. There they heard the claims of the persons interested, and made their award, distributing the property in separate ownership among those who had succeeded in establishing their claims, with due regard to the "quality, quantity, and contiguity" of the land.

The procedure was open to abuses. Even if it is assumed that a Parliamentary Committee, largely composed of landed proprietors, was always disinterested on questions affecting land, little trouble seems to have been taken to elicit the opinions of small claimants. Schemes of enclosure rarely began with a public meeting of the parish. The principal owners generally met in secret, arranged the points in which their own interests conflicted, selected the solicitor and surveyor, nominated the Commissioners, settled the terms of the petition. Even the next step--that of obtaining signatures--might be taken privately. Sometimes it happened that the first intimation which the bulk of the inhabitants received of the scheme was that the petition had been presented, and that leave to bring in an enclosure Bill had been granted. To prevent so flagrant an abuse, clauses as to notice had been generally inserted in Bills from 1727 onwards. But, in order to secure the necessary publicity of proceedings, the House of Commons in 1774 made it a standing order that notice of the scheme must be affixed to the door of the church of the parish affected, for three Sundays in the months of August or September. Other standing orders corrected other abuses in the procedure. They regulated the payments of the Commissioners, required them to account for all monies assessed or expended by them, restricted the choice of men who could fill the office, limited their powers of dealing with the titles of claimants, and laid down the principle that the allotments to titheowners and lords of manors should be stated in the Bill.

At all stages of the proceedings heavy costs were incurred. The fees paid to Parliamentary officials were considerable. If a tract of common land was to be enclosed, over which several parishes claimed rights, fees were charged for each parish. On this ground, partly, the Lincolnshire Reporter explains the delay in enclosing the East and West and Wildmore Fens. Forty-seven parishes were there affected, and the general Act would be charged as forty-seven Acts, with fees in proportion. Witnesses had to attend the Committee of the House of Commons and subsequently of the House of Lords. There might be postponements, delays, and protracted intervals; but the witnesses, often professional men, had either to be maintained in London or to make two or more costly journeys to town. Such an expenditure was generally prohibitive for the opponents of the Bill. Unable to fee lawyers, produce witnesses, or urge their claims in person, they were obliged to content themselves with a counter-petition, which, possibly, might not be referred to the Committee. Nor did the cost cease when the Bill was passed. There were still the expenses of the Commissioners and their clerk; the fees for the surveyor and his survey, and the

valuer and his valuation; the charges of the lawyers in proving or contesting claims, preparing the award, and other miscellaneous business; the outlay on roads, gates, bridges, drainage, and other expenditure necessitated by the enclosure of the land. Where the area was large, a portion of the land was usually sold to pay the necessary expenses. But the cost of fencing the portions allotted to individuals was thrown upon the owners, and the smaller the allotment, the greater the relative burden. Small men might well hesitate, apart from the uncertainty of proving their title, to support an enclosure scheme, since the value of their allotment might be almost swallowed up in the expense of surrounding it with a hedge.

Many small tracts of common land were left unenclosed, because the extravagant cost threatened to absorb the possible profits of the undertaking. A general Enclosure Act would, it was urged, reduce the cost of enclosing small areas, promote uniformity of legislative action by embodying the best methods of procedure and the most requisite safeguards which experience suggested, and provide means for overcoming opposition by modifying the existing powers of resistance. On all these grounds, a Bill was framed by the Board of Agriculture. It was strongly opposed in Parliament. Many persons were interested in the continuance of the existing procedure. "What," asks one of the Board's Reporters, "would become of the *poor* but *honest* attorney, officers of Parliament, and a long train of etc, etc, who obtain a *decent* livelihood from the *trifling* fees of every individual inclosure Bill—all these of infinite use to the community, and must be encouraged whether the wastes be enclosed or not? . . . The waste lands, in the dribbling difficult way they are at present inclosed, will cost the country upwards of 20 millions to these gentry etc. which on a *general* Inclosure Bill would be done for less than *one*." The first Bill proposed by the Board was rejected mainly through the influence of these private interests. A further attempt was made in May, 1797, when two Bills were introduced. The first was wrecked by the opposition of titheowners. One of the chief advantages of enclosures was that tithes were usually extinguished by an allotment of land in lieu. This commutation of tithe was favoured by the Board, which in consequence incurred the suspicion of being hostile to the Established Church. The House of Lords seems to have been particularly influenced by this view. Though the first of the two Bills passed the Commons, it was rejected in the Upper House. The second Bill did not advance beyond the Committee stage in the House of Commons. Finally, in 1801, the first General Enclosure Act (41 Geo. III. c. 109) was passed "for consolidating in one Act certain provisions usually inserted in Acts of Inclosure, and for facilitating the mode of proving the several facts usually required on the passing of such Acts." No alteration in the machinery of enclosure was made. Private Acts of Parliament were still required. But they were simplified, and to some extent the expense was reduced. The effect was at once seen in an increase in the number of private Acts and a diminution in the size of the areas which each enclosed.

The Act of 1801 was mainly applied to commons. Open-fields were specifically dealt with by subsequent legislation. In 1836, an Act (6 and 7 Wm. IV. c. 115) was passed "for facilitating the inclosure of open and arable fields." It empowered two-thirds of the possessors of open-field rights, in number and value, to nominate commissioners and carry out enclosure; or seven-eighths, in number and value, to enclose without the intervention of commissioners. The debate in Parliament is chiefly noticeable for the stress which, for the first time since the days of Elizabeth, was laid on the desirability of preserving commons as breathing-places and play-grounds. In the Bill itself the point was not really raised. But, as the nineteenth century advanced, this aspect of the question of enclosing commons and wastes became increasingly important. It

was prominent in the General Inclosure Act of 1845 (8 and 9 Vic. c. 118). The principal change made in this Act was the substitution of Inclosure Commissioners for the Parliamentary Committee as a local tribunal of enquiry, before which the necessary examination could be conducted on the spot. But Parliamentary control was not abandoned. All the schemes framed by the Commissioners in each given year were embodied in a general Act, and submitted to Parliament for sanction. The administration of the Inclosure Acts is now entrusted to the Board of Agriculture. As a State department, the Board can deal with open-fields and commons on broader lines than the strict interpretation of the statute, which constituted their authority, allowed to the Inclosure Commissioners.
