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COMMONERS: COMMON RIGHT, ENCLOSURE AND SOCIAL CHANGE IN ENGLAND, 1700-1820

J.M. NEESON



Commoners is both a social history of the smallest landholders and users of commons in eighteenth and early nineteenth-century English villages, and a powerful reassessment of the entire course of English rural history during that period.

For much of the eighteenth and early nineteenth centuries in England all occupiers of common-field land and many cottagers shared common grazing over common fields and wastes. In forest and fen manors, and others with substantial uncultivated commons or well-defended customs, even the landless found pasture and collected fuel, food and materials. Here common right ensured the survival until parliamentary enclosure of a peasantry whose social relations were in part shaped by access to land, common agriculture and shared use-rights. *Commoners* describes some of these villages. It looks at entitlement to commons, the co-operative regulation of common fields and pastures, and the harvests taken from uncultivated common waste. It suggests why and where common right survived until enclosure, and it reviews the contemporary debate on the social implications of common right and the public policy issues at the heart of parliamentary enclosure. Finally, it describes a vigorous opposition to enclosure and a significant decline of small landholders when common lands were enclosed.

In short, *Commoners* makes shared land-use a prism through which to see both the economies and the social relations of common-field villages. A work of unusual strength and imagination, *Commoners* challenges the view that England had no peasantry or that it had disappeared before industrialization: rather it shows how parliamentary enclosure shaped social relations, sharpened antagonisms, and imprinted on popular culture a pervasive sense of loss.

Past and Present Publications

*Commoners: common
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social change in
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To Anna and Douglas

Stand (says the Philosopher) from betwixt me and the Sun, lest thou take away what thou can'st not give me.

Thomas Andrews, *An Enquiry into the Encrease and Miseries of the Poor of England* (1738), p. 38.

Do you know . . . what the trees say when the axe comes into the forest? . . . When the axe comes into the forest, the trees say: 'Look! The handle is one of us!'

John Berger, *Once in Europa* (1983), p. 69.

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Preface

I began working on common right and enclosure as a graduate student at the Centre for the Study of Social History in the University of Warwick. There I had the good company of Bernice Clifton, Julian Harber, Douglas Hay, Peter Linebaugh, the late David Morgan, Michael Sonenscher and Malcolm Thomas. I did most of my archival work in those years in Northampton, where, thanks to John Lowerson, I found food, shelter and good argument in the house of Valerie and Vivian Church. Their friendship has been a pleasure ever since.

A change of continents since then has deepened those debts and brought others. It is a pleasure to thank Joan Thirsk for her unfailing encouragement and good advice, and to thank John Beattie, Maxine Berg, Reuben Hasson, Michael Havinden, Maureen Lennon, Christine Johanson, Robert Malcolmson, Siân Miles, Nicholas Rogers and Larry Shore for their interest and support. J. M. Martin has been the most exemplary of correspondents, whose interest and generosity have never flagged. Robert Allen, Kathleen Biddick, David Brown, John Chapman, Andrew Charlesworth, Paul Craven, Colin Duncan, R. L. Greenall, Alun Howkins, Bernard Leahy, David Levine, Arnold Rattenbury, Rex Russell, Keith Snell, John Styles and Dorothy Thompson shared ideas, sources and skills with me. I am grateful to all of them.

For listening to me talk about commoners it is a pleasure to thank my colleagues at York University in Toronto, and my students there and in Northamptonshire, at Memorial University, St John's, the University of Warwick and Queen's University at Kingston. Most chapters appeared as papers given to meetings of the Canadian Historical Association, the British Agricultural History Society, the York University Social History and Historical Anthropology

Seminar, the International Conference on Nineteenth-Century Agrarian Structures and Performance (McGill and SUNY-Plattsburgh, 1984), the ESRC Working Group on Proto-Industrial Communities' International Conference on Custom and Commerce in Early Industrial Europe (Warwick, 1987), and seminars at Birmingham, Oxford, Queen's (Kingston), Warwick and York.

Edward Thompson suggested the subject and has read drafts ever since. The debt I owe him is immense. Time and again as I prepared chapters for publication I came across references he gave me, xerox copies of documents, books, files of material he had collected and pages of detailed comment on almost everything I have ever written about commons and enclosure. He is the most generous of scholars, the kindest of friends, the toughest of critics. And, though I winced, groaned and argued, I thank him for all these things.

To the Social Science and Humanities Research Council of Canada I am grateful for the timely award of a research grant and a research-time stipend for the years 1987–9. To the archivists and staffs of the Northamptonshire, Bedfordshire, Berkshire, Warwickshire, Cambridgeshire, Oxfordshire, Norfolk, Essex, Staffordshire and Leicestershire Record Offices, and of the Public Record Office, I extend warm thanks for collaboration, often across great distances. They were all helpful, but Clive Burch, Patrick King, F. B. Stitt, Christopher Tongue, Rachel Watson and Kevin Ward were particularly generous with their time. I am grateful, too, to the staffs of the Beinecke and Stirling libraries at Yale, Memorial University Library, Cambridge University Library, the Guildhall, the Bodleian and the British libraries. Elaine Glossop and Leon Gonzales typed much of the manuscript and did so quickly and kindly: I am grateful to them both. For permission to use previously published material in Chapters 8 and 9 I am grateful to JAI Press and Cambridge University Press. For access to papers in their possession I thank Lord Harrowby (Sandon Hall) and Cmdr L. M. M. Saunders Watson (Rockingham Castle).

If no one writes a book alone, no one lives with a book alone either. My husband has lived with this one in one form or another for as long as he has lived with me. He read, he listened, he remained optimistic. Our daughter has lived with it too, and with us. With grace and good humour she bears the burden of being the daughter of not one but two writers. The book is theirs already.

Introduction

No Shire within this Land hath so little waste grounds, for there is not in manner anie parte thereof but is turned to some profitable use.

John Norden, *Speculi Britanniae pars Altera; or a Delineation of Northamptonshire; being a brief historical and choriographical description of that Country . . . by the travayle of J. Norden, in the year 1610* (1720), p. 20.

‘The interest which a commoner has in a common is, in the legal phrase, to eat the grass with the mouths of his cattle, or to take such other produce of the soil as he may be entitled to . . .’¹ The soil itself, the land, was not the commoner’s, but the use of it was. That use, what the law called a *profit à prendre*, was common right. Its history had important consequences for small landholders, rural artisans and landless labourers in eighteenth-century England. Their relative independence of wages and markets, the changing levels of their wages and poor relief, the shifting components of their family incomes, the histories of their trades and manufactures, the balance of power in their villages, their very sense of who they were and how well they lived were all in part dependent on its survival or decline.

Despite this we know relatively little about common right, and less about commoners, and even that is disputed among historians. There are many reasons, but one of them is a failure of the imagination. For good reason: imagining something that has disappeared

¹ *Halsbury’s Laws of England Being a Complete Statement of the Whole Law of England* (2nd edn), ed. Viscount Hailsham, 1932, IV, p. 607, adapted from 1 Rolle Abr. 406, quoted in 1 Saund. 353a.

is difficult; after all loss *is* loss. To begin the journey back to the eighteenth century it may help to start in the present.

After years of thinking about commoners I went to see Laxton in Nottinghamshire last year. I had not gone before because I did not expect much: I knew most of the fields were no longer held in common. In the end I went because I saw a film about it made in the 1940s. For a few minutes on the screen I saw men sowing seed broadcast together, talking across the furrows. The image stayed with me. When I got to Laxton it was the late afternoon. I was tired because it had taken a long time to get there. But when the road dipped down under the railway bridge on the western side of the parish and came up next to the old common, without doubt it invaded an older world. The description of common fields as *open* fields is entirely appropriate. Distances are shorter when fields are in strips. You can call from one to the next. You can plough them and talk across the backs of the horses at the same time. You can see at a glance whose bit of the hedges or mounds needs fixing, what part of the common ditch is choked with weeds. Standing at the centre of the village feels like standing at the hub of the whole system: the fields spread out around you, the decision to sow one with wheat, another with barley is written on the landscape. For all that individual men and women work their own bits of land, their economy is public and to a large degree still shared.

It was even more so in the eighteenth century, when more of a parish was common than in Laxton now, and when pasture, the central common right, was still shared (Laxton has had no herd since the 1940s). The fields were places where people talked while they worked, and they worked together. The countryside was busy not empty. The village pound was a source of constant interest. You could tell the time of day by the regular comings and goings of common flocks and herds along the village roads, and the time of the year by their disposition in the fields and meadows. Fieldsmen, pinders and haywards were often about. Twice a year they made field orders to manage the fields and pastures, and a jury sat to ratify them and to hear complaints. Jurors and fieldsmen met at an inn, in public, with an audience of commoners. They drank together with the rest of the company, or in earshot of them. Then they had the orders cried round the village, before they nailed them to the church door. Once a year the whole parish met together and walked the bounds naming the field marks, remembering the line between what

was theirs and what belonged to the parishes around them. Every year after harvest the field officers opened the wheat field to the gleaners and cried the hours of gleaning round the village. Gleaners came in procession, the women and children led by their Queen. After that the herd came into the stubble, followed later by the sheep. And all through harvest and afterwards the pigs and geese picked up fallen grain in the lanes and streets.

So much of the land was in some way shared. You could walk across the parish from one end to the other along common tracks and balks without fear of trespass. Your children could seek out bits of lane grass and river bank for the geese or the pigs; they could get furze or turf, go berrying or nutting in the woods or on the common. John Clare's poetry is about this sharing, this access, this possession without ownership:

Love hearken the skylarks
Right up in the sky
The suns on the hedges
The bushes are dry
Thy slippers unsullied
May wander abroad
Grass up to the ancles
Is dry as the road

There's the path if you chuse it
That wanders between
The wheat in the ear
And the blossoming bean
Where the wheat tyed accross
By some mischevous clown
Made you laugh though you tumbled
And stained your new gown.²

The wheat in the ear and the blossoming bean belonged to John Clare because he could see them and touch them and walk through them. He owned this world because it was open to him. It was as familiar as the inside of his house. He knew it as well as he knew his own face.

Clare's Helpston was more pastoral than arable, but still

² John Clare, 'Love hearken the skylarks', in *Selected Poems and Prose of John Clare* (1967), ed. Eric Robinson and Geoffrey Summerfield, p. 39.

common-field. Commoners in wholly fen or marsh parishes lived as much on the water as the land. More of this kind of economy survives. Jonathan Raban's description of a bit of the Essex marshes captures something of the eighteenth-century marsh and fen before they were drained:

The marshes were unhealthy but rich. The Dengie people made a lot of money on a small scale, working from a single boat or a plot of drained swamp, selling salt, butter, cheese, corn, fish and timber to London merchants.

With no great houses and no powerful county families, the marshes lay happily outside the usual class arrangements of rural England. They were cultivated by small farmers who were more like European peasants or American settlers than the general run of cap-doffing English tenants. The flat landscape with its mephitic air was no place for trespassing gentlemen; the nearby sea had no bathing beaches; the marshes were difficult to cross, with narrow lanes twisting round the maze of dikes and drains. The people of Dengie were left largely to their own smelly and profitable devices. When the culture of London spread out far beyond the city, and overran counties like Buckinghamshire, Middlesex and Kent, it kept clear of Dengie. Nor did the Scandinavian name of the place add to its charm; its suggestions of dinginess and dung made the marshes sound like a very undesirable address . . . The Essex dissenters declined to recognise temporal aristocracies, preferring to elect themselves as a spiritual aristocracy in their own right. They were indeed a peculiar people, living at an oblique angle to the rest of England, so far out on the country's watery margin that they had almost run away to sea . . .

Daniel Defoe found the ancestors of the Dengie people in their unhealthy marshes in 1722. The men told him that they married at least five, often fourteen or fifteen wives in a lifetime because, while they were bred to the marsh, the women married into the life and died young.³ There may be some truth in this, certainly the marshes were unhealthy, but the suspicion lingers (and Defoe shared it) that they were practising the ancient art of pulling the foreigner's leg: it would not have been out of character.⁴ Even now some of the

³ Jonathan Raban, *Coasting* (1986), pp. 293–5.

⁴ Daniel Defoe, *A Tour through the Whole Island of Great Britain* (1724–6; 1962 edn), I, pp. 12–14; M. J. Dobson, 'When Malaria Was an English Disease', *The Geographical Magazine*, 54 (1982).

independence of commoners survives in the household economies of twentieth-century Dengie:

The place was a hive of tiny, tax-free private enterprises. Up every lane there was a brick bungalow with a notice nailed to a tree, advertising the spare-time products of the industrious householder. BIRDTABLES . . . LACE BEDSPREADS . . . POTTERY LOGS SAWN TO ORDER POND LINERS HONEY GOATS' MILK PEDLAR DOLLS ROTTED MUSHROOM COMPOST EGGS LAID WHILE YOU WAIT TOMS GLADS AND CUES REPLACEMENT WINDSCREENS DWARF LOP RABBITS MAGGOTS SWEET CORN TERRIER MEAL HORSE PELLETS KARATE LESSONS HAIRCUT SIR? GOLDEN LABRADOR PUPPIES READY SOON CLAY PIGEONS CREAM TEAS, WELDING & RESPRAYS BABY BUNNIES PULLETS' EGGS BY THE TRAY PORK SAUSAGES AND SHOE REPAIRS CONCRETE TUBS FOR SALE.⁵

The initiative, the versatility, the isolation and the independence of the Dengie people today recall the insubordinate, stubborn, resourceful commoners of the fens in the eighteenth century. They shared the same mephitic air: the air (and the airs) that repelled investigators and improvers. They shared the same amphibian economy. They lived off grazing in summer, fishing and fowling in winter. They got flags, rushes and reeds to make mats and baskets, thatch and down; they caught eels and fish; they snared rabbits and birds; and like the Dengie people of today they sold them.

Most commoning economies were extinguished by enclosure at some point between the fifteenth and the nineteenth centuries. The pace of the change was uneven. Much of England was still open in 1700; but most of it was enclosed by 1840. Commoners did not always object to enclosure, but often they did. Of the smaller commoners many lost land as well as grazing. They lost a way of life too. In Helpston, wheat and beans still grew after enclosure but they did not grow in open fields. They were fenced in with rails and quickthorn. Enclosure – rightly named – meant the closing of the countryside:

These paths are stopt – the rude philistines thrall
Is laid upon them and destroyed them all
Each little tyrant with his little sign
Shows where man claims earth glows no more divine

⁵ Raban, *Coasting*, p. 295.