

3. Enclosure

Enclosure is a familiar strand running through the history of the English countryside. It can be summarised as a one thousand year process of replacement of the Anglo-Saxon system of open fields and common land by the present system of privately owned enclosed fields. The process had various stages, beginning with attempts at rationalisation and land-exchange, already well under way in the thirteenth and fourteenth centuries; carried forward by a series of “raids” by rich landowners (amongst the most notorious being John Spencer’s enclosure of Althorp Park and the enclosure of Richmond Park by King Charles II); and culminating in the many private Enclosure Acts, of which the first, covering Ropley Commons and Farnham Park, was passed in 1710. In the decade from 1800 to 1809 there were no fewer than 574 private Enclosure Acts and in the decade 1810-1819 there were 422.¹

Although enclosure by Act of Parliament was very important, especially in areas where there was strong local opposition to enclosure, it will not have been the preferred course of action for those who wished to enclose. The large landowners and lords of the manor who normally proposed and pursued the enclosures will always have preferred to negotiate enclosures by local consent where they could do so, and thus avoid the very high costs (at around £2000 a time) of a private Act of Parliament. According to the *Victoria County History*, this is what happened in the northern part of Earley in 1761, when “an agreement was made between the commoners and the lord of the manor, before the bill for inclosing was procured”. The principal beneficiaries of this enclosure were the Englefield family and we may assume that the lord of the manor referred to is Sir Henry Englefield (died 1780), the 6th baronet. The enclosure appears to have been registered with the Clerk of the Peace in 1761, and while parliamentary costs were avoided, the enclosers will probably have had to find other costs in order to achieve a smooth process through the manorial court or courts, notably in buying out the copyholders’ rights in the common fields and perhaps in other forms of “treating” to persuade local people not to object.

Negotiated non-statutory enclosure could signify a level of local deference to the lord of the manor, or a preparedness by the enclosers to pay high prices to buy out local opposition, or it could signify that there were comparatively few copyholders to buy out. Acts of Parliament for enclosures would signify that there was no possibility of local compromise, and that the enclosure was likely to be locally unpopular or controversial.

Commissioners for enclosure had to be prepared for objection and protest, and they had to be seen to be adhering to the letter of the law and to be paying attention to legitimate objections. In the Reading area around 1816, there was a very clear pattern of procedure adopted by the commissioners. These procedures would typically include an invitation to submit claims and objections, a series of public meetings with interested parties in local inns or public houses, displays of plans and then of revised plans for the enclosure, consideration of objections (at the Quarter Sessions if necessary), and finally a

notice that enclosure was complete and all common rights extinguished. The procedures were very good business for inn-keepers and for newspaper proprietors. In the pages of the *Reading Mercury* for 1816 alone, one can witness these procedures being advertised for the enclosures of (in chronological order) Hawley, Sulhamstead, Warfield, Egham, Bray, Old Windsor, Sunninghill, Sandhurst, Fyfield, Wantage and Grove, East Hanney, Sonning, Heston, Barnet, Boxford, Windsor Forest, East Woodhay, Wokingham, Finchampstead, Binfield, Winnersh, Newland, Tilehurst, Winkfield, Wytham, Streatley, Clewer, Swallowfield, Barkham, and Wargrave. Of these thirty instances, some (notably the enclosures of Egham, Hawley and Bray) became quite complicated and required a good number of public meetings.

Similarly, the process of lodging objections could be complicated and unlikely to be of much use to poor and illiterate cottage-dwellers. The objections were more likely to be from landowners who thought that they were not getting their fair share of the either the profits or the other benefits (mostly in new roads and ways) of the enclosure. Here is one example, from the *Reading Mercury* of 19 February 1816, under the heading Bray Inclosure:

We whose names are hereunto subscribed, do hereby give notice that we think ourselves aggrieved by Mr. George Smallpeice, the Commissioner named and appointed in and by the said Act for executing the powers thereof, having appointed the Public Way or Road, in the line or direction mentioned in number twelve, in his notice of the Roads and Ways set out and appointed by him through and over the said Parish, as published in the *Reading Mercury* [...] And we do also give notice, that we do intend at the next General Quarter Sessions of the Peace to be holden in and for the said county of Berks, to prosecute the appeal entered and respited at the last General Quarter Sessions of the Peace, holden in and for the said county, on the 9th day of January instant, against such appointment of the said Public Road or Way, and the not appointing the same as and for a Public Carriage Road or Way. Dated this 31st day of January 1816.

JOHN WESTBROOK
JOHN HERCY

This sort of objection was grist to the mill of the legal profession, and its rewards must generally have been worthwhile. On the other hand, the *Reading Mercury* for 1816 records no objections based on grazing rights or common land rights, although it does include a number of warning notices from the commissioners to those who might still wish to exercise such rights. Here are two examples, the first (*Reading Mercury*, 17 June 1816) for the Old Windsor Inclosure:

I Thomas Denton, the Commissioner appointed by the authority of an Act of Parliament made and passed in the 53d year of the reign of his present Majesty, intituled "An Act for vesting in His Majesty certain parts of Windsor Forest, in the county of Berks, and for inclosing the open commonable lands within the said Forest," so far as relates to the parish of Old Windsor, do hereby give notice, that from and after the 1st day of July next, all rights of common, in, upon, and over the commons and waste grounds of the said parish of Old Windsor, will cease, determine, and be for ever extinguished, and that all cattle, sheep, and

hogs, found trespassing upon the said commons, and waste grounds, after the said 1st day of July next, will be impounded. Given under my hand the 14th day of June, 1816.

THOMAS DENTON

Is it possible to detect a certain relish in Mr Denton's resounding phrases? It may seem so, if we compare his notice with the much milder notice to similar effect published in the *Reading Mercury* of 18 March 1816 by the commissioners for the Sandhurst Inclosure (of whom we shall hear more):

And we give Notice that if after the said 18th day off March instant, any person or persons shall suffer his, her or their Cattle or Sheep to depasture on any of the said Land or Grounds, or shall do any other act contrary to the above order, the penalties imposed by the said Act will be enforced.

Dated the 8th day of March, 1816.

GEORGE SMALLPEICE
RICHARD CRABTREE

In their capacities as commissioners for the Sandhurst Inclosure, Messrs Smallpeice and Crabtree were moving very quickly. The following month they held another meeting to discuss matters to do with the enclosure, at the Rose Inn, Wokingham, on 11 April. On the 22 April, with extraordinary haste, they were announcing the sale of freehold waste land from the Sandhurst Inclosure, to be sold by auction at the same Rose Inn, Wokingham, in the presence of the commissioners, by an auctioneer with the unfortunate name of Mr Trickey.

This final role of the commissioners, in supervising the auctioning of all or part of the enclosed land to the highest bidder, was not unusual. The auction of land from the Barnet Inclosure is advertised in the same issue of the *Reading Mercury*, and sales of land from the Heston Inclosure and the Hawley Inclosure follow shortly afterwards. Perhaps because of the complaints which we have noticed above, the procedures for the Bray Inclosure took longer to work through, and not until the *Reading Mercury* of 7 October 1816 do we read that freehold waste land in Windsor Forest is to be auctioned before the Commissioner for the Bray Inclosure (George Smallpeice) at the Sun Inn, Maidenhead, on the 18 October.

The commissioners for the Hawley Inclosure, in the parish of Yateley, were Messrs George Barnes and (once again) George Smallpeice, and their work in Hawley was also comparatively slow and complicated, taking up much of the year. They began, in the *Reading Mercury* of 1 January 1816, by calling a public meeting at the Swan Inn in Blackwater to discuss any "common or other rights" which were being claimed in connection with the proposed enclosure in the Tithing of Hawley. On 22 January, they announced a further meeting to consider objections, to be held this time in the White Hart Inn in Blackwater. They next announced, in March issues of the newspaper, their intention to conduct a perambulation of the boundaries of the Tithing, commencing at the southern extremity of the boundary line between the Tithings of Hawley and Crookham at 10 a.m. on Tuesday 26 March. It appears that some parts of the enclosure then went more smoothly than other parts, because while they were

able to announce a sale of waste land from the Hawley Inclosure, by an auction held before the commissioners at the Swan Inn, Blackwater on 9 July, they were also continuing to hold meetings about other aspects of the Hawley Inclosure, and it was not until 9 September that they published in the *Reading Mercury* a note of extinguishment of existing common rights in Hawley, followed at last by an announcement (*Reading Mercury*, 28 October 1816) that a grand auction of freehold waste lands recently enclosed within the Tithing of Hawley would be held, before the commissioners, on Friday 13 December at the White Hart Inn, Blackwater (one notes the typical rotation of inns used).

Hawley was thus a full year's work for Messrs Barnes and Smallpeice. As we shall see in Chapter 5, the processes for the Sonning Inclosure were similarly drawn out.

The ancient common land system of England was gradually destroyed by the assiduous work of commissioners and lawyers, by the ability of local grandees to finance and organise the Enclosure Acts, by non-statutory enclosures where they could be negotiated, and by informal encroachment and seizure by landowners as powerful as the King or the Spencer family. The common land rights which thus disappeared had used to include grazing rights, the right to take animals such as rabbits, and the right to collect loose wood and other fuel. A common convention was that the poor could take fuel which they could gather "by hook or by crook" but were not allowed to cut fuel by axe or by saw. Another convention was that while the loose fuel of the common land belonged to the poor, the soil of the common land belonged to the Lords of the Manor. Both of these conventions seem to have applied in the remaining common and waste lands in the Liberty of Earley in the years up to 1820.

The enclosure movement, both before and after 1710, was part of a movement away from yeoman farming and family-based (or peasant) agriculture and towards the consolidation of the dominance of large land-holders. The interests of the large land-holders required the maintenance of a pool of available labourers for hire, and enclosure also made its contribution towards this requirement. By removing rights of use of wastes and commons (for fuel or grazing or coney-catching), enclosure also removed from the field labourers an element of partial independence and rendered them wholly dependent upon the wages which they could earn on the large farms. The economic benefits of the larger farms were the engine which drove the whole enclosure movement, and were generally self-evident:

The chance to economize on labour meant that large farms were more profitable than small farms. Indeed, the most efficient farms were 200 acres or more. Farms of this size were 'rent maximizing farms' since their lower costs allowed them to pay more rent per acre than smaller peasant farms. Farmers were anxious to lease several small farms to make a large farm if they could keep the gains. Landowners wanted to amalgamate farms since a 1,000-acre estate yielded more rent if it were divided into four 250-acre farms than if it were divided into twenty 50-acre farms. Farm amalgamation was driven by the desire to realize the profits of large scale.²

Levels of production and levels of profit rose markedly in the age of enclosure, and by the end of the eighteenth century English wheat production was superior to that in France, for example, by almost 40% per acre. As the remorseless economic logic of more efficient larger farms and the economic benefits of enclosure became irresistible to land-owners, lords of the manor and local elites, the new world-view was reflected in a variety of ways. For example, the courts increasingly refused to accept claims to traditional common land rights, grazing rights or gleaning rights. In 1788, the right of poor householders in Whaddon, Buckinghamshire, to gather dead wood in the local coppice was disallowed on the grounds that "poor householder" was too vague and uncertain a phrase. As such rights were treated as anachronisms and removed, the widely-felt loss of independence amongst the poor and the greater reliance upon wages alone (particularly in periods such as 1815-30 when wages were very precarious) are also thought to have been a principal cause for the great increase in poaching (especially of pheasants, hares and deer) which was being indignantly recorded.³

Contemporary (and especially nineteenth-century) writers on enclosure and the field labourers are typically very disparaging about the poor. More than their tendency to turn poacher, however, it is their inclination to idleness which is usually deplored. And the continuing existence of common land is often portrayed as a continuing incentive to idleness. If a labourer could, at least in part, sustain his family by use of the common land, he had less need to present himself for work with the big farmers. In some cases, we see the arguments for enclosure assume a high moral tone.

An assessment of the claims of the advocates of enclosure which tries to be sympathetic to them will read something like this:

Doubtless the improvers were right in their claims that many thousands of acres were capable of being put to more productive use, but achieving a general good can often involve losses to individuals.⁴

An assessment which tries to be sympathetic to the experience of the dispossessed, on the other hand, reads like this:

The arguments of the enclosure propagandists were commonly phrased in terms of higher rental values and higher yield per acre. In village after village, enclosure destroyed the scratch-as-scratch-can subsistence economy of the poor. The cottager without legal proof of rights was rarely compensated. The cottager who was able to establish his claim was left with a parcel of land inadequate for subsistence and a disproportionate share of the very high enclosure cost.

Enclosure (when all sophistications are allowed for) was a plain enough case of class robbery, played according to fair rules of property and law laid down by a parliament of property-owners and lawyers.⁵

It is clear that the benefits of enclosure, in Berkshire and elsewhere, were not widely shared:

As the Rev. David Davies, rector of Cookham in Berkshire, put it in 1795, for a dubious economic benefit, 'an amazing number of people have been reduced from a comfortable state of partial independence to the precarious condition of mere hirelings, who when out of work immediately come on the parish.'⁶

The processes of enclosure continued throughout the nineteenth century, and the last enclosures in Berkshire were at Steventon in 1885 and Chilton in 1890. By about 1850, however, the transformation of rural life brought about by enclosure was virtually complete, and almost all open fields, along with very many commons and parks, had been eliminated. The few commons and parks which survived often did so because of local resistance to enclosure. In Berkshire, most notably, the attempts to enclose Greenham Common in 1842 were defeated by violent protest.

Professor Roy Porter, upon whose generalist social history of eighteenth-century England I have drawn in this chapter, gives a sombre assessment of the overall effects of enclosure:

Enclosure cast long shadows. The profile of the dispossessed rural proletariat, especially in central southern England, at the turn of the nineteenth century is of a group not merely impoverished but sinking - a charge on ratepayers and increasingly moving towards desperate guerrilla war against the propertied, culminating in poaching, rick-burning, riot, incendiarism, and rebellion.⁷

NOTES

¹ Figures from Roy Porter: *English society in the eighteenth century*. Harmondsworth: Penguin, 1982, p. 226.

² Robert C. Allen: *Enclosure and the yeoman*. Oxford: Clarendon Press, 1992, p. 86.

³ For this paragraph, see *Family and inheritance: rural society in Western Europe, 1200-1800* / edited by Jack Goody, Joan Thirsk and E. P. Thompson. Cambridge: Cambridge University Press, 1976, especially p. 340; and J. L. Hammond and Barbara Hammond: *The village labourer*. New ed., with general introduction and bibliographical note by G. E. Mingay. London: Longman, 1978, especially pp. 134 *et seq.*

⁴ Alan Armstrong: *Farmworkers: a social and economic history, 1770-1980*. London: Batsford, 1988, p. 37.

⁵ E. P. Thompson: *The making of the English working class*. New ed. Harmondsworth: Penguin, 1968, pp. 237-238

⁶ Roy Porter: *op. cit.*, p. 228.

⁷ *Ibid.*, p. 230.