

The creation and administration of post-enclosure poor lands in English parishes, c.1630–1840*

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Abstract

This paper explores the creation and management of post-enclosure poor lands and variations in the distribution of the benefits derived from these lands between the 1630s and 1840s, with particular attention to the data gathered from across the nation for the Brougham commission reports. It shows that these lands were managed in three broad ways: by trustees allowing the poor to harvest resources directly, by trustees letting (allowing occupancy) to the poor, or by trustees leasing to tenants and utilizing the income, where the trustees were expected to provide annual accounts audited by the inhabitants. It will also illustrate the two main categories of relief that were distributed to the poor, in coal or cash, and the legal procedures used to prevent the trustees acting in breach or requiring them to perform their obligations to secure poor lands as charitable funds.

Poor lands were awarded as part of the process of enclosure with the intention that the rents should be used not to supplement parish revenues to alleviate the burden of tax assessments for ratepayers, but to relieve the poor who did *not* receive parochial relief. Their creation was to compensate for the extinguishing of common rights connected to pre-existing charitable estates that had been created in trust.¹ As was the case with older charitable trusts, the trustees of poor lands were frequently chosen from among the parish elites. During the process of enclosure, poor parishioners could become excluded from direct access to the commons, putting greater weight upon support obtained as parish pensioners². In this respect, understanding the role of post-enclosure poor lands might be of particular significance for an appreciation of the changing institutional culture of the parish³, reflecting the connection

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¹ E. C. K. Gonner, *Common land and inclosure* (1912), p. 367; J. Humphries, 'Enclosure, common rights, and women: the proletarianization of families in the late eighteenth and early nineteenth centuries', *JEcH* 50 (1) (1990), pp. 17–42.

² B. Sharp, 'Common rights, charities and the disorderly poor', in G. Eley and W. Hunt (eds), *Reviving the English Revolution: Reflections and elaborations on the work of Christopher Hill* (1988), pp. 107–37; R. W. Hoyle, 'The forest under the Dynhams', in J. Broad and

R. W. Hoyle (eds), *Bernwood: The life and afterlife of a forest* (1997), pp. 35–72. J. Broad, 'The smallholder and cottager after disafforestation – a legacy of poverty?', in Broad and Hoyle, *Bernwood*, pp. 90–107.

³ S. Hindle, "'Good, Godly and Charitable Uses': Endowed charity and the relief of poverty in rural England, c. 1550–1750', in A. Goldgar and R. I. Frost (eds), *Institutional culture in early modern society* (2004), pp. 164–88.

between the loss of common land through enclosure and stresses upon the Elizabethan poor relief system, which was designed to 'cope with poverty in a predominantly unenclosed rural economy'.⁴ As will be discussed, it is likely that the supposedly strict line against using poor lands to relieve the burden on the parish relief system was an ideal not always lived up to.⁵ Although post-enclosure poor lands were created from the seventeenth century onwards, historians' studies of the poorer sort in rural society have paid little attention to the capacity of post-enclosure poor lands due to their apparently small contribution nationally.⁶ Nevertheless, as with charities, in particular localities they could take on greater importance.

The main objective of this paper is not to contend that post-enclosure poor lands played a decisive role by comparison to the rate-based parish relief developed rapidly after the statute of 1598 onwards, but rather to illustrate the ways in which they were created and managed and how their benefits were distributed among the poor during the years between the 1630s and the 1840s – before the provisions of the Enclosure Act of 1845, which required the award of recreation land and garden allotments for the labouring poor at every enclosure⁷. This study represents an introductory investigation of post-enclosure poor lands, but it would provide a useful resource for scholars of poor relief to fit into a broader national picture.

This article utilizes the evidence of the Charity Commission, or the Brougham Commission, which lasted for 19 years (1819–37) and published 32 reports. The reports are highly revealing of the technical details of the administration of poor lands, in part by consulting them in tandem with the results of an earlier census conducted on charities in 1786, the Gilbert Return (Abstract of the Returns of Charitable Donations 1786, P.P. 1816 XVIa), about which the historical record is almost invariably silent. But it should be noted that about one third of the land descriptions in the Charity Commission reports do not allow us to judge how much of the land was actually enclosed or allocated as poor lands, not least because the land is described in very succinct ways. It is therefore impossible to derive a full overview of post-enclosure poor lands, and the researcher must also be reliant on richer observations of selected specific places available for analysis.⁸

Though the poor could be defined in various ways, in the reports those who enjoyed access to poor lands were defined as the industrious poor who should have 'exclusively'

⁴ S. Birtles, 'Common land, poor relief and enclosure: the use of manorial resources in fulfilling parish obligations 1601–1834', *Past and Present* 165 (1999), pp. 105–6.

⁵ S. Pinches, 'From common rights to cold charity: enclosure and poor allotments in the eighteenth and nineteenth centuries', in A. Borsay and P. Shapely (eds), *Medicine, charity and mutual aid: the consumption of health and welfare in Britain, c.1550–1950* (2007), pp. 50–2.

⁶ J. L. Hammond and B. Hammond, *The village labourer 1760–1832, a study in the government of England before the Reform Bill* (1911); Gonner, *Common land*; J. D. Chambers, 'Enclosure and labour supply in the industrial revolution', *EcHR* sec. ser., 5 (1953), pp. 319–43; K. D. M. Snell, *Annals of the labouring poor:*

social change and agrarian England, 1660–1900 (1985); J. Neeson, *Commoners: common right, enclosure and social change in England, 1700–1820* (1993); J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750–1880* (1966); L. Shaw-Taylor, 'Parliamentary enclosure and the emergence of an English agricultural proletariat', *JEcH* 61 (2001), pp. 640–62; J. Burchardt, *The Allotment Movement in England, 1793–1873* (2002).

⁷ Birtles, 'Common land', p. 105.

⁸ G. Clark, 'The Charity Commission as a source in English economy history', *Research in Economic Hist.*, 18 (1998), pp. 1–2, 27; P. Cockton, *Subject Catalogue of the House of Commons Parliamentary Papers 1801–1900*, III, *Law and Order, Local Government and Local Finance, Poverty and Social Administration, Education, Information and Recreation* (1988), pp. 696–7.

received charitable allowances and who were 'not maintained by parochial relief' (Weeden Beck, Northants.) These recipients were called simply 'the poor inhabitants', 'poorest sort of labourers' (Little Hale, Lincs.), or 'second poor' (Ashton Keynes, Wilts.). But, in some parishes in Norfolk, the poor were defined as those who had occupied land not above the value of £5 or £6 a year, or who had occupied land with more than a yearly value of £10 but had received parochial relief within six months preceding, meaning that the limits to entitlement seems to have been more rigorous.⁹ Exceptionally, at Welford (Northants.), the definition of the eligible poor was extended to 'the poor generally', because only a very small number of poor received no relief at all.¹⁰ As Hoyle suggests, it should be noted that they were 'poor on a broad definition, they were economically sufficient to avoid dependence on the poor law', and were also 'capable of behaving politically'.¹¹

In what follows, a more detailed consideration of poor lands rests on three core areas: the regional distribution and scale of poor lands; the creation of poor lands; and their management and distribution of benefits derived from poor lands among the poor.

I

This section will provide details on the distribution and scale of the post-enclosure poor lands recorded in the Reports, which cover the lands that existed in England during the years between 1820 and 1839. Although the data in the returns pertain to 36 counties only, they can be taken as indicative of their spatial distribution and scale, covering 350 post-enclosure poor lands, including 323 cases of parliamentary enclosure (c.1750–1840) and 27 cases of pre-parliamentary enclosure (pre-1750) poor lands, established chiefly in the seventeenth century; and 113 cases of poor lands created by private donations identified in the Reports (Table 1). However, this number should be considered a minimum, because some cannot clearly be identified as poor lands due to the brevity of their description, partly because coverage was incomplete as mentioned above, and in some cases because such lands may have disappeared before the Reports were made.¹²

Table 1 shows that post-enclosure poor lands were widespread across England, but most parishes did not have them.¹³ The table also shows the median acreage of pre-and post-parliamentary enclosure poor lands in each county identified in the Reports. Judged by whether the acreage was higher than the national median of 13.9 acres, areas with relatively larger poor lands can be identified in the parts of the Fens, the Midlands and the South West. However,

⁹ BPP, 1823, VIII, Report of Commissions of Inquiry into Charities in England and Wales, 8th Report, Appendix [thereafter CCR report number], p. 544; BPP, 1825, XI, CCR, 13th Report, p. 27; BPP, 1833, XIX, CCR, 26th Report, pp. 106, 278–9; BPP, 1835, XXI, CCR, 29th Report, pp. 612, 1262–3; BPP, 1839, XIV, CCR, 32nd Report, Part IV, p. 193.

¹⁰ BPP, 1825, XI, CCR, 13th Report, pp. 39–40.

¹¹ R. W. Hoyle and C. J. Spencer, 'The Slaidburn poor pasture: changing configurations of popular politics in

the eighteenth- and early nineteenth-century village', *Social Hist.* 31 (2006), p. 200.

¹² Pinches, 'From common rights to cold charity', pp. 42–3.

¹³ There were at least about 15,500 parishes, townships, local incorporations and other bodies responsible for administering poor relief. Cf. S. King, *Poverty and welfare in England, 1700–1850: a regional perspective* (2000), p. 7.

TABLE 1. The number of poor lands in each county

<i>County</i>	<i>Post-enclosure (No.)</i>	<i>Pre-parliamentary enclosure (No. and year)</i>	<i>Created by private donations (No.)</i>	<i>Median acreage</i>
Bedfordshire	10	0	2	7.9
Berkshire	12	0	0	8.5
Buckinghamshire	19	2 (1632, 1777)	0	79.7
Cambridgeshire	8	0	2	6.9
Derbyshire	3	0	0	1.5
Devonshire	1	1	4	8
Dorset	4	3 (1628)	4	38.5
Essex	4	0	9	2.7
Gloucestershire	8	1 (1672)	1	8.5
Herefordshire	5	0	2	1.7
Hertfordshire	8	0	1	9.6
Kent	0	0	1	3.3
Huntingdonshire	8	0	0	3.3
Leicestershire	13	3 (1655, 1668, 1710)	2	14.0
Lincolnshire	19	3 (1700)	1	17.0
Middlesex	17	0	0	10.0
Norfolk	25	1	5	23.2
Northamptonshire	51	3 (1681, 1685)	3	9.0
Nottinghamshire	12	0	1	1.9
Oxfordshire	13	0	4	9.0
Cheshire	1	0	1	0.8
Durham	2	0	4	11.9
Lancashire	2	0	5	0.4
Rutland	2	1	3	25.0
Shropshire	1	0	4	0.8
Somerset	3	2 (1637)	3	39.5
Staffordshire	2	1 (1636)	6	2.5
Suffolk	42	1 (1663)	22	13.5
Surrey	0	0	2	19.0
Warwickshire	6	1 (1660)	1	2.3
Westmorland	1	0	5	42.4
Wiltshire	8	2 (1651, 1663)	0	51.6
Worcestershire	1	0	0	17.6
Yorkshire, E. Riding	7	1	6	3.4
Yorkshire, N. Riding	5	0	0	1.5
Yorkshire, W. Riding	27	1 (1641)	9	3.4
Total	350	27	113	13.9

Source: BPP, 1820–39, Reports of the Commissioners of Inquiry into Charities.

these spatial patterns of median acreage are not always correlated with the size of compensation for the poor derived from them in cash, coals and other fuels. To gain better insight into the meaning of this spatial variation in median size, it is useful to examine how size was related to the methods of exploitation.

At Cavenham (Suff.), about 80 acres was set out for the poor 'in lieu of their right of cutting fuel on Cavenham Heath'. However, at Branbee, about 13 acres of land, which approximated the national median of 13.9 acres, was allotted in exchange for the right to cut furze on the common. In the case of Lakenheath (Suff.), about 154 acres of fen was allotted to the trustees for the poor 'for the purpose of digging turf for fuel' and was used by the poor, 'under the order and regulations of the parish officers', leading to relatively high acreage. This is true of the cases of Norfolk. At Hevingham (Norf.), about 159 acres of land was set out to the trustees, but it was 'very bad land', so the land was used for the poor to cut fuel. Also, at Bow Brickhill (Bucks.), about 198 acres of land called 'Black Ground' was allotted to the trustees for the use of the poor 'for firing'. Thus, it seems likely that the relatively large median size of poor lands in some parishes lowland eastern England and the Midlands, was related to the type of management by trustees, whether they allowed the poor to harvest resources, or let them (allowing occupancy) to the poor, as described below. Birtles argued that fuel allotments were, in essence, allotted where the use of the commons for fuel had been especially important before enclosure.¹⁴ However, it seems likely that other relatively large median acreages in parts of the Midlands and South West that were once forest were not directly related to the method of exploitation. For instance, at Brill (Bucks.) about 181 acres of land was allotted for compensation of the rights of which the poor were deprived after disafforestation of Bernwood Forest, the rent of which was distributed among the poor in cash. The same is true of the cases in Wiltshire, Dorset, and Somerset, where about 61 acres of land was allotted for the poor in Gillingham at the disafforestation of Gillingham royal forest, and about 80 acres of land was set out to the trustees for the poor of Mere in Wiltshire in 1651 as compensation for disafforestation of Gillingham royal forest; while at Combe St Nicholas (Som.) about 162 acres of land was allotted for the poor after the disafforestation of Neroche Forest; and at Edwinstowe (Notts.), under an Act for disafforesting Sherwood Forest (1818), 91 acres of land was set out to the trustees for the poor.¹⁵ Thus, the relatively large median size of poor lands in these parishes was related to the management by the trustees leasing them to the tenants, distributing benefits derived from the land among the poor in cash. There were, however, exceptions to these relatively generous grants on the disafforestation of large royal forests encompassing several neighbouring parishes or generous benefactions in the past. In several cases, under an act of parliament for enclosing a part of the forests, the acreage for disafforestation awarded in a single parish was much smaller than county's median acreage.¹⁶

¹⁴ S. Birtles, 'Common land', p. 93.

¹⁵ BPP, 1834, XXI, CCR, 27th Report, p. 9; BPP, 1837, XXIII, CCR, 30th Report, p. 152; BPP, 1834, XXI, CCR, 27th Report, p. 766.

¹⁶ See, for instance, Whitfield (Northants.) in 1796 as the part of enclosure of Whittle Forest (BPP, 1826, XII,

CCR, 14th Report, p. 301), Hanbury (Staffs.) in 1803 as the part of enclosure of Needwood forest (BPP, 1824, XIV, CCR, 11th Report, pp. 561–2), Hanslope (Bucks.) and Piddington (Northants.) in 1827 as the part of enclosure of Salcey Forest (BPP, 1834, XXI, CCR, 27th Report, p. 140; BPP, 1830, XII, CCR, 23rd Report, p. 382).

In short, although the highest concentrations of relatively large-scale poor lands observed in the Reports were most pervasive in parts of lowland eastern England, the Midlands, and the South West, the spatial variation in size frequently ties in with the share of lands suitable not for agriculture but for cutting furze etc., or the relatively larger amounts of land granted after disafforestation of royal forests or drainage of fen lands, which had supplied the poor of the neighbouring villages with their livelihoods¹⁷; and the presence of one or two exceptionally generous benefactors in the past.

As the poor lost access to the common waste through enclosure and disafforestation, it seems that the expansion of rural poor relief was spurred by the need for additional support, which produced various new distributions for poor-relief, which could take quite varied forms in the mixed economy of welfare in each parish as described below.

II

This section examines the varied and changing forms by which poor lands were created. Before the reign of Charles II (1660–85), the method of enclosure by agreement was frequently confirmed by the Court of Chancery, whereby poor lands were created by a decree of the Court, not by an act of parliament. These poor lands were created by a decree of the Court of Chancery and were enclosed by agreement among the proprietors, as in 27 cases (about eight per cent of 350 observations) in the Reports. It was apparently during the reign of Charles II that the decree of the Court of Chancery was supplemented, to be eventually superseded, by a private act of parliament appointing Commissioners to make the enclosure and exchange of lands, and confirming the agreement of the proprietors to enclose.¹⁸

At Souldern (Oxon.), as there were no directions as to the usage of the poor land, and no specified trustees set out by a decree of Chancery (1634), the poor land remained unenclosed and the poor turned out their horses and cattle on it freely, which led to ‘constant contention among the poor’. Two parishioners issued a petition in the Court of Chancery in 1814, resulting in the poor land being subjected to trustees appointed by the court.¹⁹ Also, at Mickleton (Glos.), by a decree of the Court of Chancery in 1637 under an ‘act for inclosing the common fields of Mickleton’, about 38 acres of land was enclosed and set out by agreements between the lord of manor and freeholders for the poor, although later this agreement that the land should be for the poor was abandoned. The court of Chancery declared that the poor land was employed ‘for the best benefit of the poor, in setting them to work, and affording them such relief as should not tend to abate the usual rates of the parish’.²⁰ Likewise, at Little Hale (Lincs.) in 1700, ‘by a decree of the Court of Chancery for inclosing this lordship’, 20 acres of land was allotted to the churchwardens, overseers of the poor and the minister for ‘the poorest sort of labourers’.²¹

In the case of disafforestation of royal forests – territories that were subject to forest law, which took precedence over common law – lands were specifically assigned for the maintenance

¹⁷ R. W. Hoyle, ‘Disafforestation or drainage: the crown as entrepreneur?’, in R. W. Hoyle (ed.), *The estates of the English crown, 1558–1640* (1992), pp. 353–88.

¹⁸ T. E. Scrutton, *Commons and common fields or The history and policy of the laws relating to commons and*

enclosures (1887), pp. 132–3.

¹⁹ BPP, 1825, X, CCR, 12th Report, p. 311.

²⁰ BPP, 1829, VIII, CCR, 21st Report, pp. 152–3.

²¹ BPP, 1839, XIV, CCR, 32nd Report, Part IV, p. 193.

or support of the poor, and were created by decrees of the Court of Exchequer or Duchy court—an equitable jurisdiction of the Exchequer.²²

During the years of personal rule (1629–40), Charles I resorted to forest sales or disafforestation to realize these lucrative assets, and supplement cash-strapped royal revenue because of the unwillingness of parliament to grant the right to raise taxes, igniting riots and protests at the loss of commons rights belonging to the poor inhabitants of forest villages who relied on woods and open wastes for their survival.²³ From the middle of the seventeenth century, especially during the three Anglo-Dutch wars and then fighting against French, timber and wood resources became more important as a strategic supply for the navy free from interference by blockade of the traditional Baltic timber routes.²⁴ Through disafforestation and leasing of forests dwellers with commons rights lost access to valuable waste and woods.²⁵ Additionally, the harvest crisis in the years of very high price such as 1661–62, 1678–79, and 1693–94 worsened the predicament of poorer forest dwellers.²⁶ Crown policy was to establish charity lands after disafforestation as compensation for the loss of rights of common.²⁷

To name only a few, at Motcombe and Bourton (Dors.), by ‘the deed of disafforestation of the royal forest of Gillingham’, the commissioners enclosed and set out about 16 acres of waste lands and about ten acres of part of the demesne lands within the forest for the parochial poor of Motcombe and Bourton.²⁸ In the case of Brill (Bucks.), 231 acres of land was allotted for poor-relief after disafforesting Barnwood Forest in 1632.²⁹ Also, at Belton (Rut.), at the disafforestation of Leighfield Forest in 1630, about 34 acres of land within the forest was enclosed and set out to the freeholders of Belton in trust for the relief of the poor.³⁰ Interestingly, in the case of Mere (Wilts.) in 1651, the creation of poor land was initiated by the poor inhabitants themselves who appealed the parish elites to ask for compensation after the disafforestation of Gillingham royal forest in the late 1620s.³¹ Consequently, the township of Mere established an incorporated association called the ‘Company’ that consisted of 13 trustees chosen from the parish elites for managing the enclosed eighty acres of land allotted for relieving of the poor.³²

Later, towards the end of eighteenth century and in early nineteenth century, post-disafforestation poor lands were created by an act of parliamentary enclosure: at Fewstone (Yorks., W. Riding) in 1770, the poor lands were set out to the trustees for the poor ‘under

²² J. C. Cox, *The royal forests of England* (1903), pp. 1–75; Hoyle, ‘Disafforestation or drainage’, pp. 369–71; W. H. Bryson, *The equity side of the Exchequer: its jurisdiction, administration, procedures and records* (1973), pp. 8–13.

²³ B. Sharp, *In contempt of all authority: rural artisans and riot in the west of England, 1586–1660* (1980); Hoyle, ‘Disafforestation or drainage’; J. Thirsk, ‘The crown as projector on its own estates, from Elizabeth I to Charles I,’ in Hoyle (ed.), *Estates of the English crown*, pp. 297–352; P. Large, ‘From swanimote to disafforestation: Feckenham Forest in the early seventeenth century,’ in Hoyle (ed.), *Estates of the English crown*, pp. 389–417.

²⁴ R. G. Albion, *Forests and sea power: the timber*

problem of the Royal Navy 1652–1862 (1965), pp. 93–106.

²⁵ S. Morrison, ‘Good stewardship and the challenges of managing the Stuart royal forests in England, 1603–1714,’ *J. Markets and Morality* 17 (2014), pp. 408, 413–4.

²⁶ S. Hindle, ‘Dearth and the English revolution: the harvest crisis of 1647–50,’ *ECHR*, 61 (2008), p. 98.

²⁷ Sharp, ‘Common rights’, p. 128.

²⁸ BPP, 1837, XXIII, CCR, 30th Report, pp. 152–3.

²⁹ BPP, 1834, XXI, CCR, 27th Report, pp. 9–11; Hoyle, ‘Forest under the Dynhams’, p. 70.

³⁰ BPP, 1821, XII, CCR, 5th Report, p. 346.

³¹ TNA, E134/3Anne/Trin19, fo. 6.

³² TNA, E134/3Anne/East28.

the act for the enclosure of Knaresborough Forest'.³³ Similarly, in the case of post-Restoration drainage of marsh and fen in such counties as Suffolk, Yorkshire, Bedfordshire, Norfolk, Cambridgeshire and Lincolnshire, poor lands were created by acts of parliament throughout this period. As opposed to the case of drainage in early seventeenth-century, local acceptance of post-Restoration drainage schemes, as measured by the absence of violent disruption, was assisted by parliamentary sanction.³⁴ The drainers pleaded to parliament for legislation to back their activities after 1660, which could also provide immediate and practical benefit, such as clauses specifying means of punishing opponents and conferring local influence and legitimacy. This is most apparent in the 1662 Act for the Bedford Level: at Lakenheath (Suff.) in 1663, under the Bedford Level Act, 154 acres of 'Poors Turf-Land', fen-grounds were allotted for the use of the poor to the trustees. The land was divided into several plots among the poor for the purpose of digging turf for fuel 'under the regulations of the parish officers'.³⁵ Also, at neighbouring Mildenhall (Suff.), about 18 acres of poor land was created under 'an act passed of King Charles II (1660–85) for inclosing the fens' to set out to the parish 'for the use and benefit of the poor persons residing within the parish'.³⁶ After 1700 the interest in fen drainage, of which the major but often unrealized aim was to enlarge the arable area, languished noticeably, not least because the price of corn fell too low to yield much return to the farmer. The period from the 1760s, when grain growing became decisively profitable again, led to 'a fresh round of bolder improving enterprises'.³⁷ For example, at Bourne (Lincs.) in 1777, by an award on the enclosure of the North Fen, about one and a half acres of land were allotted to the trustees for the poor.³⁸ At the townships of Skelton and Saltmarsh in Howden parish (Yorks., E. Riding), on the enclosure of Walling fen in 1785, about four acres of land was respectively awarded to 'one of the principal parishioners' or the parish in lieu of 'common belonging to the Poor's croft' for the poor.³⁹ Even in the early nineteenth-century, at Snailwell (Cambs.) in 1805, by the award under an act of parliament, about 33 acres of fen land was set out to the manor lord, rector, churchwardens and overseers to be used, under their direction, by the poor.⁴⁰ At Chatteris (Cambs.), 'under an act of parliament for enclosing lands', about 34 acres of fen or marsh land was allotted to the trustees by the commissioners in lieu of the Guildhall, together with rights of common. The rents were distributed among about 300 persons who abstained from 'parish-relief', in sums ranging from 2s. 6d. to 12s. These 'donations' were continued 'unless in cases of misconduct or of death'.⁴¹

The creation of poor lands by Acts of Private Enclosure increased from the reign of George II.⁴² Around 5000 private acts were passed, mostly in two 20-years bursts from 1760 to 1780 and

³³ BPP, 1822, IX, CCR, 6th Report, p. 638; B. Jennings, *A history of Harrogate and Knaresborough* (Huddersfield, 1970), p. 254.

³⁴ J. Thirsk, *English peasant farming: The agrarian history of Lincolnshire from Tudor and recent times* (1957), p. 47; K. Lindley, *Fenland riots and the English Revolution* (1982), pp. 72–5.

³⁵ C. Holme, 'Drainers and fenmen: the problem of popular political consciousness in the seventeenth century', in A. Fletcher and J. Stevenson (eds), *Order and disorder in early modern England* (1985), p. 176;

BPP, 1830, XII, CCR, 22nd Report, p. 167.

³⁶ BPP, 1830, XII, CCR, 22nd Report, pp. 169–71.

³⁷ J. Thirsk, 'Agricultural policy and practice, public debate and legislation', in J. Thirsk, *The Agrarian History of England and Wales*, V (ii) (1990), pp. 200–1.

³⁸ BPP, 1839, XIV, CCR, 32nd Report, Part IV, p. 325.

³⁹ BPP, 1824, XIV, CCR, 11th Report, pp. 768, 770.

⁴⁰ BPP, 1837–8, XXIV, CCR, 31st Report, p. 165.

⁴¹ BPP, 1837–8, XXIV, CCR, 31st Report, pp. 299–301.

⁴² Gonner, *Common land*, pp. 58–60.

from 1793 to 1815 in milieu of rising prices, harvest crisis and the Napoleonic war. About 3,000 of these enclosed 4.5 million acres of open fields and about 2000 enclosed 2.3 million acres of common land and waste.⁴³ By this time enclosers enjoyed much easier access to Parliament than Chancery procedures, the former coming to seem quicker, more certain, and more effectual (but more expensive).⁴⁴ In addition, the sentiments of parochial ratepayers were increasingly shaped by the perceived burdens of poor rates that weighed heavily on them: most parishioners of Chipping Barnet (Herts.) who paid towards the poor rates were 'extremely sensible of the great and heavy charge and burthen [of] the poor' and if part of the waste or common was enclosed and improved, and a certain annual rent created on such enclosed ground for 'the benefit of the poor' of the parish, it would be 'greatly for the ease and benefit of the parishioners' who paid towards the poor rates and the necessary improvement 'by good husbandry, sowing corn' would accrue the benefit and advantage to the public. Therefore, the parishioners of Chipping Barnet agreed that James Duke of Chandos could enclose the waste called Barnet Common, amounting to 135 acres, and 'An Act for inclosing part of a common called Barnet Common' was obtained, resulting in 135 acres of improvable land that was enclosed and set out to the trustees 'for the benefit of the parish'.⁴⁵

In general, the process of parliamentary enclosure began with a petition from landlords and the occupiers of larger holdings, naming the petitioners and describing the land. By Commons Standing Orders in 1774 no petition could be presented before a notice of it had been posted in the parish church for three Sundays in August or September, but even before 1774 public notice was often given.⁴⁶ Commissioners were appointed to oversee the process, often consisting of clergy, surveyors, land agents and stewards.⁴⁷ In the case of Middle Rasen (Lincs.), the commissioners of enclosures awarded poor lands under an act of Parliament to the trustees in the following words:

We do hereby allot and award unto Marmaduke Dixon, Thomas Brown, John Turner, and John Bennet, all that said piece or parcel of ground containing 18a. 3r. 16p. statute measure, to hold the same to them and their heirs, upon trust nevertheless that they shall at all times let the same upon the best terms that can be had, and pay the yearly rents and profits therefrom arising, to the overseers of the poor of Middle Rasen for the time being, to be by them applied in aid of assessment for the relief of the poor of the said parish, and for no other purpose whatever.⁴⁸

Likewise, at Finchley (Middx) in 1810, 'by an act of parliament' it was enacted as per the following: the commissioners should have allotted such part of the waste lands as they thought proper, not exceeding 20 acres, to the overseers of the poor. After the execution of the award of the commissioners, the poor land was vested in the manorial lord, the rector,

⁴³ M. Turner, *English parliamentary enclosure: its historical geography and economic history* (1980), Ch. 3; G. E. Mingay, *Parliamentary enclosure in England: An introduction to its causes, incidence and impact 1750–1850* (1997), pp. 63, 112.

⁴⁴ W. Cornish, S. Banks, C. Mitchell, P. Mitchell and R. Probert (eds), *Law and society in England 1750–1950*

(2nd edn, 2019), pp. 139–40.

⁴⁵ BPP, 1833, XVIII, CCR, 25th Report, pp. 245–6.

⁴⁶ Cornish *et al.*, *Law and society*, p. 140.

⁴⁷ M. W. Beresford, 'Commissioners of enclosure', *EcHR*, 16 (2) (1946), pp. 132, 130.

⁴⁸ BPP, 1839, XIV, CCR, 32nd Report, Part IV, p. 497.

churchwardens and overseers of the poor as the trustees, who were thereby empowered and required to demise the poor land for any term not exceeding 21 years, at the best yearly rents to be payable half yearly.⁴⁹

It seems that calculations made for poor land acreage – which correlated with the real rents derived from poor lands – could be influenced by the scale of provision devoted to the poor. At Fincham (Norf.), by the Fincham Enclosure Act (1772), the commissioners were directed to set out to the lords of several manors in Fincham, and the rector, churchwardens and overseers of the parish, ‘such quantity of the waste lands as would let for £36 per annum’. In 1773, the commissioners set out about 51 acres of land by this award.⁵⁰

III

Having established indicators of the prevalence of poor lands, and the means by which they were created, this section examines in more detail examples of their subsequent management. At Slaidburn (Yorks., W. Riding), by a decree of the chancellor of the Duchy of Lancaster (1641), the commissioners overseeing the enclosure were directed to allot about 60 acres of land to the trustees for the relief of the poor. The poor land was let to several tenants at the rent of £50 a year. The trustees were expected to be accountable for the annual rents to the overseers of the poor. Before 1784, the land was let at a public meeting to a tenant on ‘a condition to permit some poor inhabitants to depasture their cows’. However, as the poor who depastured their cows claimed ‘a greater interest therein than the trustees considered them titled’, the trustees ‘brought an action for the purpose of recovering possession’, resulting in establishing their ‘absolute right’ to the land, which led to the abolition of customary depasturing cattle on the land.⁵¹ In the case of Frithelstock (Devon), £20 out of the charitable fund derived from the poor land had been applied to the construction of the parochial poorhouse. A promissory note was given for it by the overseers of the poor, and the interest was regularly paid from then on.⁵² Although the management of poor lands was governed by the trustees who largely consisted of parish officers, and in practice selected from the ratepayers who contributed towards the poor rate, it might be noted that poor lands were governed by an organization specially created and solely responsible for those lands. As mentioned above, they should not use the lands to defray the burden of the rates.⁵³

At Mere (Wilts.) in 1651, by a decree of Chancery after disafforestation of Gillingham Forest, about 80 acres of land for the poor was set out to 13 trustees in a body called the ‘Company’.⁵⁴ The trustees were empowered to hold a meeting annually in several inns before Christmas to instruct an ‘accomptant’ to make a list of the poor who had ‘need of relief’.⁵⁵ They ‘did give Notice to and order the poor Inhabitants’ to visit this accomptant to ‘set down their names in a sheet of paper’. On the basis of the information gathered, the trustees conferred on ‘who had the greatest need or who stood as the greatest want’ and they ordered the accomptant to

⁴⁹ BPP, 1824, XIII, CCR, 10th Report, pp. 326–7.

⁵⁰ BPP, 1835, XXV, CCR, 29th Report, p. 514.

⁵¹ BPP, 1826, XIII, CCR, 15th Report, p. 714.

⁵² BPP, 1824, XIV, CCR, 11th Report, p. 164.

⁵³ Hoyle and Spencer, ‘Slaidburn’, p. 189.

⁵⁴ TNA, E134/3Anne/Trin19; E34/Anne/East28.

⁵⁵ TNA, E134/3Anne/East28, deposition of William Baron, one of defendants in this cause.

distribute the benefits to 'those that they found to be in the greatest distress'.⁵⁶ After 'the list of the names of the said Poor people was read' to the trustees, one of them assigned a number on the list 'by consent of the other trustees'. Then the trustees determined 'how much such poor person should have of the said year's profits'. In the event of doubt about whether recipients qualified or the size of pension, they put the matters to a vote between them. Edmund Best the elder (died in 1700) and his son, who were 'intrusted with the parish business of Meer', kept the account book after 1656.⁵⁷

The same procedure for managing poor lands is found in the poor land created by acts of parliamentary enclosure. For example, at Great Greenford (Middx), by the act of parliament passed for the enclosure of the common lands, the commissioners were directed to set out a poor land to be vested in the lords of the manor of Greenford, and the rector, churchwardens and overseers as trustees for the poor. The trustees were, by the act, empowered to demise the poor land, for any term not exceedingly 21 years, and apply the rents in purchasing fuel, to be distributed among the poor who were legally settled and resident in the parish, according to such rules as the trustees prescribed.⁵⁸ However, as the case of Clophill (Beds.) suggests, the trustees were expected to be accountable for their actions: the accounts of the charity were 'kept by the treasurer', and 'audited by the feoffees'.⁵⁹ At Brandon (Suff.), as the profits of the flint-quarry were very considerable during the Napoleonic War, the yearly rent and dividend from an accumulated fund of £10 10s. from three per cent Consols were audited at the end of the year.⁶⁰ Also, at Potterne (Wilts.), under an act of parliamentary enclosure (1824), regular accounts were kept of the receipts and payments by trustees for the poor and audited at a vestry meeting.⁶¹ In the case of Scalford (Leics.), by an award of enclosure of the parish (1766), the trustees who consisted of churchwardens and overseers, were directed to account annually on Wednesday in Easter week to the inhabitants of Scalford touching the receipts and application of the rents. The accounts of the charity were audited at a public vestry.⁶²

As Birtles suggests, when trustees administered charity bequests, they had a decisive role in keeping them separate from the distribution of parish relief.⁶³ However, as the commissioners sometimes complained, this was not always done. To name only a few examples, in the case of Edwinstowe (Notts.) in 1818, the accounts of disbursements were not annually balanced or audited. The charity commissioners requested that the accounts should be 'entered in a book, and annually audited by the inhabitants of the townships entitled to the charity'.⁶⁴ Likewise, as the case of Chiswick (Middx), if the rents received by the overseers to carried into their general accounts, the charity commissioners recommended that 'a specific distribution of this rent ought to be made to the poor'.⁶⁵ The same is true of the poor lands created by decrees of equity jurisdiction. At Brill (Bucks.), the trustees had to

⁵⁶ TNA, E134/3Anne/Trin19, deposition of Edmund Best of Mere, yeoman.

⁵⁷ TNA, E134/3Anne/East28, deposition of Henry Clarke.

⁵⁸ BPP, 1823, IX, CCR, 9th Report, p. 223.

⁵⁹ BPP, 1823, VIII, CCR, 8th Report, pp. 9–10.

⁶⁰ BPP, 1830, XII, CCR, 22nd Report, p. 161.

⁶¹ BPP, 1830, XII, CCR, 23rd Report, p. 374.

⁶² BPP, 1839, XIV, CCR, 32nd Report, Part V, pp. 448–9.

⁶³ Birtles, 'Common land', pp. 81–2.

⁶⁴ BPP, 1828, XI, CCR, 19th Report, pp. 330–1.

⁶⁵ BPP, 1826, XII, CCR, 14th Report, p. 180.

bring the account book yearly for rents and profits of the poor land to the Justices at the Quarter Sessions.⁶⁶

In short, poor lands were set out to the trustees who were empowered to let them for the poor and to distribute the rents or profits among the poor, but they were also expected to subject to an annual audit among the inhabitants. Thus, the trustees of post-enclosure poor lands were responsible, accountable, and potentially liable, for the management of the charitable funds derived from poor lands. The following section presents three broad ways in which the lands were managed by trustees.

IV

The first type of management by the trustees was to allow the poor to have herbage or the cutting of furze, turf, wood, etc., which were secured to the poor by setting aside of some lands.⁶⁷ This type of direct use was permitted in only 12 out of 350 observations in the Reports – no more than three percent of all – and was most frequently permitted for obtaining fuel (Table 2). Allowing the poor to have herbage was identified only in individual cases in Norfolk, Gloucestershire and in Theddingworth (Leics.) in 1710, where 16 poor cottagers nominated by the freeholders as trustees were allowed herbage – ‘privilege of depasturing one cow each, from May day till St. Andrew’s day, and from thence till Lady day, two sheep’ – on eight acres of poor land, with payment to 10 shillings to the overseers of the poor on 1 August annually, towards the repairs of fences. This system continued for a long period ‘in strict accordance with the rules laid down’. However, as the number of poor having increased, the poor land was divided and let to ‘as many poor cottagers, in quantities of about one rood to each person, at a rent of 5s per annum for each rood’.⁶⁸ Also, at Scottow (Norf.), by an ‘act of parliament for the inclosure’ (1828), the poor cottagers were allowed to depasture 21 acres of poor land, and also to cut the furze. But it was represented that the poor might have deprived far greater benefit from the poor land if it had been let and the rents applied to their benefit.⁶⁹

Where the land was common waste on which the poor were permitted to collect fuel, it was often overused, and for this reason the Allotments Act in 1832 authorized parishes to let fuel allotments as garden allotments⁷⁰. The best example of this is West Newton (Norf.) in 1805, where the trustees were awarded twelve acres of land, but the poor cut fuel there ‘without any control’, so there was very little fuel, and ‘no herbage upon it’.⁷¹ Similarly, in Barton Bendish (Norf.) in 1775, the trustees allowed the poor to cut turves on about 40 acres of land set out ‘without restriction’, but then it was ‘so nearly exhausted’. Later the herbage on the land was let annually to the highest bidder, but the rent was improperly carried to the account of the poor-rates.⁷² In the case of Old Buckenham (Norf.) in 1791, the poor were allowed to cut turf ‘under certain rules laid down by the trustees’ on 80 acres of land allotted for compensation of

⁶⁶ TNA, E112/620/109/1.

⁶⁷ Mingay, *Parliamentary enclosure*, p. 136; Gonner, *Common Land*, p. 366.

⁶⁸ BPP, 1839, XIV, CCR, 32nd Report, Part V, p. 290.

⁶⁹ BPP, 1833, XIX, CCR, 26th Report, p. 253.

⁷⁰ D. C. Barnett, ‘Allotments and the problem of rural

poverty, 1780–1840’, in E. L. Jones and G. E. Mingay (eds), *Land, labour and population in the Industrial Revolution* (1967), pp. 162–83; Birtles, ‘Common land’, pp. 93–7, 104.

⁷¹ BPP, 1834, XXII, CCR, 28th Report, p. 81.

⁷² BPP, 1835, XXI, CCR, 29th Report, p. 506.

TABLE 2. Types of poor land management by trustees, and provision for fuels

	A			B			C	A+B	A+C	Total
	<i>Leased to tenants</i>			<i>Let to the poor</i>			<i>Permission to cut</i>			
	(i)	(ii)		(i)	(ii)		<i>fuels/herbage only</i>			
Bedfordshire	9	2	1	0	0	0	0	0	1	10
Berkshire	7	3	1	4	3	2	1	0	0	12
Buckinghamshire	12	6	2	3	1	1	0	3	1	19
Cambridgeshire	5	1	1	2	0	0	0	0	1	8
Derbyshire	3	0	0	0	0	0	0	0	0	3
Devon	1	0	0	0	0	0	0	0	0	1
Dorset	4	0	0	0	0	0	0	0	0	4
Essex	3	1	0	1	0	0	0	0	0	4
Gloucestershire	4	3	0	0	0	0	3	0	1	8
Herefordshire	5	0	0	0	0	0	0	0	0	5
Hertfordshire	8	3	0	0	0	0	0	0	0	8
Huntingdonshire	8	2	0	0	0	0	0	0	0	8
Kent	1	0	0	0	0	0	0	0	0	1
Leicestershire	8	3	0	4	0	0	1	0	0	13
Lincolnshire	8	2	0	8	6	0	0	3	0	19
Middlesex	16	8	4	0	0	0	0	0	0	16
Norfolk	13	9	1	6	1	1	3	1	2	25
Northamptonshire	45	12	4	4	2	0	1	0	1	51
Nottinghamshire	11	1	0	0	0	0	0	0	0	11
Oxfordshire	10	5	2	1	0	0	1	0	1	13
Palatine of Chester	1	0	0	0	0	0	0	0	0	1
Palatine of Durham	2	0	0	0	0	0	0	0	0	2
Palatine of Lancaster	2	0	0	0	0	0	0	0	0	2
Rutland	2	0	0	0	0	0	0	0	0	2
Salop	1	0	0	0	0	0	0	0	0	1
Somerset	2	0	0	0	0	0	1	0	0	3
Staffordshire	2	0	0	0	0	0	0	0	0	2
Suffolk	38	29	9	2	1	1	1	0	1	42
Warwickshire	5	4	2	0	0	0	0	1	0	6
Westmorland	1	0	0	0	0	0	0	0	0	1
Wiltshire	6	0	0	2	0	0	0	1	0	9
Worcestershire	1	0	0	0	0	0	0	0	0	1
Yorks., E. Riding	7	1	0	0	0	0	0	0	0	7
Yorks., N. Riding	5	0	0	0	0	0	0	0	0	5
Yorks., W. Riding	27	1	0	0	0	0	0	0	0	27
Total	283	95	27	37	14	5	12	9	9	350

Note: (i) For fuels; (ii) In lieu of right to use fuel.

Source: BPP, 1820–39, Reports of the Commissioners of Inquiry into Charities.

enclosing the commons, in quantities varying from 2000 to 6000 turves according to family size.⁷³ Also, it might be noted that the right of the poor to cut the furze or other fuels on the allotment was permitted for 'their own use', but 'not for sale'.⁷⁴ At Aston Subedge (Glos.), the commissioners allotted five plots of an acre each, where the commissioners ordered the poor to plant and cultivate with furze once in five years on one portion by rotation. In the case of Bow Brickhill (Bucks.), about 198 acres of land was allotted to allow the poor for cutting turf, but the commissioners recommended the parish to divide 50 acres into plots of one or two roods each to be distributed among the poor as gardens in future.⁷⁵ Thus, although this type of management allowing the poor to harvest was, in effect, exploited as common land had been, it changed over time into poor lands with regulations, and was replaced with the types of leasing the tenants or letting the poor over time, resulting in that this type became less widespread.

The second type of management consisted of providing fuel or money by letting some land to the poor themselves for little or low rent. At the time of charity commissioners' inquiry, the share of poor lands that were let to the poor directly was small and total only 11 per cent (37 cases) in the Reports (Table 2). As Birtles mentions, the provision of an Act of 2 Will. IV c. 42 (1831) enabled parishes to let out the poor lands 'to any poor and industrious poor for 'regulated cultivation' by themselves'.⁷⁶ Thus, the poor had 'no right to the occupation' of the poor land, but under the provisions, industrious cottagers might be accommodated with small allotments by the authority of vestry.⁷⁷ In the case of Potterne (Wilts.), it was stipulated that the poor were 'to be yearly tenants under the committee of management' and were 'not to be dispossessed except by a notice signed by a majority of the committee'.⁷⁸

It seems likely that this type of management reflects their association with measures to support the independence of the poor by 'self-provisioning' to lessen the labouring poor's dependence on formal and informal relief provisions: at the case of Newton Harcourt (Leics.) in 1772, ten acres of land was allotted at the enclosure, and in 1831, the land was divided into 24 plots (about one rood each), which were let to the poor at the rate of 6s. 8d. for each rood, because it was considered that this system was 'more beneficially applied for the sake of the independent labourers'.⁷⁹ The following cases reflect the extent to which the parish assisted their independence with financial aid. At Cumnor (Berks.) in 1820, about five acres of land was divided into 40 equal portions, and the rents derived from the poor were 'guaranteed to the charity by the vicar and three or four of substantial inhabitants of the parish'.⁸⁰ Likewise, at Great Hale (Lincs.) in 1700, 21 acres of land were let to the poor at eight shillings per rood respectively, which rent was guaranteed by the parish officers and applied to the 'education of the poor' until 1834.⁸¹

It is likely that letting such small gardens to the poor was intended to complement family incomes that – because of low wages and low levels of employment – could be insufficient.⁸²

⁷³ BPP, 1835, XXI, CCR, 29th Report, p. 835.

⁷⁴ BPP, 1831, XI, CCR, 24th Report, p. 168.

⁷⁵ BPP, 1834, XXI, CCR, 27th Report, p. 121.

⁷⁶ Birtles, 'Common land', p. 104.

⁷⁷ BPP, 1835, XXI, CCR, 29th Report, pp. 1181–2.

⁷⁸ BPP, 1830, XII, CCR, 23rd Report, p. 374.

⁷⁹ BPP, 1839, XIV, CCR, 32nd Report, Part V, p. 286.

⁸⁰ BPP, 1837–8, XXV, CCR, 32nd Report, Part I, pp. 274–5.

⁸¹ BPP, 1839, XIV, CCR, 32nd Report, Part IV, p. 193.

⁸² E. Griffin, 'Diets, hunger and living standards during the British industrial revolution', *Past and Present*, 239 (2018), pp. 99–100.

These garden allotments were allowed before 1831, when the garden allotment movement haltingly began.⁸³ For instance, in the case of Grandborough (Bucks.), about five acres of land was allotted in 1797 'in lieu of a right of cutting furze', and was let to a tenant. Although the rent was distributed among the poor 'in shares of about 2s. 6d. each', the poor land was, by 1830s, divided into 63 plots and let rent-free to the poor, who made about £1 per year each by cultivating them as gardens.⁸⁴

Thus, this type of management could be intended to incorporate contributions from relatively more affluent poor households into the parish poor relief system: at Hassingham (Norf.), the trustees were awarded about 14 acres of fen land, which was let to six poor households, who had not received parish relief within the year, selected by the trustees at the rent of seven shillings for their herbage. The rents were distributed among the most needy.⁸⁵ At Langford (Berks.), the rents from 40 poor persons were used for the purchase of coals, which would be given away among all the poor at Christmas.⁸⁶ Also, at Husbands Bosworth (Leics.), the rents from 41 poor labourers were used to distribute cash allowances (2s. 6d. each) among the 'such poor as had no portion of the land allotted to them'.⁸⁷

However, as the charity commissioners claimed in the case of the hamlet of Thurlaston in Dunchurch (Warks.), it is important to note, when analysing the role of letting to the poor, that 'a portion of poor land should be divided into small allotments at low rents for the use of the deserving poor, keeping them within such bounds as should not hold out the temptation to become [a] small farmer, or to deprive their employer of the due benefit of their time and strength, and at the same time especially discouraging the idea (very prevalent in this district), because "Poor's Land" of itself implied a right in the poor parishioners to demand the occupation, instead of a participation in the benefits of the produce of the land'.⁸⁸

The final form of management was leasing to tenants. This has by far the highest share of observations, at 81 per cent of 350 cases in the Reports (Table 2). This leasehold contract method was adopted in accordance with the provisions laid down pursuant to acts of parliamentary enclosure, which largely required that poor lands were let by auction. For instance, at Feltham (Middx), by an act of parliament it was enacted that the commissioners should set out the lands, which should be let 'by public auction' at the best rents that might be reasonably obtained for the poor, with proper and necessary covenants.⁸⁹ Likewise, at Blofield (Norf.), the commissioners required the trustees to let about 40 acres of land 'at the best yearly rent'.⁹⁰

The reason for the adoption of this method was simple. Linking management to income and the profits of farming allowed them to secure larger charitable funds to cater for demand. At Bishop Wilton (Yorks., E. Riding), the community terminated land lease with the yearly tenant, who 'fell into bad circumstances' and could not 'pay the full rent'. The parish re-contracted with a new annual tenant who offered to 'take it at the present rent, and bring it into good cultivation', and not least because the parish recognized him as responsible tenant,

⁸³ Birtles, 'Common land', p. 104.

⁸⁴ BPP, 1834, XXI, CCR, 27th Report, p. 24.

⁸⁵ BPP, 1834, XXII, CCR, 28th Report, p. 104.

⁸⁶ BPP, 1837, XXV, CCR, 32nd Report, Part I, p. 379.

⁸⁷ BPP, 1839, XV, CCR, 32nd Report, Part V, pp. 239–40.

⁸⁸ BPP, 1835, XXI, CCR, 29th Report, p. 1775; Quote from Pinches, 'From common rights to cold charity', p. 44.

⁸⁹ BPP, 1823, IX, CCR, 9th Report, p. 281.

⁹⁰ BPP, 1834, XXII, CCR, 28th Report, p. 103.

'thought it advisable to accept his offer'.⁹¹ Also, at Ashton Keynes (Wilts.), 25 acres of land was let by the churchwardens by auction, and the highest bidder was required 'to find a security for the payment'.⁹² Parishes could select tenants who would most likely deliver the rents along with payment of a security, although the extent to which these strategies were used varied across parishes, including those who invested capital to improve the lands. At Kirby Lonsdale (Westm.), for instance, about two acres of land called Poor Carrs was let to a tenant at the yearly rent of £10 5s., which was considered rather high, and the tenant had laid out 'a good deal of money' on the land.⁹³ In Inkberrow (Worcs.), the yearly tenant 'made a considerable outlay on the land'.⁹⁴ Likewise, in the case of Ingham (Norf.), the lands were let by auction to six tenants for terms of seven years, but at the end of term, as they complained that they had not received a 'sufficient compensation' for invested capital on the land, the parish allowed them to continue to be tenants at the same rent.⁹⁵

V

We will now consider how these incomes were spent or disbursed. There were, broadly speaking, two main categories of relief distributed from these poor lands, coals, which were distributed in around a quarter of cases, and cash benefites, which were found in around two-fifths of the cases where the form of relief can be observed.

By 1650, coal was Britain's principal source of fuel, not only for domestic heating, but also for the smithies, forges, lime kilns and so forth.⁹⁶ Later, the availability of coal further increased and cost fell after the advent of canals (1760s to 1830s).⁹⁷ Fuel wood was gradually replaced by coal. By the early nineteenth century coal could cost about 40 per cent less than in the early eighteenth century, also as taxes were reduced.⁹⁸ However, it should be noted that it was not always the most suitable form of fuel. Although coal burnt more evenly, gave out more energy and was less bulky to store than firewood, it would not burn well on the simple hearths under a wide chimney that were still common in cottages in the late and early nineteenth centuries – iron grates and tall narrow chimneys were necessary, but expensive to acquire.⁹⁹ Nevertheless, it is remarkable that a considerable number of coal charities were established in the mid-eighteenth to mid-nineteenth centuries. For example, at Bishop Wilton (Yorks., E. Riding), before 1786 it was customary to give a cash allowance to the poor at Christmas and Easter. Later, the vicar conceived 'such a mode of distribution to be liable to abuse', so he proposed the parishioners to adopt the distribution of coals to the poor, which had been since then found 'a beneficial alteration'. Coals were granted, 'generally in chaldrons and half chaldrons' (one chaldron was equivalent to 36 bushels).¹⁰⁰ At Harmondsworth (Middx), before 1821 the coals were sold to the poor at a reduced price of 1s. 9d. or 6d. a bushel. In 1821, the coals were given away,

⁹¹ BPP, 1824, XIV, CCR, 11th Report, p. 749.

⁹² BPP, 1835, XXI, CCR, 29th Report, p. 1262.

⁹³ BPP, 1822, X, CCR, 7th Report, pp. 552–3.

⁹⁴ BPP, 1833, XIX, CCR, 26th Report, p. 651.

⁹⁵ BPP, 1833, XIX, CCR, 26th Report, p. 278–9.

⁹⁶ K. Wrightson, *Earthy necessities: economic lives in early modern Britain* (2000), pp. 170, 243–4.

⁹⁷ Pinches, 'From common rights to cold charity', p. 38.

⁹⁸ S. Pennell, *The birth of the English kitchen, 1600–1850* (2016), Ch. 4.

⁹⁹ Pinches, 'From common rights to cold charity', pp. 38–9; Pennell, *English kitchen*, Ch. 4.

¹⁰⁰ BPP, 1824, XIV, CCR, 11th Report, pp. 749–50.

because 'the season being mild and wage low', it was thought that it might be more beneficial to 'make the distribution gratis'.¹⁰¹ Also, at Feltham (Middx), it was reported in 1823 that a coal merchant who contracted with the parish at a vestry, supplied coals at the lowest price – 'at half price' – to the poor according to a list given to the coal merchant, according to 'the size of their families, two, three or four sacks, a piece'. By these means all the poor inhabitants were supplied with fuel 'for the greatest part of winter'. The charity commissioners assured that 'this mode of distribution' was found 'much more beneficial to the poor than the former system', which was to distribute coals among the poor in sacks, and that the poor themselves agreed.¹⁰² In parishes in such counties as the East Riding of Yorkshire, Middlesex, Norfolk, Lincolnshire, Berkshire, Buckinghamshire, Warwickshire, Nottinghamshire, and Bedfordshire, we find the rents of poor land laid out in the purchase of coals for the poor.¹⁰³

It should be noted that coal varied enormously in cost around the country, according to the time of year, and depending on the proximity of the coalfield.¹⁰⁴ The generosity of trustees, or the income at their disposal, also varied. In Brandon (Suff.), the trustees distributed a quantity of coals (from 1.2 cwt to 2.4 cwt) among the poor;¹⁰⁵ at Blofield (Norf.), in quantities varying from six bushels to three-quarters of a chaldron (from about 4.2 cwt to 19 cwt), being equal to the sums from 3.7 shillings to about 21 shillings;¹⁰⁶ at Helpringham (Lincs.), in quantities of from 12 bushels to a chaldron each (from about 8.4 cwt to 25.33 cwt);¹⁰⁷ at Langford (Berks.), in quantities varying from 3 cwt to 9 cwt, according to 'the necessities and number in family';¹⁰⁸ at Bradwell (Bucks.), coals were distributed among the poor families, varying from 3 cwt to 8 cwt, according to necessity and the numbers in each family;¹⁰⁹ at Tysoe (Warks.), coals were distributed among 'all the poor parishioners' who had rights to cut gorse in the winter season for three or four successive weeks, giving to each family a cwt (1s.).¹¹⁰

The share of cash allowances was about 40 per cent of 339 observations on the expenditure of income from leasing to tenants and or letting to the poor in the Reports. At Faringdon (Berks.), the charity commissioners recommended that it was 'more expedient as a general rule not to give a sum larger than 5s', so the rents were distributed among 143 recipients, the sum given to each varying from 1s. to 5s., with the exception of 10s. being given to two persons on account of illness.¹¹¹ At Maidford (Northants.), yearly at Christmas the rents were distributed among the poor, in sums of 1s. per head 'according to the size of their families'.¹¹² Likewise at Middleton Cheney (Northants.), the rents were distributed among the poor families on a list, in sums varying from 1s. to 15s. according to numbers of family.¹¹³ In the case of Little Plumstead in Norfolk (1801), about 34 acres of land was allotted: one-half of the rent was distributed among all the poor who had not occupied land worth £10 or received parochial relief within six

¹⁰¹ BPP, 1823, IX, CCR, 9th Report, p. 228.

¹⁰² BPP, 1823, IX, CCR, 9th Report, p. 281.

¹⁰³ Birtles, 'Common land', p. 93. See, for example, Byfield (Notts.) (BPP, 1825, XI, CCR, 13th Report, p. 6), Sunbury (Middx) (BPP, 1823, IX, CCR, 9th Report, p. 319), Flitton with Silsoe (Beds.) (BPP, 1823, VIII, CCR, 8th Report, p. 12) and so on.

¹⁰⁴ Humphries, 'Enclosure, common rights, and women', p. 35.

¹⁰⁵ BPP, 1830, XII, CCR, 22nd Report, p. 161.

¹⁰⁶ BPP, 1834, XXII, CCR, 28th Report, p. 103.

¹⁰⁷ BPP, 1839, XIV, CCR, 32nd Report, Part IV, p. 195.

¹⁰⁸ BPP, 1837, XXV, CCR, 32nd Report, Part I, p. 379.

¹⁰⁹ BPP, 1834, XXI, CCR, 27th Report, p. 118.

¹¹⁰ BPP, 1828, X, CCR, 18th Report, p. 506.

¹¹¹ BPP, 1837, XXV, CCR, 32nd Report, Part I, p. 369.

¹¹² BPP, 1826, XII, CCR, 14th Report, p. 249.

¹¹³ BPP, 1826, XII, CCR, 14th Report, pp. 293–4.

months, in sums of about three shillings a head.¹¹⁴ Also, at Chevington (Suff.), even with other charity assets, the cash allowance was only distributed among the poor yearly at Christmas, in sums varying from 8s. to 10s. according to the size of family.¹¹⁵

Given almost all men earned something close to 10s per week in the 1830s and 1840s, the average annual cash allowance was either lower than or slightly exceeded a weekly household income.¹¹⁶ Therefore, as French suggests in terms of welfare practices based on poor rates, it is likely that cash allowances received from charitable assets would have supplied immediate 'bridging income' rather than any kind of sustained wage 'subsidies'.¹¹⁷ In some rural parts of the more industrial north-west, where Steve King has noted a rich vein of charitable provision, poor lands had been awarded in lieu of the gifts and endowments received in the past.¹¹⁸ For example, at the township of Borwick, parish of Warton (Lancs.), where on the enclosure of Borwick Moor (1800), only about one rood of land was allotted for the poor and the rent was £3 19s., this money was distributed in sums varying from 4s. to £2.¹¹⁹ At Staindrop (Palatine of Durham), about three acres of lands were awarded to parish officers at the enclosure Stain Moor in 1764, and then the rents were distributed among such poor in East Quarter and Langdale as did not receive parochial relief, who were selected by the inhabitants at the town meeting in sums varying from 5s. to 25s. for the former and from 10s. to £2 for the latter. Here as the charity commissioners suggested, all poor lands were 'high rents' because of letting 'by tender'.¹²⁰ Likewise, at Hamsterley (Palatine of Durham), ten acres of land, 'late parcel of the Moors', was awarded in exchange for poor's lands existing in the townships of Lynesack and Softley. The rents at the rate of £16 a year were distributed among the poor, varying from 3s. to 10s.¹²¹ On the other hand, at Spaxton (Som.), about 28 acres of land awarded to the trustees in 1691, and in 1826 the rents were distributed with other charities' funds in various sums from 5s. to £2 each according to the 'exigency of each case'. Here income from the produce of this land was used to further extend the land. This high cash allowance seems to have been influenced by the amount of fixed income that was derived from capital assets – the gifts and endowments received in the past. The rents of these poor lands could be distributed among the poor with high average cash allowance.¹²² Contrastingly, at Hanbury (Som.), on the enclosure of Needwood Forest, only about two acres of land was let to yearly tenants, and with lack of generous benefactors in the past it yielded only a sum of 4 shillings customarily, among the poor.¹²³

¹¹⁴ BPP, 1833, XIX, CCR, 26th Report, p. 106.

¹¹⁵ BPP, 1830, XII, CCR, 22nd Report, p. 220.

¹¹⁶ Griffin, 'Diets, hunger and living standards', pp. 84–7.

¹¹⁷ H. French, 'Living in poverty in eighteenth-century Terling', in S. Hindle, A. Shepard and J. Walter (eds), *Remaking English society: social relations and social change in early modern England* (2013), p. 313; Sharp, 'Common rights', p. 129.

¹¹⁸ S. King, 'Making the most of opportunity: the economy of makeshifts in the early modern north', in S. King and A. Tomkins (eds), *The poor in England 1700–1850: an economy of makeshifts* (2003), p. 237.

¹¹⁹ BPP, 1826, XIII, CCR, 15th Report, p. 315.

¹²⁰ BPP, 1829, VIII, CCR, 21st Report, pp. 99–100.

¹²¹ BPP, 1829, VIII, CCR, 21st Report, p. 50.

¹²² BPP, 1826, XIII, CCR, 15th Report, p. 364.

¹²³ BPP, 1824, XIV, CCR, 11th Report, pp. 561–2.

VI

Poor lands could be maladministered by the trustees. Take the example of hamlet of Catcot (Som.) in 1798, where about 20 acres of land was allotted for the poor to dig and cut turf with 'the leaves and consent of the minister, churchwardens and overseers'. The charity was abused by cutting improperly, and 'by persons not authorized' without control of the trustees, which led to free-riding.¹²⁴ Also, in the case of Souldern (Oxon.) mentioned above, over-grazing led to the end of permission of direct pasturing and a switch to cash allowances.¹²⁵ At Brill and Oakeley (Bucks.), after the disafforestation of Bernwood Forest (1622), 231 acres of land was set out for the poor, but the land was intercommoned with 'greater numbers of cattle', which led not to reducing poverty, but to increasing poverty. By 'the request of the poore inhabitants' as relators the Attorney General brought a suit in the Court of Exchequer, where the trust was regarded as being 'fallen to the ground' without 'effectual remedy'. The court determined that 'some speedy course for the recovery of the said trust' and the appointment of new trustees were required.¹²⁶ Consequently, the agreement between the commissioners of the Court of Exchequer, the new trustees and the poor inhabitants of Brill and Oakeley was achieved: that 'the poore inhabitants of Brill had two third part and the poore inhabitants of Oakeley one third part of the trust lands. And the poor land which had ever been allotted to the poor severally were to let to a tenant or tenants by lease as one block and the rents were to distributed among the poor according to the intent of the former decrees'. The trustees were to bring in a perfect account of 'all their doings' to the Quarter Sessions next after the feast of Easter.¹²⁷

The trustees of poor lands had the potential to breach their duty and act in their own interests or those of others. However, incidents in which charity funds were used to off-set the poor rates comprised only about 16 per cent of cases (57) observed in the Reports. At Slaidburn (Yorks., W. Riding), the charity commissioners found that of the 23 recipients of benefits had received the parochial relief based on poor-rates for 10 to 20 years. Considering the mode in which the charity had been administered, the charity commissioners came to the conclusion that it would be placed on 'a satisfactory footing without the interference of a court of equity'.¹²⁸ Later, the attorney general brought a suit to the Duchy Court at 'relation of six poor inhabitants,' as the trustees who had 'so absolute power' to control or not to give any account of their proceedings let the poor lands to their friends at lower rent than its real value.¹²⁹

In Great Rollright (Oxon.) in 1776, two allotments (about 56 acres of land and about 17 acres of land) were awarded to the trustees. At the first time, about 56 acres of land was let to the tenant at the 'best improved yearly rent'. But the rent of £70 was generally carried to the overseers account after the deduction of land tax (£2 6s. 8d.) and chief rent (14s.) to assist the poor parishioners, to sell the coals to them at reduced price, to distribute clothes them gratis, and to give out 'flax to be spun and woven'. While about 17 acres of land was applied to the poor for cutting furze. The herbage of the land was let to the 'highest bidder',

¹²⁴ BPP, 1824, XIV, CCR, 11th Report, p. 503.

¹²⁵ BPP, 1825, X, CCR, 12th Report, p. 311.

¹²⁶ TNA, E112/366/119.

¹²⁷ TNA, E178/5169, fo. 7.

¹²⁸ BPP, 1835, XXI, CCR, 29th Report, p. 1435.

¹²⁹ Hoyle and Spencer, 'Slaidburn', pp. 187-9.

of which the rents was laid out in the purchase of coals, which were distributed gratis among the poor, in quantities proportioned to the size of respective families. Later, the charity commissioners recommended correction by the trustees:

1st. That the accounts of the charity farm belonging to the parish, should be kept distinct from those of the poor-rates.

2nd. That the produce of the land should be applied to the following purposes, viz.: to the repairs of the cottages belonging to the farm, to the payment of rents, to the selling of coals at a reduced price, and to the purchasing of clothes for young persons on their going out to service.

3rd. That in the distribution of the said charity, due attention be had to the merits of the persons to be benefited thereby.

4th. That a book be provided for the entry of all recipients and payments for the charity and that it be yearly produced at the Easter meeting, for the inspection of the parish.

Consequently, it was decided at the vestry that the accounts would be kept distinct from those of the poor-rates, and the rents should be adopted to the most needy and deserving poor and the charity account would 'be yearly produced at the Easter meeting, for the inspection of the parish'.¹³⁰

At Mickleton (Glos.), by a decree of the Court of Chancery (1637), under 'an Act for inclosing the common fields of Mickleton', about 38 acres of land was set out for the poor by agreement between 'John Fowler and others on the part of the poor' and Sir Edward Fisher, knight, but the agreement was later departed from by the trustees, so it was ordered by the court that the poor land should have been used forever for the use and benefit of the poor people. The court nominated and appointed the new trustees to consider how the poor's land might have been employed for the best benefit of the poor, 'in setting the poor to work, affording them such relief as should not tend to abate the usual rates of the parish', and the court further ordered that the poor's land was conveyed to the trustees 'not in such a way as that it should tend only to the benefit of the rich, in easing them of those ordinary taxations which by law they must undergo'. By 1808, the poor's land was let to a tenant by auction or tender, of which the rents were distributed among the poor.¹³¹

Thus, it is worth noting that, where a breach had already occurred, the poor could be awarded an appropriate remedy, because there was a legal difference between rate-based parochial relief and the allotments administered by charitable trusts. The same is true of the following cases. In the case of Shobdon (Heref.) in 1829, as the whole rents were 'given in direct aid of the poor-rates', the charity commissioners considered that as 'the misapplication of the rents' and submitted a petition to 'the consideration of Her Majesty's Attorney general'.¹³² Similarly, at Bilton (Warks.), the commissioners recommended not to bring the rents 'in the overseer's book', but suggested separating accounts.¹³³ In the case of Oadby (Leics.), where by an award (1760), under an Act for enclosing the open fields in Oadby, 15 acres of land was

¹³⁰ BPP, 1825, X, CCR, 12th Report, pp. 274.

¹³¹ BPP, 1829, VIII, CCR, 21st Report, pp. 152–3.

¹³² BPP, 1837–8, XXVI, CCR, 32nd Report, Part II,

pp. 204–6.

¹³³ BPP, 1835, XXI, CCR, 29th Report, p. 1162.

set out to the trustees and let annually at Easter in the vestry to 'the highest bidder'. But the rents were received by the overseers and 'carried to the poor's-rates'. So, doubts having arisen as to this application, and 'the class of poor entitled', a petition was presented to the Court of Chancery by the vicar and others for reference to the master for a scheme, and also to report what class of persons were entitled, whether all poor people or only such as did not receive parochial relief.¹³⁴

Thus, poor lands could be defended by legal procedures to prevent the trustees acting in breach, simply using them to reduce other expenditure on the poor, or by requiring them to perform their obligation to secure poor lands as charitable funds. They may not have been very prevalent nationally, but this survey of post-enclosure poor lands allows us to illustrate how they could be administered carefully, locally significant, and monitored by their recipients over long periods of the time. This is a corrective to the argument of Neeson that such institutions were not very important, and not trusted by the poor.¹³⁵

VII

This article has traced the creation and management of poor lands and variations in the distribution of the benefits derived from them until the 1840s. Some poor lands were created in exchange for existing charity lands, some by enclosure and loss of common rights, and some by disafforestation and associated loss of rights. Poor lands could be supported by legal procedures to prevent the trustees acting in breach or requiring them to perform their obligation to secure poor lands as charitable funds. Although there existed many poor lands that were well managed by the trustees, some were used to complement, and reduce the cost of, the poor-relief system, arguably reducing the intended benefits to the poor. In most cases where poor lands were leased out, it seems the tenants were well controlled by the trustees, by auctioning off tenancies to the highest bidder or making efficient use of surplus funds in order to gain sufficient charitable assets. This might reflect a positive correlation between the adoption of leasing-to-tenants method and the securing of charitable funds. It should be noted that this study does not allow for any comparative evaluation of the importance of the national level in the poor-relief system. However, the examination of poor lands exposes much detail in the broader thinking about management of, and entitlement to relief, and the varied ways this came to be expressed in each locality. As such poor lands are a further element for scholars of poor relief to fit into a broader national picture.

¹³⁴ BPP, 1839, XV, CCR, 32nd Report, Part V, p. 320. For other examples, Kinnersley (Heref.), Norton (Derbs.), Great Claybrook, Great Glenn, Stretton Parva (Leics.), Middle Rasen, Nettleton, Bourne, Little Hale, Covenham St. Bartholomew, and Dorrington (Lincs.),

Hanworth (Middx), Keyworth and Woodborough (Notts.), Burford (Oxon.), Newbold-on-Avon and Bilton (Warks.), Pocklington and Walkington (Yorks., E. Riding).

¹³⁵ Neeson, *Commoners*, pp. 208–215.