

Arthur Young on enclosures, 1770

(Arthur Young, *A Six Months Tour Through the North of England* (1770), I, pp.252- 264; IV, pp.43; in D. B. Horn and Mary Ransome, eds., *English Historical Documents, Vol. X, 1714-1783*, N.Y: Oxford University Press, 1969, pp. 435-40. Young argues that the expense of enclosure by Act of Parliament often makes enclosures much less profitable than is often supposed.)

Lastly, let me offer some remarks on the great improvement carrying on of enclosures; but this will require a more diffusive examination. There is scarcely any point in rural economics more generally acknowledged, than the great benefits of enclosing open lands: some authors, it is true, have attacked them as suppositions, and asserted them to be a national disadvantage, of trivial use to the proprietors, but very mischievous to the poor. My residence in this part of *Yorkshire* brought (at first accidentally) to my knowledge some particulars respecting the merits of enclosing, and the means commonly pursued in the execution, which are not to be found in the *face* of any *acts* whatever; but which are certainly of importance in weighing and deciding the advantages of the measure. To give you a tolerable idea of these circumstances, it will be necessary to sketch the progress of an enclosure, as it generally is conducted, without any eye to legal forms, or the letter of the act.

First, The proprietors of large estates generally agree upon the measure, adjust the principal points among themselves, and fix upon their attorney before they appoint any general meeting of *all* the proprietors. The small proprietor, whose property in the township is perhaps his all, has little or no weight in regulating the clauses of the Act of Parliament, has seldom if ever an opportunity of putting a single one in the bill favourable to his rights, and has as little influence in the choice of commissioners; and of consequence, they have seldom any great inducement to be attentive to his interest; some recent instances of which I have heard of.

II. Any proprietor possessing a fifth of the manor, parish, lordship, &c. to be enclosed, has the right of a negative upon the measure, consequently the poorer proprietors are often obliged to assent to unreasonable clauses, rather than give up all the advantages they hope from the enclosure.

III. The attorney delivers his bill to the commissioners, who pay him and themselves without producing any account, and in what manner they please. Is it therefore any wonder, that the expenses previous to the actual enclosing the ground are very frequently (unless where the township is very small) from 1800*l.* to 2000*l.* all which is levied and expended by the commissioners absolutely, and without control* To this extravagant expense add, that attending the enclosure itself, the making the ditches; the posts and railing; buying and setting the quickwood, &c. this, added to the former expense, must surely run away with great part of the profits expected from the in- closure, even if it was absolutely unavoidable. But what must we think of the indolence of the proprietors, who will thus unnecessarily neglect the great improvement of their estates to advance the private interests of the commissioners, &c.

IV. The division and distribution of the lands are totally in their breasts, and as the quality of the soil as well as the number of acres is considered, the business is extremely intricate, and requires uncommon attention; but on the contrary is often executed in an inaccurate and blundering manner. Nor is there any appeal but to the commissioners themselves, from their

allotments, however carelessly or partially made. Thus is the property of the proprietors, and especially the poor ones, entirely at their mercy; every passion of resentment, prejudice, &c. may be gratified without control; for they are vested with a despotic power known in no other branch of business in this free country.

V. Justice as well as common sense requires that after the *survey and division, the award* of the commissioners should be directly published, it being the record which proves the respective properties: and likewise that their accounts should, upon the conclusion of the business, be regularly arranged under each distinct head attended by every corresponding voucher, and made public to the inspection of every proprietor, but unfortunately this is far from being the case, the time of publishing the award, is greatly procrastinated, and as to accounts they seldom show any, all the particulars of that sort remain forever a profound secret, save the particular sum demanded from each proprietor. That indeed if they chose it, they may communicate to each other and be able to form some judgment of the inequality of particular assessments, but as there lies no appeal from the award they are generally induced to sit down quietly, though the disproportion of the allotments and assessments should be glaringly conspicuous. . . .

VII. There is no remedy against the impositions or blunders of the commissioners, but that which, perhaps, is as bad as the disease, *viz.* filing a bill in chancery; a remedy, which in all probability, one or two persons must support for the good of *the whole*, but without the assistance of *half*.

VIII. And if I am not greatly mistaken, even this means of redress is more limited than in most other cases: it may compel the commissioners to deliver in their accounts, but how can it rectify any unjust management of the land? It lies in the breast of the commissioners when to make their award, and I do not imagine, that till they have signed it, it would be prudent to file the bill against them. It might possibly be two or three years before a decree could be obtained, and when any proprietor has been at the expense of enclosing his share, cultivating the ground, and raising the fences, how is it possible that even the power of the court of chancery, extensive as it is, can in &s case redress the injury, whether it arises from the particular situation of the allotment, the quantity, or the quality of the soil. Need I say anything further, to point out the real necessity of the proprietors of land exerting themselves to retrench this enormous power, vested in the commissioners. The advantages resulting from enclosures, are not to be looked upon as merely beneficial to the individual, they are of the most extensive national advantage. The improvements in agriculture, that source of all our power, must be trifling without them; surely therefore, every measure that can promote them should be adopted, every difficulty attending them *smoothed*, and every injury redressed.

It appears clearly from the above circumstances that the proprietors of a lordship to be enclosed, give to the commissioners for executing the act, an unlimited power of taxing their estates, and including that unheard of power of being party, judge, and jury in the whole affair of paying themselves. If a proprietor is offended at their proceedings, and refuses to pay the sums levied on him, they are entrusted by the act, with powers immediately to distrain. Such immense confidence in the commissioners, might be attended with few inconveniences, if they were universally men of considerable property, and known integrity; but when the hackneyed sons of *business, are* employed (which is the case nine times out of ten) the proprietors have just reason to tremble at the situation of their purses. it is very natural to conclude, that such causes must be attended with a very striking effect, and this accordingly is the case; for impositions, and the inaccuracy of commissioners have arisen to such a height, that many proprietors who were eager for enclosures, on a sanguine prospect of benefit, have found the measure highly injurious and

totally owing to the immense expenses. There is a very false idea current, that rents are doubled by enclosing; a measure may be vastly advantageous without possessing such uncommon merit. This notion hurries numbers to enclosing, who afterwards find the expenses to run away with great part of the profit. But even where the expenses do not exceed the profit, it is very often the case, that the proprietor is not repaid in six or seven years, perhaps more; and when it is considered, how little able some proprietors, even in good circumstances, are to wait so long before they are reimbursed their expenses; how often they are disabled (by advancing their proportions necessary for an enclosure) to provide for the settlement of their children in the world, how often they are prevented cultivating their new enclosure to any advantage, by being drained of their ready money-I think it will incontestably appear, that the advantages resulting from this extravagant method, are trivial to the majority of proprietors in comparison to what they might reasonably have expected, from a more equal management.

You will not think this surprising, when you are informed the immediate rise of rent in many enclosures in this neighbourhood, has not amounted to above five or six shillings an acre, and in some to no more than eighteen pence and two shillings an acre. in strong rich lands where they have some meadow lands, the rise is higher. But indeed the smallness of the rise is, in some measure, owing to their want of better husbandry; for with very few meadows, they know scarce anything of clover and ray-grass or turnips; consequently, the value of an enclosure is comparatively small to them.

But whatever cause the fact is owing to, it remains equally surprising that the proprietors should not be more attentive to their interest, a rise of rent sufficient to pay the expenses of the enclosure under the management of honest, able, and careful conductors, may vanish into nothing upon the mention of those who have neither integrity, abilities, or attention; and it must be strange spineless indeed, that can suffer the gentlemen of a county to be duped in so flagrant a manner, as to allow even in idea, the trains of imposition which are now common in the business of enclosures. It is wonderful they do not exert themselves to introduce common sense and honesty, in an affair hitherto under the cognizance of ignorance, knavery, and self-interest.

For this purpose, it seems requisite, that the following clauses should be added to the acts for enclosure.

I. That the small proprietors should have a share in the nomination of commissioners; either by a union of votes or otherwise, as might be determined.

II. That the attorney and commissioners should, before the passing the act, agree upon their several rewards, and on no account whatever be suffered to pay themselves one shilling.

III. That the commissioners proceed immediately to the survey, distribution, and assignment, and the building or forming public works.

IV. That in case any man thinks himself injured, he may be at liberty (but totally at his own expense, in case he is in the wrong) to summons a jury immediately, to view and decide the affair.

V. That as soon as the abovementioned business is concluded, the commissioners do give in their account of all sums received and expended, in the most regular manner, and with all the vouchers for payment; and that they immediately publish their award.

VI. That an action at common law be had against the commissioners for false, or unvouched accounts, &c. &c.

By means of these or other clauses better imagined, but of the same intention, this undoubtedly beneficial measure of enclosing would be infinitely extended, and the interests of the community, as well as individuals, greatly secured.

Many people enclosing upon old rents, think the great advance of rent upon their farms is owing to enclosures, whereas their farms would very well have allowed of an additional rent without it.

I am not here arguing against enclosures, the advantages arising from them are certainly very extensive; I am only saying, they are not so great as they are frequently imagined to be, and they do not always indemnify the *present* possessor from the great expense he is at in obtaining them, by the absurd and extravagant manner in which they are generally conducted.

"And be it further enacted, That the reasonable costs and charges incident to, and attending the obtaining and passing this Act, and of the surveying, dividing and allotting the said lands and grounds hereby directed to be enclosed, and the preparing and enrolling the said award or instrument, and all other necessary charges and expenses relating to the said divisions and enclosures, and to the fencing, hedging, and ditching, the same shall, from time to time, as such costs, charges, and expenses shall accrue, be borne, paid and defrayed by the several parties to whom any part of the said lands and grounds shall be allotted, in proportion to the value of their respective shares or interests therein, *such proportions to be adjusted and settled from time to time, by the said commissioners or any two of them;* and in case any person or persons shall refuse or neglect to pay his, her, or their proportion or proportions so to be from time to time adjusted and ascertained, of such charges or expenses within the time to be limited by the said commissioners, or any two of them, to such person or persons as they, or any two of them shall appoint to receive the same, then the said commissioners, or any two of them, shall and may raise, and levy the same, by distress and sale of the goods and chattels of the person or persons so neglecting or refusing to pay the same, rendering the overplus (if any) on demand to the owner or owners of such goods and chattels, after deducting the costs and charges of taking and making such distress and sale, or otherwise it shall and may be lawful to and for the said commissioners or any two of them, from time to time, to enter into and upon the premises, so to be allotted to such person or persons refusing or neglecting to pay as aforesaid, and to take the rents and profits thereof respectively, until thereby, or therewith, or otherwise, the share or shares, proportion or proportions of the said costs and charges so to be from time to time directed, awarded or appointed by the said commissioners to be paid by such person or persons as aforesaid, and also all costs, charges, and expenses occasioned by or attending such entry upon and receipt of the rents and profits of the same premises shall respectively be fully paid and satisfied."

A most precious piece of delegated despotism.

* For a proof of this, see the following extract from an Act which gives an *absolute* and unlimited power to the commissioners to raise *whatever sums* they please, and to assess them *in the proportions and in such manner* as they think proper.

(After a number of tables that show that the larger the farms, the more population is encouraged, Young rebuts the general belief that the formation of large farms leads to rural depopulation.)

Great farmers are generally rich farmers; and it requires no great skill in agriculture to know, that they who have most money in their pockets, will, upon an average, cultivate the soil in the most complete manner; *good* culture, in most cases, is but another word for *much* labour. And this state of the question opens another view of this branch of rural economy, which should not be slighted:- A very considerable portion of the labour of a farm is of the *extra* kind; all included in

these tables is the regular yearly allowance; but *improvements*, and most articles of vigorous culture, are done by *extra* hands; witness, marling; chalking; paring and burning; turnip hoeing; walling; &c. &c. &c. consequently the great farmers (the richest men) use a much greater proportion of this *extra* labour, than smaller (poorer) ones: And this remark is not only consistent with reason, but is verified by common observation, in every county in *England*

In the next place I should observe that great farmers do not keep near the proportion of servants, maids, and boys, that smaller ones do. Their superiority in population lies totally in labourers; indeed, it would be useless and impossible for them to keep the proportion of servants of small farmers; their houses would not contain them. Now it is not the employment of single hands that promotes population, but that of men who have families; and this circumstance must operate strongly, in giving so great a superiority to large farms. The variation from these rules, between, under, and over three hundred acres, is not great; nor can any remark be wholly unexceptionable.

We may draw from these tables this general corollary, which will state the case in the clearest manner:

That the farms most advantageous to population, without exceptions, are those from five hundred acres upwards; and of such, those above a thousand acres are the superior; those under five hundred acres much inferior.

I doubt not but you will allow me to add upon this conclusion, that the vulgar ideas, of great farms depopulating the kingdom, are here proved, from facts, to be false; and not from one or two instances, but from the divisions of above seventy thousand acres of land; of all soils, in all situations, and under a vast variety of circumstances; throughout a line of country extending above two thousand five hundred miles. I will not assert that the average of such a tour must be the average of the whole kingdom; but I may surely be allowed to think, that there is a much greater probability of it, than of the truth of random assertions, general reasonings, and vulgar prejudices, all deduced from opinion, and founded upon that, and partial instances. If facts do not give me this advantage, they will yield me nothing, and I will reject them in favour of *notions*, as more satisfactory evidence.