

CHAPTER FOUR

THE CONSPIRACY AGAINST THE ENGLISH PEASANTRY

(Part I)

THE story of the subjugation of the English people, as it is told in the works of modern authors, is seldom presented against a background of economic conditions. The writers who have studied the industrial changes and developments which took place after the middle of the eighteenth century seem to imagine that the poverty of the masses was brought about chiefly by new inventions that superseded the old handicrafts, thus economizing labor and afflicting the humble with the distresses of unemployment.

Those who begin their studies of the changes in industrial conditions with the advent of Arkwright and Watt have not taken the trouble to go deeply into the causes which brought about an overstocked labor market. This want of depth is noticeable in the conclusions to which the authors come and the moral they desire to point.

It was a great misconception to treat the so-called Industrial Revolution as a cause of the impoverishment of the people. There was evidence enough to be found in the first records of the Fabian Society to convince any earnest student that, even as early as the appearance of Arkwright and James Watt, depopulation of the countryside was, and had been, taking place and that the migration of the country men to the towns resulted in a superabundant labor market, with the result that wages fell as prices of commodities rose.

No matter how the particularists may decide the questions posed by feudalism, it cannot be refuted that the tillers of the soil, even in the days before the conquest, enjoyed economic conditions denied to the vast majority of franchised men today. Such an impression is to be gained from Professor Richard Koebner's article, "The Settlement and Colonisation of Europe."¹ Here it is shown that, even as early as the eighth century, the villagers exercised communal rights over the land. Professor Koebner says:

... The different villages or groups of settlers were still divided from one another so far as possible by tracts of country that were useless, or nearly so—forest, thorn-brake, marsh. In these wastes boundaries were determined: the process can be traced in

eighth- and ninth-century England and in descriptions of German marks. The villagers had always used land not required for the plough as pasture; and the forest round about the utilised land had supplied them with timber and pannage. These customs of user, with those of water, came under communal control, and the rights of the various proprietors were determined by the community. . . .²

We find exactly the same system in Sir Henry Maine's studies of village communities.³ And when we turn to Kemble's remarkable chapter, "The Mark,"⁴ we realize that all peoples east and west held the same fundamental law against the theft of land. The old Saxon verse has it:

all the markland was
with death surrounded,
the snares of the foe.⁵

Kemble says:

. . . No matter how small or how large the community,—it may be only a village, even a single household, or a whole state,—it will still have a Mark, a space or boundary by which its own rights of jurisdiction are limited, and the encroachments of others are kept off.⁶

There is no more terrible curse than the one common to all peoples: "Accursed is he that removeth his neighbor's landmark."⁷ Nor was the serf overlooked in the matter of using land

for his substance. Under a law of Alfred, we read that the serf was to have free power "of bequeathing to whomsoever he pleases, whatever may have been given him for God's sake, or he may have earned in his own moments of leisure." This law probably implies, so Kemble puts it, "a prohibition to the lord of removing his labourer arbitrarily from a plot of ground well cultivated by his own efforts."⁸

After the Norman Conquest, vast changes in the distribution of land took place. We know how William distributed the Saxon lands to his followers. For example, Odo, the Bishop of Bayeux, received many manors in Kent, and in the old history of the counties of England, we read of vast areas of thriving lands bestowed upon William's Norman knights. However, these gifts were under the lordship of the king, and the lands were to bear the expense of maintaining the *Trimoda Necessitas*.⁹ Yet, under the Angevins the serf was not overlooked, and there were distinct economic privileges granted for his enjoyment. The terms of his servitude were not always as severe as many of the writers of the eighteenth century imagined. There were harsh masters in every age and every land. But the church itself had obligations in administering alms to the poor, which were laid down in some

of the grants of land and in the endowments of charitable people. Many of these charters show that one-third of the tithes had to be bestowed upon the needy. These were, however, the cases of folk who could not help themselves, and not necessarily the serfs, for indeed there are records of serfs clearing land and cultivating it with such energy and skill that they have become freemen and have been granted knight's service.

It is only in some particulars and detail that the historians of our day differ from those of the times of Kemble and Turner, Freeman and Stubbs. He would be an extraordinary historian who escaped criticism. But I find in the years of study that I have given to this question that the men of our day who deal with feudal times seem to think that the origin of the system is of far more importance than the practices maintained under it. It is a pity so much space is expended upon trifles light as air and that more attention is not paid to the underlying causes which destroyed all that was commendable in our economic law. That enclosure by force was attempted in earlier times is clear from Saxon and Norman records. There are many of such in the archives of the church, which reveal instances of a lord's theft of agricultural land, and I seem to remember some cases of an abbot's theft of a

lord's land. Undoubtedly, commons and wastes were taken by force and added to a lord's domain in Christian Europe as they were in the Roman Empire. Pliny tells us that great estates ruined Italy, and how often has it been said that great estates have ruined England!

The procedure of enclosure by force may be imagined easily enough after the period of assarting a tract, that is, clearing it of trees and bushes for arable land or even pasture. The lord of the domain would attempt to add it to his estate. Hence, the numerous quarrels which arose about the rights of the peasants who had cleared the tract. Professor Koebner says:

... No doubt those tenants' complaints about landlords' enclosures, which led to the Statute of Merton (1235), were directed against proceedings in which members of their own class were deeply involved.¹⁰

Then he goes on to tell us that the freemen in a village had independent control of the common land and often divided it among themselves. The nefarious business of enclosing a piece of waste or forest or even marsh which had been cleared or drained, as the case might be, caused bitterness and discouragement among the peasants who had expended their energy and time upon the work. Thus came slowly into being a class of careless men who were deprived of

reason to labor because they were not permitted to enjoy the work of their hands.

Before the Peasant Wars of the reign of Richard II there must have been a deep and growing discontent. The smart from the wounds caused by injustice may be soothed from time to time by mere palliatives, but when miseries accumulate and become more and more widespread, men are forced to desperate means. It is not to be imagined that in such crises there is only one grievance to be set right; the count may contain several complaints. Indeed, this was so when the insurrectionists headed by Wat Tyler and John Ball marched on London. It is recorded that, when Richard cried: "I am your King and Lord, good people, what will ye?" the reply from the peasants was: "We will that you free us for ever, us and our lands; and that we be never named nor held for serfs."¹¹

The measure of the bitterness of feeling that long followed the course of the Peasants' Revolt may be taken by adding together over the period of the Tudors the number of restrictive acts put upon the statute book. There was scarcely an avenue of thought, a channel of activity, that was not searched for the dissenters, "rebellious varlets," who challenged "the authors of their miseries." The Statute of Laborers (1351) in its

provisions is indicative of the unrest, and the harshness of its penalties proclaims the opposition against the evils of the time. From the days of John of Gaunt to the triumph of Henry at Bosworth, the conspiracy against the peasants, as it gained in strength, wrought the destruction of the whole system of holding land. In the time of Henry VI there were riots against enclosures by force. Both Colet and Erasmus have described the condition of the England of their day. And More in *Utopia* tells us of "a conspiracy of the rich against the poor."

Then came the craze for sheep farming. This was the crowning misery placed upon the woeful peasant. For at least two centuries he had witnessed the conspiracy destroy one of his rights after another. The customs of the village community of the early days were no more. Professor Hans Nabholz, of the University of Zurich, in his essay, "Medieval Agrarian Society in Transition,"¹² provides us with a fairly full sketch of the changes that took place at the time of Henry VIII. In it there are also to be found some quite new interpretations of the economic disaster which afflicted the peasantry.

It is one of the mysteries of modern literature that so many of our authors should have missed the historical facts which are to be found in the

works of the writers of the sixteenth century; to mention only two sources to exemplify this point, the sermons of Bernard Gilpin, the "Apostle of the North," who was a really great figure in the church, and Bishop Hugh Latimer.

In a sermon Gilpin preached before Edward VI in 1552, he said:

Be the poor man's cause never so manifest, the rich shall for money find six or seven Councillors that shall stand with subtleties and sophisms to cloak an evil matter and hide a known truth. Such boldness have the covetous cormorants that now their robberies, extortion and open oppression, have no end or limits. No banks can keep in their violence. As for turning poor men out of their holdings, they take it for no offence, but say their land is their own, and they turn them out of their shrouds like mice. Thousands in England, through such, beg now from door to door, which once kept honest houses. . . . Poor men are daily hunted out of their livings, there is no covert or den can keep them safe. They have such quick smelling hounds, they can lie in London, and turn men out of their farms and tenements, an hundred, some two hundred miles off. When wicked Ahab hunted after Naboth's vineyard he could not, though he were a King, obtain that prey until cursed Jezebel took the matter in hand, so hard a thing it was then to wring a poor man from his father's inheritance, which now a mean man will take in hand.¹³

Corroboration of this may be found in the official prayer in the church prayerbook of Edward VI:

We heartily pray thee to send thy holy Spirit into the hearts of them that possess the grounds and dwelling places of the earth, that they, remembering themselves to be thy tenants, may not rack and stretch out the rents of their houses and lands, nor yet take unreasonable fines and incomes after the manner of covetous worldlings but so let them out to other, that the inhabitants thereof may both be able to pay the rents, and also honestly to live, to nourish their families, and to relieve 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 their life, may be content with that that is sufficient, and not join house to house, nor couple land to land, to the impoverishment of other, but so behave themselves in letting out their tenements, lands, and pastures that after this life they may be received into everlasting dwelling places: through Jesus Christ our Lord. Amen.¹⁴

Latimer is also an authority who has been overlooked. Of him and his work it is well said that from his sermons more can be learned regarding the social and the political condition of the period than perhaps from any other source. Latimer accounts that "his father had a farm

of £3 or £4 a year," that is, according to the regular rent of land at the time, of from 120 to 160 acres arable, with considerable communal rights of pasture.

On this he employed six labourers. He had walk for a hundred sheep, and his wife milked thirty cows, which also, of course, must have mainly subsisted in summer on the common pasture. He served on summons as a mounted yeoman, and repaired to the king's banner at Blackheath, receiving pay when he had joined his troop. He gave his daughters portions, £5 or 10 marks a piece, kept hospitality, and gave alms to the poor, from the profits of his tenancy. The present farmer gives £16 a year for the same holding, and has no surplus for the king's taxes, for his own savings, for his children's advancement, or for the poor.¹⁵

This account shows the change that had taken place within the lifetime of Bishop Latimer. In the same sermon he gives some quaint advice to the clergy: "If you wish to paint and gild Christ in your Churches, see that before your eyes people die not for lack of meat, drink and clothing."

In another sermon Latimer said, "Where there was a great many of householders there is now but a shepherd and his dog." An old ballad of 1520 contains this verse:

The townes go down the land decayes
 Off corne fylde playne layes
 Great men makyth now-a-dayes
 A shepecote in the church.¹⁶

In 1523 Fitzherbert said:

. . . They have also given license to divers of their tenants to enclose part of their arable land and to take in new intakes or closes out of the commons, paying to their lords more rent therefore, so that the common pastures waxen less, and the rents of the tenants waxen more.¹⁷

The destruction wrought upon the peasantry was so shocking that Bishop Scory wrote to Edward VI that the rural population had become more like the slavery and peasantry of France than the ancient and godly yeomanry of England. The Lord Protector Somerset issued in 1548 a proclamation against enclosures and the taking in of fields and commons, and ordered those who had enclosed these lands to lay them open by May 1, 1549. The proclamation asserted that

in divers and sundry places of the realm whereas in times past ten, twenty, yea and in some places a hundred or two hundred Christian people have been inhabiting and kept household now there is nothing kept but sheep or bullocks.¹⁸

There is evidence enough of the plight of the people, but how it escaped the attention of so many of the writers concerned with the conditions of the factory towns at the end of the eighteenth century is one of the most singular mysteries in recording that I have known. The excuse cannot be that the books published by the apologists (such as Curtler and Birkbeck¹⁹) and those writers who have dealt with the distribution of monastic lands from the Tory point of view seem to belittle the value of the evidence supplied by the writers of the sixteenth century. There are, of course, two sides to every question, and it goes without saying that there are exaggerations made by both sides. But no amount of skepticism will obliterate from the annals of the poor the basic facts, which prove that the conspiracy referred to by More, Gilpin, Latimer, and other reliable authorities was a real one and had for its set purpose the subjugation of the peasantry of England. More remorseless than any war against a foreign foe, more terrible in its perpetuation of evils than any plague, the consequences of the conspiracy against their own kin, endured down to the beginning of the nineteenth century, are manifested to this day.

The proponents of enclosure claimed that it was done to increase the prosperity of the nation. Curtler goes to great lengths in attempting to prove that few were affected and little harm was done during Tudor days. He says:

The revolution, though inflicting a certain amount of hardship as was inevitable, was beneficial; and in the seventeenth century the rural community entered on a period of revived prosperity.²⁰

Such expressions of opinion, I know, have put off many men from a study of how it was possible for the author to submit such a statement against the record of facts he produces. Many men who read Professor Birkbeck's treatise, published in 1885, have told me that it was unnecessary for them to look deeper into the matter, for the Master of Downing College, and Downing Professor of the Laws of England in the University of Cambridge, must be accepted as an authority. Small wonder, then, that writers of the Fabian School ignored the significance of enclosures and imagined that they had little or nothing to do with the counts of evils at the time of the so-called Industrial Revolution, upon which they have expended so much literary effort.

It is difficult, I know, in dealing with Curtler, to separate the facts he presents from his personal

opinions, which are not based upon them. He gives us a short chapter on the enclosures which took place in the seventeenth century. He tells us that enclosure was most active in the Midland counties and many others in the south and in the east. He admits that "many still cling to the idea that it was harmful, many are convinced that it was beneficial." He quotes the defects of enclosure named by Halhead,²¹ one of which is that "it filled market towns with displaced country people to the great burthen of such places." The defects, however, were held to be inevitable and were as nothing compared with the vast gain made in agriculture in increasing the wealth of the nation. The old questions so often put to political speakers—whose nation? and whose wealth?—are pertinent in dealing with such writers. That millions of your kin may be destroyed to benefit the rich few by increasing their domains and giving them cheap labor is now found to have been a policy as evil as that which ruined Rome. For every one to benefit, hundreds are despoiled, and from the movement of the Levellers or Diggers²² we learn of the rioting that took place in many of the Midland counties. There was no doubt in the minds of the Diggers that enclosure was causing depopulation. They said:

Encroaching tyrants grind our flesh upon the whetstone of poverty so that they may dwell by themselves in the midst of their herds of fat wethers. They have depopulated and overthrown whole towns and made thereof sheep pastures nothing profitable to our commonwealth.²⁸

The stand taken by the defenders of enclosure either by force or by statute is based upon the record of improvement in agriculture. To them the all-important matter is the increase in production. Most of them ignore completely such questions as the rise in the price of commodities and the fall in real wages. The improvements in agriculture affected only the few, and at the same time provided cheap labor for the farmers. The landlords themselves were not farmers, for most of the land of England is cultivated by tenants. As for the agricultural laborer, who hired himself out to a farmer, he not only lost, through the enclosure, the land which gave him an alternative to entering the labor market, but by taking a job on the farm he became a victim of the system of the tied cottage. This he could inhabit only so long as he remained a servant of the farmer. All the benefits brought about by the improvement in agriculture accrued to those who had enclosed the land.

Despite the voluminous evidence produced by the defenders of enclosure that the purpose of it was to improve agriculture, there exists a great store of facts which show clearly that the peasantry was despoiled in the process. The gain for agriculture cannot be denied, but it must be remembered that the improvement could not have taken place unless cheap labor was found to work the farms. This is a point nearly always overlooked by the defenders of enclosure. Moreover, it was all gain for the landlord with scarcely any compensation to those who had been driven from the soil. Those who remained received "awards" in some cases, in the way of small payments for disturbance, but these were so few that they are scarcely worth mentioning. Many of the apologists seem to be conscious of this, and even Curtler himself admits that great estates were formed, notably in the seventeenth century. He says:

... Thus the wealth of the gentry was increased and they desired to increase their estates; the purchase of land, indeed, was the chief method of investment. Family settlements tended to keep the land in their possession; new men, with fortunes made in trade, bought what came into the market, and between the old and the new the small owner began to be squeezed out, and a large number of the small properties, which had been formed in the

previous four hundred years, were, in the eighteenth and nineteenth centuries, swallowed up by the big estates.²⁴

At the end of the seventeenth century the yearly rent of land amounted to one-fourth of the annual income of England.²⁵ Thence we see the set purpose of the conspiracy: high rents from farmers, lower wages for laborers, and by that time the parliamentary machine was being used to assist the work of enclosure by force. Curtler says:

The power of the landowning parliament, now supreme in the State, was largely used to advance the interests of the land. Yet we must not blame them for this. The greater part of the income of England still came from the land and its products, and *the economists of the time were convinced that measures which increased the rent of the land increased the wealth of the nation, and were therefore best for it.*²⁶

But in the seventeenth century the landlords in Parliament had not discovered how well their machine could work in their interests. It was not until they realized that coal could be used for steam purposes that they capped the conspiracy by enclosing by statute. Not only Shelley and Byron but other poets of a century and a half afterwards were to set down in their

verse the iniquities of the conspiracy against the peasantry. Shelley asked:

Men of England, wherefore plough
For the lords who lay ye low?²⁷

And Byron in *The Age of Bronze* wrote:

For what were all these country patriots born?
To hunt, and vote, and raise the price of corn?
But corn, like every mortal thing, must fall,
Kings, conquerors, and markets most of all.
And must ye fall with every ear of grain?
Why would you trouble Buonaparte's reign?
He was your great Triptolemus; his vices
Destroy'd but realms, and still maintain'd your prices;
He amplified to every lord's content
The grand agrarian alchymy hight *rent*.²⁸

In the reign of Charles II the landlords succeeded in shifting their burdens from their shoulders and began the process of placing them upon those of the poor. Indirect taxation in the form of excise duties was introduced, and no one has exposed so clearly the iniquity of such a fiscal purpose as the elder Pitt. He said:

There is a method by which you can tax the last rag from the back, and the last bite from the mouth, without causing a murmur against high taxes, and that is, to tax a great many articles of daily use and necessity so indirectly that the people

will pay them and not know it. Their grumbling will then be of hard times, but they will not know that the hard times are caused by taxation.²⁹

Another shameful measure for the enslavement of the peasantry is to be found in the acts of Charles II in which it was laid down that the period of residence necessary to procure a settlement should be reduced to forty days, and made it lawful for any two justices to remove any newcomer to the parish where he was last legally settled, unless he either rented a tenement of ten pounds a year or gave such security as the justices should deem sufficient. Then followed the "bloody circuit" of Jeffreys and the iniquities of the troubles after the victory at Sedgemoor. James II crowned the shocking evils of the reign of Charles II and the tyranny, the license, and the corruption shook England to its foundations. Even the cold-blooded General Churchill revolted at the ruthlessness with which James II turned away from all appeals for mercy. More than eight hundred of the rebels were sold into slavery beyond the sea. The Queen, the maids of honor, the courtiers, even the Judge himself, made shameless profit from the sale of pardons.³⁰ The cruelties wreaked upon women were beyond description. Some were scourged from market-town to market-town. The

condition of the masses in many parts of England was so revolting that decent men covered their eyes in shame.

FOOTNOTES AND REFERENCES

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¹ In *The Cambridge Economic History of Europe* (edited by J. H. Clapham and Eileen Power; Cambridge: at the University Press, 1941), Vol. I, chap. I.

² *Ibid.*, p. 41.

³ *Dissertations on Early Law and Custom* (New York: Henry Holt and Company, 1883); and *Village-Communities in the East and West* (3rd ed.; New York: Henry Holt and Company, 1876; 1st ed., 1871).

⁴ John Mitchell Kemble, *The Saxons in England* (2 vols.; London: Longman, Brown, Green, and Longmans, 1849), I, chap. II, 35-72 and Appendix A, pp. 449-87. Cf. also Neilson, *In Quest of Justice*, "The Landmark," pp. 23-47.

⁵ Kemble, *op. cit.*, I, 47.

⁶ *Ibid.*, I, 44.

⁷ This is explained in Neilson, *The Eleventh Commandment*.

⁸ Kemble, *op. cit.*, I, 212.

⁹ In Anglo-Saxon law, the threefold necessary burdens that rested on the tenure of all lands: army service, repair of strongholds, and repair of bridges.

¹⁰ *Camb. Econ. Hist. of Europe*, I, 78.

¹¹ J. R. Green, *A Short History*, p. 253.

¹² *Camb. Econ. Hist. of Europe*, I, chap. VIII, 493-561.

¹³ Cf. Christopher Wordsworth, *Ecclesiastical Biography* (6 vols.; London, 1810), Vol. III, 4th ed.; and William Gilpin, *Life of Bernard Gilpin* (London, 1854).

¹⁴ "The Primer, or Book of Private Prayer, Sundry Godly Prayers for Divers Purposes," printed in *Liturgies of Edward VI. Parker Soc. Publications*, p. 458.

¹⁵ Thirty-first Sermon, in the complete edition of his works edited by G. E. Corrie for the Parker Society (2 vols., 1844-45). Also E. Arber's edition of Latimer's *Seven Sermons Preached Before Edward VI* (London, 1869). This quotation may be found in James E. Thorold Rogers, *Six Centuries of Work and Wages* (New York: G. P. Putnam's Sons, no date; 1st ed., 1884), pp. 445-46.

¹⁶ Ballad of *New-a-Dayes*.

¹⁷ Sir Anthony Fitzherbert (English jurist), *Book of Surveying and Improvements* (1523).

¹⁸ As quoted in W. H. R. Curtler, *The Enclosure and Redistribution of Our Land* (Oxford: at the Clarendon Press, 1920), p. 93.

¹⁹ William Lloyd Birkbeck, *Historical Sketch of the Distribution of Land in England* (London: Macmillan and Co., 1885).

²⁰ *Op. cit.*, p. 122.

²¹ H. Halhead, *Inclosure Thrown Open* (1650), referred to by Curtler, *op. cit.*, pp. 125-26.

²² Levellers was the name given to an important political party in England during the period of the Civil War. The name first appeared in a letter of November 1, 1647 which stated: "They have given themselves a new name, viz. Levellers, for they intend to sett all things straight, and rayse a parity and community in the kingdom." Another form of the same movement, in April, 1649, took possession of some unoccupied ground in Surrey, which they began to cultivate. After their arrest, they took the opportunity of denouncing landowners. (See *The Encyclopaedia Britannica* [11th ed.] XVI, 506.)

²³ Quoted by Curtler, *op. cit.*, p. 132.

²⁴ *Ibid.*, p. 128.

²⁵ Charles Davenant, at the end of the seventeenth century, made an estimate that the annual income of England was £43,000,000 and the yearly rent of land was £10,000,000. (A complete ed. of his writings was published in London, 1771.)

²⁶ Curtler, *op. cit.*, pp. 128-29.

²⁷ *Song to the Men of England* (1819). Stanza 5 continues:

The seed ye sow, another reaps;
The wealth ye find, another keeps;
The robes ye weave, another wears;
The arms ye forge, another bears.

²⁸ Stanza XIV.

²⁹ Many authorities have attributed this speech to William Pitt (Earl of Chatham), but it is strange that not one states the date of it or the occasion. Diligent search has indicated only that it was delivered in the House of Lords against the proposal to raise the Income Tax to 7d. in the pound. If it was made in the House of Lords, it would have been between 1766 and 1768 or 1770-78.

³⁰ Green, *op. cit.*, p. 666.