

## CHAPTER 1. THE LABOURER AND THE LAND: ENCLOSURE IN WORCESTERSHIRE 1790-1829

It is now generally accepted that enclosure in eighteenth-century England had a fundamental impact on the majority of agricultural labourers and was a key factor in their long decline from independent or semi-independent cottagers to impoverished and dependent day labourers. In the first half of the twentieth century there was a long-standing historical debate about enclosure that sprang partly from ideology and partly from arguments originally expressed by opponents of enclosure in the eighteenth century. As early as 1766, for example, *Aris' Birmingham Gazette* warned its readers about rural depopulation resulting from farmers changing much of their land from arable to pasture and too many landowners using farmland for raising game.<sup>1</sup> By the time the Hon. John Byng, (later Fifth Viscount Torrington) toured England and Wales between 1781 and 1794, the situation appeared to be even worse. At Wallingford, Oxfordshire, in 1781, Byng noted how enclosure enabled 'the greedy tyrannies of the wealthy few to oppress the indigent many' thus leading to rural depopulation and a decline in rural customs and traditions.

A few years later, in Derbyshire in 1789, Byng lamented the fact that landlords had abdicated all responsibility to their tenants, leading to the growth of village poverty and a rise in the poor rates. One old woman told him how her cottage which she had rented for 50s a year had been swallowed up by enclosure and with it her garden and bee hives, her share in a flock of sheep, feed for her geese and fuel for her fire. Her new cottage cost £9.10s a year to rent and had no ground for cultivation.<sup>2</sup> The following year, during his tour of Bedfordshire, Byng found more evidence of enclosure, rural depopulation, increases in crime and transportation and a growing use of itinerant Irish labourers.<sup>3</sup> The blame for all this, so far as Byng was concerned, lay in the fact that, 'the wide stretching farmer has depopulated the land' leaving, 'the wens of manufactories' in the north to suck in unwanted labourers<sup>4</sup>

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<sup>1</sup> *ABG*: May 26<sup>th</sup> 1766

<sup>2</sup> C. Bruyn Andrews (ed.), *The Torrington Diaries* (London: Eyre and Spottiswood, 1934) Vol. 2: 10. 103. 108.

<sup>3</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 2: 276.

<sup>4</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 2: See Tour of Bedfordshire, 1790.

ensuring that the new trading towns were ‘the source of all riot and discord in society’.<sup>5</sup>

Byng was, of course, writing in troubled times, both before and immediately after the French Revolution. In his desire to hold on to the concept of a stable, unchanging society, he tended to see worrying signs of instability all around him. What concerned him most was that too many Englishmen appeared to have become ‘freethinkers’ and that this was destroying ‘the soft links of love and relationship’ which held society together.<sup>6</sup> Like many commentators who came after him, Byng also viewed rural life partly conditioned by the contemporary influence of Wordsworthian Romanticism. On his journeys around England, Byng’s mood was often one of pleasurable expectancy and in Derbyshire and the Welsh borders he particularly hoped to see ‘pastoral streams’ and ‘pleasant lanes’.<sup>7</sup> What he found instead were growing pockets of rural industry and growing industrial towns, which astonished him by their size and magnitude. In Monmouthshire he found iron masters employing as many as 1,500 workmen and a later visit to Birmingham showed him a town of factories that seemed to be expanding daily in size.<sup>8</sup> His worst fears, however, surfaced on a visit to Manchester in 1790. Not only was he almost overwhelmed by the noise and drunkenness of urban labourers, he found ‘a great, nasty manufacturing town’ in the throes of expansion: chapels were springing up, a new infirmary, and new assembly rooms. Whilst being suitably impressed by these developments, Byng’s chief concern was that trade led to commerce, commerce to war and war to rising taxes. Worse still, what would happen to urban labourers when manufacturing failed? In his view, growing manufacturing towns meant that ‘the hearty husbandman is suck’d into the gulph of sickly traffic and whilst some towns swell into unnatural numbers, lost is the sturdy yeoman and the honest cottager’.<sup>9</sup>

Byng is quoted at length because his fear of urban growth and industrial development polarised his view of the country and city and was symptomatic of the

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<sup>5</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 3: 33.

<sup>6</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 2: 324.

<sup>7</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 1: 16.

<sup>8</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 1: 28-29.

<sup>9</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 2: 209.

age and all its accompanying instability and uncertainty.<sup>10</sup> Instead of increased anxiety, what Byng actually wanted from the countryside was the fulfilment of his romantic ideals and in his most telling statement he expressed the utopian paternalistic view of life for rural labourers,

As for poverty, rags and misery they should not exist in my village; for the cottages should not only be comfortable and low rented, but attached to each should be, at least, 2 acres of ground, which on first possession the hirers should find well-cropped with potatoes and planted with fruit trees; -teach them to proceed, redeem the poor from misery, make a large enclosure at the end of the village for their cows & C; and then poverty will soon quit your neighbourhood.<sup>11</sup>

The tone for twentieth-century historians, however, was set by the Hammonds in *The Village Labourer* (1912)<sup>12</sup> when they argued that enclosure was motivated by the greed of an aristocratic governing class which deliberately drove ‘great numbers of contented men into permanent poverty and despair’. For the Hammonds, the pre-enclosure village was seen rather simplistically as ‘the old village’, a place where most day labourers had land or common rights. In their view, villages had mostly static populations so that even the ‘humblest and poorest labourer’ was able to prosper and rise up the ranks of the village hierarchy. Although he might start life as a farm servant, a labourer usually saved enough to rent a cottage with common rights when he got married and then save up to buy his own land. He was, however, in a different category from the more disreputable squatter, who usually encroached on common land some distance away from the village by clearing public space in order to build a hut or a dwelling. But even squatters, the Hammonds argued, could establish a legal right to settlement in some parts of the country provided they built a cottage in the night so that smoke was

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<sup>10</sup> There is also some evidence that where extensive customary rights were still in existence people were afraid that such ‘independent’ inhabitants were potential revolutionaries and a threat to the gentry. Andy Wood, ‘The place of custom in plebeian political culture: England 1500-1800’, *Social History*, Vol.22, Number 1 (January 1997).

<sup>11</sup> Bruyn Andrews, *The Torrington Diaries*, Vol. 2: 10. This pre-dated Jesse Collings’s rallying cry of ‘three acres and a cow’ when promoting smallholdings in the 1880s.

<sup>12</sup> Hammond, *The Village Labourer*: 41-49.

coming out of the chimney first thing the next morning. So, given the right circumstances, squatters were often able to improve their earthly lot as well.

The Hammonds argued that this process ended when rising prices during the eighteenth century fuelled both farmers' desire for profits and landowners' determination for higher rents. The Board of Agriculture encouraged enclosure and apologists like Arthur Young argued that the common field system was harmful to morals and did nothing for the poor. The Board also suggested that owning a few cattle or geese actually made labourers feel superior and disinclined to undertake regular weekly work.<sup>13</sup> The Hammonds' examination of how Parliament dealt with specific Enclosure Bills provided evidence that landowners promoting enclosure acted out of vested interest and often had the benefit of a direct connection with Commissioners appointed to oversee the enclosures involved. Landowners also had the capital to finance private bills in parliament and any additional 'sweeteners' to get a bill through. Once a bill was passed, the Hammonds claimed, the presence of Commissioners in areas to be enclosed was particularly disruptive since it created disputes about who would get what and whether the Commissioners would dictate what farming could or could not take place after enclosure.<sup>14</sup> Enclosure was also likely to result in litigation or civil unrest.<sup>15</sup> Those who had most to lose, however, usually had no say in the matter since consent to enclosure involved landowners or others who could prove a legal right. This meant that cottagers, squatters and day labourers were the ultimate losers since although they might have some common rights they generally had no legal claim to common land when it was enclosed.<sup>16</sup>

The Hammonds' hypotheses about enclosure stimulated a pro-enclosure group of modern historians and Cole and Postgate's *The Common People* was a typical counterblast.<sup>17</sup> Cole and Postgate argued that the pre-enclosure open field

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<sup>13</sup> Hammond, *The Village Labourer*: 31-33.

<sup>14</sup> Hammond, *The Village Labourer*: 58-62.

<sup>15</sup> Hammond, *The Village Labourer*: 78.

<sup>16</sup> Hammond, *The Village Labourer*: 57.

<sup>17</sup> G.D.H. Cole and R. Postgate, *The Common People, 1746-1938* (London: Methuen, 1938). For other views on this debate see G.E. Mingay, *Parliamentary Enclosure in England: An Introduction to its Causes, Incidence and Impact, 1750-1850* (London: Longman, 1997) and J.A. Yelling, *Common Field and Enclosure in England, 1450-1850* (London: Macmillan, 1977). More recently Mark Overton has argued that enclosure encouraged farmers towards greater flexibility in land use and improved their

system was wholly inefficient and a formidable obstacle to technological progress. They suggested that not only were there needless uncultivated baulks separating people's strips, thus reducing the cultivated area and its productivity, but what was cultivated had to be agreed by common consent rather than reliant on individual entrepreneurship. This situation, they argued, became intolerable to progressive farmers as the eighteenth century continued and new systems of farming were introduced. This issue was resolved, however, when rising prices stimulated land utilization in the Napoleonic Wars and brought about more enclosures, thus advancing speedy and effective change in the means of production. Far from losing out by this process, Cole and Postgate argued that agricultural labourers' initial hardships were overtaken by more opportunities for work since more arable land was being cultivated and more hedges and ditches needed to be maintained.<sup>18</sup>

The Hammonds' views, however, proved more influential and coloured many subsequent counter arguments by anti-enclosure historians. In the 1950s, E. W. Martin believed that the common fields were part of a unifying social system that helped bind squire, parson, farmers and labourers together, 'into a festival of worship – worship of the earth, of nature, welcoming the relief from nature by gambols on the village green and later by winter feasting at the fireside'.<sup>19</sup> He also agreed with the Hammonds' view that common land had a real economic significance for labourers since common rights enabled them to pursue self-employment as a means to thrift. Martin suggested that enclosure reversed this process and the end result was more day labourers reliant on relatively small groups of local farmers, more unemployment and more families dependent on poor relief.<sup>20</sup>

By the 1960s, the Hammonds' influential views found one of their most articulate exponents in E. P. Thompson. Thompson argued that although one could see enclosure as the culmination of a long secular process which undermined men's customary relations to the agrarian means of production as some pro-enclosure historians argued, it was no less destructive for all that. It was true that by the end

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ability to be more responsive to shifts in markets and prices. See Mark Overton, *Agricultural Revolution in England – The Transformation of the Agrarian Economy 1500-1800* (Oxford: Oxford University Press, 1996).

<sup>18</sup> Cole & Postgate, *The Common People*: 118-119.

<sup>19</sup> Martin, *The Secret People*: 53.

<sup>20</sup> Martin, *The Secret People*: 147.

of the eighteenth century, squatters, cottagers and large graziers, probably overstocked most commons but, Thompson argued, enclosure had profound social consequences. This was not simply because cottagers and squatters who were still making use of common land lost their rights, but, more importantly, it gave the poor a radical sense of displacement that was eventually to lead to worsening social and economic conditions, social unrest and violent disorder.<sup>21</sup>

Towards the end of the twentieth century K.D.M. Snell undertook a major reappraisal of enclosure by re-examining the pro-enclosure argument that improved agriculture in enclosed parishes led to higher levels of employment, a rising population to meet the demand for labour, the alleviation of poverty and no significant rise in out-migration by labourers previously dependent on the commons. Snell's conclusion was that the focus of the pro-enclosure historians was on changes in the land-ownership of owner-occupiers and small tenant farmers rather than the effects on more vulnerable cottagers and squatters. Snell also criticised the use of land tax assessments as the bases for such hypotheses since these were unreliable, having arbitrary categories for small owners and inaccurate acreage figures.<sup>22</sup> Snell then suggested that the study of enclosure should re-focus on how enclosure impacted on the agricultural labourers. By focusing on Settlement examinations and Poor Law data, Snell calculated that although enclosure brought a temporary uplift in employment opportunities, male seasonal unemployment rose rapidly in the southern, eastern and midland counties within ten years of enclosure taking place.<sup>23</sup> He detected similar patterns for women workers, with the added problem that their job prospects worsened because they were seen to be in competition with men.<sup>24</sup> Snell's research also noted anomalies in Nottinghamshire and Leicestershire, where contemporaries talked about enclosure bringing a change in land use from arable to pasture and a significant migratory drift of rural labourers into growing urban areas.<sup>25</sup>

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<sup>21</sup> Thompson, *The Making of the English Working Class*: 239-247.

<sup>22</sup> Snell, *Annals of the Labouring Poor*: 139-142.

<sup>23</sup> Snell, *Annals of the Labouring Poor*: 148-151.

<sup>24</sup> Snell, *Annals of the Labouring Poor*: 158.

<sup>25</sup> Snell, *Annals of the Labouring Poor*: 151.

Snell came to the conclusion that enclosure had a devastating effect on most agricultural labourers. He argued that it was difficult to see the value of commons to contemporary labourers because historians had been too concerned with the land-ownership debate and not with the way in which labourers used the commons. He pointed out that contemporaries thought that keeping livestock not only helped industrious labourers sustain their families, it also provided them with a means of independent maintenance in old age. Livestock and poultry, kept on the commons, meant wool, hides, meat, milk and the ability to fatten a goose for market. The loss of the commons, therefore, meant the loss of livestock and other equally important rights, like the right to gather fuel or furze, which was particularly important in the winter. Labourers also became subject to increased risk of personal injury as landowners began to use changes in the law to protect their newly enclosed properties with mantraps and trip-wire operated swivel shotguns in order to deter poachers and trespassers.<sup>26</sup>

Snell argued that after the Napoleonic Wars seasonal unemployment rose, plunging more labourers into poverty. The result, Snell believed, was not more migration out of the countryside but an increase in offences against the Game Laws, arson and other forms of social protest.<sup>27</sup> At the same time, he found evidence in increased removal orders indicating that some parishes were making a concerted effort to get rid of chargeable, non-settled inhabitants. This Snell argued, would not have happened if enclosure had brought the benefits cited by pro-enclosure historians.<sup>28</sup> Snell's influence on subsequent studies of enclosure has been enormous and has resulted in much more focus on the landless labourer and the role that the commons played in rural communities. His work also influenced later studies of local resistance to any proposed enclosure and the particular impact such enclosures had on agricultural labourers, cottagers and squatters.

In an important article published in the 1980s, J. M. Neeson pointed out that there was much more local evidence about resistance to proposed enclosures than historians had previously imagined. She argued that too much

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<sup>26</sup> Snell, *Annals of the Labouring Poor*: 176-179.

<sup>27</sup> Snell, *Annals of the Labouring Poor*: 198.

<sup>28</sup> Snell, *Annals of the Labouring Poor*: 221.

focus has been given to ‘top down’ studies of parliamentary opposition to enclosure, which ignored the fact that this was probably the least common means of opposition. Local evidence suggested that enclosure was often opposed by dissident landowners refusing to sign enclosure bills, tenants neglecting to mark out land for survey and letters sent to landowners as a form of local counter petition.<sup>29</sup> Neeson also cited the fact that resistance often continued after enclosure had taken place, although not always reported in the local press or brought before the assizes.<sup>30</sup> Local resistance, Neeson argued, also indicated how significant local commons were for landless labourers, particularly in winter and times of high prices. Even where labourers had no livestock or poultry, they still had rights to gathering fuel, nuts and berries, and gleaning after the harvest. The commons also provided employment opportunities for children to tend sheep, scare crows away from crops or watch over the pigs at mast harvest.<sup>31</sup> For Neeson, therefore, enclosures in Northamptonshire brought significant local opposition and sometimes created significant unrest amongst agricultural labourers. As evidence, she cited the Minute Book of the Walgrave Association for the Prosecution of Felons kept between 1819 and 1834 which contained a comment that local people were stealing hedge wood and throwing down walls because ‘the feeling of the working men against the inclosures is very bitter’.<sup>32</sup> Neeson’s conclusion was that local parliamentary enclosures were key turning points in the social history of many English villages because they symbolised the end of local co-operation and the emergence of newly prosperous, socially aspirant farmers who felt they had little in common with their labourers.<sup>33</sup>

Neeson’s article led E. P. Thompson to re-examine evidence concerning common land and enclosure and he found much evidence of hidden protest. He also highlighted the fact that the whole issue of common land and its usage was surrounded by many legal complexities. The basis of common rights, however, lay

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<sup>29</sup> J. M. Neeson, ‘The Opponents of Enclosure in Eighteenth Century Northamptonshire’, *Past and Present*, Number 105, (November 1984): 118-122.

<sup>30</sup> Neeson, ‘The Opponents of Enclosure’, 129.

<sup>31</sup> Neeson, ‘The Opponents of Enclosure’, 133.

<sup>32</sup> Neeson, ‘The Opponents of Enclosure’, 131.

<sup>33</sup> Neeson, ‘The Opponents of Enclosure’, 138. See also J. M. Neeson, *Common Right, Enclosure and Social Change in England, 1700-1820* (Cambridge: Cambridge University Press, 1996). In this study Neeson provides evidence of detailed resistance to enclosure in two Northamptonshire villages and deals in some detail with contemporary pro- and anti-enclosure publications.

in the ‘two pillars’ of legal terminology – ‘common usage’ and ‘time out of mind’ and these terms were often used when common rights were legally disputed. Thompson recognised, however, that common rights varied considerably from parish to parish and were often dependent on issues like economies of crop and stock, the extent of common and waste, demographic factors, the role played by manorial courts and the differing customary rights linked to forest, field and fen.<sup>34</sup> His research also suggested that although common rights were maintained and regulated through manorial courts, rich and poor alike strove to maximise these rights to their own advantage. Thompson found evidence that, long before enclosure, local disputes were normal, be they about rights to firing or clashes of interests over rabbit warrens.<sup>35</sup> As the eighteenth century progressed, pressures on land use saw more landholders and customary tenants taking legal action against landless labourers and ‘interlopers’ exercising their common rights. Outsiders found it increasingly difficult to rent land on the commons and by-laws were put in place governing how animals were to be grazed and tethered. In some villages gleaning came under tighter control and trespassers onto the common fields were fined.<sup>36</sup>

More importantly, Thompson suggested that many labourers were left with only limited access to the wastes, baulks and borders of fields rather than any significant area of common land. He also believed that the marginal common rights of some poor cottagers were only tolerated because farmers wanted to keep a local labour pool for harvest work and because their ability to raise crops and livestock helped keep the poor rates down.<sup>37</sup> Yet although Thompson thought there was sufficient evidence of local labourers’ resistance to enclosure, he thought most was ‘more sullen than vibrant’. Some labourers, however, took violent opposition to enclosure at West Haddon, Northamptonshire, in 1765, at Malvern Chase,

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<sup>34</sup> Thompson, *Customs in Common* (London: Harmondsworth, 1991): 97-102.

<sup>35</sup> Thompson, *Customs in Common*: 102-106.

<sup>36</sup> Thompson, *Customs in Common*: 145-149. Sara Birtle’s article ‘Common Land, Poor Relief and Enclosure’: The Use of Manorial Resources in Fulfilling Parish Obligations 1601-1834, *Past and Present*, Number 165, (November 1999) challenges this view by suggesting that Thompson uses the term ‘customary rights’ in a blanket way that blurs what were, in effect, clear legal distinctions, well known to contemporaries, between those who had manorial common rights attached to property and those whose common rights were claimed through continuous practice without challenge for a period of twenty years.

<sup>37</sup> Thompson, *Customs in Common*: 151.

Worcestershire, in 1780 and, more spectacularly, at Sheffield in 1791.<sup>38</sup> In Thompson's view urban protests were more frequent than rural opposition and much more successful since they involved more people and their identities could be lost in the anonymity of the crowd.<sup>39</sup>

Thompson's earlier work *Whigs and Hunters*<sup>40</sup> also centred on the fight for customary rights in Windsor Forest in the early eighteenth century and some of the issues raised were pertinent when determining to what extent agricultural labourers were involved in opposition to later enclosures. In this earlier conflict of interests, Thompson identified three specific groups with an interest in common land and common rights in the Windsor Forest area: landowners who had made encroachments; tenants with customary rights; squatters and incomers with no customary rights as tenants, but behaving as if they had.<sup>41</sup> When the Crown reasserted its manorial rights over the Forest in the period 1715 to 1720, a conflict arose between the keepers and armed gangs known as 'Blacks'. Although Thompson saw the 'Blacks' as armed foresters enforcing their customary rights, it was interesting to note that those involved were predominantly farmers and tradesmen rather than labourers and where labourers were involved in the protests they seem to have played a subsidiary role.<sup>42</sup>

Previous studies of enclosure, therefore, raised a number of questions, which this study seeks to explore further. Firstly, to what extent did enclosure mark a profound change from co-operative, communal farming to the specific ownership of separate landholdings and the abandonment of obligations, privileges and customary rights?<sup>43</sup> Secondly, how widespread was local opposition to enclosure, what form did it take and who were the key people involved? Thirdly, how significant was the loss of local common rights to cottagers, squatters and agricultural labourers, given that these were least powerful in terms of wealth, status and access to the law? Lastly, what were the particular social consequences

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<sup>38</sup> Thompson, *Customs in Common*: 119, 125.

<sup>39</sup> Thompson, *Customs in Common*: 121.

<sup>40</sup> E.P. Thompson, *Whigs and Hunters. The Origin of the Black Act* (London: Allen Lane, 1975).

<sup>41</sup> Thompson, *Whigs and Hunters*: 52.

<sup>42</sup> Thompson, *Whigs and Hunters*: 90.

<sup>43</sup> Rule, *The Vital Century*: 69.

of enclosure on local agricultural labourers who were neither cottagers nor squatters and who might live some distance away from local common land?

John Clare, who was a contemporary witness to enclosure in his own village of Helpstone, Northamptonshire, in the early 1800s, provided a useful starting point since his work suggested ways in which labourers might have felt the impact of enclosure in many local villages. Clare's personal experience was that enclosure at Helpstone was catastrophic, bringing an end to all public access to the commons as well as the disappearance of what was also a communal meeting place and children's playground. People lost rights of pasturage, rights to collect firing and the right to glean after the harvest. Clare also recognised that the wider significance of the loss of common rights lay in the fact that they were integral to communal experience. Gleaning the commons in Helpstone, for example, was a key social event as well as a practical one since while the women worked they told stories, sang songs and passed around snuff in order to be sociable. *Jack-the-Giant-Killer* and *Cinderella* were favourite narratives and *Barbara Allen*, *Peggy Band* and *The Sweet Month of May* favourite ballads.<sup>44</sup> These songs and stories not only made work more bearable but Clare believed they had an important secondary function in passing on community language and lore from one generation to the next. This secondary function also promoted social cohesion by developing elements of common consciousness and shared values amongst what on the surface might simply be regarded as a disparate and insignificant group of women labourers.<sup>45</sup>

When enclosure came to Helpstone, Clare believed such communal rites disappeared forever and with them some of the elements of social cohesion that bound labourers together. In addition, trees were felled, land was cleared and cowherds' huts and shepherds' huts demolished. Worst of all, the open fields and commons became hedged and fenced in, so that in the end a strong sense of private ownership replaced the wider feeling that people lived in open communities and could roam the neighbourhood at will. The sense of being physically separated

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<sup>44</sup> Clare, *Selected Poems*: 'The Village Minstrel': 38.

<sup>45</sup> This modern terminology would probably not have made sense to eighteenth-century villagers, but ties binding local people together were often only apparent once they were lost.

from one another now became a social reality and being accused of trespass a strong possibility,

There once were lanes in nature's freedom dropt,  
There once were paths where every valley wound –  
Inclosure came and every path was stopt;  
Each tyrant fix'd his sign where paths were found,  
To hunt a trespass now who cross'd the ground.  
Justice is made to speak as they command;  
The highway now must be each stinted bound:  
Inclosure thou art a curse upon the land,  
And tasteless was the wretch who thy existence plann'd.<sup>46</sup>

Although Clare's experience was atypical in terms of his poetic sense of loss, the consequences of enclosure had a similar resonance elsewhere, even if most labourers did not fully appreciate what they had lost until some time after the event. M. K. Ashby pointed out that local agricultural labourers made no protest when enclosure came to Tysoe in Warwickshire because they thought initially they would get more work opportunities for hedging and ditching. It was not until the larger owners brought in gangs of men from outside that the economic significance of enclosure began to sink in. Once the new hedges were planted, locals realised that enclosure was not simply a matter of dividing large open fields into smaller lots and giving them different names. Enclosure meant that the landscape itself changed and journeys to other villages could no longer be made across country. Without a common the old annual Whitsun games disappeared and some of the sense of communal belonging that accompanied them.<sup>47</sup>

George Sturt, writing early in the twentieth century about the enclosure of Bourne in Hampshire, also thought that enclosure had very little immediate effect

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<sup>46</sup> Clare, *Selected Poems*. 'The Village Minstrel': 50.

<sup>47</sup> M. K. Ashby, *Joseph Ashby of Tysoe, 1859-1919* (1961) (Cambridge: Cambridge University Press, 1974): 281-282.

on people's minds and that most villagers probably accepted it in a fatalistic way.<sup>48</sup> Yet Sturt saw, in retrospect, that labourers had lost significant common rights of pasturage and fuel gathering. This meant that they became wholly dependent on wage earning and lost some of the skills and knowledge, which contributed towards a sense of personal pride and independence.<sup>49</sup> The end result was that labourers' partial self-sufficiency vanished to be replaced by permanent cash transactions. Small wonder that Sturt declared: 'to the enclosure of the common more than to any other cause may be traced all the changes that have subsequently passed over the village. It was like knocking the keystone out of the arch'.<sup>50</sup>

What then of Worcestershire? Enclosure in the county was of particular interest since there were areas where significant amounts of common land still existed and where common rights still prevailed. In 1770 there were large areas of common fields, commons and wastes to the south east of the county at Great Comberton, Eckington, Fladbury and Rous Lench and in the south west at Old Storridge and Castlemorton. To the east there were large open fields, commons and wastes around Bromsgrove, at Feckenham, Belbroughton, Bourne Heath and Inkberrow, and to the north at Ombersley, Menith Wood, Burlish, Hartlebury, Hagley, Blakedown and Oldswinford. Not all commons and wastes, however, were of the same size and in sandy areas like Hartlebury their suitability for full enclosure was marginal.<sup>51</sup> Generally speaking, the further south in the county the village, the more likely it was to be surrounded by open fields. Such villages might have a tract of permanent grazing land called 'beast-pasture' but the remainder was mostly arable and usually cultivated on a Four Field System of three crops and a fallow. Land strips varied in size and all had common rights attached to them, such as right to pasturage in the waste, and rights to gather timber, peat and other commodities. Most meadowland was usually confined to low-lying lands by rivers and thrown open for common pasturing the stock of all the commoners after

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<sup>48</sup> Sturt, *Change in the Village*: 84. A belief in Fate existed within many working-class urban communities well into the nineteen forties and fifties.

<sup>49</sup> Sturt, *Change in the Village*: 87. It should be noted that this enclosure took place 'within living memory' and Sturt gave no details of how many people were wholly or partly dependent on the waste for part (or all) of their livelihood.

<sup>50</sup> Sturt, *Change in the Village*: 86.

<sup>51</sup> A. R. H. Butler and R. A. Butlin, *Studies of Field Systems in the British Isles* (Cambridge: Cambridge University Press, 1973): 198-199.

harvest. In fallow times this often necessitated some rules about cropping, fencing and grazing beasts. Nevertheless, this pattern was not universal and a clear distinction had to be made in this study between those open fields that carried rights of common pasture after haymaking and those commons and wastes that were open to all residents all year round. Sometimes local common rights also included woodland and roadside strips used as pasturage.<sup>52</sup>

Making such distinctions was important, since enclosure acts sometimes excluded open fields and sometimes encompassed all open fields, commons and wastes.<sup>53</sup> Those who owned land in common fields often had a legal right to graze stock on commonable land and wastes stipulated in their indentures and this became a basis for their claiming more land at enclosure. Such rights also specified how many animals could be grazed there. For example, when Anne Watkins of Eckington was selling land in several common fields to William Atwood in 1721, the indenture made it clear that these lands also carried rights of pasturage for two beasts, one horse or ten sheep ‘in the wastes, waste grounds, commons and commonable places according to the custome there’.<sup>54</sup> Similarly, when Margaret Leonard and Ann Willets, a widow, sold John Hardcastle a malthouse, barn, stable, yard and meadowland in Eckington in 1799 they also conveyed similar common rights of pasturage on the wastes and common lands.<sup>55</sup> Such indentures survived not simply because they signified current ownership but because they detailed the specific common rights attached to landholdings that had been handed down from generation to generation. For the landowner or copyholder they provided legal evidence when rights had to be defended in the manorial court or parish vestry. They were often used to see off any threats from encroachers or anyone trying to graze animals on the common when they had no legal right to do so. In Powick those with common rights used them collectively to even greater advantage, since the local landholders and cottagers had full documentation of the origins of all their common rights and drew up a list of all the common rights attached to individual

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<sup>52</sup> Hammond, *The Village Labourer*: 28.

<sup>53</sup> For a detailed list of Worcestershire enclosures, see W.E. Tate, ‘Worcestershire Enclosure Acts and Awards’, *Transactions of the Worcestershire Archeological Society*, Vol. XXI (1944).

<sup>54</sup> WCRO: BA/10592/1(i), Indenture between Anne Watkins of Eckington and William Atwood of Norton.

<sup>55</sup> WCRO: BA/10592/1(i), Indenture between Margaret Leonard, Ann Willets and John Hardcastle of Eckington 1799.

local properties. This gave them a far greater advantage over other villages where an absence of documentation would have made it difficult to take collective legal action when common rights were threatened. This level of detail, however, was unusual and dated back to the legal defence of common rights against Dane Thomas Hedgeworth, the Prior of Much Malvern, who had tried to take the land away from freeholders by force and enclose it in the early sixteenth century.<sup>56</sup>

There was also evidence from the middle of the eighteenth century onwards that commons and wastes in Worcestershire were under as much pressure from over-usage from those with a right to common as they were from major landowners and large farmers seeking to maximise rents and land use in response to rising prices. This implied that ordinary agricultural labourers would have found it increasingly difficult to access any local common for grazing livestock particularly since their rights to common were not supported by manorial courts and wholly reliant on their using common land for twenty years without being challenged.<sup>57</sup> Evidence suggests, however, that in to begin with it was non-parishioners and anyone thought to be misusing the commons who were the first to suffer. The Beauchamp Court Rolls of the 1760s, which covered several manors owned by Lord Beauchamp, laid down fines of 20s for any non-parishioners turning livestock onto the commons and a fine of 10s in 1760 for anyone specifically putting an ass or a mule on the commons in Powick since they had ‘peeled the young Trees and new plashed hedges within this manor very bad’.<sup>58</sup> At Upton Snodsbury, the agents of the Earl of Coventry took strict control over all the 800 acres of commons and waste in the same period. Those with a right to plough or graze on their allotted land suffered heavy fines if they failed to do this in any designated year. Hedging and ditching was also well regulated, as was the ringing of pigs and the tethering of livestock.<sup>59</sup> Similar practices were imposed at Blockley where the Court Baron of 1755 placed restrictions on the number of cattle and pigs to be grazed on the

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<sup>56</sup> WCRO: BA/11213, *William Merick, His Book* 1827.

<sup>57</sup> Sara Birtles, ‘Common Land, Poor Relief and Enclosure’, 82-83. Birtles argues that contemporaries made a clear distinction between those farmers and cottagers who held specific common rights for grazing livestock attached to their properties and controlled by manorial courts and those who claimed common rights by prescription. Those who claimed their right to common because of continuous usage without being challenged usually had difficulty proving continuity and their rights to common were easy to curtail.

<sup>58</sup> WCRO: BA/5540/3, Regulation of Commons, Beauchamp Court Rolls.

<sup>59</sup> WCRO: BA/1847, Transcriptions of the Court Leet of the Manor of the Earl of Coventry.

commons and set fines for tenants who failed to maintain their ditches.<sup>60</sup> At Hanley William, close the Herefordshire border, the Court Baron in 1754, however, brought in a fine of 10s for anyone without land who turned cattle or pigs onto the common fields.<sup>61</sup>

In some parts of Worcestershire there were opportunists who either built new cottages on common land or added to existing properties by making encroachments. At Hanley William, Broad Heath Common was much encroached on from the 1730s by landowners, yeomen and cottagers. These enclosures varied between one rood and one acre of land, were sometimes hedged in and occasionally involved the erection of new cottages. Although the manorial court operated a system of fines, no attempt was made to dislodge encroachers or to have newly erected cottages pulled down. Instead, yeomen and cottagers were asked to pay an acknowledgement to the court in recognition of its authority and the rights of the lord of the manor. The court, however, also appeared powerless to stop new encroachments. In March 1768 William Smith enclosed half an acre and built a cottage and in 1775, James Smith, Thomas Smith and Richard Lockyer also built cottages on the common.<sup>62</sup> The end result was that Broad Heath common shrank to 104 acres in 1801,<sup>63</sup> then to 53 acres by the time tithe apportionment took place in 1839.<sup>64</sup> The majority of encroachers after 1801 appeared to be tradespeople rather than cottagers and most were carpenters, thatchers and blacksmiths employed by the Newport Estate. These encroachers were not newcomers, but local families whose descendents took on other occupations, whilst still cultivating their encroachments as vegetable plots and gardens. Despite its many encroachments, however, the common was not finally enclosed until 1866.<sup>65</sup>

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<sup>60</sup> H.E.M. Iceley, *Blockley Through Twelve Centuries* (Kineton, The Roundwood Press, 1974): 98.

<sup>61</sup> WCRO: BA/4958/4, Eastham Court Rolls transcribed by F. Lacon Child. Whilst this was the case in Worcestershire, it is also true that elsewhere there were commons where little control was exercised and all manner of abuse took place. See Roger J.P. Cain, John Chapman and Richard R. Oliver, *The Enclosure Maps of England and Wales, 1595-1918* (Cambridge: Cambridge University Press, 2004): 5. The first chapter of this study also suggests that motivation for enclosure varied, although in the final analysis, the decision to enclose always lay in the hands of local interested parties.

<sup>62</sup> WCRO: BA/4958/4, Eastham Court Rolls transcribed. See transcriptions for 1730, 1754, 1775, 1776, 1786.

<sup>63</sup> WCRO: BA/7454/5, Plan of Broad Heath Common 1801.

<sup>64</sup> WCRO: BA/1572, Tithe Apportionment and Plan 1841: Hanley William.

<sup>65</sup> WCRO: BA/7454/5, Enclosure Agreement Broad Heath Common 1866. Michael Reed in his article 'Enclosure in North Buckinghamshire 1500-1750', *The Agricultural History Review*, Vol.32, (1984) argues that historians tend to concentrate only on those enclosures that caused dispute rather than the

The fact that Broad Heath Common in Hanley William was not enclosed until 1866 raised another interesting issue about enclosure in Worcestershire. Whilst most enclosure took place nationally in two bursts between 1760 and 1780 and 1793 to 1815,<sup>66</sup> enclosure in Worcestershire covered a much longer period, commencing in 1761 and continuing until 1881. In fact some 38 enclosure acts were passed between 1820 and 1881, long after the impetus to take advantage of rising prices was over. Some of these later enclosures were undoubtedly mopping up residual commons left as marginal land after earlier enclosures, but some still involved substantial acreage. Since these later enclosures produced no local protests at the loss of common rights, it was likely that they either had less significance for agricultural labourers or that enclosure itself had ceased to be an issue. It was also possible that the loudest protests about earlier enclosures came from freeholders and copyholders who did not wish to lose significant benefits linked to local common and wastes detailed in their leases and indentures.

In the three communities chosen for this study enclosure took place at different times, for different reasons and with different consequences for the agricultural labourers living there. Before discussing the implications of these it was important that each should be seen in context. Inkberrow, where enclosure took place in 1814, was an 'open' parish with no resident lord of the manor who owned the majority of land. It was also a large parish, consisting of nine villages and hamlets, with the village of Inkberrow at its centre. More importantly, many of the agricultural labourers there were extraordinarily poor. Pauperism in the parish had increased rapidly from the beginning of the eighteenth century and as early as 1711, the parish took steps to apprentice out the unusually large numbers of children of those on weekly pay and to expel all those without right to settlement.<sup>67</sup>

Whilst there were poor labourers in all the parish's villages and hamlets, there were two particular areas of common land at Inkberrow where the poorest

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on-going process of the piecemeal enclosure of small plots of land by individuals whose actions often depended on the indifference or inertia of their neighbours.

<sup>66</sup> Rule, *The Vital Century*: 71.

<sup>67</sup> William Bradbrook, 'History of the Parish of Inkberrow', *Transactions of the Worcestershire Archeological Society*, Vol. XXXV1, (1912): 468.

settled as squatters: Stock Wood to the west of Inkberrow village and at the Ridgeway to the east. By the time of enclosure, the Ridgeway, in particular, consisted of 60 acres of common and waste that had a significant population of squatters and other cottagers. This squatter population living on a limited amount of common land was not only indicative of the extent of poverty within the parish, but also implied that few natural resources were available on the remaining acres. This hypothesis is supported by evidence in the Inkberrow Parish Account Books, which were meticulously kept for the whole of the period under consideration and provided evidence of on-going, but relatively fruitless efforts to resolve the problem of local poverty from the 1780s onwards. These efforts included establishing a workhouse, unusual for this period in Worcestershire, placing apprentices outside the parish and paying for weddings that enabled Settlement to be gained elsewhere. During the Napoleonic Wars men were also paid to enter service in the army or the navy.<sup>68</sup> The parish vestry tried to resolve the unemployment problem amongst those who remained by passing a minute on November 24<sup>th</sup> 1800 where it was agreed (unusually):

to imploy the labouring poor of the said parish (who may want such employment) one Days work to £20 a year (according as the occupier may be rated to the poor rates) and to pay each of such labourers 8d a day and each occupier of land belonging to the said parish to imploy such labourers according to his or her proper terms as far as may be judged right to pay them 8d a day for each refusal<sup>69</sup>

This was swiftly followed by another minute on December 10<sup>th</sup> 1800 banning any occupier of land from employing labourers from outside the parish for six months from the date of the minute and obliging them to take a poor child from the parish as an apprentice. A £5 fine was put in place should any occupier refuse, twice the amount paid by farmers in other parishes who chose not to take

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<sup>68</sup> WCRO: BA/818/5, Inkberrow Parish Books 1781-1812.

<sup>69</sup> WCRO: BA/818/5, Inkberrow Parish Book Minute November 4<sup>th</sup> 1800.

apprentices.<sup>70</sup> The reason for such drastic action during this period was because the high price years of 1800 and 1801 had a particularly devastating impact on Inkberrow, where many labourers were already impoverished. Because the parish had so many poor labourers, it was questionable whether the limited acreage of common lands and wastes made any contribution to local labourers' incomes or standard of living during the period 1790 to 1829, particularly in years of bad harvest and food shortages.

Although few records survived to show how cottagers and squatters utilized the common land and wastes at Inkberrow, there was evidence to substantiate the fact that some of those settled at Stock Wood and the Ridgeway were amongst the poorest in the parish. Of particular interest was the Chattaway family living at the Ridgeway who figured consistently in poor law records from 1803 to 1829. The father, Thomas Chattaway, first received casual payments for unemployment in the autumn of 1803 and had to be given firing on both November 28<sup>th</sup> and December 11<sup>th</sup> of the same year. This suggested that whilst there might once have been an opportunity to gather fuel in the area, all sources of firing, such as individual trees and coppices had long since disappeared from the Ridgeway's commons and wastes.<sup>71</sup> In addition to monetary payments, Chattaway's family were also given bread and a shroud to bury one of their children on January 22<sup>nd</sup> 1804, implying that Thomas Chattaway grew little or no grain and kept no sheep. The parish also paid for the funeral. Thomas Chattaway then found employment in the spring of 1804 and made no further claim for poor relief until the summer of 1805 when he was forced to sell his share of his house and garden on the common to the parish for one guinea. This transaction was interesting. Not only was Chattaway deprived of his last asset but records also indicated that he owned only a quarter of the property, the rest being owned by a John Bach and his two sisters. Chattaway therefore had little capital to invest in seeds or livestock and lived in cramped, overcrowded conditions. In such a poor settlement, it was likely that he was not the only example of someone for whom the term 'common rights' had long since become meaningless. Although he disappeared from the poor law records after 1805,

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<sup>70</sup> WCRO: BA/818/5, Inkberrow Parish Book December 10<sup>th</sup> 1800. In most other parishes in Worcestershire the payment expected for not taking an apprentice was usually £2.

<sup>71</sup> WCRO: BA/818/5, Inkberrow Parish Book 1801-1812.

presumably because he found work, Chattaway re-emerged in 1817 to become a permanent claimant from that year onwards.

Conversely, there were other families living in and outside Inkberrow hungry for land holdings and with the ability to use existing land control mechanisms to their own advantage. This was determined by a careful examination of entries on the court roll kept by the vicar, the Reverend William Heath, lord of the manor of the Rectory of the Vicarage of Inkberrow. Although this was a small manorial court, Heath kept meticulous records and most of the cases heard consisted of either leaseholders for life seeking to extend their leases or others buying or selling copyholds. In most instances, land held by leasehold or copyhold was usually let out to others, suggesting a market where land was leased out for its investment value rather than bought for cultivation by owner-occupiers. For example, Elizabeth Osborne came before the court in 1809 with her husband, John, a blacksmith from Broom. Elizabeth wished to surrender the leasehold she held before marriage and have it re-granted on her own life, her husband's and that of her three year old son. As a non-resident, Elizabeth not only saw the value of holding onto her lease during a period of rising prices but also intended the lease as something to bequeath to her son and heir.<sup>72</sup> This was a not untypical case and suggested that tradesmen like blacksmiths were as much interested as farmers and other landowners in acquiring land holdings during in a period of rising prices. Nor were aspiring small landowners necessarily resident in the parish where they owned or traded land but were often outsiders prepared to invest in land for future profit. It would be too easy, however, to see such land speculation as the work of an incipient rural middle-class able to ride roughshod over impoverished local labourers, because they had the means and the money to do so. Inkberrow provided an example of an agricultural labourer who, prior to enclosure, was also able to speculate in land advantageously.

On the 18<sup>th</sup> September 1808, William Clarke, a labourer, drew up a will signed and witnessed by the landlord of the Bull Inn, Inkberrow. In it he left

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<sup>72</sup> WCRO: BA/5589 (x), Manor of Inkberrow Court Roll 1809.

Thomas Baylis, another labourer, his cottage, garden land and premises in which he had lived for sixty years. When Clarke died, Thomas Baylis pulled down the small house standing there and built three new homes that he then rented out.<sup>73</sup> There was no evidence of how Clarke came to own the cottage originally, nor why he wished to leave it to Thomas Baylis. Nor is it known how Baylis raised the capital to build three cottages and whether his designation as a labourer meant that he was merely a wage-earner or someone who might also have cultivated one or two acres of his own land. Baylis' advantage as a small property owner, however, came into its own when the major aristocratic landowners, the Earl of Abergavenny, Earl Beauchamp and the Marquess of Hertford, of Ragley, Warwickshire, moved an Act for the enclosure of Inkberrow, which received Royal Assent on April 19<sup>th</sup> 1814. In this Act, all encroachments made within the previous twenty years were deemed to be part of the land enclosed with the Ridgeway to be offered, in the first instance, to the Marquess of Hertford.<sup>74</sup> Other land was to be sold to defray the costs of enclosure. It was also ordered that no sheep or lambs were to be kept in the new enclosures for six years.

Like all enclosures, the key issue at stake regarding the Inkberrow enclosure was one's entitlement to land at enclosure. Those with appropriate documents, such as leases and copies of the court rolls, were best placed to justify their right to allotment and were usually able to afford legal representation. The poor and the illiterate, however, often had no documentation and some were solely reliant on memory and tradition as a means of staking their claims. Unfortunately, legal documentation was imperative in order to sell any allotment after enclosure had taken place, simply because it provided the legal basis on which allotment had been granted in the first place. For example, when Earl Beauchamp bought land after any enclosure, he took great care to ensure that he was supplied with the seller's legal claim to the land being purchased.<sup>75</sup>

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<sup>73</sup> WCRO: BA/3375/10, The Last Will and Testament of William Clarke of Inkberrow, 18<sup>th</sup> September 1808 & Abstract of the Title of Thomas Baylis Yeoman to certain freehold cottages and premises in the parish of Inkberrow in the county of Worcester. The latter abstract is of a later date and although it suggests Thomas Baylis was then regarded as a yeoman, the document still referred to him as a labourer.

<sup>74</sup> WCRO: BA/3375/10 (iii), An Act for Inclosing Lands in the Parish of Inkberrow April 19<sup>th</sup>, 1814.

<sup>75</sup> WCRO: BA/3375/50, Abstracts to the right of the Revd McCarles and the Revd Thomas Williams to land awarded at the Inkberrow enclosure. These are long, handwritten documents containing precise detail of the right to the land awarded.

The Reference Explanatory of the Map attached to the Inkberrow award revealed that the chief beneficiary of the enclosure was the Earl of Abergavenny who already owned 20 cottages and received the bulk of the land. He was also allotted all the land to create roads and lanes, the stone pit and public watering places and the animal pound. Earl Beauchamp, the Marquess of Hertford and lesser landowners also received significant apportionments. When it came to the cottagers and squatters, however, only those cottagers with proof of ownership were allotted land. The squatters at Stock Wood and the Ridgeway, however, received no allotments and no right to buy their cottages. Some small landowners granted allotments were given permission to purchase land and cottages at Stock Wood if they so wished.

It was in this climate that Thomas Baylis, the speculative labourer, came into his own. In February 1816 he bought three roods of waste land from the commissioners that was the entitlement of Ann Richards, spinster, but which she had refused to buy.<sup>76</sup> Two years later, on the 16<sup>th</sup> September 1818, Baylis paid Earl Abergavenny £5 for 23 perches of land which Baylis occupied, but which was awarded to the Earl at enclosure. Baylis also leased more property from the Earl on the lives of his three children.<sup>77</sup> On the 18<sup>th</sup> May, 1819, Baylis borrowed £200 off the Reverend John Richard Ingram by mortgaging the three cottages he had built on the property left him by Thomas Clarke in 1808. What he did with this money is unknown, but in 1820, having repaid his debt to Ingram, Baylis sold the cottages, gardens and his leasehold allotments to Earl Beauchamp, although continuing to rent his own cottage and land in Egiock Lane.<sup>78</sup> However, despite his official title being given as ‘Mr’ or ‘Yeoman’ in the title of all these deeds, Thomas Baylis was referred to as a labourer throughout the main body of the documents. This, despite having benefited considerably from his original bequest and subsequent speculative transactions.

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<sup>76</sup> WCRO: BA/3375/10, Sworn witness statement by John Haynes, 7<sup>th</sup> May 1819 of the right of title of Thomas Baylis to 3 roods of waste land in Mile Post Lane.

<sup>77</sup> WCRO: BA/3375/10, Lease between The Earl of Abergavenny and Mr Thomas Baylis on an estate in Inkberrow.

<sup>78</sup> WCRO: BA/3375/10, Conveyance of freehold cottages and gardens and leasehold allotments in the county of Worcester, Mr Thomas Baylis to the Right Honourable Earl Beauchamp 1820.

So far as Inkberrow was concerned the impact of enclosure on common rights, commons and wastes appeared to have had most effect on the squatters at Stock Wood and the Ridgeway rather than on the rest of the parishes' agricultural labourers. Throughout the late eighteenth and early nineteenth century, the parish had a surplus of labourers, many of whom were reliant on parish relief and most of whom appear to have had no access to common land or wastes. This no doubt was one of the reasons why the vestry intervened in local employment practices by trying to regulate the employment of local labourers and keep them in work if at all possible. However, the very poorest of these labourers who did live as squatters on common land or wastes probably had little or no capital to keep livestock or poultry anyway. By the early 1800s some of them were experiencing periodic unemployment or underemployment and were regularly in need of parish relief.

When enclosure came to Inkberrow, it came to a parish where there were few commons and wastes and those that existed were already over-populated and probably had little in the way natural resources. Enclosure, therefore, impacted on a minimum of agricultural labourers and their families. Existing evidence also suggested that as well as major landowners (often seen as the only 'villains' of the period) there were also smaller farmers and tradespeople prepared to invest in land in order to rent it out to others for profit rather than farm the land themselves. There were also a small number of cottagers, like William Dolphin, a cooper, who acquired additional land through copyhold, and evidence of at least one speculative labourer who benefited considerably from the buoyant post-enclosure land-market. The majority of agricultural labourers at Inkberrow, however, were predominantly poor and had always been so. There is no evidence that they had common rights or any meaningful access to local commons or wastes and neither they, nor anyone else on their behalf, resisted the enclosure in any way. It is likely that they had little if anything to lose because poverty had been a key feature of parish life for a hundred years prior to enclosure taking place.

Enclosure at Elmley Lovett did not take place until 1868 and the obvious

question asked here was, ‘Why’? The parish had three commons: Cutnall Green (35 acres), Broad Common (51 acres) and Sneads Green (85 acres). These appeared not to have been encroached on in any way between 1790 and 1868, nor was there any evidence of squatters other than gypsies. Elmley Lovett itself was a closed village since the local squire, George Forester owned 1,324 acres and almost all the cottages in the village of Elmley Lovett itself. The parish contained two other villages: Cutnall Green, where most of the cottages were owned and rented out by smaller proprietors, and Sneads Green, where the chief resident was a gentlemen farmer, Francis Moule.<sup>79</sup> As the major landowners either Forester or Moule could have initiated enclosure, although as the largest landowner Forester would clearly have been the prime mover. That neither chose to do so demands an explanation.

To begin with the villages were geographically distinct, indicating something perhaps about each landowner’s sphere of influence. Cutnall Green stood on the Droitwich Road, but Elmley Lovett lay three miles along a side road to the west and Sneads Green two miles beyond that. Cutnall Green was the preferred settlement and most of the parish’s agricultural labourers lived there, as did almost all the parish tradespeople. It was likely that access to the commons was originally a key factor in that village’s development since Cutnall Green Common was in close proximity to Broad Common and from there villagers could walk across Broad Common and gain immediate access to the common at Sneads Green.<sup>80</sup> It was also a prosperous parish with excellent arable land and meadow pasture, so it was surprising to find no evidence of local farmers petitioning any major landowner suggesting enclosure during this period. The area also had a buoyant forestry trade and tree-felling increased in volume between 1805 and 1812, immediately after the scare over the proposed Napoleonic invasions of 1804. As well as timber supplied from local woodland, Messrs Harvey of Elmley Lovett were said to have for disposal of hundreds of thousands of five-year hawthorn ‘quicks’ in 1805 to meet the demand for hedging enclosures throughout the county and elsewhere.<sup>81</sup>

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<sup>79</sup> University of London, *The Victoria History of the counties of England: Worcestershire*. Vol. 3. (Folkstone and London: Dawsons, 1971): 109.

<sup>80</sup> WCRO: Microfilm 220/1, 1841 Census, Elmley Lovett.

<sup>81</sup> Gaut, *Worcestershire Agriculture*: 279.

Given the fact that this was a rich agricultural area, why did neither landowner nor any of the more prosperous farmers press for enclosure, particularly during the Napoleonic Wars? A closer inspection of village life found evidence that the commons survived because at the start of the nineteenth century the squire of the parish, George Forester, entered into a prolonged period of litigation with the rector, the Reverend George Waldron. The basis of the quarrel began when Waldron sold the moiety<sup>82</sup> of the manor of Elmley Lovett to Forester at what the latter eventually considered to be too high a price. Forester wanted to make the purchase void and litigation between the two men led to 15 causes tried at the county assizes, two suits in Chancery, two in the King's Bench and one in the ecclesiastical courts. Both men suffered imprisonment at some time and the constant litigation proved ruinous for the rector.<sup>83</sup> Whilst few local records relating to this quarrel have survived, there was a deposition to the magistrates from George Waldron, backed by further depositions from two of his churchwardens, which gave a flavour of the animosity between the two men.

Waldron's deposition complained that for several Sundays, but particularly during October 1803, the squire had disturbed both the congregation and the service by behaving irreverently and immodestly - especially when the third commandment was read. Forester is also said to have 'hemmed' loudly when Waldron came to the part of the litany: 'that it may please Thee to illuminate all Bishops, priests and Deacons with true knowledge and understanding of thy word and that by their preaching and living they may set it forth and show it accordingly'. The 'hemming' was particularly loud when Waldron said the word 'living'. At the end of the service Waldron said that the squire had grinned at him, 'maliciously and contemptuously'.<sup>84</sup> Forester was found guilty on this occasion and fined £20 for maliciously interrupting divine service, but it was not the end of his battles with the rector, the churchwardens or with others. In Easter 1806 Forester was back in court

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<sup>82</sup> The 'living' or income from the manor.

<sup>83</sup> Horace Monroe, *Elmley Lovett and the Mowles of Sneads Green* (London: Mitchell Hughes and Clarke, 1927): 24.

<sup>84</sup> WCRO: BA/110/577/75/76/78, Worcester Quarter Sessions Papers, Michaelmas 1804.

appealing against his poor rate assessment.<sup>85</sup> In 1812 he was fined a shilling for assaulting a Mary Blount, although the reason for his assault remains unknown.<sup>86</sup>

At the same time as his quarrel with Forester, Waldron was also involved in another protracted dispute with churchwardens and overseers concerning his own poor rate assessments. The churchwardens and overseers at the time were local farmers who probably resented both the amount of tithes that Waldron was receiving during the war time price boom and the fact that they were seeing their tithe disappear in litigation against Forester. The dispute began in 1808 and lasted until 1813 and initially Waldron simply appealed against his assessment at the county assizes and won his case.<sup>87</sup> This victory, however, was short lived since, while Waldron was absent from the parish in 1808, one of the churchwardens, R. Baylis, painted libels against the rector on the walls inside the church. Although Baylis had chosen scriptural texts, there was no doubt those quoted referred to the rector and his moral character. One, painted close to the pulpit, read: 'Thou hast let thy mouth speak wickedness, and with thy tongue thou hast set forth deceit.' Another, in the main body of the church, declared: 'My house is the house of prayer, but ye have made it a den of thieves'. Baylis was tried at the Midsummer Quarter Sessions at Worcester in 1809, fined and sent to gaol for a year.<sup>88</sup> In 1810, 1811 and 1812 Waldron still had to appeal to the quarter sessions against his assessments, his claim being that the churchwardens and overseers were rating him too highly on the tithes they said he received. By Easter 1813, however, the county magistrates had lost their patience and resolved the matter by getting Waldron to agree to pay a set proportion of his tithes in poor relief and ordered the churchwardens not to prosecute Waldron again.<sup>89</sup>

George Forester and George Waldron were clearly difficult characters and the reasons behind their dispute could only be surmised. Forester's bitter litigation occurred almost at the same time that he commenced a court case against his former friends, Colonel Passingham and a Mr. Edwards. Passingham had committed

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<sup>85</sup> WCRO: BA/6/118, Quarter Sessions Order Book, Vol. 8: 164b.

<sup>86</sup> WCRO: BA/6/118, Quarter Sessions Order Book, Vol. 9: 228.

<sup>87</sup> WCRO: BA/6/118, Quarter Sessions Order Book, Vol. 9: 14 and 46.

<sup>88</sup> *Berrow's Worcester Journal*: July 20<sup>th</sup> 1809.

<sup>89</sup> WCRO: BA/6/118, Quarter Sessions Order Book, Vol. 9: 14. 26. 173-174. 193. 363.

adultery with Forester's wife and run off with her, but Edwards had become bankrupt and Forester was his opposing creditor. In proceeding against Edwards, Forester hoped to attack Colonel Passingham as well, but both men hoped that Forester would make a handsome settlement on his wife if they accused him in court of, 'horrible crimes' within his marriage, referring presumably to Forester's sexual relationship with his former wife. Forester fought and won the case but lost his wife, and the action undoubtedly left him with a stain on his character.<sup>90</sup> He may well have sought to satisfy his grievances by turning his anger on the parish's unpopular rector.

Waldron's character, bearing in mind his willingness to oppose both Forester and his own churchwardens, indicated that he was equally strong-willed and contentious. Moreover, there was other evidence demonstrating that he was not averse to taking actions against individual farmers as well as defending himself against his own churchwardens and overseers. In 1812 Waldron took Thomas Wells before the Bishop's Consistory Court in Worcester for failing to deliver his tithe on 20 acres of wheat.<sup>91</sup> Given that Wells rented a farm of 132 acres from George Forester and was still a tenant of George Forester's son in 1841, there is no doubt that Wells was probably able to pay his tithe easily. His refusal to do so, suggested that he was influenced in his decision not to pay his tithe either by the squire or the farmer-churchwardens and overseers, or both.<sup>92</sup> Waldron himself, however, remained continuously litigious. By 1813 he owed £20 interest on one of the village charities entrusted to his care but used to further his litigation and having spent this and other money he finally died insolvent in 1829.<sup>93</sup>

Litigious, fractured social relationships amongst the village hierarchy at Elmley Lovett, therefore, appeared to dominate village life between 1800 and 1815 and drew attention away from any issues concerning enclosure. That said, elsewhere in Worcestershire, contentious enclosures were taking place. The key issue, however, was contentious for whom? Although some historians have found

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<sup>90</sup> Noakes, *Noakes' Guide to Worcestershire*: 145.

<sup>91</sup> WCRO: BA/2626/1, Consistory of Worcester 1812: Waldron v Wells.

<sup>92</sup> WCRO:IR29/39/56 PROX12, Tithe apportionment Elmley Lovett 1843.

<sup>93</sup> WCRO: BA/9845/10, Extract from the *Report of the Commissioners for Inquiring Concerning Charities 1832*.

evidence of Worcestershire agricultural labourers being involved in the destruction of fences and quick-set hedges at Malvern<sup>94</sup> and at Leigh in 1778<sup>95</sup> new evidence suggests that the key opponents of enclosure in the county, and those with the most to lose were predominantly local freeholders.<sup>96</sup> In 1790, for example, when John Zachary used his right as lord of the manor to enclose the windmill at Arley Common along with 14 acres of ground called the Heath Leasow, legal action was taken against him by six local freeholders and the Reverend George Hulme, who later became rector of Arley Kings in 1794. This situation was the reverse of social relationships seen in Elmley Lovett since this time the chief opponent of enclosure was a local clergyman acting in concert with local farmers against the squire.

Zachary's argument was that the Heath Leasow had never been common land and was part of Redstone Farm divided from Arley Common by a mound, which had long since eroded away. It also happened that several of the cottages bordering the Heath Leasow were encroachments and that the cottagers paid a fine to Zachary as lord of the manor. As their cottagers' rights gave them agricultural use of the Heath Leasow it was not surprising that several of them appeared before the magistrates on Zachary's behalf. One of them, Thomas Spragg, claimed to be a freeholder and said he had documents to prove it. Lest he prove eventually to be a hostile witness, Zachary's lawyer assured the squire privately that, although Spragg paid no rent or acknowledgement, this legal right to freehold was extremely weak since there was evidence that the original encroachment had been granted in return for 'work in harvest or money in lieu thereof' which the Spragg family had never undertaken. This meant that if Spragg opposed Zachary's interest, he might well lose his property, a situation that Spragg was no doubt made aware of at some point. This issue did not arise, however, since Zachary won his case, although he did have to pay the freeholders £60, presumably for their loss of their common rights. Spragg and the other cottagers probably sided so willingly with the lord of the manor against local farmers, because most were elderly, less dependent on farmers for work and more dependent on their common rights to the Heath Leasow.

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<sup>94</sup> Thompson, *Customs in Common*: 167, 119.

<sup>95</sup> Gaut, *Worcestershire Agriculture*: 163.

<sup>96</sup> Barry Reay has argued recently that the more visible forms of group protest were almost exclusive to the south-east areas of England. Barry Reay, *Rural England, Labouring Lives in the Nineteenth Century* (Basingstoke: Palgrave Macmillan, 2004): 156.

By appearing for Zachary they assumed that their rights to use the Heath Leasow would continue after enclosure without the possibility of their being marginalized by local freeholders.<sup>97</sup> Here then was some evidence of cottagers supporting the landowner's right to enclosure because their common rights appeared to be threatened more by local freeholders than by their local squire.

Elsewhere local freeholders could be more contentious and aggressive. On the 7<sup>th</sup> August 1817, for example, a meeting was held at the Hop Pole Inn, Foregate Street, Worcester, by the city's Freemen who had a limited right to graze cattle on Little Pitchcroft an area of common land close to the river. Since 1815 there had been a number of encroachments on this land and the Freemen resolved to serve notice on the encroachers to leave the land by September 25<sup>th</sup>. Four days later, because the encroachers had not moved, a number of people assembled at Little Pitchcroft and demolished the encroachers' fences and buildings, including one inhabited house. A timber yard was also plundered and some buildings and fences destroyed that were not part of the encroachments. These actions led to the Riot Act being read, the Yeoman Cavalry being called in and a trial of the ringleaders the following March.

It was interesting that Joseph Steers, described in a local newspaper as 'a respectable tradesman', led the removal of the encroachments.<sup>98</sup> Steers were indicted for riotous behaviour, then a capital offence, of which Steers was probably aware. It was likely, however, that his involvement in such a dangerous enterprise had less to do with the right to graze cattle and more to do with future land prices and access to the river since Worcester was an important county town and still expanding. At his trial Steers was bound over to keep the peace for twelve months and had to provide £100 as surety.<sup>99</sup> The leniency of the sentence and the fact that several other Freemen were acquitted was believed at the time to be the result of several important noblemen using their influence on the rioters' behalf and

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<sup>97</sup> WCRO: BA/4600/497, In the matter of the Difference between William Hill, Moses Harper, the Revd George Hulme, Thomas Crane, John Fuller, Adam Prattington, John Benbow and John Zachary, Lord of the Manor 27<sup>th</sup> July 1790. It was interesting to note that this document is buried away in a collection of miscellaneous enclosure papers, thus suggesting that similar evidence awaits discovery elsewhere.

<sup>98</sup> *BWJ*: 12<sup>th</sup> March 1818.

<sup>99</sup> Bill Gwilliam, *Old Worcester: People and Places* (Melksham: Halfshire Books, 1993): 85-86.

claiming that the Freeman simply had a misconception of their common rights.<sup>100</sup> Whilst the names of the noblemen were not known, it was likely that they were moved to use their influence because of the support they might receive from local freeholders and businessmen in future elections. Their sentence certainly contrasted with that given to William Rowley in the same year, who received three months hard labour and a public whipping for destroying part of a young quickset hedge on the banks of the Birmingham Canal.<sup>101</sup>

The most interesting evidence about how enclosure impacted on various communities was found in Powick and its surrounding villages and settlements. Although there were several areas of common land, commons and wastes in the parish,<sup>102</sup> the main area of contention was the rich waterside meadows and common fields of Powick Hams. The battle against enclosure here was waged essentially by freeholders trying to assert their rights over attempts to enclose the Hams by local aristocracy. In a previously undiscovered local petition written in 1805, the freeholders of Powick began their new battle to save their rights to the Hams by giving an account of a previous proposal to enclose Powick's commons, common fields and wastes. In 1786 a meeting had been held at the Hop Pole Inn in Worcester to discuss the matter, but the proposed enclosure was 'so generally disapproved of that the question of carrying the measure into effect was lost by a majority of nearly twenty to one'.<sup>103</sup> At that meeting, the freeholders had been assured by the lords of the manor that 'such a measure should never again be by them promoted or proposed'.<sup>104</sup> The freeholders, however, became deeply concerned about the fact that between 1796 and 1805 'great and unreasonable encroachments have been made [on the commons] to gratify the avaricious and selfish designs of individuals'. According to the freeholders, the open arable fields had been encroached on and so had the previously open market place where coal had been landed from the River Teme. The freeholders accepted that some rights had been lost in the past, but they now wanted 'spirited and speedy' action taken to

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<sup>100</sup> *BWJ*: March 12<sup>th</sup> and March 19<sup>th</sup> 1818.

<sup>101</sup> *BWJ*: May 21<sup>st</sup> 1818.

<sup>102</sup> At Old Hills, Colletts Green, Bowling Green and Powick Hams.

<sup>103</sup> WCRO: BA/5540/3, Petition to the Right Honorable the Earl of Coventry and William Lygon Esquire, Lords of the Manor of Priors Court and Beauchamp Court within the Parish of Powick from the Freeholders, 9th October 1805.

<sup>104</sup> WCRO: BA/5540/3, Petition to the Right Honorable the Earl of Coventry.

remove encroachments and restore the coal yard for common use. What they did not want, however, was a general enclosure. Twenty-six freeholders signed this petition, but there was an interesting footnote. A further two signatories were freeholders who were not at the meeting in 1786 when enclosure was first proposed. They indicated that they whilst they were in favour of removing the encroachments they were not necessarily opposed to enclosure.<sup>105</sup>

Although there were a number of other encroachments affecting the commons at Callow End Green, Colletts Green, Bowling Green and Old Hills, these did not produce as much furore as those at Powick Hams. Not only had a small settlement of labourers developed at Piddlefields, close to the river, but also a local farmer, William Morton, over a period of time, enclosed more than seventeen acres of common land to build a house and wheelwright's shop and to create an orchard and plantation, whilst Thomas Nicholls took more than three acres as farmland.<sup>106</sup> These were meant to have been prevented by the vestry, but the vestry itself was using its powers to make its own encroachments on local wastes in order to save money on building costs and house the poor together. In 1802 the vestry ordered that a cottage belonging to George Hodges be bought by the parish and, 'drawn to some spot upon the waste land and repaired at the parish expense for the purpose of making a dwelling for Thomas White and his family'.<sup>107</sup> In August 1805, two months before the freeholders' petition to the manorial court, the vestry ordered that a further cottage be built on the waste for Thomas Hollings with an enclosure for a garden.<sup>108</sup>

This policy of housing the poor on the waste occurred at the same time as the vestry was clearly turning a blind eye to William Morton's encroachment on the commons. In the spring of 1804, Morton had trespassed on the open meadows by drawing brick over them and damaging the turf. He was ordered to make this damage good and pay a fine of 10s for trespassing.<sup>109</sup> This indicated that Morton's encroachment in order to build property and create an orchard was regarded with

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<sup>105</sup> WCRO: BA/5540/3, Petition to the Right Honorable the Earl of Coventry.

<sup>106</sup> WCRO: BA/5540/3, Statement of Encroachments.

<sup>107</sup> WCRO: BA/5540/3, Powick Parish Order Book. See entry for July 9<sup>th</sup> 1802.

<sup>108</sup> WCRO: BA/5540/3, Parish Order Book. See entry for August 12<sup>th</sup> 1805.

<sup>109</sup> WCRO: BA/5540/3, Parish Order. See entry for April 2<sup>nd</sup> 1804.

less disquiet by the vestry than the damage he was causing getting building materials to the site. During the same period, the vestry was also asserting its authority over the common rights of cottagers and people using the common fields who were not parishioners. They ordered that non-parishioners had no right to put livestock on the commons and that cottagers could not have any more than five sheep on the common at any one time in any one year. In 1807, the vestry ordered that all cottagers' lambs should be deemed sheep and that no pigs be allowed to roam the turnpike or be loose on parish roads. In order to enforce these laws the churchwardens were ordered 'to drive all the commonable lands at all times' to check the number of livestock on the commons, presumably to prevent unlawful commoning. It also ordered that anyone stealing farm produce or breaking hedges, rails, gates styles or any fences be arrested. A reward of 5s was offered for any information about such offences that led to a conviction.<sup>110</sup>

Ironically, so far as housing the poor was concerned, vestry policy appeared to have encouraged more encroachments, since in 1807 it ordered that no further building could take place on the wastes. In using the wastes for housing the vestry had set a precedent and other individuals had followed suit and built their own houses there without seeking permission.<sup>111</sup> However, despite the fact that the vestry had these powers, they appear not to have intervened to support the freeholders' petition to the manorial court about their rights of common at Powick Hams. This may in fact have been unnecessary since, as noted earlier, Powick freeholders and other tenants were fully aware of their own common rights and had access to the legal documentation supporting them. This meant that regardless of any enclosure, their specified common rights were reasserted and continued into the late nineteenth century, despite occasional efforts by the then select vestry to undermine them. In December 1826, for example, the select vestry ordered that the Birch Field, which was common pasture for one year in three, should be enclosed and cropped in 1827 instead of being fallow and that every occupier of the field should pay rent of 10s towards the benefits of cropping it. A similar order was made in respect of another field, Wolver Ham, also due to be common pasturage,

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<sup>110</sup> WCRO: BA/5540/3, Parish Order Book. See entry for October 19<sup>th</sup> 1807.

<sup>111</sup> WCRO: BA/5540/3, Parish Order Book. See entry April 3<sup>rd</sup> 1812.

but ordered to be rented out for one year at a rental of £40.<sup>112</sup> The vestry's stated purpose for interfering with these common rights was the need to pay off a parish debt, but it was clearly a further attempt to impose rent charges in order to challenge or erode the freeholders' common rights. Despite the fact that a one-off payment of ten shillings seemed modest enough, its imposition must have caused niggling resentment on the part of the freeholders and other tenants.

A month later in January 1827 the select vestry decided to enclose a certain portion of the remaining common at Old Hills 'for the use and employment of the poor', an action which coincided with a growing punitive attitude towards parish paupers.<sup>113</sup> At the same time, the vestry also appeared to have ended the common right of gathering fuel there since a few months later a reward of ten guineas was offered to find the person who set fire to a wagon of furze collected from Old Hills Common by Richard Winnall, a prominent member of the select vestry.<sup>114</sup> The fact that Winnall appears to have been granted the right to gather furze there, added to the fact that he was a member of the select vestry, had clearly created animosity. This bitterness would have been compounded by the fact that since the furze was being harvested in June, little or nothing would be available for labourers to gather in the winter when it was most needed.

What, then, can be concluded from these detailed examples about the impact of enclosure on the lives of Worcestershire labourers, given their disparate nature? Firstly, it must be said that because enclosure took place in different villages at different times it was not a universal common experience across Worcestershire for labourers during this period. Bearing in mind also that each enclosure involved different amounts of common fields, commons and wastes located in several places within a parish, it was not even necessarily a shared experience within the parish or the village. Indeed, it could be argued that apart from those labourers who were also cottagers living close to common land, most agricultural labourers probably received little benefit from the commons other than knowing they had right of access and the opportunity to gather wild fruit, flowers

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<sup>112</sup> WCRO: BA/5540/3, Parish Order Book. See entry for 18<sup>th</sup> December 1826.

<sup>113</sup> WCRO: BA/5540/3, Parish Order Book. See entry for 15<sup>th</sup> January 1827.

<sup>114</sup> WCRO: BA/5540/3, Parish Order Book. See entry 21<sup>st</sup> June 1827.

and firing if they needed it. Poor labourers, who might have had the greatest need, probably lacked the resources to buy poultry or livestock to graze upon the common land and wastes, and many did not even live within comfortable walking distance of a common.

Clearly, in this period in Worcestershire there were, as E. P. Thompson pointed out, key groups of people, both rich and poor, who strove to maximise land with common rights, commons and wastes to their own advantage.<sup>115</sup> This study has suggested that these groups in Worcestershire, as elsewhere, were major landowners, farmers (particularly freeholders), leaseholders, cottagers and squatters. Of these, although the major landowners might move enclosure for their own advantage, it was clear that farmers, leaseholders, cottagers and squatters were all prepared to encroach on the commons and wastes regardless of the detriment to the common rights of other labourers and tradespeople in the parish. The most aggressive supporters of common rights, however, were undoubtedly those farmers, freeholders and leaseholders who were sometimes able to annex substantial acreage from the commons and who were financially able to band together to defend their common rights, either by force, through litigation or both. Nor did they necessarily accept actual enclosure as the end of contentious litigation. In 1800, for example, the proprietors of enclosed and tithed land at Offenham petitioned Parliament for a Bill to allow the proprietors to exchange their newly enclosed lands in a more logical way and for the removal of tithes altogether.<sup>116</sup> There was also some evidence that during this period a growing number of small speculators, including non-resident rural tradespeople, saw land as an investment, so that when enclosure brought a right to purchase, it was often they who had the cash to do so rather than cottagers and squatters who had made the initial encroachments. This was not simply the case at Inkberrow, but also at Feckenham where residual common land totalling 243 acres was enclosed in 1812. Here, although one or two cottagers could afford to buy their own houses, most of the other purchasers were minor property speculators, like Jonathan Houghton, who managed to acquire three houses, gardens and orchards.<sup>117</sup>

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<sup>115</sup> Thompson, *Customs in Common*: 102-106

<sup>116</sup> Birmingham Record Office: MS319, Scope and Content: Offenham 280077.

<sup>117</sup> WCRO: BA/6351, Feckenham Enclosure Survey 1812.

Although one contemporary pro-enclosure writer claimed that 20 cottagers achieved right of ownership and became increasingly prosperous when Bournheath (Bromsgrove) was enclosed in 1802, it was the only example cited of enclosure within the county benefiting cottagers. It also hid the fact that although 20 cottagers obtained ownership, they were not simple beneficiaries of enclosure who had been given extra land out of the Commissioners' sense of generosity and fair play.<sup>118</sup> Encroachments by cottagers on three commons and wastes in the Bromsgrove area (Padslow Yield, Catshill Yield and Bournheath) had been taking place for at least a quarter of a century before enclosure and as early as 1773 the Court Leet for the Manor of Bromsgrove had ordered that the encroachments on the wastes be opened up and sold. Local freeholders supported this order, presumably because they were losing out on their legal grazing rights, but the matter was not resolved. In 1774 the freeholders approached Lord Plymouth to help them,<sup>119</sup> but by 1797 no land had been opened up, no sales had taken place and the number of encroachments by cottagers on the commons and wastes had now reached 97; although some, admittedly, were as small as one pleck of land.<sup>120</sup> For major landowners to ride roughshod over these long-standing encroachments and fail to recognise such a large number of cottagers' rights could have led to significant protest. However, the unusually large number of cottagers receiving legal right of ownership during the enclosure process avoided both the possibility of protest and, given the numbers involved, a long and potentially drawn out legal process on the part of the Commissioners. Also, what was cited as evidence in favour of the cottagers' rights was the fact that fines for encroachments recorded by the Court Leet in the eighteenth century had never been collected, which meant that the Court Leet had, by default, acknowledged the cottagers' rights of ownership.<sup>121</sup>

This study also found that despite the existence of small numbers of cottagers elsewhere with the means to purchase, and one labourer from Inkberrow who was able to take advantage of enclosure to amass more land, those labourers

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<sup>118</sup> Mr. Laird, *A Topographical and Historical Description of Worcestershire* (London: 1818): 52.

<sup>119</sup> *Notes and Queries for Bromsgrove*, Vol. 3. (Bromsgrove: Bromsgrove Messenger, 1909): 170-172. The word pleck meant 'small piece' and was distinct from a 'rudge' (ridge), a furlong or a quillet (a small narrow strip).

<sup>120</sup> *Notes and Queries for Bromsgrove*, Vol.3: 190.

<sup>121</sup> *Notes and Queries for Bromsgrove*, Vol.3: 170.

who undoubtedly lost most from enclosure were cottagers and squatters without the means to buy their properties. At both Inkberrow and at Powick, most cottagers and squatters became rent-paying tenants after local enclosure, although even then one must be cautious about making subjective judgements about all landowners as being totally rapacious. At Powick, for example, although many of the encroachments on the smaller commons became the property of the Earl of Coventry, rents remained low after enclosure and two elderly widows paid no rent at all.<sup>122</sup> That said, other villagers were less fortunate. Before the enclosures at Powick, Richard Aston was living as a rent-free cottager in a house and garden totalling one-rood thirty-eight perches, but by 1838 he was an agricultural day-labourer with a wife and five children and the tenant of a smaller cottage of twenty-seven perches, owned by Richard Lewis.<sup>123</sup> This not only meant less living space, but less ground to cultivate in order to supplement his wages and support a larger family. Newer tenants of cottages that were old encroachments were also rent payers, like Henry Deakin, another agricultural labourer, and Maria Goodman, a glove-maker.<sup>124</sup> Despite being tenants, they would probably still have known or been told that their cottages, within living memory, like others around them, had once carried the right to graze five sheep upon the common. This lost right was an important one since, even if a cottager like Maria Goodman could not afford to stock five sheep on the common herself, she could graze livestock for others and make a supplementary income that way.

Such losers, no matter how unfortunate, however, formed a small minority compared to the other agricultural labourers living within each parish, village and hamlet during this period. It also needs to be borne in mind that a significant proportion of the labouring majority were farm servants who probably had little interest in the commons other than for pleasure and recreation. Of the rest, particularly those who lived in villages, there is little or no evidence as to whether they used their common rights at all. For many it was unlikely. In a large parish like Powick many agricultural labourers lived in villages and hamlets that were several miles away from common land and access would have been difficult. It is

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<sup>122</sup> WCRO: IR/29/39/112, Powick Tithe Apportionment 1838.

<sup>123</sup> A rood was a quarter of an acre, a perch totalled five and a half yards.

<sup>124</sup> WCRO: Census Returns 1841, Powick, Microfilm 9.

also worth noting that, although part of Old Hills Common still survives today, there is no tree growing there that is less than a century old, suggesting that because of growing demand natural resources would have been in short supply, if not completely exhausted. The same is true of the Ridgeway at Inkberrow, where by the 1800s the parish had to give a fuel allowance to those on poor relief.<sup>125</sup>

Although historians have generalised the enclosure of open fields, commons and wastes as being a loss to every labourer, there was no evidence that that this was the case in Worcestershire, although further studies of local enclosures will be needed to clarify this hypothesis. At Powick, for example, it was clear that the issues affecting freeholders' common rights to graze livestock on the rich water meadows at Powick Hams had little in common with labourers' rights to gather furze at Old Hills Common, located several miles away. More significantly, the majority of Powick labourers were unaffected by either dispute because they had no grazing rights on the Hams and lived some distance from Old Hills Common. This is not to say that agricultural labourers were unaffected by agricultural change *per se*, but to highlight the fact that enclosures were more important for their later symbolic association with other grievances. Their direct impact at the time may well have been exaggerated by contemporary commentators. Peter Edwards,<sup>126</sup> in a detailed study of Rushock (close to Elmley Lovett), has pointed out in any case that the erosion of open field land and the decline of the commons in that Worcestershire village at least did not suddenly happen in one fell swoop, but was a long and gradual process that began as early as 1572. Although concentrating on the small farmer, Edwards' research findings about agricultural labourers at Rushock had some similarities with what had happened at Elmley Lovett, Inkberrow and Powick.

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<sup>125</sup> In a study of common rights in ten settlements in the south and east Midlands, Leigh Shaw-Taylor notes that over 80 per cent of labouring households neither owned nor rented cottages with common rights. He also investigated how many labourers owned and grazed cattle on common fields and found, in two-thirds of his sample, that cow-keeping was very low in incidence and that unlawful communing did not take place on a large scale. See Leigh Shaw-Taylor, 'Labourers, Cows, Common Rights and Parliamentary Enclosure: The Evidence of Contemporary Comments c.1760-1810'. *Past and Present*, Number 171 (May 2001).

<sup>126</sup> Peter Edwards, 'The Decline of the Small Farmer: The Case of Rushock, Worcestershire', *Midland History*, Vol.XX, (1996): 76.

At Rushock, the labouring population grew during the mid eighteenth century and by 1772, to meet the pressure of housing them, a number of cottages were erected on the surviving wastes at Rushock Wood. When enclosure came in 1812, Edwards suggested, it did not have a significant impact on the village, because only one-seventh of the land in and around the village remained unenclosed and the village's social structure had long since been transformed by earlier changes. Those most affected at Rushock were the cottagers at Rushock Wood, simply because the woodlands were part of the enclosure and, unless they could afford to buy their properties, they were transformed from 'owners' to rent-paying tenants.<sup>127</sup> Again, as was the case at Powick, Edwards found neither evidence of labourers objecting to enclosure, nor any labour unrest afterwards. What he did find was that the main objector to the enclosure proposal was William Gabb, a freeholder farming twenty-eight acres.<sup>128</sup> Edwards' study also backed up contemporary opinion that apart from significant open fields, commons and wastes to the south of the county, a great part of Worcestershire had already been enclosed prior to the late eighteenth century so that enclosures taking place from 1790 onwards were quite localised in their impact.<sup>129</sup>

This is not to say that agricultural labourers did not eventually see enclosure as a common grievance, only to suggest that in Worcestershire it was not a primary cause contributing to future social unrest or social dislocation. Much more significance could probably be attached to declining wages and employment opportunities during this period. In his wider study, which included Midland counties, K. D. M. Snell suggested that from the 1780s onwards a chain of events occurred which had an increasingly negative impact on agricultural labourers. These began with an overall decline in farm service, which, accompanied by a rise in seasonal unemployment, put pressure on poor relief leading to cuts in the allowance system. He argued that changes to employment patterns and poor relief, occasionally exacerbated by enclosure, led to a growth in the number of labourers having to take 'short-term, impersonal and insecure daily labour' while those on relief were subject to growing resentment and harsher strictures of churchwardens,

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<sup>127</sup> Snell, *Annals of the Labouring Poor*: 95.

<sup>128</sup> Snell, *Annals of the Labouring Poor*: 95.

<sup>129</sup> Laird, *Worcestershire*: 51.

overseers and others.<sup>130</sup> It was likely that these factors had more impact on the lives of Worcestershire's agricultural labourers than enclosure ever did. This study examined how work and wages changed over the period in question in order to determine whether incomes rose or fell and what effect this had on local systems of poor relief.

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<sup>130</sup> Snell, *Annals of the Labouring Poor*: 101-111.