

CHAPTER III OUR STOLEN LANDS

The restitution of the stolen lands to the people necessarily implies that the land of this country was at one time owned by the people,” said a defender of Landlordism in an article in the *London Times*, who continued: “ In the earliest Saxon times there is no trace of such ownership; but there is abundant evidence that land was owned by individuals. For more than 13 centuries, therefore, the State has sanctioned private ownership,” he triumphantly concluded.

That writer was mistaken and, in seeking to limit the enquiry to the period subsequent to “ Saxon times,” manifested that discretion which is said to be the better part of valour. We credit him with knowing better than to deny that there was a time in the history of this people when the landless man was unknown. This is not to admit that “ private ownership “ was the rule; on the contrary, tribal ownership in common was the universal custom: the equal right of every member being secured by well-defined tribal law and practice.

He was in error upon another vital point: that “ State sanction “ of private ownership. This is not the fact. Indeed, it is directly contrary to the truth. Governments have approved, but the State—the whole community—never! Of the 29 Acts of Parliament affecting landholding, beginning with the Statute of Merton (1235) and including the General Enclosure Act (1845), not one was submitted to the people for approval. All were passed by Land Lords, sitting as a Parliament in which the common people of the realm had no representation. It is only within the lifetime of this generation that the property qualification for membership of Parliament of ownership of land to the annual value of £100 was abolished, and of the Acts subsequent to that of 1845 which deal with the tenure of land, including Lord Birkenhead’s Law of Property (1922) Act, it is the fact that not one was ever put before the electors for their approval or otherwise. The last-named Act was introduced into the House of Lords in the midst of we post-war distractions by Lord Birkenhead as a member of Mr. Lloyd George’s Coalition.

After perfunctory debate there, it was passed to the Commons, where no one understood it, and, practically without any debate, was sent back to the Lords and passed into law. That it was not understood by the legal element in the Commons is proved by the action of the

Law Society in establishing classes to which lawyers of all ages went to be instructed in its provisions. So much, therefore, for the claim that present practice in regard to land holding has the sanction of the community!

The point which I think you *must* stress, writes Mr. Ralph F. Taylor, a well-known New Zealand barrister, in a letter to the author, “ is the impossibility of bartering with the birthright of unborn children whatever perfect or unanimous consent is obtained from the living. Every baby has the right to upset any such arrangement.

Early New Zealand settlers were faced with a great difficulty regarding the primitive knowledge of the Maori, for, although they considered their ‘ purchase ‘ of certain land from a tribe was complete, every time a native baby was born the ‘ owners ‘ were approached and the demand was made for the child’s share of the purchase money because the original transaction only affected those of the tribe in existence at the time.”

Suppose the State *had* sanctioned private ownership. The State can change its mind, and when it does, it will be interesting to see what attitude will be adopted by those who now rely on this argument. The State, even in the limited sense of a Land Lord Parliament, has never at any time acknowledged private ownership. That great jurist, Coke (Institutes, p. 488), says: “All lands or tenements in England are holden mediately or immediately of the King. For in the law of England we have not any subjects’ land which is not so holden.” Many authorities could be quoted to the same effect. Private possession as tenants of the Crown (typifying the whole people), but subject always to the right of “ eminent domain,” as the lawyers themselves denote the power of the Crown to resume possession of any land at any time, yes, but not private ownership

While concerning ourselves with Parliamentary Enclosures it must be borne in mind that millions of acres were stolen during the 15th, 16th and 17th centuries without the formality of an Act. The Parliamentary Enclosures completed the theft.

John Hales, in his “ Discourse of the Common Weal of this Realm of England “ (1581), makes the Husbandman say:

“Marry, these enclosures undo us all for they make us pay dearer for our land that we occupy; all is taken up for pasture, either for sheep or for grazing cattle insomuch that I have known of late a dozen plows within less compasse than six miles about me, laid down within this seven years and where forty people had their livings now one man

and his shepard hath all.”

Following the enclosures of the sixteenth century, Parliament, in a vain attempt to deal with effects, passed a series of Acts for the purpose of” controlling “ the land. These failed, just as completely as will the measures projected by our present-day “ controllers,” and for the same reason. The preamble to the Act of 1534 is typical of many, and throws strong light upon the condition to which the dispossessed had been reduced. It runs as follows

“Forasmuch as divers persons, to whom God in his goodness hath disposed great plenty, now of late have daily studied and invented ways how they might accumulate into few hands, as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such land to pasture and not tillage; whereby they have not only pulled down churches and towns, and enhanced the rents and fines of land so that no poor man may meddle with it, but also have raised the prices which hath been accustomed, by reason whereof a marvellous number of the people of this realm be not able to provide for themselves, their wives, and children, but be so discouraged with misery and poverty that they fall daily to theft and robbery, or pitifully die of hunger and cold.”

Acts of Parliament were passed in 1515, 1516, 1534, 1536, 1551, 1555, 1563, 1593, 1598, and then came the famous Poor Law Act of Elizabeth in 1601. Still the poor increased in numbers, and in poverty, the cause of poverty being untouched.

J. A. R. Marriott, M.A., former Tory M.P. for Oxford, says in “ The English Land System “:

“The Tudor Government made valiant, if misguided, efforts to counteract economic tendencies which seemed to threaten both the security of the country and the well-being of its poorer inhabitants. They attempted by legislation to minimise the results of enclosures; they enacted statutes, of ever-increasing severity, against ‘ lusty vagabonds,’ ‘ valiant beggars and vagrants; by the famous Statute of Apprentices (1563) they endeavoured to fix a scale of prices, to secure to the labourer a minimum wage and regular employment, and to compensate for the decadence of the guilds by enforcing a uniform system of apprenticeships; they renovated the currency; they did everything in their power to stimulate private charity and encourage voluntary almsgiving; and finally, by the memorable legislation of 1601, they laid upon the State a vast and direct responsibility for all such citizens as could not, or would not, maintain themselves . . . the ‘

lustly and able of body ‘ were to be ‘ set on work’; . . . By such means did the Tudors endeavour to preserve social order and to mitigate the undeserved sufferings of the victims of an economic revolution.”

To the present generation, a “common “ signifies an open space reserved for purposes of recreation; what it meant to our grandfathers is shown by the Hanimonds in their book, “ The Village Labourer.”

“ The arabic fields were divided into strips, with different owners, some of whom owned a few strips, and some many. The various strips that belonged to a particular owner were scattered among the fields. Strips were divided from each other, sometimes by a grass band called a ‘balk, sometimes by a furrow. They were cultivated on a uniform system by agreement, and after harvest they were thrown open to pasturage.

“The common meadow land was divided up by lot, pegged out, and distributed among the owners of the strips; after the hay was carried, these meadows, like the arable fields, were used for pasture.

“The common, or waste, which was used as a common pasture at all times of the year, consisted sometimes of woodland, sometimes of roadside strips, and sometimes of commons in the modern sense.”

It is true the open-field method of cultivation was wasteful and uneconomic, but it did at least secure to every villager a share in his native land. This share could have been preserved to him when enclosing of land became necessary, had the full annual rental value of all land been taken for public revenue as proposed by the C.L.P.

A reference to the typical open-field village illustrated herein will help to an understanding of the system. The thickened strips are those of one holder, and the manner of their distribution over the fields indicates the way in which the natural differences in fertility were equalised; each holder had his share of the good, bad and indifferent land. Further, it should be noted that the woodland surrounding the clearing in which the village was situated was open to the villagers, who had their recognised rights of gathering fuel and building material, and of turning their pigs to forage for themselves under the care of the viilage swineherd.

“ Landless men, and especially landless men who were not under the protection of a lord, were anomalies in Saxon times, and the law compelled such a landless man to get him a lord, which was probably the surest way of getting him settled on the land. No man need be without land, and all were able to live in rude plenty from the produce of their farms, forests and fish-ponds. There were no freemen who had

to depend for their living on work offered by an employer, for the land was open to all and new settlers were welcomed; even the serfs, who were not very numerous, were able to accumulate some property of their own, and in many cases farmed small holdings of land.

“Poor there probably were through lack of diligence or infirmity, but the latter at any rate would be looked after by their families or assisted by the Church out of the abundance ~of the food produced. But paupers, able-bodied men unable to obtain work, we do not hear of, for the simple reason that they did not exist and, it will be readily seen, could not exist in Saxon England. “—Frank Geary, B. Sc., “Land Tenure and Unemployment.”

“ Any theory of English history must face the free, the lordless village,” says Maitland (“ Domesday Book and Beyond “), “ and must account for it as one of the normal phenomena which existed in the year of grace 1066.”

Vinogradoff (“ The Growth of the Manor “) says: “The notion of the lord’s private right ran counter to all notions of communal property, which were bound up with ancient usage as to the waste,” while Sir Frederick Pollock, in “ The Land Laws “ says: “ It would be nearer the truth to say that by a long series of encroachments and fictions the lords, and lawyers acting in the interest of the lords, got people to believe that the lord’s will was the origin of those ancient customary rights which before were absolute.”

Of the Statute of Merton (1235), the first Enclosure Act, as affecting the rights of common over the waste, Digby (“ History of Law of Real Property “) says: “ It is worthy of observation that the rights of common here contemplated must have rested on ancient custom; it could not have been supposed by the framers of this statute that the right had at some former date been granted by the lord according to the theory of later lawyers.”

The following prayer, ordered by Edward VI (1550) to be said in all churches, remains unanswered to this day

“We heartily pray Thee to send Thy Holy Spirit into the hearts of them that possess the pastures and grounds of the earth, that they, remembering themselves to be Thy tenants, may not rack or stretch out the rents of their houses or lands, nor yet take unreasonable fines or moneys, after the manner of covetous worldlings: but so let them out that the inhabitants thereof may be able to pay the rents, and to live and nourish their families, and remember the poor. Give them grace, also, to consider that they are but strangers and pilgrims in this

world, having here no dwelling place, but seeking one to come; that they, remembering the short continuance of this life, may be content with that which is sufficient, and not join house to house, and land to land, to the impoverishment of others; but to behave themselves in letting their tenements, land and pastures, that after this life they may be received into everlasting habitations.”

“In the open field village,” says Dr. Gilbert Slater (“The English Peasantry and the Enclosure of Common Fields”), the entirely landless labourer was scarcely to be found. The division of holdings into numerous scattered pieces, many of which were of minute size, made it easy for a labourer to obtain what were in effect allotments in the common fields. If he had no holding, he still might have a common right; if no acknowledged common right, he might enjoy the advantage of one in a greater or less degree. From the poorest labourer to the richest farmer, there was, in the typical open field village, a gradation of rank. There was no perceptible social gap between the cottager who worked the greater part of his time for others, and for the smaller part of his time on his own holding, who is therefore properly termed a labourer, and his neighbour who reversed that distribution of time, and is therefore to be deemed a farmer. It was easy for the efficient or fortunate man to rise on such a social ladder; equally easy for the inefficient or unlucky to slip downwards.

After enclosure the comparatively few surviving farmers, enriched, elevated intellectually as well as socially by the successful struggle with a new environment, faced, across a deep social gulf, the labourers who had now only their labour to depend upon.”

Turn now to the illustration on page 25. An Act has been obtained and now the former open fields are inclosed and the villagers outclosed. The woods are fenced off, soon to bear a heavy crop of notice boards warning “trespassers” against the prosecution awaiting them should any dare to enter the Lord’s wood. The source of their supply is closed; the reservoir from whence they had drawn firing and material for building and/or repairing their rude dwellings was fenced off; no longer could their pigs find food for themselves, nor the cow graze pasture on the common. The problems of unemployment and housing were born. Landless, and denied all access to *their* land, the dispossessed were driven to wage-slavery as the one alternative to death by slow starvation, yet, one smug historian, writing for “The Nobility and Gentry of the County,” could say: “The Poor of Rutland, since the enclosure of the forests and commons, have been as

comfortable in their circumstances as those of most other agri-cultural districts.”

We are told that it was all done *legally*. This may have been so; but much rascality is legal! Here in brief is the manner of the legality. The Lord of the Manor, with him sometimes, other Land Lords, but with him *always*, the parson, would petition for an Enclosure. A Commissioner (on good fees) would hold an inquiry—at the village inn. Notice would be posted on the church door advising of the inquiry, and calling upon all persons claiming interest in the common to appear on pain of exclusion from any share in the lands to be divided in default of appearance. ‘[the onus was put on the commoners to prove their rights of common; in a large number of cases they were unable to prove a *Legal* right, and so were not given an allotment. It was clearly set out in the notice that all such persons had the right of appearing in person or by counsel. And the humblest labourer stood upon an equality (on paper) with the Lord himself; both might instruct counsel, and we have to imagine the labourer on leaving church after evening service, staying to read that notice and next morning asking for time off to go into the town to instruct his solicitor to brief counsel on his behalf. He would seek that permission, maybe, of an employer who was one of the petitioners supporting the application for the Act. It cannot be denied that the labourer *had* notice-but it happened that at that time hardly any labourer *could read or write!* So much for the pretence of legality.

After the Commissioner had inquired (this often took two years or more), an award would be made. It is claimed that due regard was had to the interests of the commoners. We shall see. Here are two examples taken at random from records in our possession of Awards personally inspected.

Braunston, a village in Leicestershire . 1,500 acres enclosed in 1801. The rector of the parish got off with one-seventh, and the Duke of Rutland, Lord of the Manor, got off with six-sevenths. The poor got what was left.

Kettering Common, Northamptonshire. 2,300 acres enclosed in 1804. The Award runs: “The Right Hon. Lewis Thomas, Lord Sondes, six-tenth parts, and the Most Noble Henry, Duke of Buccleuch and Elizabeth his wife, Lord and Lady of the Manor of Kettering, four-tenth parts.” Again the poor got the rest.

Sometimes there *was* an award of land “to the poor.” Such lands were usually vested in the “vicar and church-wardens” who, in many

instances, applied the revenue of the poor's land *to the repair of the church*. In this way many hundreds of acres have come into possession of the Church.

We give some examples of awards to the poor, taken from the Records for the county of Suffolk

Date.	Parish	Acres Enclosed.	Poor's Allotment.
1803	Somerieyton	900 acres	11 acres
1805	Trimley St. Mary	500 acres	4 acres
1807	Mildenhall	7,000 acres	100 acres
1807	Brandon	4,500 acres	116 acres

(In the Brandon Award, the 116 acres allotted to the poor are expressly ordered to be "*of sterile land.*")

By the Enclosure Act of 1845 alone, some 320,855 acres of common rights were taken from the poor. The Royal Commission of 1868 disclosed the fact that of these only 2,119 acres were allotted to the cottagers.

Many authorities might be quoted to disprove the suggestion that the interests of the poor commoners were safeguarded. Mr. R. F. Prothroce (now Lord Ernie), formerly Land Agent to the Duke of Bedford, in "*English Farming, Past and Present,*" says: "The strongest argument against enclosures was the material and moral damage inflicted upon the poor . . . the injury inflicted upon the poor by the loss of their common and pasture, whether legally exercised or not, was indisputably great."

Sir Thomas More, in "*Utopia*" (1516), complains that noblemen and gentlemen "leave no ground for tillage, they enclose all into pasture, they throw down houses, they pluck down towns, and leave nothing standing but only the church to be made a sheep house." Bishop Latimer said: "Where there was a great many of householders there is now but a shepherd and his dog."

Stubbes, "*Anatomie of Abuses*" (1583), remarks, in the quaint language of his time: "These inclosures be the causes why rich men do eat up poore men, as beasts do eat grass. These are the caterpillars and devouring locustes that massacre the poore and eat up all the realm,"

In Bacon's "*History of Henry VII*" we read: "Inclosures at that time began to be more frequent, whereby arable lands, which could not be manured without people and families, were turned into pasture,

which was easily rid by a few herds-men; and tenancies for years, lives, and at will, whereupon much of the yeomanry lived, were turned into demesnes. This bred a decay of people, and by consequence, a decay of towns, churches, tithes, and the like.”

The anonymous author of “ Now-a-Dayes,” a ballad written about the year 1520, laments that

“Commons to close and kepe
Poor folk for bred to cry and wepe
Towns pulled down to pasture shepe
This is the new gyse.
Envy waxeth wonders strong
The Riche doth the poore wrong
God of his mercy sufferith long
The devill his workes to worke.
“The townes go down the land decayes
Off corn fylde playne layes
Great men maketh now-a-dayes
A shepecote in the church.”

The Hon. G. C. Broderick, himself a member of the Land Lord family of Midleton, of Peper Harrow, Godalming, is constrained to admit (“ English Land and English Landlords “) that: “ Repeated statutes against vagrancy are a conclusive proof that hundreds of thousands were entirely thrown out of work, and even those in full employment must have felt the growing restrictions upon the old rights of common. . . . The gradual divorce of the English peasant from the soil, which degraded him into the day-labourer, and was the manifest origin of pauperism. . . . The chief sufferers were poor labourers . . . who lost the privilege of turning out pigs, geese, and fowls on the common, and for whom, of course, no compensation was provided.”

As might be expected the apologists (and they were many !) for enclosing were not slow to assert that it was all done by kindness and, of course, for the good of the lower orders themselves. Hear one of these special pleaders

J. Bishton, of Kilsaal, Shropshire, in “A General View of the County of Salop,” drawn up for and published by the Board of Agriculture in 1794, enthusiastically advocated enclosure of the Commons, for these amongst other reasons:

That the use of the common land by labourers operates upon their

minds as a sort of independence, and this idea leads the man to lose many a day's work by which he gets a habit of indolence, a daughter, kept at home to milk a half-starved cow, being open to temptations, soon turns harlot and becomes an ignorant, distressed mother instead of a good, useful servant. The surrounding farmers by this means have neither industrious labourers nor servants; therefore, the commons with the cottages around become a great burden instead of a convenience."

This "argument" must have made a strong appeal to the "welfare workers" of that day.

Shaw Lefevre (Lord Eversley) blurts out the ugly truth, however, when he says in "English and Irish Land Questions," of enclosing that: "The movement was mainly an economic one, but it was too often carried through by fraud and violent invasions of right. The smaller copyholders were unable to protect themselves by law proceedings against the wealthy wrong-doers; and the judges appear to have lent their aid to the wealthy suitors, who were willing to pay for it."

Dr. Gilbert Slater comments ("Poverty and the State")

"In the eighteenth century the Lady Bountiful distributing blankets and moral admonition among cottagers saved from the demoralising influence (so much deplored by contemporary authors) of owning cows that grazed on commons, appears as the natural complement of the enclosing and game-preserving landlord."

Arthur Young, Secretary to the first Board of Agriculture, and the greatest advocate of enclosure, writing when the process was in full swing, said: "By nineteen Enclosure Acts out of twenty the poor are injured, in some grossly injured. The poor in those parishes may say, and with truth, 'Parliament may be tender of property; all I know is that I had a cow, and an Act of Parliament has taken it from me.'"

Mr. Frank Geary makes the interesting point ("Land Tenure and Unemployment") that: "There does not seem to have been any talk of over-population before the enclosure movement started, but as soon as the unemployed appeared and the beggars came to town, there have always been those ready to argue that if these unemployed had not been born there would have been no unemployed. The fallacy here," he continues, "can be readily appreciated when we know that these men were driven from the land where they had employment, that the natural opportunities which once afforded them employment still existed, and that they could have been employed again had they, or

even some of them, been able to get back there.”

Even where an award was made to a commoner it carried with it the cost of fencing and draining on two sides “ to the satisfaction of the Commissioners,” and within a specified time; further, there was the liability for his share of the costs of the Enclosure, also for fencing and draining the land awarded to the parson. The effect of this was that most of those whose names figure in Awards as having received allotments of land were obliged to part with them for a mere song, because of inability to meet the charges referred to. They were given their share of the common—but with such obligations attached as made it impossible for the poor recipient of a plot to retain it. This could not have been unknown to the Commissioners, but, as these gentry were dependent upon the favour of the Lord of the Manor for a similar appointment on the next Enclosure~ it is possible they paid less attention to the poor than to him from whom they had reasonable expectation of future profitable employment.

Before passing to consider the effect upon the economic condition of the dispossessed consequent upon the theft of their rights in the land by Enclosures of commons and open fields, there is another kind of enclosing which should be noted:

the filching of roadside strips. Hundreds of thousands of acres have been improperly acquired—” pinched,” said that respectable Liberal newspaper, the *News-Chronicle*—in this way and the process still goes on. Sir L. W. Chubb, Secretary of the Commons and Footpaths Preservation Society. said in an interview in May, 1928: “ Encroachments on roadside waste are constantly taking place. In many cases the county council has had to buy back, in connection with highway widening, long strips of waste which had been illegally enclosed. In one case reported to my society, a road set out as public under a Bedfordshire Enclosure Award originally had a width of 60 feet. To-day it has shrunk to a narrow track only 10 feet wide.”

A story is told of a field in the North with a milestone standing some 15 feet behind the fence bounding the highway. The owner of the field was addressing a public meeting when a member of the audience enquired very caustically, “ Who pinched the milestone? “ We reproduce (from a photograph) a picture of a milestone in Wilts which stands back 13 feet from the *new* hedge; behind it can be seen the original boundary to the field. Superstitious dread of the *curse* doubtless prevented removal of their neighbours’ landmark in these and similar cases.

The picture tells in a striking way the manner in which land, formerly part of the highway, was in years gone by gradually encroached upon and enclosed. These little nibbles at the roadside waste by adjoining Land Lords did not excite wide attention at the time: the landless labourer, employed by an encroaching farmer or land-grabbing squire to fence off a portion of the public waste, could hardly have been expected to make effective protest—and deliberately sentence himself to banishment from the village. In any case, the traffic needs of the period were generously provided for, but, with the advent of the motor-car and the enormous increase of traffic, highway authorities are faced with a great problem of opening out and improving the roads.

Addressing themselves to this problem recently, Warwick-shire County Council set out to discover such encroachments with a view to reclamation of the stolen land. Comparing the commons awards with present-day maps, it has been possible to ascertain precisely where encroachments have taken place.. Not only has land been encroached upon and enclosed, but in many cases it has been built upon. The County Council repossessed themselves of 16,000 square yards on the Stonebridge-Kenilworth main road alone, and is taking similar action in respect to other planned widenings. From 10 to 15 feet is the average depth of these encroachments within its area, which affords some indication of the extent of this particular theft.

Holders of these strips, realising they have no legal claim, submitted, hut petitioned the Council, pointing to “ the expense they have incurred in improving the land.” Bill Sikes, found in possession of a stolen watch, when called upon to return it to the rightful owners, points to the expense he has incurred in having it cleaned and regulated by the watchmaker!

In the case of Queenborough Down, to the south of Sheerness, in Kent, enclosed by an Act of 1854. we found, on inspecting the Award, that a road 30 feet wide and extending for more than a mile, ordered to be made, remained unmade in 1921, the land being all taken into the fields through which it should have passed, only an opening off North Road, approximately 30 feet wide, and about the same depth, serving to indicate its position.

Maps are not the only means of telling where encroachments have taken place. Our readers who go “ hiking “ may discover many evidences in the double hedges, enclosed milestones and remains of

original fences which abound on the English countryside.

There exists no exact record of the number of acres taken from the people by this process of laying field to field, not that this matters in the least to us, for it is our contention that the land as a whole is ever the rightful property of the living generation and the theft is a continuing one which can be ended only by the restoration of the land to free and equal use, but Dr. Gilbert Slater, a leading authority, writes in "The Land"—Early in the eighteenth century there began the great series of private acts of enclosure, of which 4,000 in all, covering some 7,000,000 acres, were passed before the General Enclosure Act of 1845. *During the same period it is probable that about the same area was enclosed without application to Parliament.*"

In a "Return in chronological order of all Acts passed for the Inclosure of Commons or Waste Lands, separately, in England and Wales" (No. 339 of 1914) will be found a list of 5,328 enclosures, of which only eight bear date prior to 1700. In 3,067 instances the area enclosed is not stated, while for the remaining 2,261 it is given as 2,520, 684k acres.

[Table omitted]

It is not without interest to recall what occurred during the Napoleonic Wars; column six in each Table testifies to the active interest taken in the country by the Land Lords while the men were away fighting for it. Those who returned from the struggle did so to find that all their rights in the soil had been taken from them, and they were therefore reduced to the condition of landless wage-slaves.

As a writer in the *Kentish Chronicle* (Dec. 14, 1830) said: "It was during the War that the cottagers of England were chiefly deprived of their little pieces of land and garden, and made solely dependent for subsistence on the wages of their daily labour, or the poor rates. Land, and the produce of it, had become so valuable that the labourer was envied the occupation of the smallest piece of ground he possessed, and 'e 'en the bare common was denied'."

Finchley, on the north of London, was long celebrated for its common of over 1,000 acres, which extended into the adjoining parishes of Friern Barnet and Hornsey. Here, on February 3, 1660, General Monk halted his army while engaged in negotiations for the restoration of Charles II. Here, too, the late lamented Richard Turpin was wont to impose taxation according to "ability to pay" upon users

of the Great North Road. Like the modern tax-gatherer, he gauged the supposed “ability” of his victims from outward appearances. But times have changed! No longer does the dashing highwayman strike terror into the hearts of passers-by as, mounted upon his ebony charger, he suddenly appears from behind Turpin’s Oak, and confronts them with the demand, “Your money or your life!” backed by the gaping mouth of an old-time horse-pistol. But it must not be thought that the business established at so much personal risk by Mr. Turpin closed down at his death. Far from it! It just changed hands, and to-day is being carried on as a going concern by the Ecclesiastical Commissioners (Church of England), his successors in interest. True, they do not exactly follow the somewhat brutal methods of their predecessor, being more refined than he, but an injustice is no less an injustice because committed by a university graduate. The community is now held to ransom by gentlemen in black cloth in place of the gentleman on Black Bess.

By an Act of Parliament, 51 Geo. III (1811), “The Right Reverend Father in God, John, by Divine permission Lord Bishop of London,” together with “Thomas Allen, Lord of the Manor of Bibsworth; Rev. Ralph Worsley, Rector of Finchley; the Dean and Chapter of St. Pauls, Lords of the Manor of Friern Barnet; Rev. John Jeffreys, Rector of Friern Barnet; Earl Mansfield and others” took over the Finchley portion—900 acres—and, by a similar Act, two years later (53 George III, 1813) acquired the balance, including Hornsey Common, in all a further 400 acres.

The Church, by way of the Bishop and the several rectors, got 229 acres, while the poor were awarded 24. A gravel pit of 2 acres was reserved for the public. With the exception of 96 acres allotted to Thomas Allen as Lord of the Manor, and

94 to John Bacon for no reason stated, the remaining 309 acres went for roads and in quite small plots to the poorer commoners, who were very numerous on account of the nearness to London. Of course, the allotments to the Rector were to be “fenced and ditched on their outer boundaries at the expense of the rest of the allottees.” To pay the costs of the legalised plunder, 144 acres were sold, and realised £91 per acre. In 1913 the price asked by the Ecclesiastical Commissioners for 17 acres of the old common at North Finchley, which had lain unused since the enclosure, was £1,000 per acre! Population has grown in one hundred years from 3,000 persons to 46,791.

“Turpin’s Oak” stands in Oak Lane, almost opposite the two

cemeteries of Islington and St. Pancras. These, which extend to over 100 acres, were taken out of the Common; the town of North Finchley covers the remainder of its site.

Only two acres of Hornsey Common were sold to meet expenses of enclosing, £150 per acre being paid. The population of Hornsey at that time was under 5,000; to-day it numbers 87,691 persons. The Bishop of London and the Rev. Charles Sheppard, rector of Hornsey, received between them 83 acres:

the poor were not forgotten—just under 15 acres falling to their share. As in the case of Finchley, there were many poor commoners, and to these, in plots of from 20 perches to 2 acres, the balance of the land enclosed, after the roads had been laid out, was awarded.

Both Acts provided that in the event of the sum realised by the sale of portions of the public commons being insufficient to defray the expenses of enclosure, a “special rate shall be levied on the several persons interested in the said lands (except the Rector of the said Rectory) to make good such deficiency.” They also direct that the lands allotted to the use of the poor “shall be vested in the Lord of the Manor, the Rector of the said parish, and the Churchwardens and Overseers of the Poor for ever, as Trustees of the Poor.” The Trustees are to “let lands on lease for not more than twenty-one years at the best and most improved rent or rents that can be obtained, payable half-yearly.” Such rents to be “expended in purchasing fuel for the poor legally settled.”

The practice of appointing, as “Trustees for the Poor,” the Rector and Churchwardens, gave these officials an undue influence in village life and often led, as we have already pointed out, to the rent of the “Poor’s land “being applied to the repair of the Church!

The following particulars relate to a typical rural village more remote from London and such “public opinion “as could find expression at that time.

In 1807, by 47 Geo. III, c. xli, “An Act to Enclose Lands **itt** Frodingham and Flixborough, Lincolnshire,” the whole of the Township of Crosby was stolen from the people. The area is not stated in the Act, but an examination of the Award reveals the fact that, after providing for twelve roads and footpaths, 1,196 acres passed into possession of the raiders. The lord-of-the-manor. Sir John Sheffield, came in for the lion’s share, getting twenty-one allotments, totalling in all over 756 acres. Another Sheffield, the Reverend Robert, was awarded 165 acres “in lieu of Tithes,” while 64 acres went to the Rev.

'I. Smith, Vicar of Frodingham, as consolation for the loss of his Tithes. Nearly , 96 acres was the share of George Healey, " owner of the Rectory Tmpropriate of Eroding-ham entitled to all the Tithes of Corn and Patron of the Vicarage and Parish Church of Frodingham," as the wording of the Award has it. One John Chatterton, for no reason stated, received 55 acres; 21 went to the " Divisees of Richard Fox ";12 acres comprised Richard Chatterton's little lot, while five other persons had to be content with about 24 acres between them. Half an acre -was the Parish Clerk of Frodingham's share of the spoil. The public were not altogether forgotten in the scramble; *two whole* acres were allotted as a gravel pit for the repair of the roads

Strange to say, the usual order directing the fencing of the plots awarded to the reverend tithe owners " at the expense of the rest of the allottees," was not made in this instance.

Encouraged by the success of the earlier effort, two further raids were made, the first in 1831, when, by 1 and 2 Will. IV, c. lvii, the townships of Frodingham, Scunthorpe, and Gun-houses, 2,000 acres in all, were enclosed. The third raid took place in 1865 (28 Vict., c. 39). This time, Brumby Commons (785 acres) and Brumby Moors (605 acres), in Frodingham parish, were seized and divided up amongst the raiders.

To all appearances, the land thus acquired was simply agricultural. As such, its value in terms of money would be low. Actually, the land was part of a vast deposit of rich ironstone which stretches eastwards from the Trent to the coast, covering an area of many miles. The stone is quite close to the surface, lying at from six to thirty inches down, and, on the one-time commons, where it is worked in open mines, the seam is from ten to forty feet in depth. Its discovery was quite accidental.

A traveller, so the story goes, striking his foot against a stone as he was crossing the common, was led to examine the same with a result that completely changed the face of the country. Where in 1848 there was a population of 289, by 1921 this had grown to 27,359. Where in 1807 the land-raiding Sheffield was a poor man, Sir Berkeley Sheffield, the present lord-of-the-manor, for allowing the Scunthorpe people to work the ironstone out of their commons, is said to have drawn in one war year £70,000 in royalties alone! This figure takes no account of the increased rent-roll due to the population having multiplied over ninety-five times. Of course, there is a housing problem, and, at the time of our visit, the people through their Council

were buying back part of their old common as a site for the scheme. £150 per acre was the price they paid—” a reasonable price,” said one of the Councillors, but no price paid for land can ever be reasonable.

So grateful are the good people of that part of Lincoln-shire to Sir Berkeley for allowing them to live—at his price— upon their own native land, that they send him to Parliament to represent—them! As a Tory he can be relied upon to resist every attempt to alter the system which enables him, out of the rent he takes from the sweat and toil of his simple tenants, to keep two deer forests in Scotland—Littermorar (7,075 acres) and Meoble (14,976 acres), both in Inverness-shire. How he must smile at their simplicity as he recuperates after his arduous labours as legislator

One further example of enclosing before we pass to consider its effects. By an Act of 1774, Laleham (Middlesex) was enclosed. The Award was not made until 1803. Some 918 acres, exclusive of roads, were divided as follows

Lord Lowther 628k; six other “ owners “ 223k; twenty-three “ owners “ 51k; Churchwardens and Overseers for the Poor 13; and for a gravel pit 4 acres.

The 13 acres are “ for the use of the poor of Laleham, as a compensation for their loss of Common, the said 13 acres in lieu of the herbage of the roads the use of which by the poor was thought might be injurious to the young quick (hedge) by the grazing of their cattle on the roads, and as the majority of the Proprietors have agreed.” But it should be noted that the herbage is given to the enclosing proprietors!

By the Award the Churchwardens and Overseers were given choice of alternatives in the matter of the use to which they might put the 13-acre plot: (1) lease it out for 21 years at “ the best and greatest rent “ to a parishioner or (2) “ if they should think it more advantageous to the parish to raise a certain sum of money upon it for the Purpose of erecting a Workhouse “ they may let it out for 60 years.

There was both intelligent anticipation and grim humour about that second alternative!

Dr. W. Hasbach, in “ A History of the English Agricultural Labourer,” says “ . . . the enclosures went their way with little hindrance, and almost always resulted in an increase in the number of free proletarians: that is to say, of men possessing nothing but their labour-power. Some of the expropriated cultivators remained upon the

land as labourers, and some found employment in the towns, but the proletarianisation went on at such a rate that many could find no work at all, and the problem of pauperism becomes a serious one for the English nation from this time forward.”

In another part of his book Dr. Hasbach says

In 1893, in order to get some clear idea of the facts, visited the village of Soham, in Cambridgeshire, then still unenclosed and so giving a good notion of the English village old style. Here I found four well-used commons still existing, which, as I was told, kept the parish from being so poverty-stricken ‘ as the other parishes of the neighbourhood.”

Coming to the question of the effect of this policy, we find Thorold Rogers (“ Economic Interpretation of History “) putting it upon record that: “ The growth of the poor rate was due • to the enclosures, the consequent exclusion of the poor from small agriculture.” The same authority reminds that: “ The invariable defence of the old Poor Law was that it was a compensation for rights in the soil, commonable and other, of which the peasantry were deprived by the numerous enclosure Acts of the eighteenth and early part of the nineteenth centuries. ‘ We admit,’ such people alleged, ‘ that the poor have from time immemorial had common of pasture in the open fields, and the unenclosed pasture. We allow that when the enclosure Acts were passed, such rights were confiscated without compensation, for they alone shared in the enclosed districts who had estates of inheritance within the boundaries of the parish. But an adequate equivalent has been given. The maintenance of those who have been dispossessed is a first charge on our estates, the new and the old. We must lose all our rents before the poor can want.’ “

That “ defence” will not bear examination in the light of the history of the Poor Law; Land Lords in Parliaments, from Elizabeth’s Poor Law of 1601 down to date, have passed on to the local rates charges which should have been borne by “ their estates,” and so have filched from the dispossessed that illusory “ equivalent “ alleged to have been given. The poor may die of want before the rents of Land Lords are affected.

Dr. Frederick Bradshaw (“ Social History of England “), writing of the “ Injustice to the Poorer Classes,” says “ The traditional, and in some cases even the legal, rights of the poorer class were compensated by unfair allotments if they were not disregarded altogether. It was not unknown for a small yeoman to be compelled to

sell his newly allotted acres in order to find money for his proportion of the expenses of the enclosure, and to sink to the position of a mere landless labourer in his native village. The labourers sometimes received merely a small monetary compensation or a useless fragment of land in place of their old—and to them valuable—common rights, and they too often found that as the various mechanical inventions were introduced into the textile trades, their domestic industries of spinning and weaving became a less sure means of support. *The only alternatives before them were to accept work in the new factories or to sink into the dispirited mass of parish paupers* (our italics). . . . The nation gained as a whole by the increased production of food, but, although some men made fortunes, England has in recent years sorely missed that ‘bold peasantry, their country’s pride,’ whom a shortsighted Government allowed to be dispossessed of their lands.”

Next, Allsopp, in “Introduction to English Industrial History”: “By the year 1800 the English countryside was very different from what it was in 1700. Most of the open fields had disappeared, and the land was beginning to be covered with small fields surrounded by hedges and ditches. On the land there now was (1) an increasing number of large landowners with huge estates; (2) a much larger number of gentleman-farmers with big farms; (3) a much smaller number of small-holders; (4) a vast number of *landless* (his italics)~men who worked for wages on other men’s farms as labourers, whose wives and children also provided much of the labour required by gentry-folk and farmers . . . *there were thousands of people at the beginning of the nineteenth century only too anxious to get work at any price. The Enclosure Movement had provided the new manufacturers with a huge supply of cheap labour—men, women and children, who~ had . . . no means of earning a living unless they tramped to the factories and sold their labour as well as they could* “ (our italics).

This brings us to consideration of the relation between Enclosures and what is called “The Industrial Revolution.”~

One far-reaching consequence of enclosing was the manner of the development of what is called “the capitalist system.” Many Socialist writers and speakers are ill-informed upon the facts in this regard, and get their history inverted. These should re-read their Marx. They need not wade through his “Capital”; it will be sufficient if they begin at page 739, and go right on to the end of the book.

The starting point of the development that gave rise to the wage-

labourer as well as to the capitalist,” he says, “ was the servitude of the labourer. The expropriation of the agricultural producer, of the peasant, from the soil, is the basis of the whole process,” and after repeatedly stressing this opinion to the end of his book, Marx concludes on page 800 with these words: “ The only thing that interests us is the secret discovered in the new world by the political economy of the old world, and proclaimed on the house-tops: that the capitalist mode of production and accumulation, and therefore capitalist private property, have for their fundamental condition the annihilation of self-earned private property; in other words, the expropriation of the labourer.”

In an article entitled “ The Birth of Capitalism,” which appeared in the *Citizen*, a localised monthly issued in the interests of Socialist propaganda and paid for by the Co-operative Movement, the writer of the article said: “ In the study of Socialist theory it is essential first of all to understand the workings and principles of the system under which we live to-day. This system, called capitalism, came into being when feudalism (chattel slavery) was abolished in this country. The active development of the capitalist system dates from the beginning of last century, with the discovery of the steam engine, the development of coal mining and mechanical inventions. From this period started what is called the Industrial Revolution.”

The article went on: “ This method of production gave birth to our factory system . . . as a result of the change of the system the workers became slaves to the machine. Their independence and mobility were gone. They now became dependent for their livelihood upon the owner of the factory. . . . If there were no work available, the worker starved. . . . With the rapid development of industries there was a great demand for labour; workers by the thousands were enticed from the villages into the rapidly growing towns. The agricultural industry was denuded of its best workers, and gradually declined as an industry.”

It is not given to every writer to cram so many errors of fact into so few words. The feudal system in this country was not chattel-slavery: for that we must go to the story of the cotton plantations of the Southern States of the American Union. The Industrial Revolution occurred between 1760 and 1840; and the workers did not “ now become dependent for their livelihood upon the owner of the factory “; their *dependence* was (and still is) due to a much earlier happening. Again, the decline of agriculture was not a consequence of the

Industrial Revolution: it had set in well before 1760, being the result of the theft of common lands which had been going on from 1400 to 1500, when the high prices obtainable for English wool led to sheep being shut in and men shut out. Then came the period of the Parliamentary Enclosures—1700 to 1845—during which the Industrial Revolution took place. The action of the Land Lords in stealing the land led to the rise of a landless class denied their rights in the village fields and so deprived of the last shred of economic independence. It was these landless disemployed who furnished the “cheap labour” for the factories. To them, the rise of the factories must have seemed a providential way of escape from actual starvation. Naturally, they flocked to them for jobs, and, just as naturally, the owner of the factory took full advantage of the economic dependence of the labourers to get them into his place at the very lowest wage they could be driven to accept. The men were not “enticed from the villages”—they were driven out

The coming of the Industrial Revolution found a large and growing landless class confronted with the necessity of working for an employer for wages in order to live. Suppose that this class had not been there, that they had not been deprived of the opportunity to employ themselves by using land; what would have been the position of the factory owner? Obviously, since he could not run the factory unaided, he would have had to offer the workers an inducement to entice them into his factory. The only inducement he could have held out to them would have been a wage well above what they could earn on their own account; and, as the workers would always have had the alternative open to them to go to work again on their own account, the owner of the factory would not have been virtual owner of those whom he employed.

Visitors to Britain often remark upon the division of the countryside into many fields of irregular shape and greatly varying size. This is a consequence of the Enclosures, whereby the old open fields and commons were cut up and hedges planted by order of the Commissioners; not only was the economic condition of the people revolutionised, but the whole face of the countryside was completely changed.

Our commons and open fields have gone—in that form—but the land remains. It is now a question of how best to procure its restoration. No return to the strip system of imperfect and uneconomic cultivation is now possible, nor would this be desirable if it were. The

equal right to life, liberty, and the pursuit of happiness is still the first natural right of every child born into this world, and that right involves the complementary right of free and equal access to land in order that life may be sustained. The process of enclosure which we have been reviewing was a denial of the equal right to life of those who were shut out as their commons were shut in. But this is not something which has happened in the past:

that denial continues so long as any land is held as private property. It is what lawyers know as "a continuing offence," but it will have to be stopped by the assertion of our equal right, through the immediate restoration of our land to common ownership. And there must be no compensation under any circumstances whatever, for *that* would not be restoration: it would be compounding a felony—g.e., compromising with crime.

The equal right of every child to an equal share in the land of its birth must be established. We have seen how, in a rough-and-ready way, the old commoners sought to secure that equal right in practice by division of each man's holdings into strips scattered over all varieties of soil. This served more or less to equalise the opportunities between the cultivators of the common fields, but it made no provision for securing to the townsman his equal share. If he left the village he lost his opportunity—but he did not, could not in fact, lose his right.

To-day, however, there is to hand a scientific proposal which will secure to every inhabitant that equality of opportunity so clearly the Natural Law. Instead of a mechanical (and quite impossible) division of land, the proposal is to divide its rent. Land has a rental value so soon as two men seek exclusive possession. That value grows with every addition to the population, with every public improvement, or development in private enterprise. It is a people value—the only social product," in fact; and because of this, it should be socially "owned" and enjoyed.

By collecting that rent—the full yearly rent of each holding—into the common Treasury, and returning it in rate- and tax-free public services, open to be enjoyed by all, and by abolishing all taxation, it is possible to secure to every citizen his proper share of the value which he, by his presence here and his need for land, gives to and maintains in the soil.

This proposal is known as "The C. L. P. Plan," of which frequent mention is made in these pages.