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THE INCLOSURE OF COMMON FIELDS IN THE SEVENTEENTH CENTURY¹

By Miss E. M. LEONARD, F.R.Hist.S.

Read January 19, 1905

IN the present day we are often reminded that the farmhouse surrounded by hedged fields has not always formed a prominent feature of our English landscape.

At the close of the sixteenth century many fields now inclosed were still forest, fen, or rough waste land. Some formed portions of the so-called pastures where the village herds grazed in common, tended by the village herdsman, and others, again, were included in the great cornfields and meadows, known as the 'common fields,' which were often hundreds, and even thousands, of acres in extent.

Inclosure of one sort or another has transformed these forests, fens, pastures, and common arable fields into our modern fields, with their hedges of bramble and hawthorn. But the change was in progress during more than four centuries,² and even at the present day it is scarcely completed.³

¹ I should like gratefully to acknowledge the kindness of Mr. Hubert Hall, who has given me much assistance during the preparation of this paper.

² 'Depopulatores agrorum' are mentioned in a statute, 4 Hen. IV., c. 2. An early complaint of illegal inclosure occurs in 1414 where the inhabitants of Darleton and Ragenell in Notts petition against Richard Stanhope, who had inclosed the lands there by force of arms (*Rolls of Parl.*, iv., 296, no. 7).

³ Inclosure of common fields still occasionally takes place. In 1901 the inclosures of common fields in Sutton, Northamptonshire, and Skipwith, Yorkshire, were approved, and in 1902 some acres of Chipping Sodbury, Gloucestershire (*Reports of Inclosure Commissioners*, 1902, 1903). The fields at Ewelme in Oxfordshire have never been legally inclosed, but for many years the proprietors have agreed to keep to their own fields, and most rights of common have been abandoned.

The seventeenth century has usually been considered a period of repose between two centuries of great inclosing activity.¹ There are, however, grounds for believing that the inclosing movement was continuous, and that the seventeenth century produced its full share of the change.

But inclosures transformed more than the physical aspect of the country. The lords of the manor under the later Tudors retained much of their mediæval power and importance, although their hold upon the land was somewhat

¹ W. J. Ashley, *Economic History*, 1898, ii. 286: 'Speaking generally, we may say that the common fields had been undisturbed for a century and a half, when, about the time of the accession of George III., the fresh wave of agricultural innovation set in.'

Social England, illus. ed., 1902, iii. 478: 'With the close of the wars of the Roses and the dawn of the Tudor period an agricultural revolution began which continued in progress till the middle of the reign of Elizabeth, and after more than two centuries of quiescence recommenced in the eighteenth century.'

Edward P. Cheyney, *Industrial and Social History of England*, 1901, p. 217: 'In the early years of the eighteenth century there had been signs of a revival of the old process of inclosures which had been suspended for more than a hundred years.'

W. Cunningham, *Growth of English Industry and Commerce*, Modern Times, p. 102: 'Though there was a revived outcry about inclosures in 1607, the Council appear to have thought there was no real grievance from this cause; occasional instances can be detected later, but the movement was no longer regarded as a serious danger to the realm.' In speaking of inclosure for the improvement of husbandry he writes: 'It does not seem, however, that the movement advanced very rapidly' (p. 555).

Thomas E. Scrutton (*Commons and Common Fields*) quotes Joseph Lee, and gives instances of seventeenth-century inclosure by agreement and Chancery decree, but lays little stress on the seventeenth-century inclosure of common fields. He speaks of 1760 as 'before the tide of inclosure had begun to set in' (p. 113).

I. S. Leadam (*Trans. of Royal Hist. Soc.* 1892, v. 192) refers to 'the concluding years of the agricultural revolution which extended from 1450 to 1550.' Also p. 169.

To Professor Gay's researches on the inclosing movement I am greatly indebted. He is well aware that complaints of the change continued throughout the century, and I have made use of many of the authorities cited by him; but the position he assigns to Midland inclosure leads him, I believe, to underestimate the extent of the movement. He thinks that 'the characteristic inclosures of the fifteenth to the seventeenth century were largely confined to the Midlands'; that Northamptonshire was 'the incloser's county *par excellence*,' and that even 'where the set of the current towards agrarian innovation was at its strongest it had only succeeded in cutting numerous, but narrow and scattered, channels through the sand-bars of custom and prejudice' ('Inclosures in England,' *Quarterly Journal of Economics*, 1903, pp. 592, 594, 595).

relaxed. Most of their villeins had become copyholders, with the title to their property firmly protected by the Courts. Much of the old demesne had been sold to small freeholders or parcelled out to tenants, so that the greater part of the land was owned or occupied by a prosperous yeomanry who cultivated farms of from twenty to a hundred and fifty acres in extent. These tilled the ground with the aid of farm-servants, who were members of the farmer's household, and of married labourers, who owned or rented cottages with four or five acres of land attached.

Inclosure proceedings as conducted in England conduced to the destruction of this rural society. The labourers gradually ceased to own or occupy land ; the farms increased in size ; the possession of land became more exclusively the privilege of the rich ; and an ever-increasing proportion of the people left the country for the towns.

Complaints called forth by this displacement of population were most numerous in the Midland Counties. Here the process of inclosure was, in the year 1607, accompanied by armed disturbances, and the reasons for the prevailing distress were the subject of Government Commissions in the reigns of both James I. and of Charles I.

These frequent complaints from the Midland Counties have been supposed to indicate that the inclosure movement was proceeding more rapidly there than elsewhere. But some other explanation appears to be necessary in view of the fact that at the close of the seventeenth century these counties were the least and not the most highly inclosed counties of England. If the existing distress was greater in this part of the country than elsewhere, the cause could hardly be owing to a greater rate of inclosure. It seems probable, rather, that the Midland Counties were then the great corn-producing counties of the kingdom, and that consequently the change to pasture-farming and the consolidation of farms often accompanying inclosure displaced a larger population in this part of the country than elsewhere. Moreover, at this date fewer manufactures were carried on in the

Midland district than in other parts of the country, and consequently the population turned adrift by agricultural changes had a greater difficulty in finding other employment.

For this reason, inclosure in the Midlands excited greater opposition from the inhabitants, and the Government was obliged to make greater efforts there than elsewhere to check the popular discontent. These counties therefore preserved their narrow strips, divided by balks, in the great open fields long after hedges and ditches had grown up around the fields of most of the rest of England.

In order to understand the true nature and effects of this economic revolution it would seem desirable that we should know more, not only of the distribution of property in the open fields of the manor, but also of the procedure of inclosure in its several forms and aspects.

Dr. Seebohm's investigations of the fields of Hitchin have made us familiar with the main features of the uninclosed manor as it still exists there. The old agricultural organisation likewise survives at Laxton, in Nottinghamshire, and has left its traces in many other parts of the country. The fields of Daventry, in Northamptonshire, may be regarded as fairly typical of the common fields at the close of the sixteenth century. They are described in a Field Book of 1570-1 and a survey of twenty years later.¹ The town fields of Daventry² were three in number—the East and the West field, each containing about 375 acres; and the North field, half as much again.³ Each field was divided into 'furlongs,' and each furlong was subdivided into 'lands,' nearly always half an acre in extent. In earlier times adjoining 'lands' were probably held by different individuals, but at the date of this

Daventry

¹ Duchy of Lancaster, *Misc. Bks.* 113, 117, f. 100.

² In the survey it is stated that Daventry 'standeth somethinge drie in a champion countrie and contayneth within the same the towne and burroughe of Daventree, being a markett towne and a thoroughfaire moost usuall from London to the north partes. The soile wherof is apte for corne and graine, and thereof yealdeth plentie. And hath reasonable good comons and pastures for sheepe, but verie barren for rother cattell.'

³ West field, 368½ acres; East field, 383a. 3r.; North field, 524a. 2½r. = 1,276 acres 3½ roods all together.

Field Book several 'lands' were often held by the same owner, though the ownership was still much dispersed. Thus one furlong, 37a. 1r. in extent, contained ninety-six lands and three balks, owned in seventeen different portions.¹ The land of the lord of the manor was intermixed with that of the tenants and with that of the other freeholders.

Besides the arable fields, there were several meadows divided into yet smaller portions, often amounting only to a quarter of an acre.² The largest meadow was the East Mead, which contained 50 acres and changed ownership fifty-three times.³ These great fields and meadows are usually known as common fields.

Then there were also in Daventry common pastures, amounting all together to about three hundred acres. One was the famous British camp on Burrough Hill, which is described as 'intrenched with greate dyches and uppcartes.'⁴

¹ This was the furlong 'joyninge east of London way,' and was one of the largest. Another large furlong was 'Monkstypet' furlong, 27 $\frac{3}{4}$ acres in extent, while 'the furlong ioynninge to Starton wey' contained only 3 acres and a half, and was divided as follows:

Ferne	1 land	$\frac{1}{2}$ ac.	not freehold
Roberte Andrewes	„ „	„ „	freehold
Christchurch	3 lands	1 $\frac{1}{2}$ „	„
Maydwell	1 land	$\frac{1}{2}$ „	„
Farme	2 lands	$\frac{1}{2}$ „	not freehold

Here the last two lands appear to be only $\frac{1}{4}$ acre.

² The terms 'butts' and 'swaths' are used for some of the divisions of the meadow, but the normal division is still the 'land,' which appears usually to be only $\frac{1}{4}$ acre of meadow-land, though it is sometimes $\frac{1}{2}$ acre, as in the arable fields.

³ The 50 acres included 3a. 3 $\frac{1}{2}$ r., called Forehole, and assigned as follows:

Ferne	viii peces	2 acres
Christchurch	1 $\frac{1}{2}$ „	1 $\frac{1}{2}$ r.
Murden	1 $\frac{1}{2}$ „	1 $\frac{1}{2}$ r.
Christchurch	1 $\frac{1}{2}$ „	1 $\frac{1}{2}$ r.
Murden	1 $\frac{1}{2}$ „	1 $\frac{1}{2}$ r.
John Symes	1 $\frac{1}{2}$ „	1 $\frac{1}{2}$ r.

3a. 3 $\frac{1}{2}$ r.

⁴ Burrough Hill contained 121a. 2r. 25p., and two little pastures under the hill were 23 acres more. On these pastures the freeholders and the Queen's tenants had the right to the wood; other pastures, measuring 152 acres 7 poles, were let by 'justments' to the tenants.

There was, moreover, a park and a small wood called the West Wood.

There were forty-one freeholders in the manor of Daventry, and twenty-two tenants of the Duchy of Lancaster.¹ Twenty out of the twenty-two tenants, but only thirteen of the forty-one freeholders, held lands in the common fields as well as gardens and orchards in the town. The land was thus much subdivided, the average freehold being only $34\frac{1}{4}$ acres, while the average occupation would be probably less than half.

At a customary date the common fields were thrown open to all the commoners, and for each yardland of twenty-eight acres the tenants might pasture fifty sheep and as many cattle as they pleased.

Such was the constitution of a Northampton township in 1570, and this subdivision both of property and of occupation was the usual feature of the uninclosed township of the period, and forms a strong contrast to the large estates and farms of our own times.

Economic
advan-
tages of
inclosure

The advantages of inclosure to such a township are obvious. Dispersed ownership made it extremely difficult to cultivate the land. How dispersed this sometimes was may be seen in almost any Field Book of the time. Thus at Exall early in the seventeenth century a William Woulf owned 18a. 2r. 1p. of arable land, which was divided into thirty-six pieces, twelve in a field called Churchfield, nine in Millfield, twelve in Synallfield, and three in Long Down.² It is interesting to find that the same inconvenient division of property existed until very recent times in uninclosed manors. Thus, South Luffenham, in Rutland, which was inclosed as late as 1879, then consisted of 1,074 acres in the common field, divided among twenty-two owners, into 1,238 portions.³

Another disadvantage which was removed by inclosure was the right of common which was exercised over these

¹ Christ Church College, Oxford, held the greatest quantity of freehold land, and must have had many sub-tenants.

² *Exall Field Book*, in my own possession, c. 1619.

³ Report of 1879 Proceedings under the Commons Act of 1876.

fields at certain times of the year. It varied in different places according to the course of husbandry, but it was in all cases an obvious hindrance to profitable agriculture.

In Northampton and in all the Midland Counties the husbandry resembled that practised in Oxfordshire.¹ The clay land when it was divided into three fields lay fallow every third year, and was sown in the other two: in the first with wheat or with a mixture of wheat and rye called 'miscellyn'; in the second with barley and beans sown together.¹ This was probably the custom at Daventry: one field would be in each stage of the rotation, and on all three fields after harvest the commoners would turn in their sheep and cattle. By a farmer of modern days this arrangement would naturally be regarded as unprofitable, for as the farmer was obliged to throw open his field to pasture on the day appointed, no turnips, clover, etc. could be sown in order to avoid the fallow year, and special treatment of particular soils was practically impossible.

In the seventeenth century several methods were adopted for inclosing the common fields. Sometimes the lord of the manor would inclose his own land, leaving that of the tenants still in common. Thus in 1630 the Countess of Westmorland in two of her manors inclosed some of her demesne land by exchanging some of her scattered strips in order that the land might lie together, leaving the land of the tenants still uninclosed.²

Methods of
inclosure

Demesne
lands

¹ T. Morton, *Nat. Hist. of Northampton*, 1712, p. 476; and Plot, *Nat. Hist. of Oxon.*, 1676, pp. 240-244. Clay lands, however, often lay in four fields, and were sown with (1) wheat, (2) beans, and (3) barley, lying fallow every fourth year; occasionally there were only two fields, the land being then sown on alternate years twice with wheat and once with barley. Other soils had other courses: on the white clay and chalk ground peas were sown instead of beans, while the sandy soil was only sown every other year with (1) wheat or miscellyn, (2) barley.

² *S.P. Dom., Chas. I.* vol. clxxvi., no. 11; D. K., 43rd Report, *Cal. of Privy Seals*, 1632, no. 505; 160 acres at Woddenho, in Northampton, and 160 acres at Woodstone, in Hants. In order to facilitate her inclosures she gave the commoners advantages, and also promised to keep as much land in tillage as before. These particular acres, however, were to be used for pasture. The King's licence was necessary for the exchange; and though he finally granted

Piecemeal
inclosure

At other times the tenants inclosed piece by piece. Inclosures of this kind in Chelsea caused the Privy Council to inquire into the matter, and in answer the justices reported the inclosure of many pieces in both the east and west fields in order that the owners might build houses in the growing villages of Chelsea and of Kensington.¹

By Private
Acts

Piecemeal inclosure, if it may be so called, often occurs in the seventeenth century, and in the case of some of the manors of Herefordshire is in the reign of James I.² confirmed by Act of Parliament. This is the earliest Act of Parliament for inclosing common fields, and the only one before the reign of William and Mary.³ Inclosure Acts of other kinds occur in the reign of Charles II., though they do not become frequent until the time of George II.⁴

By
Chancery
decree

Another noticeable form of inclosure was made by agreement⁵ between the lord and the tenants, which was often

permission he delayed doing so for a time, and the Countess was very indignant that she might not do as she would with her own. In 1594 complaints were made that townships were decayed because the landlords have taken the demesnes into their own hand. *Cal. State Papers Add.* 1580-1625; 1594, Jan. 15, p. 358.

¹ In the West field about 'fourteene acres of the common fields lying on y^e south or backside of those houses att New Chelsey that are in Chelsey parish are inclosed. And about five acres on part whereof Mr. Nichols. Harman's house hath beene erected and garden enclosed.' The justices leave to the consideration of the Council whether these were offences 'agaynst the statute made a^o 35^o Eliz. forbidding Inclosures wthin three miles of the City of London or otherwise as ill examples inducinge oppression to the wrong of his Majesty's subjects and discouraging their life and industry or any other way pernicious or inconvenient.'

² 'An Act for the better provision of meadow and pasture for necessary maintenance of husbandry and tillage in the manors, lordships, and parishes of Marden *alias* Mawarden, Bodenham, Wellington, Sutton St. Michael, Murton, and the parish of Pipe and everie of them in the Countye of Hereford.' The Act enables the commoners to inclose a third of their lands.

³ 4 Wm. & Mary, no. 31; 7 & 8 Will., c. 3.

⁴ 15 Car. II., c. 17; 16 Car. II., c. 5: Inclosure of Fens. 16 Car. II.: Inclosure of Malvern Chase. 19 & 20 Car. II., c. 8: Inclosure of Waste. There are other Inclosure Acts in the reign of Anne—12 Anne, Stat. II., c. 17; 2 & 3 Anne, c. 20—although some of the authorities assert there are none (Scrutton, *Commons and Common Fields*, p. 133, following Williams on *Commons*, p. 249).

⁵ This method of inclosure by agreement is that advocated by Fitzherbert in his *Book of Surveying*, and examples as early as 1338 are quoted by Scrutton, p. 58. An inclosure of this kind was made at Padiham in 1529 (Whitaker, *Whalley*, II. p. 53). The speech of the doctor in *The Commonwealth of this Realm*

authorised by the Courts of Chancery and Exchequer at Westminster, and in Durham by the Court of the Bishopric.

An inclosure of this kind took place at Brandsburton in the East Riding of Yorkshire. Here, in January, 16 $\frac{29}{80}$, an extremely primitive method of cultivation was reported by the jury of a Court of Survey. The land lay in two great fields, and as at Daventry and Exall 'every man's land lay intermixt in severall places,' these fields being sown alternately one each year, so that more than half the time they lay fallow. It is not surprising that the jurors thought 'a division would be convenient and pleasing to all those who were desirous to live as "paynefull men in their callings."'

In order that the division might be made, therefore, the jury present how much land and how many cattle 'gates' every man possessed. They also arrange with 'certain Dutchmen' for the draining of their swamped pasture. The agreement to inclose was signed in January 1630, and a confirmation of the inclosure award was obtained in the Court of Chancery (in 1634), by means of a collusive action. In this instance the action was brought by Lord Goring and others, representing the proprietors and tenants of the common fields, against the lords of the manor, who were the aldermen of the City of London. The complainants set forth the terms of the agreement and award, and state that 'all is duly performed, but that now the lords of the manor refuse to consent.' The defendants admit the term of the agreement and award, but deny the refusal to consent; the Court thereupon decreed the inclosure.¹ The use of the decree seems to have been that the Court was supposed to be competent to enable trustees and guardians to consent in order to bind their successors and wards, and even to bind dissentients.² This power, however, seems to have been

of England (ed. Lamon, p. 124) seems to show, however, that in 1549 this plan of inclosure was coming into fashion but was not at all general.

¹ *Chancery Enrolled Decrees*, Roll 605, no. 3.

² For instance, in the inclosure of the waste at Claxton, county York, a man named Wilkinson objected, but the inclosure was decreed (*Chancery Enrolled Decrees*, Roll 598, no. 2).

questioned in the reign of Charles II., and in 1666 a Bill was brought in to legalise all inclosures made within the last sixty years,¹ by the Courts of Chancery and Exchequer. It did not become law, however, and from that time forwards inclosures by Chancery decree became less frequent, though they did not cease to be made.

By com-
mission
from the
Exchequer

Agreements to inclose were, of course, not necessarily confirmed by the Court of Chancery; some were made by virtue of a commission from the Court of Exchequer,² and others were agreed upon by the owners without any authority from the courts of law. Some were accomplished by a still simpler process; the lord consolidated all the common fields into his own hands and inclosed without an agreement of any kind.

The other
agree-
ments and
consolida-
tion

The Inclosure Decrees and Awards of the Courts of Westminster are not indexed, but after months of searching I feel justified in asserting that these decrees were more numerous than has been usually supposed, and that they refer to many different parts of the country: to Yorkshire and Warwick, as well as to Leicester and Northampton; to Hampshire and Oxford, as well as to Lincoln and Huntingdon.³

¹ The enclosure should also have been held for twenty years. *Journals of the House of Lords*, Oct. 30, 1666 (*Hist. Man. Com.* viii., p. 102. The case of the commoners of the town of Epworth shows the lengthened disputes such decrees often caused.

² *Exch. Spec. Com.*, 42 Eliz., Southants Survey and division of the common fields in her Majesty's manors of Frodington and Portsey. The commission conferred 'plenam potestatem et auctoritatem . . . per presentes ad supervidendum, perlustrandum, mensurandum, valuandum, dividendum separales partes includendum et apportandum omnia terra, tenementa, prata, pascua, pasturas communes et hereditamenta infra manerium de Frodington' etc. The return sets out the award in full, and says the division was made with the consent of the lord of the manor and also of all the farmers and customary tenants. More generally special Commissions of the Exchequer relate to the inclosure of wastes.

³ A Chancery decree relating to Stoke, Warwickshire, is printed at full length in Blyth's *History of Stoke*, p. 68. Among other Chancery decrees relating to Warwickshire common fields are Allesly, Co. Warwick, *Decree Roll* 555, No. 15, 1652, 600 acres of open cornfields; Bilton, Co. Warwick, *Chancery Decree Book*, B 1661, f. 263b, relating to agreement to inclose four years ago. There is also among the Exchequer records a case relating to the piecemeal inclosure of Warwickshire villages during the forty-five years before 1628 (*Exch. Depositions*, 4 Car. I., Mich. 6). Yorkshire inclosures, besides that of Brandsburton, occur at Walsgrave Agreement, 1665, *Decree Roll* 557, No. 2; arable

In the case of Durham, however, statistical results can be more easily obtained because the records are few and these are excellently indexed.¹ The books of the registrars of the County of Durham are very large volumes, and contain entries of the decrees of the Court of the Bishopric from 1633 onwards. From that time until 1700 twenty-eight agreements similar to that of Brandsburton are confirmed by the Court of the Bishopric, twenty of which relate chiefly to the division of common fields. In these, however, some pasture is included, the proportion being about that of the Blackwall division, where for every 'yardland' nineteen acres were to be allotted in the town fields and one on the moor. In addition to these at least one Durham inclosure was confirmed by the Court of Chancery at Westminster. One of these agreements belongs to about the year 1585, and was only confirmed later because of a dispute about tithes; the other twenty were made between 1634 and 1700, and probably affected about 25,000 acres of the common fields, or over four per cent. of the total area of the county within a period of sixty-seven years.²

Durham
inclosures

There is no complete record of Durham awards before 1633, but as a great many cases of agreements to inclose occur from 1585 onwards there are strong reasons for assuming that inclosure proceeded to at least an equal extent in the earlier years of the century.³ If this assumption be allowed, about six and a quarter per cent. of the total area of Durham was affected by inclosure through Chancery decrees.

land in four fields, Claxton Agreement, 1638, 598, no. 2; Rillington pasture land, Roll 598, no. 6; and Settrington, 1668, 692, no. 6; and the custom of piecemeal inclosure is confirmed at Threlkeld, *Decree Roll* 1205, no. 7, 1635.

¹ This was kindly shown me by Mr. Overend, of the Public Record Office.

² For tables see next page.

³ *Durham Records, Orders in Chancery*. 'Hetton in the Hole,' March 27, 1617, *Watson v. Todd*. 'Blackwell,' 1620, *Dobson v. Parkinson*. 'Cornforth,' 1628, no. 17.

Great Lumley seems to have been inclosed 27 Eliz., and Morton, in the parish of Dalton, was inclosed at about the same time (*Registrar's Book*, K, f. 633).

Midleton-on-Row also was inclosed, *Durham Records, Orders in Chancery*, 1632, no. 122, and Thornely is said to have been lately inclosed (4 Jac. I. *Exch. Spec. Com.*, 3748).

This, however, was only a small part of the total inclosure of the time. Piecemeal inclosure proceeded in Durham as well

Place	Reference	Date of Award or Agreement	Confirmation	Area
1. Sherburn . . .	Registrar's Bk. K, f. 262	Aw. Sept. 13, 10 Car. I.	Aug. 26, 11 Car. II.	1,257 a.
2. Shadforth . . .	" f. 273	" Mar. 24, 10 Car. I.	" 26, "	1,400 "
3. Sedgfield . . .	" f. 306	" Oct. 28, 1635 . .	July 25, 1636 . .	2,758 "
4. W. Auckland . .	" f. 632	" Feb. 11, 1640 . .	March 27, 1640 . .	1,005 "
5. Middridge . . .	" f. 757	" After Sept., 1637, & before Sept., 1638	{ Sept. 7, 1638 } { Aug. 1, 1642 }	Not stated
6. Cletham . . .	" f. 300	" March 24, 1635 . .	April 8, 1636 . .	956 a.
7. W. Herrington Middle " . . . Hought'n parish	" f. 631	" April 16, 1638 . .	March 27, 1640 . .	Not stated
8. Stockton . . .	" L, f. 86	" Nov. 5, 1659 . .	Sept. 8, 1662 . .	1,570 a.
9. Greatham . . .	" f. 118	Ag. Sept. 21, 1650 . .	Sept. 15, 1663 . .	2,344 "
10. Haughton . . .	" f. 318 ^b	" Nov. 7, 1665 . .	April 9, 1666 . .	C. 550
11. E. & W. Boldens	" f. 389	" 'In the late times of distraction,' Feb. 1651	March 23, 1678 . .	Not stated
12. Hett . . .	" f. 416	" Aug. 29, 20 Car. II.	Nov. 3, 1668 . .	270 a.
13. Bishop Auckland	" M, f. 43	" 1661-1670 . . .	Sept. 15, 1671 . .	211 "
	" f. 91		Aug. 22, 24 Car. II.	
	" L, f. 464		" 26, 22 Car. II.	
14. Easington . . .	" M, f. 91 ^b	Five divisions, 1656 & 1661	Aug. 22, 1672 . .	About 1900 much more pasture land than usual
15. Shotton . . .	" f. 184	March 21, 1673 . .	Aug. 15, 1673 . .	1,298 a.
16. Norton . . .	" f. 230 ^b	Sept. 26, 1673 . .	July 6, 1674 . .	Not stated
17. Whickham . . .	" f. 370	Mar. 18, 25 Car. II.	July 3, 1677 . .	1,750 a.
18. Rivehope . . .	" f. 551 ^b	Ag. Sept. 29, 1658	June 28, 1680 . .	817 "
19. Seaton Carew . .	" f. 699	" June 7, 1689 . .	April 8, 1691 . .	1,695 "
20. Long Newton . .	Chancery Order Book 1662, B, f. 252	" 1659	1662	3,035 "
				Some pasture land

Stated
16

Area
22,816

Not stated
4

Average
1425 $\frac{1}{2}$

Estd. area
5702

Allowing 3,518 to be common pasture, 25,000 acres of common field were inclosed; 28,518, or 4 $\frac{1}{4}$ of total area, between 1634 and 1700.

The eight decrees relating to the division of common pasture only were as follows:

Place	Reference	Date of Award or Agreement	Confirmation	Area
Ryton . . .	Registrar's Bk. K, 497	Agreement about 1634 .	Sept. 17, 1638 .	Not stated
Bondgate . . .	" L, 308 ^b	" May 10, 1665 .	April 9, 1666 .	63 acres
Redworth . . .	" L, f. 351	" about 1662 .	April 2, 1667 .	183
Grange Close, Darlington . . .	" " 408	" " 1666 .	April 5, 1669 .	300
Newbottle . . .	" M, f. 64	" March 24, 1670	Nov. 29, 1671 .	487
Tunstall . . .	" " 70	Some area, 1590 . .	Jan. 9, 1672 . .	About 400 some cornland
		" " 1664		
Spennymore . . .	" " 429	—	April 10, 1677 . .	—
Aycliffe . . .	" " 726	" " 1652	Aug. 27, 1686 . .	306

as elsewhere,¹ while agreements for large inclosures were made which were apparently unconfirmed by the courts of law. This was the case at Chester-le-Street² and Bishop Auckland³ as well as in many other places. It is impossible to estimate the amount of inclosure effected by these means. Having regard, however, to the evidence as to the prevalence of piecemeal inclosure in other parts of the country,⁴ it is probable that as great an area was involved as in inclosure by Chancery decree, while the statistics of private Acts seem to indicate that the area thus affected was very much greater.

In Durham also it is probable that, as compared with the county of Northampton, common fields formed only a relatively small part of the total area of the county. At this time Northampton was one of the great corn-growing counties of the kingdom: it was very fruitful and much cultivated, but there was little woodland or uncultivated waste. Durham, on the contrary, possessed mines and cattle: it had been subject to border raids for centuries, and has contained down to the present day large tracts of mountain and heath land. Northampton, therefore, was probably settled at a relatively early period, and possessed, before the inclosing era began, many common fields. In Durham they were probably never as numerous.

The view that a large proportion of the common fields of Durham were inclosed during the seventeenth century is confirmed by the negative evidence afforded by the Private Acts of the eighteenth and nineteenth centuries.⁵ In the

¹ Thus at Norton, in the manor of Stockton, four acres were to be inclosed out of every oxgang, *Durham Orders in Chancery*, 1631, no. 30; forty-four acres were to be separated for two oxgangs of land in Dunsdale, July 31, 14 Jam. I.

² *Reg. Book, Durham*, K, f. 469.

³ At Bishop Auckland the divisions of 1661, 1663, 1670 were confirmed, but others in 1634 and 1640 are mentioned. *Reg. Book, Durham*, L, 464.

⁴ See below and 'The Midland Revolt and the Inquisitions of Depopulation,' Edwin F. Gay (*Trans. Royal Hist. Soc.*).

⁵ There were four Inclosure Acts in the reign of Geo. II., all involving the inclosure of waste only; twenty-two others in the eighteenth century in addition

eighteenth century only 2,137 acres of common fields were allotted by Private Acts, or about one-twelfth of the amount inclosed in the seventeenth century by Chancery decree. The inclosure of common fields in the county of Durham, therefore, would seem to proceed much more slowly in the eighteenth and nineteenth centuries than in the previous century.

Effect of
inclosures
on the
poorer
classes

The growth of hedges round our fields seems to have exercised an important influence on the lives of the rural inhabitants: this influence was felt much more strongly in some parts of the country than in others.

The poorer classes, in common with the rest of the community, were generally much benefited by the greater productiveness of the land, due to private ownership. One acre inclosed was said by Norden to be worth one and a half of common field,¹ and his evidence is confirmed by other writers, who, indeed, often allege an even greater advantage to the land in severalty. So great were the profits of inclosure that sometimes (as in the case of Cottesbatch and Aston Subedge²) men bought estates with the object of reaping for themselves the profit of the process.

It cannot, on the other hand, be said that the poorer classes were wronged by the legal methods usually employed in common-field inclosures, for these compare very favourably with those of the Private Acts. In an unsuccessful suit to compel the inclosure of Aston Subedge,² the processes preliminary to inclosure are described: these included a meeting at which two commissioners were chosen by the commoners to act for them, while the remaining two were appointed to an Amending Act, and fifteen during the nineteenth century: only seven of these relate to the inclosure of common arable fields, while three others extinguish rights of common over them.

¹ Norden, *Surveyor*, p. 97, ed. of 1607. Fortrey says that land in common field was only worth a third of land inclosed (England, *Interest and Improvement*, 1663, p. 228).

² At Cottesbatch an estate worth 24*l.* a year was bought for 750*l.* by a man named Quarles, who carried out the inclosure about 1602, but failed to reap as much profit as he had expected. After a while the inhabitants rioted and pulled down his fences, and the incloser was unable to pay his debts. *Exch. Depositions Leic.*, 9 James I., Mich., No. 25; *Chancery Enrolled Decrees*, 273, No. 7.

respectively by the parson and by the bailiff on behalf of the lord of the manor. So far as the appointment of commissioners would secure the full consideration of the claims of the commoners, the seventeenth-century methods were more to their advantage than those of later times. The fact that the consent of all, or nearly all, of the commoners was necessary for a division also helped to make that division favourable to the smaller commoners. One method adopted was that recommended by Fitzherbert. Tenants who held for short terms were given greater security by the grant of long leases. This was of immediate advantage to the tenant, and of ultimate benefit to the landlord. At Broughton Astley the tenants formerly held at will, but by the inclosure agreement were to have leases of half their holdings for three lives. At Loddington a lease for twenty-one years was granted, or in lieu of a lease a pension, if the tenants consented to leave the town.¹ At other times special terms were made with the smaller tenants with regard to the position of their land. At Bishop Auckland it was provided that they should not bear the expense of the inclosure proceedings; at Middridge and Houghton, that the cottagers should be exempt from all common and public taxes.²

On the other hand, Moore and Halhead complain that the rich men worried the poorer with lawsuits.³ A copyholder of Ampney Crucis alleges unfair pressure, stating that he only consented to a partial inclosure, but that the division of the whole having been made, he accepted ground in lieu of his eight acres, because 'he needs must,' and because the defendant was his landlord and he was fearful to contend with him.⁴

¹ *S.P. Dom. Chas. I.*, cxcii. 24; clxxxvii. 83.

² *Reg. Books, Durham*, M, f. 43, L, 318b. At Middridge the richer sort were to fence the allotments of the poor, and they were also to have a large piece of ground for their swine and geese. *Reg. Bk.*, K, 508d; Greatham, *Reg. Bk.* L, f. 118.

³ Halhead, *Inclosure Thrown Open*, 1650, p. 8; Moore, *The Crying Sin of England*, p. 13.

⁴ *Exch. Depositions*, 16 Car. I., Easter, no. 17. Ampney Crucis had been inclosed eleven or twelve years before.

But the chief evils attributed to inclosures resulted, not from the direct ill-treatment of the freeholders and commoners, but from the indirect results which followed in the special economic conditions of the time and country.

It is well known that the inclosing movement was closely connected with two great agricultural changes which were in progress during the sixteenth and seventeenth centuries, namely, the substitution of pasture for arable land and the consolidation of farms both for pasture and for arable farming.

Neither of these changes could take place with much advantage on the undivided common fields. These were for the most part under the plough, and an agreement of all, or nearly all, the commoners was necessary to alter the system of cultivation. Consequently, while the fields lay in common, arable farms prevailed. At the same time the separation of the holdings into small strips prevented a large farm from being relatively much more profitable than a small one, and thus the lands in the open fields remained in the hands of small farmers. Inclosure, therefore, was often undertaken in order to facilitate the increase of pasture and farming on a large scale.

The increase of pasture in the sixteenth century was rendered profitable by the rapid increase in the price of wool, but in the seventeenth century this cause ceased to operate. The change to pasture, however, continued, partly owing to a great rise in the price of cattle and partly because the increase of wages made it less profitable to employ the greater number of men necessary for tilling the fields.¹

The decreased demand for labour rendered inclosure for the sake of pasture-farming a source of hardship to the poor,

¹ *Hist. of Agric. and Prices*, iv. 328, v. 408). Wheat rises from 5s. 11 $\frac{3}{4}$ d., 1401-1540, to 13s. 10 $\frac{1}{2}$ d., 1540-1582.

There are several years of exceptional scarcity in the price of wheat during the seventeenth century; the decennial averages rise for the first three decades, are highest during the Civil War, and fall slightly towards the close of the century. Oxen rise suddenly in price after 1592, and show a rise of over fifty per cent. between the last decade of the sixteenth century and the last decade of the seventeenth. The weekly wages of labourer or artisan appear to double

for as fewer labourers were needed it was to the interest of the landlord to evict the smaller farmers from their holdings and to banish the labourers from the villages.

Another reason why the inclosure of common fields was often accompanied by a change to pasture is that the lands which were first settled and lay for the most part in these open fields seem to be much more suitable than others for pasture. It was possibly because they were the fertile lands of the plains and valleys that they were cultivated at an early date.

These lands had also been ploughed for a long time and needed rest, and were less suitable for corn than the newly inclosed virgin soil of waste and forest. At any rate the preambles of the Durham decrees often give as a reason for inclosure that the land 'is wasted and worn with continual ploweing, and thereby made bare, barren, and very unfruitedfull,' and the evidence that inclosure was, as a rule, followed by conversion of part of the land to pasture is by no means confined to the preambles.¹ The rectors obtain commutation of tithes or special advantages because they fear a 'decay of tithes';² and when the inclosures are over, actions are frequently brought because the Church has suffered by the change.³

In Leicestershire the inclosures of Cottesbach in 1602,⁴ of Enderby⁵ about 1605, of Thornby about 1616, were all accompanied by a lessening of the land under the plough.⁶

in the same period; but in both cases the greatest rise occurs in the closing decade of the century.

Lord Coke's notes on the Lord Keeper's speech, ascribed to 1633, mention 'the general complaint' of a sore want of servants at reasonable wages, which 'makes men grow wearie of tillage.' *S.P. Dom. Chas. I.*, cclv. 44.

¹ Sherburn, *Durham Reg.*, Bk. K, f. 262. Shadforth and Cletham do., f. 273, f. 300 etc.

² Sedgfield do., f. 306. Middle Herrington, f. 631. Seaton Carew, M, f. 699.

³ Chester do., K, f. 469. Morton, f. 633. Middridge, f. 508b. Shotton, M, f. 594. Durham Chancery Orders, 1632, no. 122.

⁴ See below.

⁵ *Exch. Dep.*, 10 Car. I., Trin., no. 12.

⁶ *Exch. Depositions, Leicester* (16 Jas. I., Hil. no. 18). Wm. Reade bought the land about three years ago, and it is now hedged and ditched, while half the arable is turned to pasture.

Moore, writing in 1656, says: 'Surely they may make men as soon believe there is no sun in the firmament as that usually depopulation and decay of tillage will not follow inclosure in our inland countyes.'¹

Mr. Rider Haggard, noting the enormous area of pasture land in Northampton, states that in passing through miles and miles nearly everywhere the high, well-marked 'lands' proved that they had at some time or other been under the plough.² He notes especially that this was true of Preston Capes. Now in 1659, when an agreement was made to inclose the manor, the land still lay in great common corn-fields:³ its inclosure seems due, not to the Black Death, or to the rise in the price of wool, as he suggests, but rather to the growing demand for meat and to the natural suitability of the soil for pasture farming.

Consolidation of farms

Further evidence of the continued tendency to use the land inclosed from common fields as pasture land is shown in the returns to the Government inquiries, which we shall examine later.

An even more far-reaching result of inclosure which accompanied the change was the tendency to consolidate farms and landed property into the ownership of a few.

Sometimes the consolidation was directly the result of the proceedings preliminary to inclosure. The fewer the owners and tenants, the fewer the people who had to agree to the change—a determined opponent often in the end consenting to be bought out. Moreover, although the expenses of inclosure were great, the undertaking was, as we have seen, often extremely profitable, and the landowner would wish to own more of the land that he might obtain a greater share of the profits.

Thus, at Croxton, Norfolk, a Roger Salisbury and Thos. Utbert 'having purchased the most parte of all the lande

¹ *A Scripture Word against Inclosure*, p. 9. Trigge is equally emphatic in 1604: *The Humble Petition of Two Sisters*. 'But inclosure decayeth tillage and turneth good arable land to pasture.'

² *Rural England*, ii, 122.

³ *Enrolled Decrees Chancery*, 1928, no. 12. Confirmed 25 Car. II.

within the said townships daily do ingrose into their own hands all they can get.' ¹

General statements of the result of inclosure in lessening the number of landholders are frequent. 'We may see many of their houses built alone like Raven's nests, no birds building neere them,' ² writes Trigge in 1604. A satirist of 1632 says of the incloser: 'The poor of the parish are his chief pioneers who like mould warps cast up earth.' ³ Bentham, in 1635, states the 'incloser doth presently dispossesse the ancient inhabitants or els by little and little wearie and weare them out or waite untill they are taken away by death.' ⁴ Moore writes in the same strain:

'Truely it would make a charitable heart bleed to come now into our markets where we are now so busie upon such inclosures in Leicestershire where the markt is full of inquirie and complaint of such tennants to all they meet: "Can you help me to a farm or a little land to imploy my team?"' ⁵

Perhaps an even stronger argument that inclosure accelerated both the consolidation of farms and loss of land by labourers may be seen in the efforts of philanthropic landlords to guard against this tendency. Thus at Laughton, in Leicestershire, in or about 1663, the lord provides in the agreement for inclosure that all houses of husbandry should be maintained, each house with at least twenty acres of land, and each cottage with at least four acres, which were always to be used and occupied with the houses.⁶ No one would have taken the trouble to make such a provision in 1663 unless the danger of consolidation had been real.

But consolidation did not always take place when the

¹ *D. of L. Bills and Answers*, Chancery Bundle 217, Lent, 1603. At Battle-den and Potsgrove, in Bedfordshire also, inclosure was alleged to be accompanied by consolidation of property and of holdings (*Enrolled Decrees Chancery*, Roll 494, no. 2, 1621).

² Trigge, *The Humble Petition of Two Sisters* (D. 3).

³ D. Lupton, 'London and the Country Carbonadoed' (*Harleian Misc.* ix. 326).

⁴ Joseph Bentham, *Christian Conflict*, p. 326.

⁵ *The Crying Sin of England*, 1603, p. 9.

⁶ *Enrolled Decrees Chancery*, Roll 669, no. 18; Easter, 1664.

inclosure was made. The terms granted to tenants for three lives prevented a sudden change until the three lives had expired ; but the fact that consolidation took place, and some of the reasons for the fact, is well attested by Lord North, writing about the time of the Revolution :

‘It is another very great destruction of people as well as an impediment to the recruit of them that gentlemen of late years have taken up an humour of destroying their tenements and cottages whereby they make it impossible that mankind should inhabit upon their estates. This is done sometimes barefaced because they harbour poor that are a charge to the parish, and sometimes because the charge of repairing is great, and if an house be ruinous they will not be at the cost of rebuilding and repairing it, and cast their lands into very great farms which are managed with less housing : and oftimes for improvement as it is called which is done by buying in all freeholds, copyholds, and tenement that have common, and which harboured very many husbandry and labouring families, and then enclosing the commons and fields turning the managery from tillage to grazing.’

This writer further refers to ‘vast depopulations not ordinarily thought of or imagined possible to be,’ and states the fact, which is still true, that ‘when old deeds have been preserved (useful only for the curiosity of ancient things) one shall find vast numbers of small parchment deeds being feoffments and releases to houses, cottages, tenements, and scattered small pieces of land in the fields of the town where now perhaps lives only one shepherd or farmer under some single proprietor.’¹

Another question which has to be answered is whether this marked change as regards the ownership and occupation of land was due to a general economic change or to the inclosure movement ; it was *post hoc*, but was it also *propter hoc* ? The comparative rarity of the yeomen farmers and of small occupiers in inclosed parishes at the beginning of the nineteenth century seems to point to inclosure as one of the chief causes of the change. In Northamptonshire farms in

¹ *A Discourse of the Poor*, by the late Roger North ; published 1753 but written much earlier, pp. 57, 65.

the open fields still ranged from £50 to £150 a year; in newly inclosed parishes they were worth from £100 to £300 a year, while in the old inclosed parishes they were larger still, and even reached a rent of £500 a year. In South Wiltshire the contrast is still more strongly marked; the farms in the common fields varied from £18 to £25 a year, and those in severalty from £100 to £300 a year. In Huntingdon the reporter tells us that property in the old inclosed part was in the hands of large proprietors, while in the common fields it was more generally diffused.¹

This marked difference in the size of farms in inclosed and uninclosed districts could hardly have existed unless inclosure had promoted consolidation. The fact that the difference existed between newly inclosed parishes and old inclosed parishes also shows that not only the actual process and methods whereby the change was effected were injurious to the small farmer, but also that inclosure set in motion tendencies which increased in force as time went on, until the old rural society of yeomanry was overthrown, and one 'domineering house' had swallowed up all the rest.² The ultimate disappearance of the small farmer and labourer with land was obviously not a necessary consequence of inclosure. The lands in France, Germany, and Jersey are inclosed, but in those countries no such consolidation has followed. That this has been the result of inclosure in England is largely due to the following reasons:

1. During the seventeenth century no division could be made without the consent of all, or nearly all, the owners. It was therefore usual to buy out the smaller owners whenever possible.

2. Some stewards and landlords made a practice of

¹ Marshall, 'Review of Reports of Board of Agriculture,' *Midlands*, pp. 348-9; do. Southern and Peninsular, p. 206; also in Beds. 'Prevalence of enclosing has diminished the number of farms in last fifty years, and in Rutland the farms were greater in the inclosed parishes' (*Midlands*, p. 250).

² Burton, *Anatomy of Melancholy* (Democritus, p. 113, ed. 1893, to the Reader). The writer approves of inclosures, but 'not one domineering house greedily to swallow up all which is too common with us.'

getting rid of the poor on their estates in order to save the trouble of management and the expense of poor rates.

3. Landlords much preferred to hold land which is in the hands of a few, and where the rights are extensive, rather than the land which has many occupiers and is subject to rights of common.

4. The most obvious reason of all is, of course, that the English land laws with the custom of primogeniture and the difficulty of transferring land, tend to make consolidation perpetual when once it has been accomplished.

Decrease
of hospi-
tality

Thus the poor suffered, not only from the decrease of pasture land and the tendency to consolidate holdings, but also from a decrease in hospitality owing to the disappearance of the yeomen. The yeomen were so much renowned for their generosity in this respect that Fuller writes: 'When hospitality dyed in England she gave her last groan amongst the yeomen of Kent.'¹ Bentham and Halhead also relate a great difference in this respect between the old order and the new.

Increase in
the price of
the bread

It was also urged, especially in times of dearth, that the constantly increasing pasture of the inclosed lands caused a scarcity of corn and raised its price. Richard Sandes, writing in 1632, says he has presented several petitions to Parliament against inclosures, and expresses the opinion that all the methods taken by the Government to allay discontent will be unavailing unless they prevent the diminution of tillage lands, and thus cause more corn to be raised.²

The change to pasture was relatively so great in the Midlands that the price of bread may have been considerably affected, but in the country at large the general rise in price which is noticeable throughout the century could only have tended to remove the complaint by making arable farming more profitable. Owing to the unfavourable effects on the poor

¹ *Holy State*, 1642, p. 117: 'An ancient credible man' informed Bentham that formerly there were six or seven and thirty farmers in the neighbouring town now inclosed, 'twenty of which farmers he was persuaded did constantly keep as good houses and hospitality as he who after ruined himself and the towne' (*Christian Conflict*, p. 319).

² *S.F. Dom. Chas. I.*, ccvi., no. 70.

which resulted from inclosure, it was contended, even in the early years of the Poor Law, that inclosure increased the rates. Moreover, the seventeenth-century complainants who lived in the agricultural and more thinly populated districts traced the effect of inclosures too clearly to imagine that the increase of rates would of necessity be in the inclosed parishes. Halhead and Moore¹ alike show that the increase was more often in the neighbouring towns where the people swarmed when deprived of their holdings and employments. The same estimate of cause and effect is confirmed by the official report of the justices of Nottingham² and also by the rule of the Book of Orders³ providing that extra rates should be imposed where depopulations had taken place.

We have already seen that the effects of inclosure on the poor tended to reduce the population of the country districts.

This effect of inclosure as well as the opposition of the poorer commoners caused the Government to institute proceedings with the object of checking any further advance in this direction.

It is well known that a series of statutes from 1489 onwards imposed penalties both on the conversion of arable land to pasture and on the severing of land from ancient farms.⁴

¹ *Inclosure Thrown Open*, p. 5. *The Crying Sin of England*, p. 11. 'And hence (from enclosure) it comes to pass that the open field towns have above double the number of cottiers they had wont to have, so that they cannot live one by another, and so put the field towns to vast expences in caring for those poor that these enclosures have made.'

² *S.P. Dom. Chas. I.*, clxxv. 86 (see Appendix).

³ Book of Orders and Directions, Jan. 1637. Eden, I., p. 158.

⁴ The following are the principal Acts relating to the inclosure of common fields, though there are others relating to the inclosure of waste:

4 Hen. VII., c. 16, relates to the Isle of Wight, and recites the same complaint of decay of people because the fields have been 'diked and made pastures for bestes,' and because many dwelling-houses, farms, etc. have been 'taken by one man.' No one, therefore, was to have a farm worth more than ten marks a year. Owners of houses with twenty acres of land are to maintain the houses and buildings necessary for tillage.

4 Hen. VII., c. 19. Where houses are let to farm with twenty acres of land attached, the houses and buildings necessary for tillage are to be maintained.

6 Hen. VIII., c. 5, orders houses of husbandry in existence at the first day of Parliament to be re-edified, and lands occupied in tillage to continue under the plough.

The statutes 31 Eliz., c. 7, 35 Eliz., c. 6, 39 Eliz., cc. 1, 2, were in force at the beginning of the seventeenth century. The former statute was the sixteenth-century forerunner of proposals for three acres and a cow. In order to prevent the creation of a landless class of married labourers who might burden the rates, it was enacted that no cottage should be built unless four acres of land were attached. The 35 Eliz., c. 6, was the forerunner of the Metropolitan Commons Act. No common land might be inclosed within three miles of the gates of London because such land was used for mustering soldiers and for the recreation, comfort, and health of the people. This seems to be the first legal enactment designed to preserve the privileges enjoyed by the general public on uninclosed land as opposed to the rights of owners and commoners.

7 Hen. VIII., c. 1, reiterates 6 Hen. VIII., c. 5.

25 Hen. VIII., c. 13, recites practice of gathering many farms into one hand for sheep-walks, which has enhanced rent or increased fines of land so 'that no poor man is able to medall with it,' while some men have 23,000 sheep on the land. Number of sheep for one man limited to 2,000, and number of farms to two.

27 Hen. VIII., c. 22, recites 4 Hen. VII., c. 19, and states that this Act had been enforced only on lands of the King. The King was to have half the profits of inclosed land when the lord neglected to enforce the Act. Confined to counties of Lincoln, Notts, Leicester, Warwick, Rutland, Northants, Beds, Bucks, Oxon, Berks, Isle of Wight, Worcester, Herts, and Cambs.

27 Hen. VIII., c. 28, applies to monastic land. All who were granted this land were to maintain a household on the site of the monastery, and to keep as much land in tillage as was so employed twenty years before the Act.

5 & 6 Edw. VI., c. 5. By 1553 as much land was to be put in tillage as in 1 Hen. VIII. Commissioners were to be appointed to ascertain by inquest how much land was in tillage.

2 & 3 Phil. & Mary, c. 1, gives power to commissioners to order re-edifying of houses or inclosing for tillage within twenty miles of the Scottish border.

2 & 3 Phil. & Mary, c. 2, recites 4 Hen. VII., c. 19. Extends it to houses with twenty acres of land, whether employed in tillage or not. Orders enforcement of Act on land converted from tillage to pasture since 20 Hen. VIII., and also destruction of new warrens made near cornland.

5 Eliz., c. 2, confirms 4 Hen. VII., c. 19; 7 Hen. VIII., c. 1; 27 Hen. VIII., c. 22; 27 Hen. VIII., c. 28; and repeals the statutes of Edw. and Phil. & Mary as to tillage and houses of husbandry. Now enacts that all lands tilled for four years since 25 Hen. VIII. shall be kept in tillage.

The whole series of Acts, except 25 Hen. VIII., c. 13, are variations of the principles enacted by 4 Hen. VII., c. 19, and 6 Hen. VIII., c. 5. The later Acts merely state their definition of a house of husbandry, and vary as to the area and period in which the Act shall be enforced and as to the machinery for putting the provisions into execution.

The 39 Eliz., c. 1, repealed 4 Hen. VII. c. 19, and all other Acts against pulling down houses, and provided that a house of husbandry should be a house that 'hath or heretofore hath had' twenty acres of arable land. All such houses which had been destroyed during the last seven years were to be rebuilt; but if destroyed more than seven years only one half were to be rebuilt, but to each of these at least forty acres of land were to be attached.

The 39 Eliz., c. 2, related to the substitution of pasture for arable land. All arable land so converted since the first year of Elizabeth was to be restored unless other land of the same owner were tilled instead. This statute extended to twenty-three counties of England and to Pembroke. The counties omitted were chiefly those of the south-west, nearly all the Eastern and Midland Counties being included.

To enforce the series of tillage statutes a succession of commissions to inquire as to inclosures had usually been appointed during the seasons of dearth when the popular suffering and discontent were greatest. Valuable contributions to the history of the commissions of 1517-1519¹ and of 1607 have been already published by this society. It is therefore only necessary to say that the commission of 1607 was called forth by a rebellion in Northamptonshire, and was confined to that county and to the counties of Leicester, Nottingham, Bedfordshire, Bucks, Hunts, and Lincolnshire, and related only to inclosures made within the preceding thirty years. The presentments relate to about 2½ per cent. of the total area of the six Midland Counties, and were most numerous in Northamptonshire. The information thus collected was in a form which failed to secure a conviction in the Central Law Courts.²

¹ Mr. Leadam was the first to make known the details of the evidence furnished by any of these commissions in 'The Domesday of Inclosures' relating to the inquiries of the commissioners of 1517-19. Other inquiries were made in 1548, 1566, 1607, 1632-36, and in Lincolnshire, 1614.

² The percentage of acreage affected to the total county area are given by Mr. Gay as follows: Warwick, 0.93; Leicester, 2.32; Northants, 4.30; Bucks, 1.48; Beds, 3.32; Hunts, 3.29. Average, 2.53.

The chief offenders were, however, summoned before the Council, and bonds taken out that they should rebuild those houses¹ which had fallen into decay, while two commissions were appointed in 1608 to compound with inclosures.²

Moreover, inquiries as to the extent of inclosure were made, not only in the Midlands, but also in Yorkshire, and probably in other counties.³

Special proceedings also appear to have been taken by the judges of assize in response to letters of the Privy Council issued on July 17, 1609. Coke, acting apparently as judge of assize for one of the circuits in the West, reports in 1609 that in his division twenty-six houses of husbandry have been repaired, and four houses which had been consolidated into two farms had been again divided. He states that 'some fewe' of the offenders had been convicted soon after the letters were received, and this proceeding 'hath wrought theis 2 effects; first, a reformacon of theis particulars and a staye⁴ in others for doinge the like (as we hope).' Many more, he says, are indicted for like offences who have hitherto stood out by advice of counsel.

These proceedings do not stand alone. In 1614 the inhabitants of Holtoft present an elaborate report of the persons there guilty of depopulation,⁵ while in 1617 there was a very lively dispute in Berkshire with regard to the right of common in the common fields of Wickham and Colthorpe.⁶ The dispute over the inclosure of Welcombe

¹ *S.P. Dom. James I.*, xl. 85.

² *Cal. of State Papers*, pp. 432, 464.

³ North Riding Records Soc. *Quarter Sessions Records*, i. 78.

⁴ *S.P. Dom. James I.*, xlviii. 4, Sept. 2, 1609.

⁵ *Dom. Corres.* May 11, 1614. See Appendix.

⁶ *Privy Co. Reg.* f. 111, July 25, 1617. Here a Sir Thos. Chamberlain, a justice of Chester, took legal proceedings against T. Hallihead and others with regard to the right of common in the fields of Wickham and Colthorpe. Lord Say intervened in the dispute, stating if Chamberlain did not refer the matter to him, Chamberlain's inclosed ground should again be made common. Certain 'riotous persons' therefore dug up a hedge of twenty years' growth on the property of a clerk in Chancery and threatened to do the like in the fields of

James I.
D.S.P. 48,
Sept. 2,
1609

common fields has a special interest of its own, because it is connected with one of the very few known facts of Shakespeare's life. He and a Thos. Greene were owners of the tithes of Welcombe common fields, and in 1614 Greene met Shakespeare in London and talked over the matter, trying to induce Shakespeare to join him in opposing the measure. In 1615 the matter was discussed at the assizes, and Coke 'willed' the instigator Combe 'to sett his heart at rest: he should neyther enclose nor lay downe any earable nor plowe any greenswar.'¹ Notwithstanding Combe seems to have persisted, and in 1618 we have a petition of the burgesses to the Privy Council. Combe is ordered to plough as before, and to restore the 'meeres and bankes' until the matter is determined by Coke and the other judges of assize.²

All these proceedings seem to show that where there was discontent, and depopulation was feared, the judges of assize and the Privy Council did prevent inclosures, and even force remedial methods to be adopted.

But after 1619 there seems to have been a reaction. In that year farmers and landlords suffered much from the low price of corn, and the Privy Council seem to have tried to relieve them and not the poor.³

This may explain the fact that at this time a proclamation was issued stating that the tillage laws had become rather the opportunity of informers than useful restrictions, and appointing a commission to grant pardons to offenders, while in 1624 the tillage laws themselves were repealed.

Their repeal, however, by no means stopped the action of the Government, but only led to a short cessation

Chamberlain himself, Lord Say, a justice of the peace, being present in the fields at the time. The Privy Council were alarmed, and wrote to Lord Wallingford reminding him of the disturbances in Northampton and asking him to take great care to quell this outbreak. The letters say that the 'general speech' is that now Lord Say has 'begunn to digg and levell downe hedges and ditches in the behalfe of commones there would more downe shortly after.'

¹ Ingleby, *Shakespeare and Welcombe Inclosure*, p. 2. This order was again confirmed at the Assizes 15 James I.

² *Privy Co. Reg.* f. 100, Feb. 15, 1618. Vol. iv. See Appendix II. *infra*.

³ *Ibid.* Jan. 26, 6 $\frac{13}{20}$.

of repressive measures, during which the number of inclosures seems to have rapidly increased.

In 1629, 1630, and 1631 corn again rose in price, and there was trouble on account of its scarcity. The paternal Government of Charles I. revived in this as in other matters the practices of its predecessors, and in November 1630 letters from the Council were sent to the justices of Derby, Hunts, Notts, Leicester, and Northampton. In these letters the Council state that they have received information as to inclosures in those counties and the turning of arable land into pasture, 'w^{ch} enclosures and convercons tending as they generallie doe unto depopulation are against the ancient lawes of the kingdome and are of evill consequence and example as at altimes so especially at this tyme of dearth, it being a greate occasion of feare in the common sorte of people that such convercon being suffered will occasion more scarcitie hereafter, and may produce worse effects in the common wealth.' The Council, therefore, charge the justices to remove all inclosures of the last two years.¹

In March 163 $\frac{9}{11}$ the Council have received no reply from the first three counties, and write to the justices again, but in Leicester and Northampton. The writers say :

'There appeares many great inclosures . . . all w^{ch} are or are lyke to turne to the conversion of much ground from errable to pasture and be very hurtfull to the commonwealth although they beare a fayre shewe of satisfaccon to all parties who are concerned in those grounds inclosed. But wee well know wthall what y^e consequence will be, and in conclusion all turne to depopulation.'

The letters then ask the justices to send word to the chief offenders that unless they lay open the grounds inclosed they will be called to a strict account.²

These letters issued by the Privy Council show that the official opinion of the time coincided with that of the pamphleteers in the belief that as late as 1631 inclosure in the Midland Counties tended to depopulation, even when all the commoners were well treated.

¹ *Privy Co. Reg.* vi., f. 199.

² *Ibid.* f. 385, Mar. 7, 1630.

The action of the Government did not cease with these inquiries: three commissions were also issued, one ascribed to 1632,¹ a second in May 1635, and a third in March 1635.² Special instructions were also issued to judges of assize in 1633, who were afterwards required to attend the Council, and report their proceedings.³ The tillage laws having been repealed,⁴ another legal justification had to be found for these proceedings. It seems, therefore, to have been decided in the Court of Star Chamber that 'depopulation' was an offence against the common law.⁵ This view of the matter is confirmed by the authority of Coke, who appears to have been often active in proceedings against inclosers.⁶ In the Court of Star Chamber prosecutions were instituted against offenders such as Sir Anthony Roper and Mr. St. John.⁷

S.P. Dom. Chas. I., ccxxix., no. 112. This is an undated document assigned in 1632:—Commissions to be prepared to inquire into depopulation and conversion of arable land into pasture for the following counties: Lincoln, Leicester, Northants, Somerset, Wilts, Gloucester. John Pym and Thomas Hughes were among the commissioners. The name of Thomas Hughes furnishes proof that commissioners were actually appointed about 1632, for Powell mentions Hughes as the commissioner for whom he made inquiries, Powell's book being entered at Stationers' Hall in 1635 (*Depopulation Arraigned*, A, 2b). Hughes's name does not occur in the later commissions.

² *Patent*, 11 Chas. I., pt. 23, no. 2706, no. 3, *dors.* Commission to Archbishop of Canterbury, William Bishop of London etc., for inquiring into depopulations and conversions since 10 Eliz.; dated March 23 (1636). *Patent*, 11 Chas. I., pt. 5, no. 2688, no. 31, *dors.* Commission to the same people for the same purpose since 30 Eliz. May 8 (1635).

³ *Priv. Co. Reg.* ix., f. 267, Oct. 18, 1633.

⁴ 21 Jac. I. The 25 Hen. VIII., c. 13, remained in force.

⁵ Powell, *Depopulation Arraigned*, p. 84.

⁶ *Coke Institutes*, bk. iii., p. 205, 1644 edition. 'That which may be lawfully prohibited before it is done may be justly punished after it be done.'

⁷ 'The decay of tillage and houses of husbandry are the undoubted causes and grounds of depopulation, and a crime against the common laws of this realm. And every continuance thereof is a new crime as hath been lately declared by sentence in the Starre Chamber in Sir Anthonye Rooper's case,' clxxxvii., no. 95. Chas. I., *S.P.D.* 'His Maj. Att. General preferred an information in his Ma^{ty} High Court of Star Chamber for depopulating the towne of Coulderton' etc. Do. cccxlii. 45. Certain witnesses in this case complain that as a consequence of their giving evidence 'St. John drove them out of the towne

The attempts of the Government to control inclosures ceased with the outbreak of the Civil War.¹ Under the Commonwealth, however, attempts were made to revive the old restrictions, or at least to obtain a regulated inclosure which might secure the economic advantages of severalty, while safeguarding the interests of the poor. Petitions were prepared and presented,² a committee of the Council of State was appointed, numerous pamphlets were written,³ and a general inclosure Bill was prepared.⁴ The Bill, unfortunately, failed to pass, and from this time forwards inclosure proceeded unchecked by the Government, though still hindered by the opposition of the inhabitants.

Returns of
1630 and
1631

A few of the returns to the Council's letters of 1630, 1631 may be found amongst the State papers, those for Leicester and Huntingdon being nearly complete. They relate to inclosures for two years only, but they throw an important light both on the rate of inclosures in Leicestershire during the cessation of the Government proceedings against depopulation and on the bearing which statistics of depopulation and conversion bear to statistics of inclosure.

Rapid rate
of Leices-
tershire
inclosure

The most remarkable feature of the returns is the rapid rate of the movement in Leicestershire. There in two years seven lordships were inclosed and several other large areas, the extent of the inclosed district seemingly being over 10,000 acres, or nearly 2 per cent. of the total area of the

where they were borne and their fathers and ancestors hath lived as farmers—tenants by the space of an 100 yeares and more—and will not suffer them to have anything there to live upon for the maintenance of the poore wives and children.'

¹ Other instances of the action of the Government occur in connection with South Leverton and Cottham, Notts, *Privy Co. Reg.* viii., f. 351; Eastfield, Barton Stacy, Hants, Nov. 29, 1634, x., f. 252; Harpham, Yorks, June 27, 1634; *Privy Co. Reg.* vol. x., f. 50; Mitcham, Surrey, Nov. 10, 1637, vol. xii., f. 356.

² *Cal. State Papers*, Nov. 14, 1655.

³ The pamphlets of Moore, Taylor, and Pseudomisus appeared between 1650 and 1656.

⁴ *Journal of House of Commons*, Dec. 19, 1656—'A Bill for improvement of waste grounds and regulating of commons and commonable lands and preventing depopulation was read a first time and afterwards rejected.'

county.¹ This is nearly double the extent of the area affected by depopulation returns in 1517-1519 and five-sixths of that in 1607, although only two years are involved in 1630, instead of thirty or thirty-two² in the previous periods. This rapid rate of inclosure may be partially due to an increase of the inclosure movement, which, there are grounds for believing, took place in the earlier half of the seventeenth century; but, allowing for an increased rate of inclosure, this Leicestershire rate is so rapid that it must have been exceptional, for a rate of 2 per cent. of the total area of the county in two years would inclose the whole county in fifty years.

One explanation may lie in the fact that the tillage laws

¹ <i>S. P. Dom.</i> <i>Chas. I.</i> , clxxxiii. 17	Market Bosworth .	2,000 acres	Used for tillage if fit, but more suitable for pasture
	Nelston . . .	1,000 acres	Bad soil, more suit- able for pasture, but must be ploughed occasionally
	Donington - upon- the-Heath	500 acres	
cxcii. 24	Broughton Astley .	2,300 acres	
cxcii. 24	Half Croft . . .	c. 335 acres	400 converted
	Total area 1,010. Estimated inclo- sure half two- thirds of total		Estimated : 150 con- verted
cxci. 10 I.	Blaston . . .	200 acres	Converted
cxci. 10 II.	Frisby . . .	150 acres	Converted
	3 yardlands, one 50 or 60 acres		
clxxxiv. 7	Could Overton .	1,400 acres	
ccii. 19	Nayleston . . .	c. 1,372 acres	Estimated : not con- verted
	45½ yardlands		
clxxxvii. 82	Loddington . . .	c. 1,225 acres	One-third to remain in tillage for twenty years
	1,840 total area		
clxxxiii. 25 cxci. 10 III.	Ragdale . . .	19 acres	
	Total . . .	10,501 acres, besides	
clxxxiii. 24 clxxxiii. 17	Breedon . . .	50 acres, not completed, and others in Sparkenhoe Hundred, not specified, because not involving conversion.	

² The return for Leicestershire in 1517-1519 is complete. The figures given by Mr. Gay are as follows:—1517-1590 (1485-1517), 5,780 acres; total acreage affected, 1.09 per cent. of county area, of which 4,622 acres were converted to pasture. In the return of 1607 (1578-1607) 12,290 acres were affected, or 2.32 of the county area, of which 4,973 acres were converted to pasture (*Trans. Royal Hist. Soc.* xviii., p. 233).

were in 1624 repealed, and men had some reason to suppose that the Government measures to check inclosure had ceased. If the Government pressure were effectual, the rapid inclosure of 1628-1630 would then be a natural reaction from a forced state of inactivity. If, however, the action of the Government practically failed to check the rate of inclosure, as Mr. Gay suggests, some other explanation is required. It is, however, difficult to compare these figures with those of 1607 and of 1517-1519, because the earlier figures relate chiefly to inclosure involving depopulation or conversion to pasture,¹ the later figures often to inclosure whether accompanied by depopulation or otherwise.

Our Leicestershire reports confirm the testimony of pamphlets and letters from the Council that inclosure was usually still followed by conversion to pasture, but not to the whole extent of the ground inclosed. Thus at Broughton Astley 2,300 acres are inclosed, but only 400 are converted to pasture. At Croft half the lordship is inclosed, the inclosure being accompanied by an agreement to lay down in pasture 150 acres of the ground. This, however, appears to have been on that portion of the lordship which still remained in common.² At Cold Overton the inclosure of 1,400 acres seems to have been followed immediately by conversion to pasture. For before the change seventeen or eighteen ploughs were employed, while afterwards only nineteen acres were sown with corn.³

The Northamptonshire returns are not among the State Papers, but seem to have resembled those from Leicestershire.⁴ The justices of Huntingdon and Nottingham, however, give us somewhat different information. In those counties the prevalent kind of inclosure seems to be still the hedging and ditching of little areas and not of whole lordships. The total amount is small, but the area affected is

¹ *S.P. Dom. Chas. I.*, cxcii. 24.

² *S.P. Dom. and Privy Co. Reg.*, viii., f. 506, April 10, 1632. Inclosure three years before.

³ *S.P. Dom.* clxxxiv. 7.

⁴ See above Privy Council letter.

greater in proportion to the time involved than in 1607.¹ As the land in Huntingdon remained chiefly under the plough after inclosure it would be less affected by the tillage statutes than Leicester or Northampton.

The contention that the Government efforts to check inclosure had a considerable effect is also supported by the fact that the reports themselves relate to many cases in which inclosures were abandoned in 1631 in deference to the wishes of the Council.² Moreover, it is difficult to see how the long series of measures by judges of Assize³ and Privy Council could have taken place without having a considerable deterrent effect. The fines inflicted by the various commissions for compounding with inclosers would also keep the movement partially in check.⁴

There are also two undated papers ascribed to 1631 and 1633 which show that detailed inquiries took place in

¹ From Normancross Hundred we hear that 73 acres were converted to pasture (*S.P. Dom. Chas. I.*, clxxxvii. 7) and 160 acres of the counties of Westmoreland to be inclosed and to be used for pasture, though she will till other lands instead = 233 acres. In another report, 820a. 1r., 20p. are reported as actually inclosed, while 300 others are about to be inclosed. The inclosures are mostly in small pieces; about 300 acres are definitely said to be converted to pasture, while a very few acres (under 10) are reported as still under the plough. Two entries relate to land formerly inclosed, but only lately converted to pasture, involving 85 acres, while 25 acres of land have been inclosed which were formerly pasture and remains in the same state. Of the next, inclosure is stated, the conversion to pasture being left doubtful (*S.P. Dom.* clxxxix. 94). The Nottingham inclosures are of the same character, amounting to 1,135 acres (*S.P. Dom.* cxcii. 94, 93). In Derbyshire very few inclosures are reported, and the Justices of one division say there is a desire to increase and maintain tillage (*S.P. Dom.* clxxxi. 7).

² Apparently the old inclosures remained, but new ones did not proceed. In Huntingdon the inclosure of 300 acres was abandoned in deference to the Council, and 50 acres at Breedon in Leicestershire. In a letter from the Council, May 1631, it is stated that gentlemen wish to proceed, but they are only to do so if they will be bound by a decree in Chancery not to 'decay tillage' or houses of husbandry (*S.P. Dom. Chas. I.*, cxci. no. 56).

³ Coke's notes of the Lord Keeper's speech in 1633 allude to 'the error' that men thought they might depopulate because the tillage statutes were repealed, and state also that there was a special charge 'against depopulating enclosures' (*S.P. Dom. Chas. I.*, cclv. 44). The case of the depopulation of Farningham, Kent, by Sir Anthony Roper came up at Milton Assizes in 1633 (*ibid.* ccxxxi. 36).

⁴ See above.

Warwickshire and Lincolnshire. That for Warwickshire relates to the conversion of 4,868 acres to pasture and to the decay of 106 houses of husbandry. These figures resemble closely those in 1607.¹ The paper relating to Lincolnshire deals with only a fragment of some proceedings there, but it shows that these inquiries were not only made but acted upon. In nine cases fines of 300*l.* had been exacted, and the offenders were required to erect thirty-three houses.² Again, in the proceedings of 1636 the sheriff of this county and Lord Brudenell were fined by the Lords Commissioners, showing that in Lincolnshire the Government was without doubt occasionally vigorous in its efforts to stop inclosures.³

Relative
position of
the Mid-
lands

But the relative position of the Midlands with regard to inclosure is the strongest proof that the Government action and popular discontent were partially successful in checking inclosure.

It is chiefly in the Midland counties and in Lincolnshire that the Government took action, chiefly from the Midlands that complaints arise, and in Northampton that the most serious disturbance took place. If, therefore, inclosure were checked anywhere by the Government action and opposition of the inhabitants it would be checked in the Midlands, and that part of the country would be less inclosed than the rest of England.

That this was the case at the end of the seventeenth century is proved both by the direct evidence of contemporaries and by the indirect evidence of the Private Acts.

Morton, writing of Northampton in 1712, says the greatest

¹ *S. P. Dom. Chas. I.*, cclvii., 129. The names both in this paper and in that relating to Lincolnshire suggest that these belong to an earlier date, possibly to the proceedings of 1607 in the case of Warwickshire, and in 1609 in that of Lincoln.

² *Ibid.* vol. ccvi. no. 71.

³ In February 1638⁵ Sir William Pelham says his father had a pardon under the Great Seal in recompense for services in which he shed his blood. In March 1638⁵ he wants to attend the lords commissioners for conversion (*ibid.* cccxiv. 29; cccxvi. 58). Lord Brudenell states he was fined 1,000*l.* for depopulation of Hougham. Says he has only depopulated to a slight extent, and has paid 500*l.*; wants to be excused the rest. Admits that others have depopulated much (*ibid.* cccxlii. 47).

part of the county is still open ;¹ a writer of 1654 states that 'fields lie open particularly in the inland counties.'² Ogilby's road-book of 1675 marks more than half the roads of Northampton, Nottingham, and Rutland as running through the uninclosed country.³ But the statistics of the Private Acts of the eighteenth and nineteenth centuries furnish more conclusive evidence, and there is therefore a strong presumption that the counties which were inclosed by Private Acts in the eighteenth and nineteenth centuries were least inclosed when the eighteenth century began.

Evidence of contemp-
poraries

Indirect
evidence
of Private
Acts

The difference between one district and another is very great ; parliamentary inclosure during this later period is greatest in a group of east Midland counties, and reaches its maximum in Northampton. In Northampton nearly half the total area was divided by Private Acts ;⁴ in the counties adjoining Northampton — namely, in Leicester, Rutland,

¹ Morton's *Northamptonshire*, p. 15.

² *Considerations concerning Common Fields*, Pseudomusus, p. 38.

³ Ogilby, *Itinerarium Angliæ*, 1675. This is not the case with Leicester, but in Leicester very few roads are marked.

⁴ These figures are obtained from the official calculations in the case of inclosures from 1702-1797 ; from the figures given in the official lists from 1801-1869 ; and from the Acts themselves from 1797-1801. All are based on the figures contained in the Acts themselves when these are stated, and by averaging for the cases where the figures are not given. The average is made (1) for each county, because the Acts from the same county usually resemble each other, and (2) for the periods 1702-1797, 1798-1815, 1816-1843, 1844-1869. The later Acts have been neglected, but there were none between 1869 and 1874, and the estimated area of waste and common field in 1874 has been stated. It is noticeable that the Acts after 1844 affect smaller areas, as a rule, than the earlier Acts, while those between 1798 and 1815 affect larger areas.

The following are the figures for Northampton :

Total Extent of Land Area, 636,123. *Agricultural Statement*, 1903.

Date of Acts	Number of Acts in which area is stated	Extent in acres	Number of Acts in which area is not stated	Estimated extent in acres	Total acres	Per cent. of total area
1702-1797	97	157,956	30	48,852	206,808	32·5
1797-1815	39½	62,227	4	7,300	69,527	10·9
1816-1843	12	23,908	7	13,946	39,854	5·9
1844-1869	12	1,373	None	—	1,373	0·2
						49·5

Huntingdon, Bedford, and Oxford¹—more than forty per cent. was so inclosed; while in other counties adjoining these—namely, in Lincoln, Nottingham, Cambridge, and Buckingham²—more than thirty per cent. of the whole extent was affected.

On the other hand, less than ten per cent. of all the extreme western counties³ and of the counties of Suffolk, Sussex, and Kent were subjected to inclosure by Private Acts.

A streak running south from the centre of Yorkshire including Durham, and passing west of the Midland group includes the counties of average parliamentary inclosure in which more than ten per cent. and less than thirty per cent. were divided by statute.⁴

As it is impossible that common ownership and rights of common should be extinguished in the same districts both before and after 1702, these figures afford strong proof that Northampton and the group of adjoining counties were comparatively uninclosed at the end of the seventeenth century.

The question further remains, whether the difference

Total per cent. of Area inclosed by Private Acts.

Common field, estimated in 1874 (Return on Inclosures, House of Commons, 1874)	2,947	} 3'3
Waste, estimated in 1874 (this estimate does not appear very trustworthy)	17,549	
Remainder		47'2

¹ The figures are approximately as follows:

Hunts	45 per cent.	of total area inclosed by Private Acts			
Rutland	44	"	"	"	"
Leicester	41½	"	"	"	"
Oxford	41	"	"	"	"
Bedford	40	"	"	"	"
² Lincoln	38	"	"	"	"
Notts	36	"	"	"	"
Cambridge	35	"	"	"	"
Bucks	30	"	"	"	"

³ For example: Devon, about 2 per cent.; Kent, under 1 per cent.; Cornwall, rather over 1 per cent.

⁴ Norfolk appears also to be an average county in this respect, but the figures are seldom given, so that the result of averaging is not very trustworthy.

The proportion of Acts relating to common field inclosure appears to be greatest where the total inclosure is greatest.

between these counties and the rest of England was due to a different method of settlement, to inclosure before the seventeenth century or to inclosure during the century itself.

The difference between the settlement of woodland districts and others has often been noted. In Essex some of the villages in the midst of the forest retained their common fields until recent times ;¹ but when the forest was reclaimed and cultivated at a comparatively late date,² the grounds appear to have been inclosed at once. Trigge mentions that Essex, Hertfordshire, and Devonshire were woodland counties inclosed in this manner.³ Much of Lancashire seems to have been settled in the nineteenth century,⁴ while Somerset, Kent, Suffolk, and Cornwall seem to have had many inclosures when the seventeenth century began.⁵ Parts of Warwickshire and Norfolk also were woodland and inclosed, and were contrasted with the champion districts which remained in tillage.⁶

¹ Fisher, *Forest of Essex*, p. 268.

² What this date is remains uncertain. The districts inclosed in the time of Domesday have been suggested ; but the fact that the open-field system was used in New England suggests that some districts first cultivated from the twelfth to the sixteenth century in England may have been cultivated in common fields. Dr. Cunningham suggests that this may be a revival rather than a survival (*English Industry and Commerce*, p. 348).

³ Trigge, *Humble Petition of Two Sisters*, B 1.

⁴ Whalley, *Whitaker*, i. 289.

⁵ Somerset retained some common fields, but was an inclosed county in Norden's time (Norden, *Surveyor*, p. 232). See Cunningham, *English Industry and Commerce*, p. 898.

Kent, and also Essex and Devonshire (*The Common Weal of this Realm of England*, p. 49).

Suffolk : Tusser.

Cornwall : Carey, *Survey of Cornwall*, 1602, p. 66. He speaks of the hard times suffered by the landman, who 'in times not past the remembrance of some yet living rubbed forth their estate in the poorest plight, their grounds lay all in common or onely divided by stitchmeal.' He contrasts this state of things with their more prosperous condition when he writes. This evidence seems to show that some system of common or common ownership had been the rule in Cornwall, though, owing to the barren soil and backward agriculture, it may not have resembled the common fields of Daventry.

⁶ Of Norfolk we are told 'the parte of it towards the sea and much of the west westwards is champion ; the other parte toward Suffolk is woodland and pasture ground.' There are 'above 200 townes in the champion parte and com-

Dorset, Wiltshire, Hampshire, and Berkshire, on the other hand, are described as being 'champion' or open-field districts in 1607,¹ and it is not until after the middle of the century that the difference between the Midlands and the rest of the country seems to be recognised.² It therefore appears that the relatively uninclosed state of the Midlands at the close of the seventeenth century was partially due to seventeenth-century inclosure, particularly to the rapid inclosure which seems to have taken place between 1595 and 1665.

Yet another question arises as to why the complaints were greatest from the Midlands if the Government measures were successful in checking inclosure, and these counties still remained comparatively uninclosed.

There appear to be reasons why the Midland counties should suffer more than others, even if the rate of inclosure were less than elsewhere; for, as we have seen, the distress of the poor was caused, not by the growth of hedges, but by the decrease of arable land, and the extinction of the small farmers when no calling was open to them but agriculture.

In the seventeenth century, as we have already seen, the Midlands were the great corn-growing districts of England. Sandes, writing in 1631, in a letter to which allusion has been made, complains of the great injury which is done by

monly in everye of them is 20, 30 ploughes and 1000, 1500, 2, 3 or 4000 combes of corne yearly growing. When export allowed between Lynn and Wells 30,000*l.* has been taken of 'outlandish Gould for corne transported the country.'

Camden and Leland contrast the two parts of Warwickshire (Camden, *Britannia*, ed. 1695, p. 499).

¹ Norden, *Surveyor*, p. 232.

Moreover, the earlier depopulation returns of 1517-1519 show that conversion to pasture and consolidation of farms proceeded more rapidly in the Midlands than elsewhere, for they relate to twenty-six counties, and in 1517-1519 figures of the area converted to pasture or affected by the consolidation of farms would bear a much closer relation to the total area of inclosure than similar figures in 1631, because the inducements to convert to pasture were greater, and inclosure piece by piece was the rule rather than the inclosure of the whole lordship.

² Northampton, however, is quoted as typically champion in 1607. See 'A Consideration of the cause in question before the Lords touchinge depopulation,' printed in Cunningham's *English Industry and Commerce*, part ii., p. 898.

inclosers who 'decay tillage and depopulate townes in the best naturall corne countreyes, w^{ch} afore supplied y^e wants of others every way being in the midle of y^e land.'¹

At the present day, and for more than a century, some of these Midland counties, especially Northampton, Rutland, and Leicester, have contained some of the best pasture lands of the kingdom, and chiefly consist of pasture, so that since inclosure the change from arable to pasture has been greater in these counties than elsewhere.

At the same time in Northampton there was very little waste or forest to supply new tillage grounds to occupy the displaced population.²

Moreover, in the seventeenth century these now busy manufacturing districts had few manufactures. 'I complaine not of inclosure in Kent or Essex, where they have other callings and trades to maintaine their country by, or of places near the sea or City, but of inclosure in the inland countreys which takes away tillage, the only trade generall they have to live on.'³

In the Midlands, therefore, not only were the changes wrought by inclosure greater than elsewhere, but they tended more largely to injure the poor and depopulate the country.

This conclusion has a certain interest from the point of view of general history. It seems to show that the provisions of seventeenth-century statutes were more generally executed than is usually supposed, and that the personal Government of Charles I. was paternal in practice as well as in theory, and probably mitigated the hardship to the poor of this particular economic change.

A point of some interest is suggested by this view of the inclosure movement. Writers on the subject nearly always discuss the question from a purely agricultural point of view, in spite of the fact that the agricultural counties

¹ *S.P. Dom. Chas. I.*, vol. ccvi., no. 70.

² Norden, *Northampton*, p. 24. 'No shire within this land hath so little waste grounds.'

³ Moore, *A Scripture Word against Inclosure*, Introd.

are the last to be inclosed. A right of common was inconvenient to agriculturists, but it was much more inconvenient to the people of Chelsea who wanted to build houses, to the people of Durham who wanted to sink mines, or to anyone who required the land for other than agricultural purposes.

General
extent of
inclosure
movement
in the 17th
century

This view of the relative position of the Midlands in the inclosure movement lessens the force of the argument that because only 2·53 per cent. of the area of the Midlands was reported in the depopulation returns of 1607, the progress of inclosure in the seventeenth century was exaggerated. We may therefore believe the statements of the numerous authorities,¹ both local and general, who report

¹ 1602. Richard Carew, *Survey of Cornwall*, pp. 37 and 38. Thoroton, *Nottinghamshire*. 'This prevailing mischief in some parts of this shire have taken away and destroyed more private families of good account than time itself within the compass of my observations.' Pref. xvi., xvii. See Appendix I.

1685. Aubrey, *Nat. History of Wilts*, p. 104. 'Anciently in the hundreds of Malmesbury and Chippenham were but very few enclosures, and that near houses. The north part of Wiltshire was in those days admirable for field sports. All vast champian fields as now about Sherston and Mansfield. . . . About 1595, all between Easton Piers and Castle Combe was a campania like Coteswold upon which it borders, and then Yatton and Castle Combe did intercommon together. Between these two parishes much hath been enclosure in my remembrance, and every day more and more. . . . I doe remember about 1633, but one enclosure to Chipnam field which was at the north end, and by this time I thinke it is all enclosed. So all between Kington St. Michael and Dracot Cerne was common field and the west field of Kington S. Michael between Easton Piers and Haywood was inclosed in 1664. . . . Then were a world of labouring people maintained by the plough as they were likewise in Northamptonshire.

A History of Northumberland, 1895, etc. The following inclosures are among those mentioned :

Probably Bilston, ii. 458.

Acomb, iv. 1694, p. 139.

Togston, v. 1632-3 and 1686, p. 332.

Acklington, lately divided 1702, v. 372.

Over Burton, v. 1621, p. 212 ; see also v. 285.

West Thirston, vii. 1657, p. 315.

Warwick, Camden's *Britannia*, 1607, states that the fielden part of Warwickshire had been largely inclosed since the reign of Henry IV. Gibson, in his additions of 1695, states that the change from tillage to pasture had been made largely within living memory. For Chancery decree see above.

Joseph Bentham, *Christian Conflict*, 1635, pp. 319, 322. This volume contains sermons preached at Kettering, and relates mainly to the county of North-

a great increase of inclosure in the seventeenth century in the Midlands and elsewhere.

Carey, writing of Cornwall in 1602, says 'they fal everywhere from commons to inclosure and partake not of some easterne tenants envious dispositions who will sooner pre-
judice their owne present thrift by continuing this mingle mangle than advance the Lord's expectant benefit after their terme expired.' Like statements are made by local historians of Wiltshire, Nottingham, Warwick, Leicester, and Northampton, and there is evidence of the same kind from Northumberland.

General statements to the same effect occur in

ampton. He refers to the inclosures of several towns adjoining Kettering, and particularly cites eleven cases within his experience where the inclosing owner has not prospered.

The following are examples of inclosures by agreement quoted in George Baker's *Northampton* :

	Name	Acres	Date of Agreement	Chancery Decree
P. 219.	Teton or Teeton.	640	1590	
P. 604.	Culworth.	2000	James I.	
P. 112.	Brockhole.	850		1619-20
				16 James
P. 349.	Dodford.	1400		21 Jas. I.
				1623
Vol. ii., pp. 187, 189.	Passenham.	Traditionally by Sir Robert Banastre in the reign of Chas. I.		

P. 404. Litchborough, Redmore field (20 Oct. 23 Car. I.)

	Name	Acres	Date of Agreement	Chancery Decree
P. 7.	Abington	1090	1659	13 Car. II. 1662
P. 426.	Preston Capes	1744	1659	1669
P. 72.	Weston Favell	1030	1666	—

Braybrook also was inclosed by agreement in 1646, and reduced to articles in 1649 (Chancery Orders, 1655, A, f. 135).

Leicestershire: a Vindication of a Regulated Inclosure, 1656, Joseph Lee. He defends the inclosure of Calthorp in Leicestershire, and quoted the names of nineteen places in which inclosures have taken place without depopulation (p. 5); and of fifteen also where in most cases the land has been ploughed within thirty years (p. 8). Two towns occur in both lists. Moore states that two of the towns mentioned by Lee have 'no house at all left in either of them but the minister's,' and states that England, especially Leicestershire and the counties adjacent, is guilty of depopulating inclosure (*A Scripture Word against Inclosure*, John Moore, 1656, p. 10. See above for Chancery Decrees in Yorkshire).

contemporary writings throughout the century. Francis Trigge, in 1604, says the prevalence of inclosures is fulfilling the prophecy, 'Horn and thorn shall make England forlorne.' William Parkes in 1612 speaks of 'those bounds and limits which the covetous hands of modern enclosers have lately measured forth.' Powell, in his 'Depopulation Arraigned,' speaks of the movement as increasing and transcending from meane tenants to great landlords, and from small quantities of acres to whole townships, tythings and hamlets.' He is writing in 1635, and relates that 'within the space of forty yeares there have beene so much circumseption and wounding in of common errable fields.' Powell writes accurately and carefully whenever we can test him, and had been employed by one of the inclosure commissioners of Charles I., so that he is a particularly good authority. Moreover, he is a Somersetshire man, and his evidence therefore relates especially to the West of England. His testimony agrees with that of others. Pseudomus in 1656, in reply to Moore's statement that a hundred towns in Leicestershire had been recently enclosed and nearly all had been depopulated, states that 'many times more in other countries are inclosed and not so as either to unpeople towns or uncorne fields.'

Forster in 1664 states also 'there hath been of late years divers whole lordships and towns enclosed and their earable land converted into pasture which practice being still continued and more and more land every year enclosed will certainly in time very much increase the price of corn.' Houghton, as late as 1681, speaks 'of our late great inclosure,' and these quotations are only a few of many similar statements which are made by writers at different periods of the century.

Carey alludes to previous inclosure in the sixteenth century, but Trigge, Powell, and others seem to date a great increase or revival of the inclosure movement to the closing years of the sixteenth century. Their evidence is supported by statements made by Bacon, who alluding to former statutes

states, in 1597, that the inconvenience 'being then scarce out of the shell is now full ripened.'¹

However this may be, it would seem that during the seventeenth century our country grew many of the hedges which are so marked a feature of its landscape to-day, and thereby made possible the great development of agriculture during the next century. At the same time movements in the social order were set in motion which gathered momentum as time advanced, and have resulted in a distribution of landed property as unique as the almost universal prevalence of hedged fields.

We have seen this social change caused great distress to the population immediately concerned, and put a strain on

¹ Many of these authorities are those quoted by Mr. Gay.

1604. Francis Trigge, *The Humble Petition of Two Sisters*. See also Epist. Ded. 'There is a mighty Thorne sprung up of late in divers places in this realme . . . which doeth not onely goe about to impouerish your Majesties subiects but quite to roote them out. I meane inclosure of fields and commons.'

1612. *The Curtaine Drawer of the World*, p. 3.

1636. Powell, *Depopulation Arraigned*, p. 57.

1656. *Pseudomisus: a Vindication of the Considerations*, 1656, p. 15.

1664. Forster, *England's Happiness Increased*, p. 22.

1681. Houghton's *Letters on Husbandry* etc., Sept. 8, 1681.

See also June 1, 1692.

See also 1616. *The Forest of Thornes*. 'This land of ours within these late dayes hath bred a great number of these field bryers which unnaturally turne their mother into barrennes. Oppressors, inclosers, depopulators, deportators, deprevators,' etc. See above for Richard Scindes, 1631, and letters of Privy Council.

Feb. 25, 1633. 'There is a generall inclosinge and converting of arable land into pasture.' Sir Robert Osborne, *S.P. Dom.* vol. cclx., no. 106.

1642. Fuller, *Holy State*, p. 100, advocates inclosure, but speaks of inclosures with depopulation as a 'canker to the commonwealth' etc.

1650. Henry Halhead, *Inclosure Thrown Open*, p. 15. 'Inclosures wherein is depopulation . . . is one of the crying sins of our time' (p. 16). Special reference to depopulation 'within these fifty years.'

Roger North, writing about the time of the Revolution, speaks (p. 50) of 'towns lately inclosed or ingrooved into few hands.'

1707. John Mortimer, *Art of Husbandry*, p. 1. 'I shall only propose two things that are matter of fact that I think are sufficient to prove the advantage of inclosures, which is—first, the great quantities of ground daily inclosed' etc.

1732. John Cowper, 'An Essay proving that inclosing commons and common field lands is contrary to the interest of the nation' (p. 6). 'I have been informed by an eminent surveyor that one-third of all the land of England has been inclosed within these eighty years. And if this be true, as I believe it is.'

the administration of the Poor Law which became greater as the movement progressed through the eighteenth and the beginning of the nineteenth centuries.

In those counties, however, where there were manufactures the displaced population soon found other employment. In the Midland districts, however, where there were few industries, the distress was acute and continued until boots, shoes, hardware, and lace solved the difficulty of providing other employment.

In the seventeenth century it seems that the process was begun which gives a peculiar character to later English economic history—namely, that the cultivators of the soil, being for the most part no longer owners or occupiers of land, depend for their well-being on the prosperity of manufactures in the town and not of agriculture in the country. They have been best off in recent times when agriculture and landowning have been unprofitable alike to owners and farmers, and have suffered most when the Napoleonic wars doubled the rent of the land they tilled.

APPENDIX I.

S. P. Dom. Chas I., Vol. clxxxv., No. 86.¹

From the justices of the peace of Norfolk to the Council.

MOST HONOR^{BLE}: Wee have caused a view to bee made according to yo^r lo^{ps} late lres of all inclosures & conv^rsions of arrable land to meadow and pasture w^{ch} are now in hand or have beene made wthin two yeares last past. And wee have signified yo^r lo^{ps} direcons unto such persons as are causers of any such inclosures & conv^rsions & have given them notice that they ought not to proceede wth hedgeing or dytching in of any such grounds but to let them so rest untill wee shall have furer orders from yo^r hon^{ors}. And wee further conceive that if depopulacons may bee reformed it will

¹ The postscript to this document is not printed.

bring a great good to the whole kingd. for where houses are pulled downe the people are forced to seeke new habitations in other townes and cuntries by meanes whereof those townes where they get a settling are pestred so as they are hardly able to live one by an other and it is likewise the cause of erecting new cottages uppon the waste & other places who are not able to relieve themselves nor any such townes able to sustaine or set them on worke w^{ch} causes rogues & vagabonds to encrease. Moreover it doth appeare that in those townes w^{ch} are depopulated the people being expelled there are few or none left to serve the king when souldjours are to be levyed to appeare at musters for his Mat^{ys} service w^{ch} is also a cause that poore Townes where many people are, are put to greater charg in setting forth of souldjours & depopulated Townes are much eased and the subsidie decayed. All w^{ch} wee humbly submit to yo^r lo^{ps} great wisdome. And will ev^r rest at yo^r hon^{rs} service humbly to bee commanded.

RO. SUTTON, VIC.
FRAN. THORNHAGH.
MATTH. PALMER.
W. COOPER.
JOS. WOOD.

GERBAS FEBEREY.
GILBERT WILLINGTON.
IYM. PUSEY.
WILL^m MOSELEY.
WILL. COKE.

APPENDIX II.

Privy Council Register, Vol. iv., James I., f. 100. February 14, 161⁸.
A Letter to the Master of the Rolls and Sir Edward Coke, knight.

By the inclosed peticon yo^u shall perceive the complaynt made vnto vs on the behalf of the bayliffes & burgesses of Stratforde upon Hauen in the County of Warwick concerning an inclosure of 400 acres of arable lande intended to be tourned into pasture by one William Combe of Welcombe in the said parish [of] Stratforde to the preiudice of the tythes of corne & grayne imployed to divers charitable vses the particulars whereof will by the peticon appeare vnto yo^u. Forasmuch as wee finde that yo^u are already acquainted wth this cause & that at the Assizes in Lente 13 of his Ma^{ty} vpon a peticon there exhibited it was then ordered that no such inclosure should be made there nor any decay of tyllage admitted vntill good

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cause should be shewed to the judges in open Assizes to the contrary. And that the same order was likewise confirmed by the Judges there 15^o of the Kinge. Wee have thought meete hereby to pray & require yo^u taking to yo^r assistance the justices of Assize of the County of Warwicke if yo^u shall so think fitt to call aswell the said Combe as the peticoners before yo^u & vpon heareing of the cause to order such a course therein for the releife of the peticoners as shalbe agreeable to justice or otherwise to certifie vs yo^r opinion of the same that such further order may be taken as shalbe meete. And so etc.

[Signed by the Archbishop, Lord Chancellor, etc.]

[A further letter dated March 12, 161⁸₈ is written to W^m Combe, in which reference is made to an order of the judges of assize. Commands are also issued that the land be ploughed as before and that the green sward of the 'meeres & bankes' be restored until further order shall be made by the judges.—Pr. Co. Register, iv. f. 127.]