

'A WORLD UNTO THEMSELVES?': SQUATTER SETTLEMENT  
IN HEREFORDSHIRE 1780-1880

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'A World Unto Themselves': Squatter Settlement in  
Herefordshire 1780-1880

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University of Leicester Ph.D. 1990

By the early nineteenth century, Herefordshire's commons hosted 96 settlements comprising ten or more dwellings. Were they peopled by 'squatters' who had built their shanties illegally on the waste and were the inhabitants a rough, uncivilized people who indulged themselves in vice and profanity of every kind?

Contemporary views are understandable given the geographical isolation of these settlements, but they ignore entirely the diversity of settlements encountered as a result of the varied topography and types of agriculture practised within the county's five principal regions. Except in the south-west corner of the county, farmers themselves relied little on the exercise of common rights - an important prerequisite for settlement growth.

Conversely, this mixed agricultural economy created a wide range of employment opportunities; commons settlements were marginally placed between woodlands and fields, creating a rhythmic cycle of seasonal employment for male commoners. In contrast, women's lives were structured around the spatial organization of domestic tasks and in particular, access to and control of fire and water.

Threatening to undermine this cohesive intermeshing of complimentary roles in squatter society was the problem of tenurial insecurity, although obsessions with the origin of squatter housing have tended to obscure the increasingly complex web of tenurial interrelationships in which the squatter, freeholder, copyholder, vestry and manorial lord were entangled.

Tenurially, settlements tended to develop along three distinctive paths; some became enveloped by large rural estates, illustrated in the case study of Tarrington's commons. More isolated settlements retained a staunch freeholders' presence; in others petty landlords predominated as a result of enclosure and proximity to market centres. This classificatory model becomes a useful tool for analysing nonconformist tendencies. Each type of settlement, though, should be viewed in the context of a developing capitalist economy, which ultimately is responsible for giving birth to, and destroying, squatter communities.

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It was always a pleasure to return to the Department of English Local History at Leicester where one was assured of meeting fellow researchers who had magically appeared from some other corner of the country. One particular friend in Leicester must be mentioned, and that is Charles Phythian-Adams, who also happens to be my supervisor. I only hope that he can feel that his patience, encouragement and above all, unflagging enthusiasm has at last found some reward; I only know that without it, this thesis would never have borne fruit at all.

The accolade for long suffering goes to one other friend from Leicester, who in the midst of it all became more than a friend, and now means more than anything.

## ABBREVIATIONS

B.L.	British Library
C.F.P.S.	Commons and Footpath Preservation Society
F.R.F.	Family Reconstitution Form
H.C.L.	Hereford City Library
H.L.R.O.	House of Lords Record Office
H.R.O.	Hereford Record Office
N.L.W.	National Library of Wales
n.p.	No pagination
P.R.O.	Public Record Office
S.C.	Select Committee
<u>T.W.N.F.C.</u>	<u>Transactions of the Woolhope Naturalists'</u> <u>Field Club</u>

## INTRODUCTION

### TWO APPROACHES TO COMMONS COMMUNITIES

In 1886, J.C. Shambrook published his Life and Labours of the Revd John Hall, a eulogy on the work of this minister who made such strides in establishing the Baptist Church in Herefordshire. In 1831, Hall commenced his work at Gorsley Common in the south-east corner of the county, and the author begins with a description of the place so as 'to give my readers some idea of the character of the work which Mr Hall had undertaken in consenting to come to Gorsley.' The narrator's task is thus clear - he must set the scene in readiness for a dramatic entrance, and the prologue deliberately commences with an air of cool detachment describing Gorsley's geographical position on the county boundary and its woodland surroundings - a marginal setting with a marginal tenurial status: 'Up to a few years before 1831 it had been an open Common, and, as the name implies, was to a great extent covered with gorse...While in this condition (and here the author introduces its attraction to marginal groups) it had been a rendezvous for Gipsies and other loose characters of all descriptions. By 1831, however, it had been to such a considerable degree enclosed, that the term 'Common' ceased to be a correct description of it.' The origins of the settlement are thus connected vaguely with the plight of dispossessed travellers who had crept as if from nowhere onto the common (the reference to gypsies is sufficiently loaded and rarely requires further explanation). The procedure for gaining a settlement is then outlined: 'A man would set his mind on occupying a piece, and would prepare material for fencing and for putting up some sort of rough shanty to serve for his residence. He would then set to work to enclose and build in the speediest manner possible.'

Following a nice description of the appearance of these rough 'shanties' and the means by which a title was secured, the author launches a brief topical digression on the potential of Gorsley as 'not an unsuitable place in which to study the question of peasant holdings and proprietorships, which has of late so much exercised the public mind'.

Having neatly blended in his reader's mind the emotive connotations of gypsy and peasant lifestyles, the author fills us in on the physical terrain, with a description of 'the red clay holding water like a cup, trodden up, lined in all directions with ruts twenty or more inches in depth, with here and there a mud-hole, in which it was possible to sink bodily' providing the cue for reminding us of his character waiting in the wings: 'Under these circumstances, getting from house to house in the winter must have been dreadful work'.

With the picture firmly implanted in our minds of the missionary dragging himself through the mud-holes which 'offered almost insuperable difficulties to any but the most determined', the narrative neatly conjurs up a similar challenge confronting the minister - the human quagmire of sin and depravity that greeted him on his arrival at Gorsley. It:

was ecclesiastically a sort of 'No Man's Land.' The inhabitants generally, without knowledge, without church, chapel, school, or any refining, civilising, or christianising influences whatever, were steeped in ignorance and depravity to a fearful degree. Their Sabbaths were spent in cock-fighting, football, an old-fashioned game called wickets, and in drunkenness and fighting ... Many men and women lived together in an unmarried state; horse-stealing, sheep and pig stealing, and other offences of a like nature were of frequent occurrence, and during the first ten years of Mr Hall's residence in the place, from six to ten persons were transported annually from the locality. I could fill many pages with incidents illustrative of this state of things, but as they would be anything but pleasant reading, I forbear. It was a sort of republic, living in

defiance of all law and order ... The place was commonly demoninated in the neighbouring town and villages 'Heathen's Heath'.

Enter the Revd. John Hall on January 23rd 1831, with the words, "Herein is love, not that we loved God, but that He loved us, and sent His son to be the propitiation for our sin".<sup>1</sup>

If the mood of this introduction appears to be one of cynicism, that cynicism I should stress is in no way directed at the Reverend John Hall. Rather, it is directed at my own readiness, when I first began to study the squatter settlements of Herefordshire, to believe in the trinity of myths that Shambrook expounds so convincingly in this description of Gorsley Common - the myth of its 'No Man's Land' status, the myth of its 'free-for-all' origins, the myth of the depraved character of its inhabitants. Nowhere, I thought, could an anthropological analysis based on the concepts of pollution, taboo, and marginal status be applied so successfully than to the ninety-six settlements of this kind which had sprouted on the commons of the county by the 1840's.

After all, the identification of subhuman or antisocial characteristics with such marginal groups has itself had a long and respectable history. John Norden thought 'the people bred amongst woods ... naturally more stubborn and uncivil than in the champion counties',<sup>2</sup> while John Aubrey considered them to be 'mean

1 J.C.Shambrook, Life and Labours of the Revd. John Hall, 1886, pp.12-17

2 Quoted in A. Everitt, Change in the Provinces: The Seventeenth Century. University of Leicester, Department of English Local History Occasional Papers, 2nd ser., 1972, p.23.

Distribution and Size of Commons Settlements in Herefordshire c.1840

Number of Dwellings

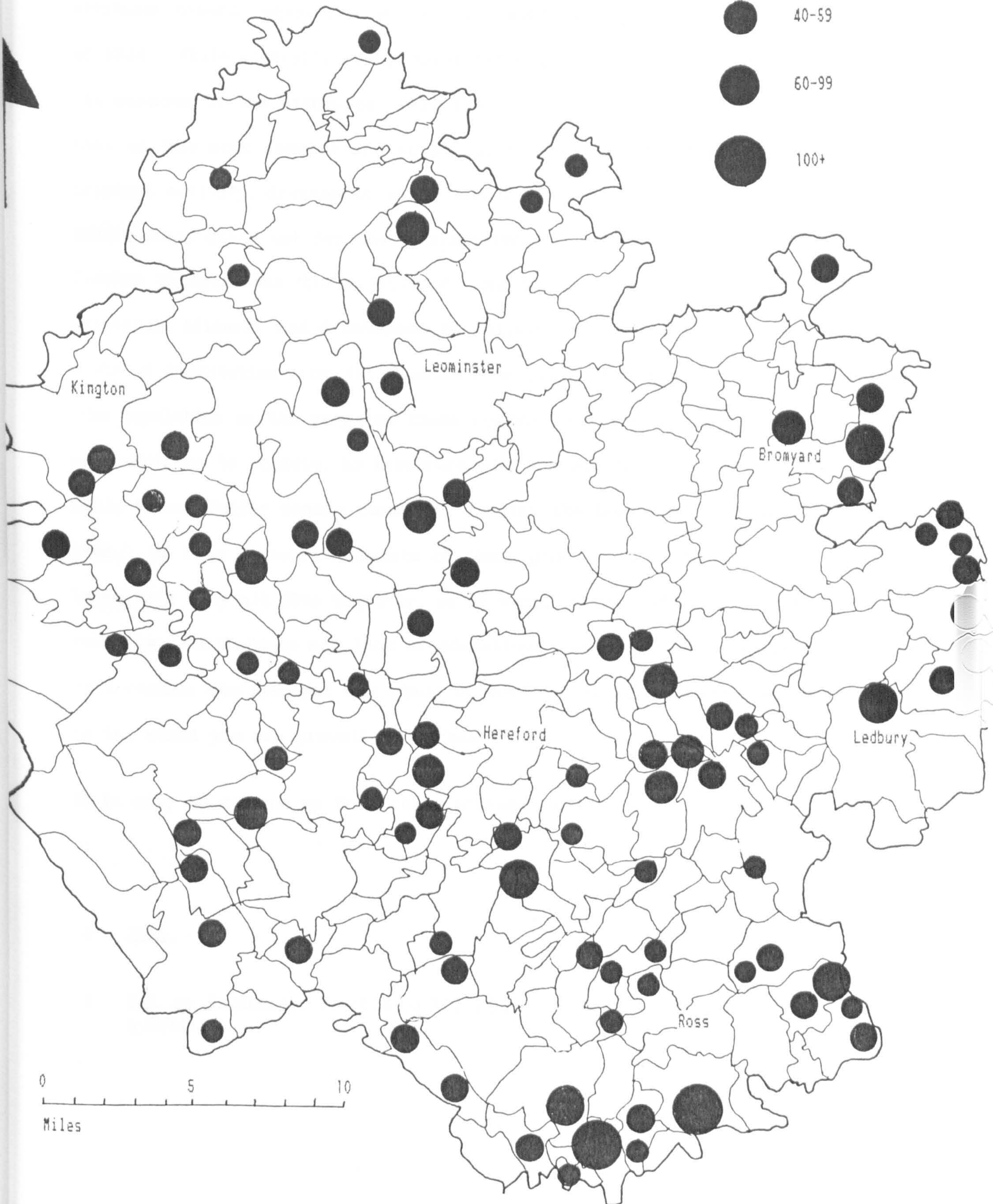
● 10-19

● 20-39

● 40-59

● 60-99

● 100+



people (who) live lawless, nobody to govern them; they care for nobody, having  
no dependance on anybody.<sup>3</sup> At a later date, the best goldmine of contemporary  
attitudes towards squatters is the Parliamentary Inquiry into Commons Inclosure  
of 1844. While virtually every moral failing was levelled at those resident on  
the commons by the witnesses - the Rev. Jones for example simply dismissed  
them as 'the most immoral and worst portion of the rural population' -  
criminal activity, drunkenness and idleness, sexual promiscuity and religious  
indifference stand out for their repetitiveness. On criminal activity, Mr H.  
Crawter thought that 'the uninclosed commons are invariably nurseries for petty  
crime'; on idleness and drunkenness he believed 'the wives and families are in a  
state of destitution from the dissolute habits of the men'; Mr Keen thought that  
'the population on the verge of these commons are not to be compared, in point  
of usefulness to society, to labourers who are not on the verge of commons'  
while Robert Fuller Graham remarked 'I think the beer-shop is maintained by  
them.' He also ventured comments on their promiscuity: 'their families are so  
large that they all live together, as it were, in one bed', and on their  
religious indifference and lack of education: 'you rarely find cottagers residing  
on a common who frequent any place of worship; it is with greatest difficulty  
in the world you can prevail upon them to send their children to school'.<sup>4</sup>

It is easy to conjure up from these statements an apparently uniform picture of

3 Ibid.

4 S.C. on Enclosure, V, 1844, q.71; q.5064; q.5071; q.774; q.4234; q.4202;  
q.4231.

such 'extra-parochial, anarchical' settlements (to use Raphael Samuel's  
<sup>5</sup>  
description of Headington Quarry); a mosaic of forests, wastes and commons  
where 'a regular colony have squatted in little huts ... quite a world unto  
<sup>6</sup>  
themselves, few people choosing to go among them.' It is as if there existed a  
universal phrase-book of sayings that could be drawn upon at a national or  
local level, for the local Herefordshire evidence appears to dovetail so neatly  
with these witnesses' generalisations. On criminal activity, for example, one  
witness to the national committee remarked: 'I was speaking to the Chairman of  
the petty sessions where I live a few days ago, and it was an observation of  
his that by far the greater proportion of offences brought before that bench  
<sup>7</sup>  
were committed on commons, and by residents on commons.' The observation  
could well have been J. Clarke's, when in his 'General View' he remarked: 'One  
half of the waste land (in the county) is situate...at the foot of the Black  
Mountains, above the Golden Valley. I do appeal to such Gentlemen as have often  
served in Grand Juries in this county, whether they have not had more Felons  
<sup>8</sup>  
brought before them from that than any other quarter of the county.'

While other comments could be cited associating drunkenness and idleness, sexual  
promiscuity, and religious indifference with the residents on the county's

5 R.Samuel, 'Quarry Roughs: Life and Labour in Headington Quarry, 1860-1920. An Essay in Oral History', in R.Samuel, ed., Village Life and Labour, 1975, p.7.

6 S.C. on Enclosure, V, 1844, q.4122.

7 Ibid., q.4220.

8 J.Clarke, General View of the Agriculture of Herefordshire, 1794, p.22.

commons, the fundamental point is not that remarks on individual aspects of moral depravity can be quoted, but that each failing was simply one ingredient in a universal recipe which, in the minds of outsiders, blended moral depravity with geographical isolation, marginal status and suspect origins. One need go no further than the Gorsley portrait to see a consummate mixing of each and every one of the available colours.

\*\*\*

Locating the origins of these beliefs, and accounting for their perpetuation, is a relatively simple task. Undoubtedly, Herefordshire's commons were by their very nature usually located away from the principal settlements and communication routes, at the boundaries of the parish or manor to which they belonged. Their very isolation became a source of poetic inspiration to the early nineteenth century literary observer. 'There is a romantic appearance about Garway Hill, with its view of distant hills.' Wellington Heath, above Ledbury, was said to be 'a most romantic spot for a cottage.' Dilwyn Common was described simply as being 'a very lonely spot.' In Hope-under-Dinmore<sup>9</sup> parish was a 'romantic spot called Westhope Hill'. All these commons hosted sizeable squatter settlements.

9 Hereford Journal, 28 April 1838 (Garway); 9 April 1842 (Wellington Heath); 13 October 1852 (Dilwyn Common); 1 June 1842 (Westhope Hill).

In folk memory, too, the elevated situation of the majority of the County's commons, on the hills above the traditional village centres, sometimes inspired creation myths accounting for these 'anomolous' topographical features. Tales of trials of strength, or the alleviation of a grudge involving sometimes the Devil, sometimes a giant, or Robin Hood or the local hero Jack O' Kent, associated the depositing of missiles of rocks, boulders and sacks of earth with the origins of these upland landscapes. Robin Hood's Butts was created from earth taken from Dinmore Hill (in other versions, Birley Hill or Burton Hill). The Black Darren, in the Black Mountains range, was said to have been rent at the Crucifixion, while the Devil kept a garden on top of Stanner Rocks outside Kington where reputedly 'nothing would grow'. Prehistoric survivals, particularly shaped stones, also imbued some of the upland commons with distinctive traditions such as Arthur's Stone on Merbach Hill, the Whetstone on the summit of Hergest Ridge, and Colwall Stone reputedly cast by a giant who lived in a cave on the Malverns (a commonable tract of hills) having seen his beautiful wife with a supposed lover on the Green at Colwall. Another version states the stone was brought from a quarry near the Wyche - the site of the

10

parish's main tract of common. And of course, the Iron Age and Roman period had left their respective legacies of forts and camps perched on commanding slopes, such as those at Bircher Common (Croft Ambrey), Ruckhall Common (Eaton Camp), the Doward Hill (Doward Camp), Caplar Camp (on the Woolhope Dome), the Roman Camp at Dinedor Hill, many of which were associated with tales of buried

10 E.M.Leather, The Folklore of Herefordshire, 1912, pp.1-8

11

treasure - and indeed sometimes even yielded the real thing.

Other landscape features served to create supernatural auras associated with individual commons. 'At the top of the hill at Orleton, on a spot which was once part of the Common, is a curious cleft in the rock called Palmers Churn. There is a hole in the ground six feet deep, from which a passage twelve feet along rises again to the open ground. Seventy years ago the young people of the place used, with difficulty, to creep through this hole. It was said that those who stuck in the middle or turned back would never be married.'

12

Geological oddities associated with commons are even more strikingly encapsulated in the tale of a submerged chapel at Kinnaston, which in fact referred back to an actual sixteenth century catastrophe when Marcle Hill 'roused itself', the resulting earthquake being severe enough to engulf the place of worship.

13

Folk memories of shifting landscapes such as this thus retold in another form the history of massive geological upheavals which accounted for the formation and location of the more impressive of the upland commons. The essentially

11 See, for example, Hereford Journal, 27 March 1815. This refers to the discovery of 'great quantities of copper' at Eaton Camp, which 'the people of the vicinity carried off...to this city, and disposed of to the braziers'.

12 Leather, op. cit., p.4.

13 Ibid., p.3.

bowl-shaped relief of the county reflects the distribution of Downtonian rocks in the Central Lowlands of Hereford, Ledbury, Leominster and their districts and extending down into the Golden Valley, with the commons themselves being located on the cornstone bands outcropping on low hills like the Dinmore/Wormsley ranges which are capped with the younger rocks of Dittonian Age. More dramatically, the older Red Sandstones correspond generally with the upland commons such as Bromyard Downs in the north-east and the hills of Aconbury, Orcop and Garway in the south. The Silurian scarplands of the north-west outcrop again in the south-east of the county as the physically striking upheavals of the Woolhope Dome (where Marcle Hill had moved) and the Malvern hills with a small pocket at Shucknall Hill described as 'a great wedge of Aymestry rock faulted on edge through the Old Red Sandstone'. All these were good squatter pitches, as was the only intrusion of Carboniferous Limestone of the Doward at the very southern periphery of the county.

Whatever the underlying geology, the majority of Herefordshire's commons yielded local building materials and, in the case of the Doward and Woolhope Dome particularly, limestone which was converted for agricultural use. The typical commons landscape was thus pockmarked with quarries, which not infrequently claimed the lives of unsuspecting (or drunk) travellers. In December 1843, John Bowen 'was returning home across Ewyas Harold Common, very tipsy, at 6 O'Clock on Sunday night, when he missed his road, and fell into a quarry 9½ feet deep.' The scattered pools on the commons could be equally dangerous. Thomas Higgins

14 W.H.Purchas & A.Ley, A Flora of Herefordshire, 1889, pp.xix-xx.

left home at 12.30 a.m. on the morning of August 11th 1852 and was not seen till midnight having fractured his leg: 'I was walking over Tillington Common, and in going along the path near the pool, my foot slipped and I fell in.'

15

The very quarries and pools which moulded the commons into inhospitable landscapes nevertheless spawned a rich and varied flora and the Doward in particular with its plethora of quarries, abandoned iron workings, limekilns and caves has been a ravaged hunting ground from the latter part of the nineteenth century for botonists, archaeologists and geologists alike. In a sense, these elite bands of explorers were the successors of hunters more rooted in popular culture, who looked to the commons as repositories of species which could be used in folk rituals and medicines. On St. John's Eve, for example:

the fern puts out at dusk a small blue flower,  
which soon disappears, and the seed ripens,  
silently falling from the plant at midnight.  
It must then be caught in a white napkin and  
untouched by hand. The wearer or carrier of  
fern-seed is said to become invisible and able  
to enter the room of a lover unseen.

16

Juniper trees, a rare native on open hills, provided savin, believed to be

17

effective in bringing on abortions. The inner rind of the bark of elder trees,

18

a colonizer of waste land, was used as a remedy for jaundice.

15 Hereford Journal, 20 December 1843; 11 August 1852. See also H.R.O., S 50/2; Garway Manor Court Book, 25 April 1837: 'there are quarries on Garway Common dangerous to the public and ought to be protected'.

16 A.Bielski, Flower Legends of the Wye Valley, 1974, p.18.

17 Hereford Journal, 30 March 1836.

18 Leather, op. cit., p.80.

Elder pith, dried and powdered, was formerly given in food to those thought to be bewitched. In addition to the horseshoe commonly uses as a protective charm, a stick with nine notches in it, of elder or mountain ash, was often placed over the door.

19

Gorse was used to make a 'trusted horse conditioner'.<sup>20</sup>

A glance through any 'Flora of Herefordshire' will indicate the occurrence of rarer plants particularly in quarries, waste places and commons - wild madder, blue fleabane, solomons seal, stinking hellebore, bee orchids, dyers rocket and so on. The uses to which they were put are not, unfortunately, recorded, but it is clear from the examples given that the isolated context of the species must<sup>21</sup> have been an important consideration when assessing their potency.

Commons also provided a rich habitat for the kinds of fauna which would only help to reinforce their inhospitable reputation. 'I was told at Orcop that an adder coming to a door was a sign of death. It had happened so often that one would think adders must have been mysteriously attracted to the doorsteps of the cottagers on the hillside.' Leather also records the cure related to her by Mr John Hutchinson.

Riding across Ewyas Harold Common in his younger days (that is, somewhere about the third or fourth decade of the last century) he came on a group of people surrounding something on the ground. At first he took it to be a dead sheep, but on closer inspection

19 Ibid., p.53.

20 Bielski, op. cit., p.6.

21 See, for example, W.H.Purchas & A.Ley, A Flora of Herefordshire, 1889; L.E.Whitehead, Plants of Herefordshire, 1976.

he found it was but the skin of one, inside of which was the body of a child, carefully wrapped up therein, only its head visible. On enquiring what was the matter, he was informed that a little one had been bitten by an adder. A 'nadder' they called it, explaining that the best cure was the one they had applied, the pelt warm and reeking from the body of a sheep.

22

Likewise, commonland was the favourite haunt of birds of prey, ravens, buzzards and long-eared owls, birds with sinister overtones, or simply birds with startling cries such as the bittern, curlew or storm petrel whose eery song could only serve to underline the inhospitable environment surrounding an  
23  
already isolated traveller.

By the early nineteenth century, this elemental landscape of physically difficult, mostly upland terrain, hosting rich ecological communities which could be tapped for magical or medicinal purposes, was also 'home' for 15% of the rural population of Herefordshire. This backcloth of physical and natural isolation must not be forgotten when trying to assess contemporary attitudes both of outsiders and of the commons inhabitants themselves. At the same time, the landscape was both hostile and generous, dangerous or provider of a livelihood. To outsiders, it was easy to blur these distinctions, to associate the darker characteristics of the commons with the inhabitants themselves. But for the latter, the internal contradictions and tensions inherent in the landscape itself was the backdrop against which they shaped both their lives and perceptions.

22 Leather, op. cit., p.77.

23 See, for example, H.C.Bull, Notes on the Birds of Herefordshire, 1888; H.A.Gilbert & C.W.Walker, Herefordshire Birds, 1954.

The landscape shaped their living environment, too, in the form of the local materials it provided for house-building. Numerous examples of very simple, cheaply constructed dwellings could be found dotted about the commons of Herefordshire well into the nineteenth century. J.P. Malcolm, who visited the Golden Valley in 1814 was shocked to see 'on each side of the road', the huts:

constructed with fragments of branches, stripped from thickets, interwoven something in the manner of baskets and imperfectly filled or coated by sods and clay, which fell into dust when pulverized by the sun, and shaken by the wind.

24

Evidence of cheap construction is abundant in the shape of 'material cut or filched from the neighbouring woodlands which falls rather into the category of coppice-wood than timber.' Broadmoor Common (Woolhope) is surrounded by 'late timber-framed houses probably built during the eighteenth century on land enclosed from the common. Their framing is thin, almost fragile looking,<sup>25</sup> compared with the heavy timber used in earlier houses.' According to Martin Hankins (aged c.85 in 1950), the black and white cottage on Wellington Heath (Ledbury) in which he grew up was 'pegged out by his grandmother's father Jack<sup>26</sup> Phillips, who used timbers roughly shaped with the axe.' James Richards, charged with cutting underwood in 1861, was described as living 'in a house<sup>27</sup> built of gorse and mud, at the Common-Hill' (Fownhope). A Mr. Pitt of Wellington complained in 1853 of the repeated depredations of Elizabeth Williams 'who

24 J.P.Malcolm, First Impressions, 1814, p.102.

25 J.W.Tonkin, Herefordshire, 1977, p.137.

26 H.R.O., J55/1, Wellington Heath W.I., 'Wellington Heath', 1955, p.1.

27 Hereford Journal, 14 August 1861.

lived with her mother in a turf hut erected by them on parish property, without  
any visible means of subsistence.<sup>28</sup> The dwelling of George Davies at Shirl Heath

(Kingsland) was rather condescendingly described in a 'List of New

Encroachments' of 1780 as 'a miserable hovel.'<sup>29</sup> From the same parish comes the  
tradition of 'Dick of the Delf' who lived with his wife in Shobden Marshes, 'his  
hovel being in the middle of the bog which was almost impenetrable in winter.'<sup>30</sup>

Other temporary structures fulfilled a variety of uses. 'Donkey' Davies of  
Ruckhall Common (Eaton Bishop) recalled that 'Any old shed was good enough to  
house the donkeys, perhaps one open side and the other three being made with  
gorse and the roof with hedge trimmings.'<sup>31</sup> Around the typical commons homestead  
were dotted sheds to house poultry, pigs, a cider-mill, kindling wood, logs,  
quite apart from the small workshops that often abutted the dwelling; 'there is  
a shop to my house', stated Mary Ackford of Shucknell Hill (Weston Beggard) to  
the court in a poaching case of 1845, 'there was no fire in the shop where my  
son mended the shoes.'<sup>32</sup>

If a plethora of simple structures fed the outsider's imagination with notions

28 Ibid., 5 January 1853.

29 Quoted in N.Reeves, The Leon Valley, 1980, p.21.

30 Ibid., p.65.

31 H.C.L., Loc. Coll., Eaton Bishop W.I., 'Eaton Bishop: Its History 1855-1955', 1955, p.6.

32 Hereford Journal, 2 April 1845.

of 'one-night' houses, this was just as true of the most representative examples of squatter vernacular in the county, dwellings which reflect in their constructional phases the history of piecemeal enclosure and gradual extension of boundaries. Some of the houses in the commons settlements in the parish of Norton Cannon have been described as 'wonderful examples of how to start with one or two rooms and add and add on whatever materials become available.' A witness in 1850 commented on the recent enlargement of a cottage at Copped Wood Common (Goodrich):

The size of the last encroachment is very small - a few yards in length and a few feet in breadth; a hedge was round the old enclosure, with an open ditch on the other side; (I) have not the slightest doubt that a portion of the cottage is built on the land beyond the old ditch.'

33

By a simple reversal, it was easy for the outside observer to strip away these later accretions in his mind's eye, and arrive at a tiny original shell, itself calling for an explanation of its origins. This was inevitably to be found in the notion that the dwelling could only have been thrown up overnight, and if it was thrown up overnight it must have involved a corporate effort, and if it involved a corporate effort it must have been concluded by some sort of celebration...

If the physical evidence of landscape and housing conspired to reinforce two elements in the trinity of myths, examples of eccentricities in the physical appearance and behaviour of commoners can also be cited to complete the seemingly deterministic links between geography, settlement and character.

33 Tonkin, op. cit., p.68.

34 Hereford Journal, 7 August 1850.

Only occasionally do we glimpse something of the physical appearance and dress of individual commoners, and the evidence tends to be late. In the decade 1877-1887, descriptions of three commoners wanted for entirely unconnected crimes must give a fairly representative picture of the usual male attire of the period as all three suspects hailed from the one commons settlement of Garway Hill; 'Absconded from Garway Hill ... Edward Morgan Carpenter but works as a Labourer age 24 years Face cleaned shaved small light moustaches Dressed in a Brown Tweed suit of Clothes Brown hard hat.' William Holmes 'a Labourer late of Garway Hill ... looks like a Tramp Dressed in Black Hat Brown Jacket and Waistcoat Cord Trousers.' 'Absconded from Garway Hill ... James Castree 21 years of age 5ft 7" Slender Made Pale Face Light Brown Hair Cut Short Lost Fore Finger ... Dressed in Black Soft Brimmed Hat Brown Mixture Jacket Cord Trousers & Vest Strong Lace up Boots much worn.' The preference for dark, virtually monochrome clothing was rarely departed from; indeed ten years later, when James Castree was on the run again, though his boots and hat had been changed, his drab appearance had not: 'Absconded from Garway Hill ... James Castree ... age 30 years. Face Clean Shaved heavy military moustache dressed in Dark Brown Jacket & Vest Dark Cord trousers light boots. Black Hard Hat.' Uniformity of dress and the absence of colour must have invested the ordinary commoner with a sombre, even morbid air with the favourite wide-brimmed 'Jimcrow' hat in particular shielding the wearer's facial features, (Lewis Harris of Coldstone  
35  
Common even wore 'some Crape on his Jimcrow Hat').

35 H.R.O., G56/18, Abbey Dore Police Division Letter Book, 5 October 1887; 3 August 1887; 9 July 1877; 28 December 1887; 5 March 1879.

The 'anonymity' of the male commoner's dress distinguished him, though by no means exclusively, from those occupying on the one hand a lower, and on the other a slightly higher status. Though William Holmes was described as looking like a tramp, this probably refers to his appearance rather than dress, as contemporary descriptions of vagrants in Herefordshire indicate that they  
36  
dressed in a much more eclectic assortment of clothing.

Of a slightly higher status, in contrast, the village labourer who was employed on an estate or large farm would be seen, at least by the mid-nineteenth century, at work and in church in a Herefordshire smock. The commoner, however, was only rarely found wearing such a garment, and indeed could invite suspicion for so doing. In 1846, William Vaughan of Broadmoor Common (Woolhope) appeared at the Court held for revising the electoral lists for the City of Hereford, his vote having been objected to on the grounds that he had received parish relief. Quite apart from his physical demeanour - 'an elderly man of very diminutive stature and singular expression of countenance' and the description of how 'the drollness of his replies, given in a strong Herefordshire dialect, and his antique gestures, convulsed the Court with laughter', the following exchanges between the barrister and Vaughan illustrate the unusual circumstances surrounding his appearance in court in a smock:

'Where did you get that smock-frock you have on from?'  
'Perhaps you do know' (laughter)

- 36 See, for example, *Ibid.*, 16 June 1857: Richard Evans of County Cork, apprehended at Longtown in 1857, was 'Dress'd in Checkshirt Yellow and black waistcoat striped belonging to a groom with brass buttons': 27 June 1878: 'George Cooke and Richard Cooke Rag & Bone Collector & Rat & Rabbit Catcher' wore velvet coats with their cord trousers and Jim Crow Hats, while their 'friend' was simply described as being 'dressed as a Navvy'.

'Will you please to tell me where you had that  
smock-frock from?'  
'No, I shannot (laughter).'

Then later in the proceedings:

'Have you any objection now to tell me where  
you had that smock frock from?'  
'No, I bean't agoin to tell nobody.'  
'Why won't you tell me?'  
The witness here hesitated a few moments, and then  
raising his voice, rapidly exclaimed,  
'Lady Emily Foley gave it me last Christmas;  
there now you have it - you have it all now,  
I hope you'll be satisfied, and don't bother me  
any more (loud laughter).'

37

The interesting conclusion to emerge from this exchange is that the smock was a mode of dress promoted and supplied by the estate landowner and major local employer. It also conversely implies that by not wearing a smock the average commoner (unlike Vaughan who clearly did rely to some extent on local relief) could also express his independence from paternalistic charity, from parish relief, from a class structure even through his rejection of the symbol of master/servant relations.

Vaughan's singular countenance prompts one final observation on the relationship between dress and physical appearance. The commoners preference for sombre and anonymous clothing may conversely have had the effect of highlighting an unusual physical trait, mannerism or deformity, which consequently assumed a significance beyond its mere visibility. There is, of course, no statistical evidence available with which to compare accident rates,

but the diversity of the commoners employment, in particular his involvement in woodland work, quarrying, lime-burning etc. undoubtedly exposed him to an

38

unusually wide range of risks. Moreover, parish authorities were instrumental in populating the commons with those unable to find gainful employment because of some physical deformity; Richard Bowkett, for example, moved in 1805 from Tarrington Village into a cottage on Durlow Common as a result of being struck

39

by blindness in that year. Commoners also derived additional income from the

38 See, for example, Hereford Journal:

23 September 1814: 'On Saturday morning as a man was at work in a drain on Ridgmoor Common, more than six feet deep, the ground gave way and fell in upon him...and suffocated him.'

2 August 1815: 'Inquest on John Preece of Peterstow, whose death was occasioned by falling off a machine called a triangle, used for loading timber.'

28 February 1838: Inquest on William Whittingham of Walford who whilst raising lime-stone, a quantity of earth and stone fell upon him.'

13 January 1841: 'Inquest on R.Apperley, 60, who died in consequence of a quantity of earth falling upon him whilst employed in a quarry at Fownhope on 28th ult.'

5 June 1844: 'Inquest at Wellington Heath on Richard Panting killed by fall of earth, marl and stone whilst at work on road at Hill-top Pitch'.

30 May 1849: 'Mr Payne, Builder, of the Downs, met with a serious accident in a quarry where his men were at work on Wednesday sennight.'

2 November 1853: 'Serious accident on Sat. last occurred to a haulier Richard Farr who resides at Gorsty Common. Farr was returning from Hereford with a cart load of coals when horses took fright at the noise of an engine on the railway'.

28 August 1861: 'Inquest at Walford on body of Thomas Whittingham, who fell fom a lime kiln whilst sitting upon a pole, and fractured his skull.'

39 H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Tarrington Manor Suit Roll, 1805

40

vestry by providing lodgings for maimed or otherwise incapacitated individuals, while their propensity for in-breeding appears to have resulted in a

41

disproportionate number of offspring being labelled as 'simple' or 'lunatic'. Each common thus had its share of 'idiots' and 'cripples', whose presence no doubt fuelled outsiders' fears of entering these isolated settlements.

- 40 See, for example, H.R.O., K14/42, Tarrington Overseers Accounts: 7 January 1833: 'To Ann Pritchard attending Elizth Burton in her illness 4 weeks' and 22 February 1833: 'To Ann Pritchard taking care of Burtons family.' 2 June 1834: 'Pd Hannah Hodges for Cloths for Ann Cole.' 17 January 1835: 'Pd John Spencer for repairing Mary Hodges Bedstead.' These individuals all resided at Tarrington Common or Durlow Common - see H.R.O., K14/80, 'An Account of the Population ... of Tarrington... In the Year 1831', and below, Chapter 4.
- 41 For example, H.R.O., AJ47, Clehonger Diary Transcript, 26 February 1869: 'We have been much grieved to hear of Joseph Price illness (Gorsty Common). I am afraid he will have to go to Abergavenny Asylum unless he gets better as he has been trying to get hold of a razor.' And also Hereford Journal: 4 August 1841: 'On Thurs morning...the inhabitants of Langrove Common were alarmed by the cries of "murder" proceeding from the cottage of Jonathon Strong, a shoemaker, aged 52. He had been a sick cripple, and confined to his cottage between five and six years, and latterly had been in an excited state of mind. The cries of murder were made by his wife...who was found leaning against the cottage door...with her throat cut; she subsequently stated that her husband on coming down stairs to breakfast asked her how she was, she answered "very poorly". He then produced a razor and said "this will make you feel better". On her escaping...he inflicted a deep wound across his own throat.' 2 April 1845: Mary Ackford of Shucknall Hill spoke of her fourteen year old son as not being 'sharp', while her husband stated 'my one boy is of 'weak intellect''. 1 November 1848: A man from Whitney Wood who murdered his wife thought she 'had been the Great Goddess Diana, the Queen of the Whores in the bottomless pit.' The day before the murder the wife complained he was deranged. He had told her that 'every person from the wood had gone to heaven except them two'. 20 February 1850: William Price of Bircher Common drowned himself in a pool 'having been surfeit all his life to a lowness of spirits. He was in Hereford Asylum about ten years.' 7 April 1858: James Skyrme from Ruckhall Common and described as 'an old labourer...would never sleep in a bed, believing that if he did so he would shortly afterwards die.'

Deformity, decrepitude or simply an odd demeanour wedded to a marginal existence had also long been a recipe for inviting beliefs in or accusations of witchcraft. Old Molly Green, who died in c.1900 and lived on the Doward was<sup>42</sup> thought to be 'a dangerous woman, a very dangerous woman'. Conversely, there were commoners whose special abilities were sought after: 'Another diviner was<sup>43</sup> Betty L----, of Weobley Marsh...She was a mighty clever woman, she was!'

The narrow dividing line between 'dangerous' and 'clever' where the possession of 'occult' powers were concerned was usually blurred in the minds of outsiders in favour of the former; Weobley Marsh, for example, was simply believed to be 'witch-ridden. Everything unfortunate that happened was ascribed to witchcraft and the evil eye and a 'wise man', locally celebrated, ... used to say that from the bottom of Weobley Marsh to the top of Mainbury he knew there were fifty witches.' This blanket association of squatter pitches with witchcraft was not confined to Weobley Marsh: 'It used to be said there would<sup>44</sup> always be nine witches from the bottom of Orcop to the end of Garway Hill.' The commoners themselves appear to have been more discriminating; at Dilwyn Common 'a stick with nine notches, of elder or mountain ash, was often placed

42 H.R.O., AK95/1, M.P.Williams, 'Notes on Great Doward', 1983, typescript.

43 Leather, op. cit., p.60.

44 Ibid., p.53.

over the door' to ~~counteract~~ witchcraft; again, though, the observance of such a ritual was so easily confused by outsiders with the practice of witchcraft itself.

Kilvert's actual observation of this last practice being carried out on May Day at Monnington Common illustrates the continuing belief in the efficacy of such rituals on the commons long after they had been abandoned in 'civilised' circles. Adherence to such practices and beliefs branded the commoners as 'superstitious', and so consequently as 'ignorant' and then by extension as 'indifferent' to the teachings of the Established Church, which so concerned some of the witnesses at the 1844 Inquiry. And just as the primary evidence can be used to prove that there was some substance to the first 'accusation', so too can unequivocal examples be quoted of commoners indulging in all the other vices ascribed to them at that Inquiry. On criminal activity, one need go no further than the exploits of James Castree, whose appearance and dress has already been commented upon, and who appears with monotonous regularity in the Dore Division Police Letter Book from 1875 onwards: 'P.S Price would you and one

- 45 Ibid., p.53. W.Plomer, ed., Kilvert's Diary, 1960 edn., Vol 3, p.268:  
 '24 April 1876 - In the evening I accompanied Thersie on a round of visits to her parishoners in Monnington Common...In a little cottage among meadows and apple trees we found a nice old woman, Hannah Preece, at home. Outside the door on the cottage wall hung the old dry withered birch and wittan twigs soon to be replaced on May Eve by new boughs "to keep the old witch out" and counteract her spells during the coming year.'

of your Officers meet me & P.C. Prothero on Sunday Morning next at 3 a.m at Castree's house on Garway Hill try to execute their warrants on James Castree junr. for I can hear of him been there every Sunday. I hear that there is 2 windows that he can jump out of.' Six months later 'Mr Sparks of Great Corvas informed me last night that James Castree of Garway Hill will surrender himself tomorrow Tuesday at Harewood End for poaching.' Two and a half years later Castree had absconded from Garway Hill 'Charged ... with stealing a Lamb recovered on the 3rd. inst at Kentchurch. Another six months passed: 'P.S Price and me arranged to meet on Garway Hill at 11 a.m on Sunday but Mr. Supt Cope thinks that we shall not do any good in the daytime so if you will arrange for P.S Price and 1 or 2 more to meet us at Garway Chapel at 12 p.m on Sunday night we will be there 3 of us, and I think we might catch George or James at home for they certainly goes in the House at night after all is quiet.' This attempt also failed for only 18 days afterwards, the station received information 'Re. some Foules Stolen at White Rocks Garway Hill. Thos Williams has Lost 2 and Edwin Holly 1 and I am told there are some tracks covered over at one of the Houses that will correspond with James Castrees ... P.C Morgan found a Ferret on James Castree when he apprehended him ... Do you think it is a case under the Night Poaching Prevention Act for P.C Morgan seen him come out of some Gorse on the Kentchurch Estate.' By 1879, Castree was finally brought to trial and consequently disappears from the records, until in 1887 he absconded again from Garway Hill 'Charged with Stealing 1 Sheep the property of

Edward Farr at Llancilloe.' Castree had now acquired the interesting alias of  
46  
'The Wild Man of the Wood', and the story was still being told in the 1950's of  
a 'Wild Man of the Woods', a notorious poacher who for some time lived wild in  
47  
Orcop woods, his family putting food in one place for him to collect.

The Letter Books yield evidence of the other two principal vices attributed to  
commoners; on drunkenness, Mordici Williams of Lower Maescoed Common  
(Cloddock) 'has a red nose and is fond of drink' and on sexual promiscuity, a  
warrant was issued for the apprehension of Lewis Harris of Coldstone Common  
48  
(described as 'Sleepy Looking') 'for arrears of Bastardy'.

Yet while plenty of other examples could be cited serving only to confirm the  
views of outsiders, an equally selective use can be made of the primary evidence  
to illustrate a disturbing number of departures from the expected norm. In 1837,  
for example, a fire broke out in a cottage on Bishopstone Hill 'occupied by an  
industrious couple named Whiting.' In 1848, John Powell of Honeymoor Common,  
was described as 'a poor, honest and industrious man.' Thomas Pugh of Vowchurch  
Common, who died in 1850 aged 73, was similarly remembered as a 'quiet, honest  
and industrious man', while a neighbour of his, John Watkins, who died in the

46 H.R.O., G56/18, Abbey Dore Police Division Letter Book, 10 June 1875;  
6 December 1875; 9 July 1877; 20 December 1877; 7 January 1878; 28 March  
1879; 28 December 1887.

47 H.R.O., J96/1, Llanwarne W.I., 'Llanwarne: A Village History', 1955.

48 H.R.O., G56/18, Abbey Dore Police Division Letter Book, 7 April 1882;  
11 March 1879.

following year, had been simply 'a tidy, sober man.' Not all squatters, then, were drunken thieves living in an unmarried state on their ill-gotten gains. Indeed, both Pugh and Watkins resided precisely in that area where Clarke in his General View had commented on the connection between the survival of waste land and the high level of prosecutions in that region. More disturbing perhaps is the statistical evidence that survives for this, the Dore Division, in the form of the police station's day journals, which record the sergeants' daily reports and beats, and thus give a much more immediate account of any crimes committed. The Division comprised 23 parishes in the south-west of the county, covering the Black Mountain foothills, where the squatter holdings were widely scattered, and also the major commons settlements at Ewyas Harold, Vowchurch, Wormbridge, Walterstone, the Lower, Middle and Upper Maescoeds in Longtown, Newton and St. Margarets respectively, Kingstone (Barrow Common) and Tibberton (Stockley Hill). In the 1840's these settlements comprised an aggregate of 220 cottages and houses, or 13.6% of the total dwellings in the division. Taking just one year 1862, selected for its complete coverage of informations received, letters and daily entries - how does the crime rate on the commons compare to the rest of the area?

49 Hereford Journal, 11 January 1837; 2 August 1848; 23 January 1850; 4 June 1851.

TABLE 1

Crimes Committed or Reported in the Abbey Dore Division: 1862

<u>Crime</u>	<u>Non-residents</u>	<u>Commons</u>	<u>Others</u>
a) Drunkeness			8
b) Selling drink without licence		2 (suspected)	
c) After hours/allowing drunkeness		3	3
d) Sheep-stealing		1	3
e) Poaching		1	3
f) Theft	2		26
g) Assault	1		3
h) Bastardy			8
i) Desertion of wife			1
j) Non-support of dependent		1	1
k) Non-payment of wages			1
l) Riding without reins			6
m) Waggon obstruction			1
n) Railway line obstruction			1
o) Unidentified		1	
	3	9	65

Source; H.R.O., G56, Abbey Dore Police Division Records

The striking features regarding this reputedly dissolute region are firstly the the low level and general pettiness of the crimes committed, and secondly the favourable light the commoners appear in when compared to other sections of the population. Poaching and sheep-stealing do register, but the unremarkable figures serve to show that, contrary to the beliefs of outsiders, not all poachers or sheep-stealers were squatters (and vice versa); indeed, there is some contrary evidence to suggest that, given the difficulties of detection with this kind of crime, the rural police force were sometimes 'programmed' wrongly to suspect those whose cottages bordered the commons. In 1848, when a ewe sheep was stolen from a field near Bromyard, 'several houses on the Downs were

searched, but nothing found to justify the apprehension of any one.' On June 7th, 1858, the Dore Sergeant who had 'received information yesterday morning of two horses that had stray'd or supposed to be stolen from Ewyas Harold,' went straight to the neighbouring commons settlement at the 'Mescoeds' to make

inquiries. The horses were later found straying. In 1855, a newspaper report having commented on the notoriety of the Doward for sheep-stealing and other offences against the laws of property stated that a Mr. Theyer had recently had his ricks burnt by Doward folk for being too 'assiduous in committing

recalcitrants.' A month later Theyer's own son had been apprehended for

arson!

Apart from poaching and sheep-stealing, in all 26 cases reported in 1862 involving the theft of clothes, money or personalised articles, no connection of any sort with the commons settlements in the region can be traced. In fact, the commons themselves offered pickings for tramps and vagrants: 'June 28th. 1877. Stolen this day from off a Hedge at Ewyas Harold Common the property of John Edwards 1 pair of Blue Worsted Stockings quite new white in tops and toes

by 2 tramping Navvies ... '

50 Hereford Journal, 20 September 1848.

51 H.R.O., G56/18, Abbey Dore Police Division Letter Book, 7 June 1858.

52 Hereford Journal, 13 June 1855; 18 July 1855.

53 H.R.O., G56/18, Abbey Dore Police Division Letter Book, 28 June 1877.

This is a recurring feature in newspaper reports; between 1800 and 1861, at least seventeen references occur to commons properties being broken into. A complaint made in 1849 suggests both cause and effect: 'the inhabitants of remote rural districts have little or no protection against the swarm of vagrants who now penetrate to every recess of the county ... Persons of this description will, without scruple, beg at the doors of cottagers nearly as poor as themselves, and not hesitate for a moment to appropriate any article of clothing or food within their reach.' With both husband and wife often out at work, the secluded cottages on the commons attracted petty thieving; in 1833, William Rowley and John Brown whose targets had included a cottage at Tarrington Common, were admonished by the Chairman, who stated that 'this species of offence viz. that of breaking and robbing the dwellings of poor cottagers during their necessary absences at harvest, was one of the most serious.'

Theft of personal material objects appears to have been one area in which the severity of court penalties and the commoners' own moral code were of a similar accord. Compared to the seventeen newspaper references to commons properties being broken into between 1800 and 1861, only three cases of theft by women

- 54 Hereford Journal, 12 March 1817 (Garway Common); 15 October 1828 (Ewyas Harold Common); 9 October 1833 (Letton Common); 23 October 1833 (Durlow Common); 8 January 1834 (Bringsty Common); 12 August 1840 (Bromyard Common); 6 July 1842 (Broadmore Common); 14 April 1847 (Twyford Common); 21 March 1848 (Crow Hill); 27 June 1849 (Grove Common); 1 August 1849 (Walford); 10 December 1851 (Shucknell Hill); 24 March 1852 (Ledgemoor Common); 13 October 1852 (Dilwyn Common); 12 June 1861 (Wellington Heath); 31 July 1861 (Ledgemoor Common); 4 September 1861 (Gorsty Common).
- 55 Hereford Journal, 27 June 1849.
- 56 Hereford Journal, 23 October 1833.

and six by men can be traced to squatter culprits. In 1829, two women from  
<sup>57</sup>  
Wellington Heath were charged with stealing bacon. A young girl, Eliza Yeomans,  
aged 13, was indicted in 1847 for stealing a purse from a shop counter in  
<sup>58</sup>  
Hereford; she was traced to her parents' house on Gorsty Common. It is not  
clear whether Yeomans had in fact already left home and was working as a  
servant in Hereford - in which case, the number can be reduced to only two  
examples. The other case occurred six years later, when Ann Gwillim of  
Ledgemoor Common was charged with having stolen two loaves of bread, a piece  
of ham, an apron, calico, some muslin and a piece of merino from a neighbour's  
<sup>59</sup>  
house.

In both of the firm examples, then, the theft involved items of food, and  
strongly hint at poverty being the prime incentive. The male pattern is  
entirely different. The items stolen in the six cases were a pit saw and a  
hand saw, two fowls and a spade, some wheat, a quantity of lead, some pease,  
<sup>60</sup>  
and a rope. In the last case, the offender was unmarried and stated in his  
defence that 'he was driven to commit the theft by poverty ... being at that  
time without single article of food or the means of procuring any, owing to  
his inability to obtain work.' The report significantly added that 'his

57 Hereford Journal, 4 May 1829.

58 Hereford Journal, 21 April 1847.

59 Hereford Journal, 28 October 1853.

60 Hereford Journal, 22 April 1840 (Doward); 6 July 1842 (Broadmore Common);  
14 May 1845 (Ridge Hill); 29 November 1848 (Wellington Heath);  
25 July 1849 (Breinton Common); 3 October 1849 (Gorsley Common).

appearance by no means indicated that he had sustained any privation.' All the other cases are connected with the work-place, and none is concerned with household items. Unlike the female cases, poverty does not appear to have been a primary incentive, for in most of the cases the ultimate aim appears to have been theft for possible future economic gain, exploiting a given situation in an unpremeditated fashion.

The penalties inflicted for these crimes by the courts were probably in the end less damaging than the kind of lynch law that even suspected thieves of personal property were subjected to by the local community. In 1854, Morvan of Tillington Common and a farmer named Davies were bound over to keep the peace. The report states that 'young Morvan knew something more about a coat than was right, so his 'friends' nicknamed him 'Coatee'. Last week a respectable farmer named Davies, while working in his garden ... saluted him with 'Here comes  
61  
Coatee.' Another revealing court case of 1861 dealt with an assault by James Beavan on Andrew Witherstone, both of Breinton Common. The defendant stated 'he was exasperated by complainant and his witness who were constantly annoying him and who upon that occasion called him "Silver Ladle" because his  
62  
mother had been accused of stealing an article of that description.

Condemnation of theft thus involved a community consensus, stemming no doubt both from an underlying fear and hatred of gain at the expense of others, particularly others of a similar economic status, and from a rejection of the

61 Hereford Journal, 24 May 1854.

62 Hereford Journal, 24 April 1861.

importance of private possessions of a personal nature as symbols of status or wealth. The 450 or so wills of commoners surviving for the period contain few references to such items; undifferentiated personal goods were to be disposed  
63  
of, divided or retained as the legatee 'thinks proper'. In a number of cases,  
64  
they were referred to simply as 'housall goods', while the squatter-poet of Eccles Green benefited his children with:

'The worldly trash, that I possess  
I leave it all among them.'

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Commoners' wills are an excellent source for exploding many of the beliefs held by outsiders concerning the squatters' supposed indulgence in moral vices of every kind. Bequests often reveal affectionate reciprocal bonds within the family and deep concern for the future welfare of individual members: in 1807, James Meeke's daughter-in-law was bequeathed all the household goods 'for the great care and trouble she has had with me'. Eleanor Crump in the following year left her house and garden at Auborough Common to her daughter 'for the natural love, goodwill and affection I owe and do bear my daughter ... and as some recompence for her kindness attention and assistance she has afforded me in my old age.' James Williams of Ledgemore Common in 1836 simply stated that 'it is my wis that my grandson Thomas Williams will do all he can to add to the comforts of his Unkile Thos Williams.' Conversely, disinheritance because of bad behaviour either in the past - 'To my son William for his base ingratitude, 1 shilling' - or in the future - 'it is my wish for my said wife to

63 See, for example, H.R.O., AA20/54 f.44, Copy Will of George Walby of Great Doward, 1824.

64 See, for example, H.R.O., AA20/61 f.256, Copy Will of Joseph Brown of Walford, 1837.

65 H.R.O., AA20/69 f.80, Copy Will of George Tomkins of Norton Cannon, 1855.

let or sell the workshop to my said son William providing they can so agree to enable him to get a livelihood so long as he may behave with proper respect to his mother but should he be at all riotuses (sic) or unkind to his mother she shall be justified in turning him out at the expiration of a week by notice.' -  
66  
reveals a strong belief in moral justice and correct behaviour.

Equally personal and hardly indicative of religious indifference are the prayers for salvation expressed in the preambles; 'I commend my soul into the hands of Almighty God hoping the pardon of my Sins in the infinite love merits and intercession of his dear son'; 'I resign my soul to its creator in all humble hopes of its future hapiness and my body to the Earth.'; 'I commend my Soul into the Hands of God who gave it me hoping and assuredly believing that by the meritorious death passion and resurrection of my Blessed Lord & Saviour Jesus Christ I shall receive free and absolute remission and forgiveness of all my sins and be made a partaker of those Heavenly Mansions which he has prepared  
67  
for the Elect before the beginning of the world ... ' All these examples were written at least thirteen years before the Revd. Hall set eyes on Gorsley Common.

66 H.R.O., AA20/48 f.99., Copy Will of James Meeke of Walford, 1806;  
H.R.O., AA20/48 f.177, Copy Will of Eleanor Crump of Wellington, 1807.  
H.R.O., AA20/54 f.478, Copy Will of Francis Bayley of Fownhope, 1841.

67 H.R.O., AA20/48 f.266, Copy Will of John Hancocks of Bishopstone, 1808;  
H.R.O., AA20/50 f 172, Copy Will of of Philip Watkins of Llanwarne, 1814;  
H.R.O., AA20/51 f.248, Copy Will of James Partridge of Harewoods Common, 1818.

Other examples could be given, but enough has been said to illustrate that the picture of the idle, depraved, drunken, sexually promiscuous squatter conjured up by witnesses at the 1844 Inquiry can be matched from the primary evidence by an entirely contrary image. The fundamental flaw, however, in portraying this alternative lies in the failure to realize that the mirror itself is distorted, that we are in danger of substituting the one trinity of myths for another, the latter based on the myth of complete integration, secure tenure, and righteous living. Because of the timeless quality of myth, each approach entirely excludes the possibility of change. And change, I wish to argue in this thesis, affected squatter settlements on three levels. In the first Chapter, I want to explore the changing regional face of the county, as a means of introducing the diversity in the types of commons settlements encountered in Herefordshire. In the second Chapter, the importance of seasonal change is considered as a means of establishing the rhythms which effectively shaped the economic, social and domestic horizons of commoners lives. The third Chapter moves on to the changing tenurial experience of commoners, the period 1780-1880 witnessing massive changes in their status as owners or occupiers of property. In Chapter 4, the conclusions reached in the preceding three Chapters are tested by means of an intensive case study of one commons settlement, while in the final Chapter these findings are utilized in an attempt to create a model which synthesises the three principal aspects of change - regional, seasonal and tenurial - with the social, economic and demographic experiences of commoners in Herefordshire in the period 1780-1880.

CHAPTER 1  
TOPOGRAPHICAL CHANGE

In his description of Gorsley Common, Shambrook apparently contradicts the thesis that the place was nothing but hell on earth in his reference to the inhospitable landscape being brought under cultivation through the 'spade culture' of the inhabitants which 'during fifty or sixty years has done much for some of it'. 'It stands to reason', Shambrook went on, 'that a woodman, a farm labourer, a quarryman, or what not, is in a better position for supporting his household, when, in addition to the wages he can earn at his calling, he has land to occupy his spare time, and from which he can draw a liberal supply of vegetables for the table, and food for the pigs, than he would be with the <sup>1</sup> wages only.'

Such views were anathema to the witnesses at the 1844 Inquiry, as is apparent for instance in Thomas Salt's statement that 'As far as my observation goes, where there are small encroachments, with a hut and a garden, with a few potatoes, and where two or three years afterwards, there is a little increase and the family grows up, and another hut is planted upon the land upon which the first is built, and a little more land is taken in, I do not think those <sup>2</sup> families thrive well [My emphasis].'

1 J.C.Shambrook, Life and Labours of the Revd. John Hall, 1886, p.14.

2 S.C. on Enclosure, V, 1844, q.6590.

From the same premise, each observer draws entirely different conclusions. Whereas both admitted the possibility of 'a little growth', Salt viewed this with dismay, while Shambrook glimpsed the potential for improvement. Shambrook of course was writing some forty years after the 1844 Commons Inquiry; whereas the latter dealt with contemporary issues, Shambrook in 1886 was interested in the past history of Gorsley Common; though he expounded the usual trinity of myths concerning its origins, he was also willing to entertain a Whiggish interpretation of the subsequent history of the common, which was improved through the 'spade culture' of the inhabitants.

A third school has added yet another dimension to these contradictory views; in this version - and it is the most widely accepted today - the squatter settlement emerges as a forcefully independent confederation of smallholders, with nevertheless a strong sense of community expressing itself through riotous action whenever its livelihood was threatened; but as the prime symbol of that livelihood was the common itself, any resistance on the part of the squatters was doomed eventually to crumble as each successive wave of enclosure<sup>3</sup> took its toll.

This latter argument rests on the twin assumptions that uninterrupted access to the commons was initially the cornerstone of the squatter's livelihood, and that this access was increasingly restricted by the wider farming and landowning

3 See, for example, G.D.H. & M.Cole, eds., The Opinions of William Cobbett, 1944; W.Cobbett, Cottage Economy, 1822, 1979 edn; J.L. & B.Hammond, The Village Labourer, 1911, 1978 edn.; S. & B.Webb, English Poor Law History, 1929; E.P.Thompson, The Making of the English Working Class, 1963; R.Samuel, ed., Village Life and Labour, 1975.

community which had steadily abandoned the archaic language of common right for the language of enclosure, agricultural improvement and rationalisation. In this Chapter, I want to explore precisely this relationship between squatter settlements and agrarian systems by means of a regional analysis to test whether these assumptions hold good in practice.

#### 1) Region 1: The Central Plain

Region 1, The Central Plain, as its name suggests, comprises the large cluster of lowland parishes forming a gently rolling landscape of between 200ft. and 400 ft. above sea level. They make up the base of this essentially 'bowl-shaped' county. Lying entirely on the Old Red Sandstone, the soils nevertheless vary from a stiffish red clay to a light gravelly loam, the majority of parishes in fact incorporating some of both. Lyonshall's soil, for instance, was<sup>4</sup> described 'as a loamy clay but very various some gravelly and light loam.' It was, no doubt, this very variety which had earlier dictated the distribution of communal arable into complex rather than 'classic' field systems. At Eaton Bishop, the Tithe Commissioner complained that 'the common fields are so<sup>5</sup> numerous as to render the system of culture very uncertain.' This complexity had indeed aided piecemeal enclosure, and Parliamentary Acts dealing with arable<sup>6</sup> have justifiably been called a 'mopping-up' process. Certainly where open

4 P.R.O., IR18/3103, Lyonshall Tithe File.

5 P.R.O., IR18/3029, Eaton Bishop Tithe File.

6 W.E.Tate, 'A Handlist of English Enclosure Acts and Awards. Part 15 - Herefordshire', T.V.N.E.C., XXX, 1939-1941, p.190.

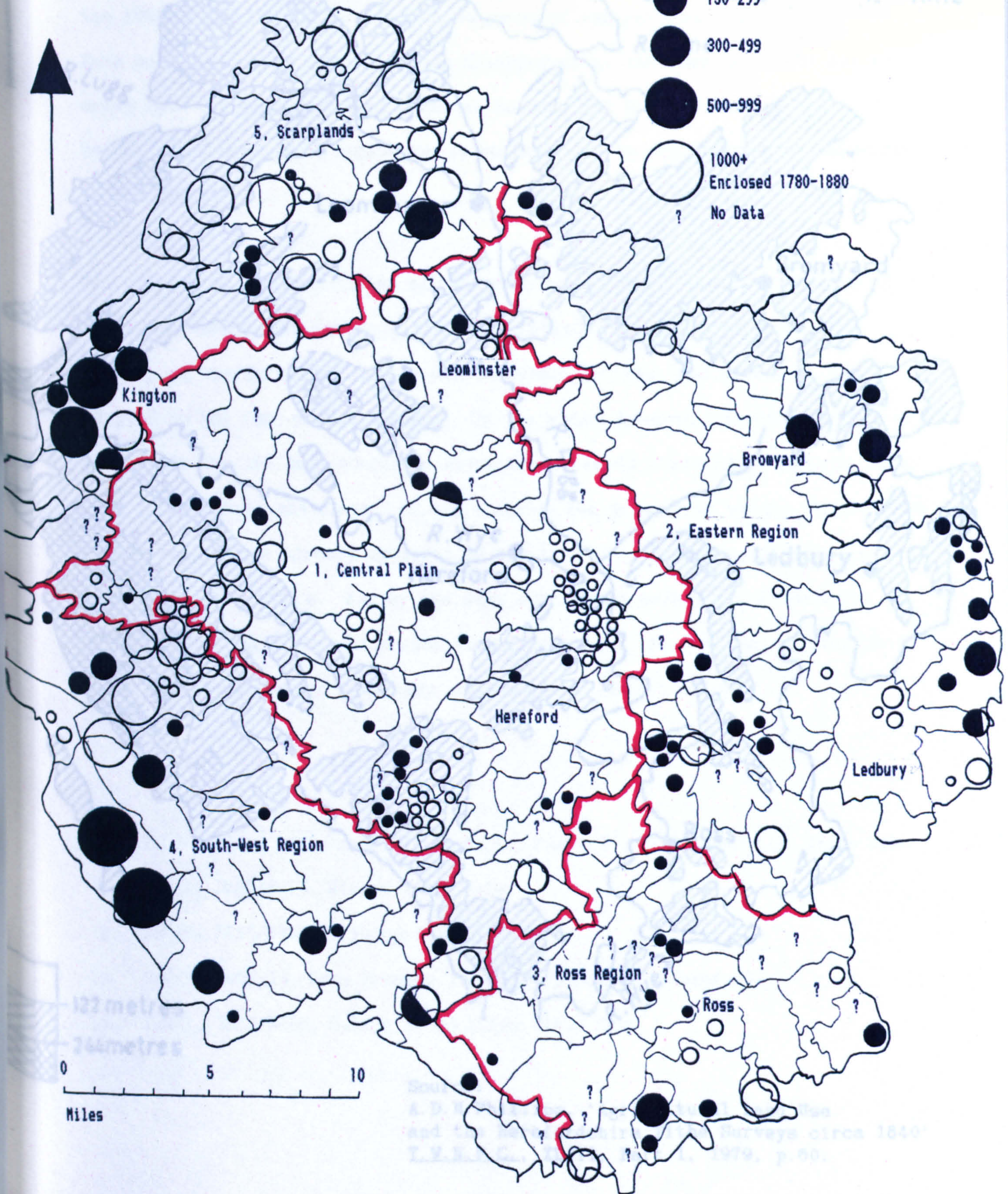
Herefordshire Commons (by Regions) c.1840

Relief Map of Herefordshire

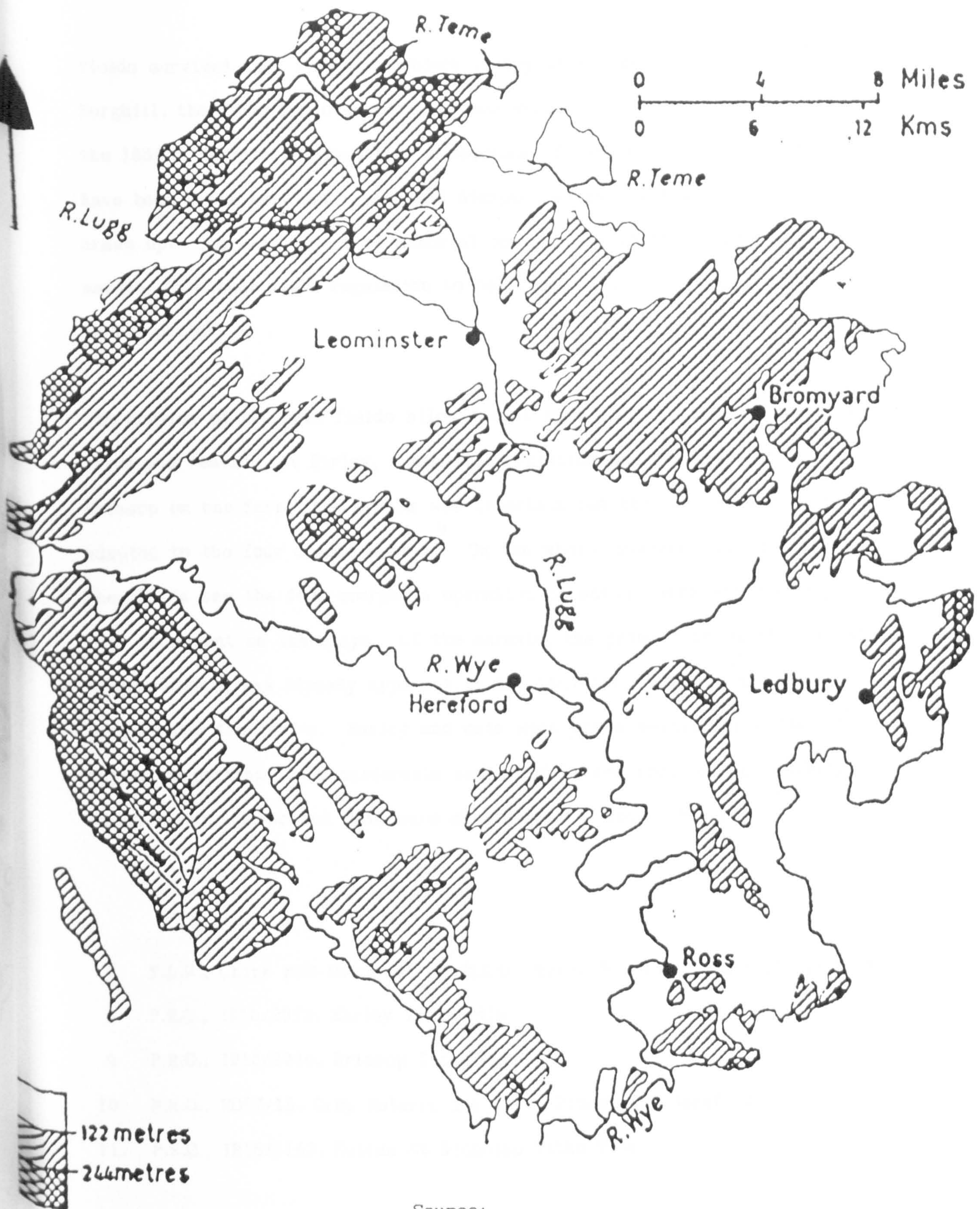
Size (Acres)

- 1-9
- 10-49
- 50-99
- 100-149
- 150-299
- 300-499
- 500-999

○ 1000+  
Enclosed 1780-1880  
? No Data



## Relief Map of Herefordshire



Source:

A.D.M. Phillips, 'Agricultural Land Use  
and the Herefordshire Tithe Surveys circa 1840'  
*T.W.N.F.C.*, XLIII, Part 1, 1979, p.60.

fields survived they were not subject to any strict manorial regulation. At Burghill, the fines for overstocking them were re-iterated at each Court up to the 1850's, despite the fact that a sequence of earlier leases shows them to have been eaten away until they had disappeared by the time the Tithe Map was<sup>7</sup> drawn up. The main object of manorial concern had shifted from centre to margin, from open field regulation to policing of the common pasture and waste in the parish.

The erosion of the open fields allowed even more flexible arable rotations to be<sup>8</sup> tried and tested. At Birley, a nine-year rotation was favoured, while at Brinsop on one farm, 'the system was uncertain but the land seemed to be<sup>9</sup> adapted to the four course system.' On the whole, however, the distribution in the 1840's saw the four-course in operation on sandy loams while turnips were less prominent on the clays. Of the cereals, the primacy of wheat, virtually as<sup>10</sup> a monoculture, was already apparent in the 1801 Crop Returns, and continued well beyond the 1850's. Barley and oats were grown mainly for fodder, the latter supporting the considerable number of horses required for working the<sup>11</sup> wheat lands. Beans and peas were considered an 'uncertain crop'.

7 N.L.W., Chirk MSS Group D/110; H.R.O., M24/1-51; H.R.O., Burghill Tithe Map.

8 P.R.O., IR18/2973, Birley Tithe File.

9 P.R.O., IR18/2986, Brinsop Tithe File.

10 P.R.O., HO67/18, Crop Returns for 1801, Diocese of Hereford.

11. P.R.O., IR18/3163, Sutton St Nicholas Tithe File.

The broad valleys of the Wye and Lugg, and the smaller streams flowing into them also guaranteed lush pastures within their vicinity, the land useage (49%<sup>12</sup> pasture/ 42% arable) testifying to the importance of stock-breeding within the region, particularly in the hinterlands of the county's two largest market centres at Hereford and Leominster. Both towns were important exchange centres en route for the London market. The Lugwardine Commissioner considered it very difficult to get at the account of stock as 'the occupiers here are for the most<sup>13</sup> part Jobbers.' Similarly at Kenchester and Sutton, no estimates of stock were<sup>14</sup> given as they were 'shifted about so much.' Wherever they were bound for, cattle were kept almost entirely for breeding or fattening rather than for the<sup>15</sup> dairy. 'The Occupiers I think depend more on breeding than on the dairy.' The opportunities for female employment in an area that is still often lumped together under the general label of the 'pastoral' west should not therefore be overstressed. Kingsland's occupiers did 'not depend much on the dairies but<sup>16</sup> principally on breeding stock, and on buying stock for subsequent sale.' At

12 Land useage statistics have been calculated from the preambles to the tithe awards. All Herefordshire tithe awards and maps are in H.R.O., except for Bredwardine, Fwddog, Lea, Moccas, Monnington-on-Wye and Withington which are in P.R.O., IR/29/14/26, 88, 121, 157, 159 and 231. See also A.D.M. Phillips, 'Agricultural Land Use and the Herefordshire Tithe Surveys, Circa 1840', T.W.N.E.C., XLIII, 1979, Part I, pp.54-61; J. Phillip Dodd, 'Herefordshire Agriculture in the Mid-Nineteenth Century', T.W.N.E.C., XLIII, 1980, Part II, pp.203-222. Unfortunately Dodd does not indicate exactly which parishes were included in his regions; slight deviation between his and my figures for each region are therefore probably accounted for by differential exclusion or inclusion of 'borderline' parishes.

13 P.R.O., IR18/3101, Lugwardine Tithe File.

14 P.R.O., IR18/3070 & 3163, Kenchester and Sutton St Nicholas Tithe File.

15 P.R.O., IR18/3163, Sutton St Nicholas Tithe File.

16 P.R.O., IR18/3075, Kingsland Tithe File.

Kinnersley, 'the system is to keep the cattle till half fat, the Oxen are then sold to the London dealers, and the grazing finished in Buckinghamshire or the vicinity of the London markets.'<sup>17</sup> The lowland commons still in existence in 1800 in Region 1 tended to reflect this intensive exchange-orientated system of agriculture. The emphasis on grazing here was partially due to the fact that 'the occupiers are unable to keep many sheep from the liability of the land to rot them'.<sup>18</sup> Like the common arable, the pattern is clearly a remnant one, and the ecological nature of these common pastures was reflected in many of their names - Weobley Marsh, Holmes Marsh, Withington Marsh, Sutton Marsh, Dodmarsh. The two largest commons in this region, Letton Lake and Lugg Meadow, were both situated on the main drovers' route through Hereford to the eastern counties, both were subject to flooding during the winter months, and both were grazed in summer by store cattle.<sup>19</sup> Both had to be carefully controlled. As regards Lugg Meadow, in 1828 'The inhabitants of Lugwardine, Holmer and Tupsley (were) requested to meet to fix on some permanent plans to have the stock taken care of on the said Common, and to prevent trespassing on the Meadow.'<sup>20</sup>

17 P.R.O., IR18/3079, Kinnersley Tithe File.

18 Ibid.

19 For drovers' routes through Herefordshire, see F. Godwin & S. Toulson, The Drovers' Roads of Wales, 1977; R. Colyer, The Welsh Cattle Drovers, 1976. For flooding and grazing, see the references in H.R.O., L/16, Hampton Bishop Womens' Institute, 'A Village History', 1955: the 'meadows which lie on the other side of the Lugg may be grazed on by the commoners of Hampton Bishop. Qualifications for these rights consist in being able to winter stock and 'drawing smoke' i.e. having a house with a chimney' in the parish.' An unusual consequence of the Lugg overflowing was the upturned boat known as 'Noah's Ark' which had come to rest in one of the orchards near the 'Carrots' and was occupied for many years by a tenant called Grubb.

20 Hereford Journal, 23 July 1828.

Away from the main routes, the marshy commons tended to be small areas of waste at the edges of which large-scale encroachment had ceased because of the problem of drainage. In Wellington parish, 'many of the Lands and Commons called Wellington Marsh and Auberrow were injured by springs and stagnant<sup>21</sup> waters' At Leominster all 'parcels of waste, meadows and commons were at certain times of the year subject to be overflowed.'<sup>22</sup> Undoubtedly, the marshy character of most of these commons prevented encroachment for cottage building on a large scale, and development would depend on elaborate drainage schemes, which in turn could only be introduced through the weighty process of enclosure. Thus, the eight 'marsh' commons settlements in Region 1 consisted of an average of only 19 cottages in the 1840's.<sup>23</sup> Where encroachments had taken place, the presentments often signify the damp environmental conditions. Eleanor Jones was presented in 1816 for 'taking in the water at Little<sup>24</sup> Tarrington Common,' while George Evans was guilty of 'making an encroachment on the Lords Waste in the Manor of Westhide at a place called Dodmarsh by filling up and enclosing an old pond.'<sup>25</sup>

21 H.R.O., Q/R1/55, Wellington Inclosure Award, 1797.

22 H.R.O., Q/R1/27, Leominster and Luston in Eye Inclosure Award, 1811.

23 Byford, Letton, Lyonshall, Monkland, Wellington, Westhide, Weobley, Withington. Calculated from tithe awards.

24 H.R.O., F/H1, Foley Manor Court Book, 1724-1923, 23 May 1816.

25 Ibid., Stoke Edith & Westhide, 29 May 1845.

That ecological factors rather than pressing agricultural exploitation were responsible for this lack of development is confirmed by the absence of evidence of strict management or stinting controls. At Wellington, these were only vaguely stated as 'Proprietors claim right of common on Auborough for all commonable cattle levant and couchant at all times.'<sup>26</sup> A fence was erected around Yarkhill Marsh in 1845, but the presentments that 'only householders in Yarkhill division have a right to depasture' on the Marsh and that all animals were to be pitchmarked suggest recent abuse and hitherto an absence of regulation; and still no restrictions were specified for the householders' own stock. A hefty fine of 5 shillings was placed on anyone turning sheep 'with the scab' onto the Marsh, and this susceptibility of sheep to the rot on these commons, both because of the dampness and the increased dangers of transmission,<sup>27</sup> must have deterred farmers from turning out large flocks.

On the higher slopes of the Yarsop-Wormsley-Dinmore Hill masses, and the Orcop Hill range which form two well-wooded subregions within the Central Plain, sheep-farming becomes more significant, and the drier, wood-pasture commons of these regions differ from the marshy character of those truly situated on the plain. Raw materials such as timber, turf and stone become available, and slightly stricter manorial organization is evident, as is the importance attached to common rights - although again purely agricultural demands on them seem slight. A case of 1853 makes it clear that on Tillington Common at the

26 H.R.O., Q/R1/55, Wellington Inclosure Award, 1797.

27 H.R.O., F/H1, Foley Manor Court Book, 1724-1923, Yarkhill and Weston Beggard, 29 May 1845.

foot of Badnage Wood, no cattle were grazed and although one local also thought

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'it a pretty queer place to fatten sheep', it is clear that both sheep and pigs were turned onto it by small farmers. These more upland commons do appear to witness a shift to sheep grazing according to the suitability of the pasture.

But comments such as that made by the Tithe Commissioner for Birley that its common was 'covered with dwarf gorse; open to the parish for fuel and of a nominal value from its abuse' suggests that problems other than overstocking

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accounted for its over-exploitation. Further comments in reference to

Tillington Township that 'there were plenty of geese on the common' but that a man 'could hardly have a meal off a Tillington goose' points suggestively to the

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level at which, and by whom these grazing rights were exercised. Similarly, in the 1830's it was reported in reference to Gorsty Common, Clehonger, that 'there

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are a great many ducks in that neighbourhood'.

Generally, common 'pastures' in Region 1 appear to have been exploited, if at all, for the intermittent quarrying of raw materials which could be carted away, rather than for continuous grazing. A fine of ten shillings was imposed on persons 'cutting turf or carrying it or any manure or any other materials from Tillington Common', after it was found that 'constant depredations were  
32  
being committed on the waste lands ... by carrying away the soil thereof'.

28 Hereford Journal, 12 October 1853.

29 P.R.O., IR18/2973, Birley Tithe File.

30 Hereford Journal, 12 October 1853.

31 Hereford Journal, 24 October 1838.

32 N.L.W., Chirk MSS, Group D/110, Burghill Manor Court Book, 24 September 1853.

The homage of Canon Pyon Manor presented 'all persons that raise stone on Westhope Hill that is not for their own use for repairing their customary buildings or repairing the roads within the liberty of the manor.' At Orcop, timber was being taken illegally, but tenants of the Manor could be given permission by the Lord to haul stone for their own use. In the 1740's, Thomas Abrahall recalled that 'about 22 years ago ... he applied to Mr Woodhouse, agent to the Duke of Chandos, for leave to raise stone in Orcop Common to repair his house, and had leave to raise the stone.' This right appears to have been the most significant exercised, the affidavits of other tenants who testified in the same case failing to mention any other common rights.

In the Central Plain Region, therefore, there was a basic contrast between the marshy, lowland commons and the larger wood-pasture commons of the hill regions. In the former case, cattle grazing was in some particular cases important, but it was probably the already attenuated extent of commonland by piecemeal enclosure and drainage problems which largely hindered the spread of large squatter populations on these commons. In the hill regions, larger expanses of commonland had survived on the poorer soils and in the more inaccessible regions such as Westhope Hill, on the lower slopes of the Yazor/Wormsley Hill range at Tillington Common for instance, and on the slopes of Orcop and Aconbury Hills. Common rights on these remained ill-defined and

33 Hereford Cathedral, Dean & Chapter Archives, Manor Court Rolls 1754-1773, 30 May 1765.

34 Orcop Manor Court Rolls, 23 October 1801. In possession of Mr Twiston-Davies of the Mynde, Much Dewchurch.

known cases of intercommoning (Westhope Hill, for example, straddled both parishes of Canon Pyon and Hope-under-Dinmore while Shucknall Hill extended both into Weston Beggard and Yarkhill) have yielded no evidence of interparochial disputes. This lack of agricultural exploitation was conversely responsible for allowing a certain degree of abuse of resources which were non-renewable or could be used for non-agricultural purposes.

Such contrasting types of common could be found within short distances of each other - in some cases even within the same parish. On April 21st 1874, George Jones was absent from Eaton Bishop School 'minding cows on Honeymoor Common.'<sup>35</sup> Honeymoor, roughly 33 acres, was situated to the low-lying southern half of the parish, beside the main Hereford to Hay road, and was clearly still well grazed into the late nineteenth century. In 1841, nine cottages appear as encroachments from the Common, but settlement had never jeopardized the exercising of common rights over it. To the north of the village, however, overlooking the Wye, the squatter settlement consisting of some 35 houses and cottages had virtually entirely overrun Ruckhall Common by the 1840's. Even more complex patterns are to be found in single parishes of a number of scattered commons, some partially settled and one or sometimes two virtually obliterated by squatter settlement. Such seemingly haphazard distributions were legacies of complex manorial evolution. Almely parish, for instance, contained the manors of Spearmarsh, Logaston, Meer Back, Ferney, Almely Wootton, although by the nineteenth century these had all been subsumed into the general ownership of Lady Foley. Each of these manors had its small parcel of

35 H.R.O., AA97/1, Eaton Bishop School Log Book, 21 April 1874.

commonland: thus, though the parish hosted some 45 squatter cottages in the 1840's, they were widely scattered around the fringes of these numerous small commons, and effectively had not seriously interfered with the exercise of common rights. In several of these parishes of a 'multiple-common' variety, the concentration of squatter settlement on only one of the commons can be so striking as to suggest that it had virtually been 'set aside' especially for colonization, so as not to interfere with the rights exercised over the remaining, more valuable commons.

Such multiple-common parishes are to be found mostly in the west of the region, usually in the larger parishes where manorial and parochial boundaries diverged most sharply. Smaller townships or sub-manors formed discrete units for agricultural purposes and dictated a landscape liberally peppered with small commons. As regards size and average altitude, these form an intermediate group between the large upland and small marsh commons, but they also differ from both in apparently being more integrated in local farming systems. Mrs Esther Morgan, for example, who farmed for 8 years in Longford Township, Kingsland, in the 1790's 'turned sheep on Shirl Heath every year', and Edward Stephens officially drove the Common - being the only known reference in the County to drifting for this period. Little other information for these commons is forthcoming, principally because they were the most affected of these types by Parliamentary Enclosure at an early date - another indication that they were considered of some value and capable of 'improvement.'

36 H.R.O., BH/111/E84, Aymestry & Kingsland Inclosure Minutes, 1814.

ii) Region 2: The Eastern Region

Few examples of the diverse types of commons encountered in Region 1 are to be found in the Eastern Region (Region 2). Although the overall distribution of arable and pasture (40.2% and 47.5% respectively) is roughly similar to that found in the Central Plain, such figures mask important differences. In the Eastern Region, generally, the average altitude rises by roughly 100 feet, with much of the land lying between 300 and 500 feet, some hills in the north reaching more than 800 feet. Still lying on the Old Red Sandstone, it is nevertheless a stiffer clay soil to that found to the west. As 'good wheat  
37 and bean land' predominated, a 'traditional' three-course rotation had persisted in the region. In other respects, however, the region was agriculturally innovative particularly in the areas of orcharding and hop-growing. Orchards had nibbled away at the common fields; a farmer of Kimbolton in 1811 left a 'young orchard planted with Fruit Trees formerly taken and inclosed out of a  
38 common field called Church Field (c. 2 acres). The small parish of Aylton alone, 825 acres in all of which 140 acres were orchards, 73 pasture and 44 arable, was believed to be capable of yielding 700-800 hogsheads of cider and  
39 perry annually in the 1840's. Fruit was not considered 'a certain crop'; even  
40 more risky was hop-growing which the proverb succinctly encapsulated as 'Hops,  
41 make or break.' Such an intensely individualistic enterprise had thrived in

37 P.R.O., IR18/3012, Little Cowarne Tithe File.

38 H.R.O., AA20/49 f.212.

39 P.R.O., IR18/2965, Aylton Tithe File.

40 Ibid.

41 E.M.Leather, The Folklore of Herefordshire, 1912, p.247.

areas noted for the absence of open fields, and although hops were grown in some of the more northern parishes of the Central Plain, the principal concentration was to be found in this Eastern Region, in close proximity to the main hop-market at Worcester. Although only just under 1/10th of the arable was devoted to hops, they tended to assume more than their simple areal significance in an agricultural enterprise. 'Tenant-farmers became accustomed to deferring payment<sup>42</sup> of rent until the market price for their hops was sufficient.' John Turner in 1833 remarked that 'hops were used to pay the rent but (farmers) starve the<sup>43</sup> rest of the land to manure the hops', a practice reflected in the higher average rentable value of hop land at roughly 12 shillings more than other arable land. Their cultivation also demanded an intensive coppicing system to cope with the demand for hop-poles. The ash-beds were to be found<sup>44</sup> exclusively in the eastern part which 'produce nothing but poles - no grass.' The accidented landscape, pockmarked by deeper and narrower valleys than were to be found in the west, was well-suited to this artificial cultivation of small brakes; skirting the region the larger woodlands were also orientated towards the market, Lord Somers of Eastnor, for example, always being the first every<sup>45</sup> year in the County to advertise timber and coppice sales early in November.

42 E.L.Jones, 'The Evolution of High Farming, 1815-65, with reference to Herefordshire', (unpublished Oxford University D.Phil. thesis, 1962), p.362.

43 S.C. on Agriculture, V, 1833, qs.8318-8319.

44 P.R.O., IR18/3033, Evesbatch Tithe File; and see also IR18/3168, Stoke Lacy Tithe File.

45 See, for example, Hereford Journal, 22 October 1828.

With intensive timber and coppice production of primary importance in this region, there was little hope of a balanced communal wood-pasture economy operating successfully, and where cattle were allowed near the ash-beds, as at Pencombe (where there were '1700 acres of land called leasowes covered more or less with wood browsed by young stock and from which Hop poles are cut'), it was emphasised that 'it is not commonland but attached to the farms.'<sup>46</sup> Thus, while the heavier clays suited the retention of common arable and 'traditional' rotations well into the nineteenth century (except where orchards had encroached), neither the soils nor the emphasis on coppice production favoured the retention of common pasture, and indeed most of the region was characterized by a very sparse distribution pattern in 1800. Pasture land at Edwin Ralph was described as 'rough and will rot any sheep', while the stocking densities in 1869 for both cattle and sheep were the lowest of all regions in<sup>47</sup> the County.<sup>48</sup>

A few exceptions do emerge. Large commons overlooked both Bromyard and Ledbury, the two market towns of this region. In both cases, the surrounding woodland was more dense than in the region as a whole, and both presumably had survived into the nineteenth century partly because of their utility for building materials and firing, partly for their amenity value, and perhaps partly for their benefit to town and market graziers, although the 'great

46 P.R.O., IR18/3133, Pencombe Tithe File.

47 P.R.O., IR18/3031, Edwin Ralph Tithe File.

48 P.R.O., MAF 68/186, 1869 Agricultural Returns.

quantity of rough gorse land' around Bromyard 'grew only a sour kind of grass  
49  
of no benefit to stock.'

Apart from the three minor commons in the north - Bleathwood, Wyson and Lockley Heath - the only other concentrations were those forming part of the Malvern Hill range on the eastern fringe and spilling over into Worcestershire, and part of the Woolhope Dome outcropping at the southern tip of the region. These are comparable to the hill ranges of the Central Plain in that they formed distinctive sub-regions. The Malvern Hills, peaking at nearly 1,400 feet, link together to form an impressive county boundary. The poor thin soils of the hills yielded only rough pasture with heather, bracken and grass heath, although on the Herefordshire side the gentler inclines had seen the margins of cultivation pushing up close to the county's edge. Some of the commons straddling the ridge in fact extended into Worcestershire, so that Eastnor, Mathon, Ledbury, Colwall and Cradley possessed quite narrow strips of common land at their eastern extremities, a legacy of their former status as part of

- 49 On building materials, see H.R.O., Q/R1/25, Ledbury Inclosure Award, in which Lord Somers purchased Lot 1 on Bradlow Common, extinguishing the rights of Ledbury Borough freeholders to make bricks on Bradlow Common; on firing, see Hereford Journal, 31 December 1823, where the author of the letter describes how in Ledbury 'formerly it was usual to meet from 20-30 poor women every evening coming home loaded with wood, which they had taken from the trees or hedges of their neighbours'; on amenity value see, for example, J.G.Hillaby & E.D.Pearson, eds., Bromyard: A Local History, 1970, pp.110-111, describing Bromyard races, held on the Downs; on grazing see Ibid., p.46, referring to 'an annual rent of one shilling paid by some Bromyardians within living memory...giving them the right of grazing on Bromyard Downs as many horses as they could stable on their premises in the town'; on the Downs 'sour grass' see Hereford Journal, 18 October 1848. Nevertheless, Wellington Heath was enclosed in 1816, and Bromyard's Commons only narrowly escaped - see below p.273.

Malvern Chase. This expanse of royal waste over which thirteen parishes (including the five Herefordshire parishes) claimed rights, had been disafforested in 1664, reserving a third to the king, the rest for the enjoyment of the lords and freeholders. Inevitably, disputes had arisen; when proposals were made in the 1790's to inclose the commons of Hanley Castle in Worcestershire, the inhabitants of Colwall claimed ancient rights of pasture over Hanley Common (and so a stake in the apportionment) 'notwithstanding occasional attempts to resist their rights by the Hanley people', significantly adding that 'the waste land in their own parish affords but little pasture and they woud not have kept one third of their flocks but for the pasture on Hanley Common.' The rights were apparently crucial enough to the inhabitants for them to have asked the Lord of the Manor's advice forty years earlier after the Hanley people had impounded a number of their cattle and colts; Mr Bright 'a Gent of Eminence in the professional line ... with his own hands and the assistance of some persons present ... destroyed the pound and let out the cattle.' On the other hand, the verbal testimonies clarify the fact that the actual usage of Hanley Common was not as impressive as the brief made out, one labourer (a resident in the parish for forty years) stating that he 'used to keep the Sheep nar the Hill (i.e. in Colwall parish) because the Comon woud rot them.' While the evidence suggested that some of the large Colwallian landowners benefitted from the Common (Sir Hugh Tempest for example 'had kept 7 or 8 Colts in a year on Hanley Common'), the case appears to have been a deliberate attempt on their part - rather than the Colwall tenant farmers - to benefit from the more tangible offerings of the Enclosure award; when this was passed, after the case had gone in Colwall's favour, 130 acres of common were apportioned to the Bright family (the principal gentry family in Colwall), while

only one other Colwall landowner received an allotment - of four acres.

The evidence for intercommoning by 1800 is therefore sparse; the Hanley people in fact produced an agreement of 1770 between themselves and the inhabitants of the adjoining Worcestershire parishes stating that they had all concurred 'not to drive their cattle into each others parishes and also to resist the Driving of Cattle from any other parishes into either of theirs.' If this hints at problems associated with overstocking, this was certainly not the case on the Herefordshire side. Again, there is a noticeable 'absence of active and

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continued superintendence' of the commons. From oral evidence taken in 1909 'it appeared that every witness without exception who had exercised rights of common had done so without any reference whatever to the limits or capacity of the qualifying tenements or to the nature of his interest ... no-one was interfered with for any animal. The common was never driven to examine the

52

animals or to mark them.'

At Mathon, a Hayward of the Common and waste lands was appointed in 1833, but his job specifically was 'to throw open abate and remove all incroachments now made or that shall hereafter be made upon the said Common or waste lands in the sd Parish'; it was not until four years later that his duties were extended to include impounding 'all stray sheep and other animals from any parish the

50 H.R.O., AA26/111/35. The dispute over Hanley Common includes a survey of the history of Malvern Chase.

51 P.R.O., MAF25/23.

52 P.R.O., MAF25/24.

owner not having a right to depasture ... the Owner to pay after the rate of 4d poundage for every Horse, Mare, Mule, Ass, Sheep, Pig, Bull, Cow, Ox or any Poundable Animal', but this applied to stock found straying generally in the parish; a further duty to impound 'any sheep ... found upon the said Chase, Common or Waste Lands with any disease, such as the Scab, Foot Rot etc ... also if any Horse, Mare Gelding, Mule or Ass are found upon the said Commons with Ruff, Mange, Glanders, Smilch or any other disease that is infectious', suggests that these were the only animals communally grazed, diseased cattle receiving

53

no mention; and the 1884 Act definitively states that the Malvern Hills were 'unsuited for pasturage except as a sheep walk.' The context of the appointment, moreover, was so clearly an attempt to curb illegal squatting that the orientation of the hayward's duties must be seen as a response to that threat rather than to any cataclysmic problem of overstocking by the larger farms; the latter appear to have shunned using it, the commoners 'consisting

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chiefly of small owners and occupiers.' Similarly, the commoners of Cradley 'had been accustomed to take estovers and to turn sheep on the common ever since their remembrance' but those who exercised them were described as

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'cottagers' not farmers.

This laxity in management opened up the Malvern Hills again to the intermittent exploitation of 'rights' allowing the extraction of raw materials such as 'turf-

53 H.R.O., AA26/1V/3, Extracts from Mathon Vestry Book.

54 P.R.O., MAF25/23, Letter to Enclosure Commissioners, 7 November 1882.

55 Hereford Journal, 9 August 1821.

paring, soil and gravel raising', and reciprocally the depositing of 'broken  
<sup>56</sup>  
glass and other rubbish.' Likewise, before 1884, 'anyone seems to have cut  
whatever gorse or fern he pleased without interference from anybody.' Even  
though this was restricted by the 1884 Conservation Act, the ranger appointed  
under its terms still 'saw that if a person had previously been in the habit of  
<sup>57</sup>  
having gorse or fern, he allowed him to have it whenever he liked.' Quarrying,  
too, continued 'even under the Conservator so as to produce a revenue to the  
<sup>58</sup>  
Commissioner', and although it was claimed that 'the rights of pasturage  
enjoyable by the commoners had been curtailed by the stripping of turf and  
<sup>59</sup>  
depositing of rubbish as the quarry extended', the real reason was that 'the  
quarries as now worked are a source of very great complaint to those whose  
<sup>60</sup>  
view had been spoiled.' Such scars were hardly compatible with the  
requirements of the expanding health resort of Malvern Wells; picturesque  
surroundings and the preservation of open spaces were essential for the  
'health-seeking' public who had come to take the waters, the commons providing  
grazing for donkeys which pulled 'chairs for the accommodation of visitors who  
<sup>61</sup>  
are too lazy to walk up the Hill.' The principal Conservators under the 1884  
Act were, in fact, 'chiefly resident tradesmen (and) resident gentlemen of

56 P.R.O., MAF25/23.

57 P.R.O., MAF25/24.

58 H.R.O., AA26/1V/8.

59 P.R.O., MAF25/24.

60 H.R.O., AA26/1V/8.

61 Hereford Journal, 15 March 1848.

Malvern' and the Herefordshire Hills owed their survival as commonland primarily to their amenity rather than agricultural value.

Of the two sub-regions, the Woolhope Dome is a more discrete and distinctive entity than the Malvern Hills, though both rise abruptly above the surrounding land masses. The dome forms an anticline of Silurian rocks, eroded like a miniature weald to give infacing limestone scarps with clay and shale valleys. The outcrops of the harder beds of limestone yield a poor and thin soil, the region noted rather for its expansive woodlands with the principal commons carved out at the margins. The woodland itself, however, was not open for pasture rights. 'All persons having any Hedges adjoyning the Haughwood and Westwood within this Manor ... shall mayntain and keepe their hedges and ffences from time to time under the pane of 6s 8d' - a reflection of its<sup>62</sup> importance as a principal source of hop-poles and coppice wood. Any more general rights of estovers had long become confined to a token eight acres of woodland known as 'Poors Acre' and even this was subjected to abuse: 'We present John Goodman the elder for cutting and carrying away out of the parish the wood growing upon a parcel of land called the Poors Acre ... and making sale of<sup>63</sup> the same.'

With the majority of large farms occupying the foothills of the Dome, access to the commons was impeded, and isolation is the 'keynote of the region, the

62 H.R.O., AB47, Fownhope Manor Court Book; and see House of Lords Record Office, Forest & C.F.P.S., 2nd Deposit, Box 38, File 273.

63 H.R.O., AB47, 28 October 1788.

interior (where the commons were situated) is very much shut in behind its

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rampart of high land.' Not surprisingly, lack of surveillance and management led to abuse. In 1760, the Manorial Court was induced to 'present every person who is not a parishioner or Tenant of this Manor who shall turn into the waste lands or common of this Mannor, any Horse, ass or Sheep and horned Beast and do amerce every offender in Twenty Six Shillings and Eight pence for every one

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so turn'd in.' This again might hint at pressures on grazing space, but as the boundaries of seven parishes converged virtually to a point at the summit of the Dome close to the commonable land, it is more likely this was an expression either of some more general interparochial rivalry or a temporary ban on stray diseased cattle. Certainly later evidence minimizes the exploitation of common rights by surrounding farms, leading one inhabitant of Broadmoor Common (who had been resident there for fifty years) to remark: 'I have always understood that Common Pasture was for the Cottagers to graze a few sheep, a pony or a  
66  
few fowls, not for farmers who surely have enough land of their own.'

In one respect, nevertheless, the commons of the Woolhope Dome were integrated more closely in the local agrarian system than most others in the county.

Court presentments do not reveal its extent, for only one fine - in 1752 - was  
67  
laid 'for breaking up ye comon', but a lease of November 1797 of a 'Limestone

64 D.Stamp ed., The Land of Britain: The Report of the Land Utilisation Survey of Britain, Part 64, Herefordshire, p.109.

65 H.R.O., AB47, 25 October 1762.

66 House of Lords Record Office, Forest & C.F.P.S., 2nd Deposit, Box 38, File 273. Letter from Miss Morgan, 13 May 1949.

67 H.R.O., AB47, 26 October 1751.

Site on the Comon Hill one pt thereof ... in length 154 yards and broad 16 yards ... in such direction as the Veins or Seams of Lime may lead ... and the old part or parcel thereof beginning at the South side of the W. End of the sd Common Hill at an old Quarry there extending in length 148 yards in breadth 16 yards' indicates that limestone quarrying - and burning - was a particular  
68  
feature of this region. By the early nineteenth century, an extensive retail system to local farms had developed, with considerable rivalry between local  
69  
kilns. While the commons in this region thus played a role in the search for means of increasing yields and soil fertility, the continued search in itself came to negate that role with the introduction of artificial fertilizers. In 1939 some enquiries by the Foleys about the lime industry in the area brought the reply 'My father was only a small boy when the kilns where (sic) last used so cannot remember much about them'. It was the writer's grandfather who had rented the kilns - 'he used to send for the coal from the Forest of Dean which took two days journey. 20 donkeys were kept for hauling the coal on their backs to the lime kilns ... the lime was sold to farmers in the  
70  
locality...'.  
70

Of even more benefit not only to the local farmers, but to the inhabitants of the City of Hereford who were labouring under the monopolistic prices being charged for Forest of Dean coal, was the prospect of the discovery of the

68 H.R.O., AB47/3.

69 See, for exmple, Hereford Journal, 18 April 1804; 8 May 1805; 14 May 1806; 23 July 1806; 15 March 1809; 30 August 1809; 29 October 1806; 17 June 1812.

70 H.R.O., Foley Coll., (uncat.), Tarrington Boxes, Letter from P. Davies to H. Foley, 6 April 1939.

county's own supply at Checkley Common on the western slopes of the Dome in 1808/9. But the excessively buoyant reports on early progress soon dulled when the 'person who undertook the survey ... absconded from the Catherine Wheel' in Hereford, and despite some fruitful sample-analysis, the scheme had faded into obscurity by 1810, probably as cheaper coal from the South Wales coalfields<sup>71</sup> became available.

The Woolhope sub-region, with its distinctive geology and soils may be considered, like the Malvern Range, as an anomaly in relation to the rest of the Eastern Region. Indeed, in both of the regions examined so far, a similar impression emerges of the state and usage of all the commons. Broadly homogenous farming systems expand by piecemeal enclosure until they suddenly clash with pockets of entirely different soils or relief which they pass around as islands rather than encroaching on or adapting to them. These poorer pastures were unsuitable for exploitation because of the orientation of livestock farmers towards intensive breeding and fattening, particularly with the fattening period being steadily reduced during this period. If some of the smaller farmers utilized them for sheep pastures, there is little indication that overstocking was ever a problem and no records of stinting survive. Abuse of the commons consisted in over-exploiting the raw materials they offered, a further reflection that they were perceived as repositories of unrenewable

71 Hereford Journal, 23 August 1809. For the whole story, see also 28 December 1808; 8 March 1809; 10 May 1809; 26 June 1809; 6 September 1809; 20 September 1809; 4 October 1809; 8 November 1809; 22 November 1809; 13 December 1809.

resources rather than as integral components in an ecological system involving the continual replenishment of nutrients through sheep manure and horse dung.

iii) Region 3: The Ross Region

In the south-east of the county in the Ross Region, lack of restriction is again a characteristic, yet the route by which this was reached differed from the two regions considered so far. The area stands out for the percentage of cultivated land under arable (60.6%) compared to only 28.2% under pasture. Although the soils are developed, as elsewhere, mainly on the Old Red Sandstone, they here tend to be a much lighter sandy soil. Consequently it was<sup>72</sup> thought of as 'a light good Turnip and Barley land': the 1801 Crop Returns<sup>73</sup> indeed show barley to be 'almost of equal status to wheat' and an ubiquitous four-course rotation was reported in the 1840's. The richness of the region<sup>74</sup> gave rise to the proverb 'keep Ross steeple in view if you want a good farm.' and the distribution of common pastures - increasing towards the fringes of the region away from the market town - underlines its appropriateness. In fact, most of these had been whittled down to a few acres (e.g. Peterstow Common, Ballingham Hill, Upper and Lower Grove Commons, Sellack) and a marked concentration of the largest squatter settlements in the county were to be found in the area. There were perhaps two major reasons for this.

On the one hand, the evidence suggests that a fairly rapid conversion of this

72 P.R.O., IR18/3173, Tretire Tithe File.

73 Dodd, 'Herefordshire Agriculture', loc. cit., p.211.

74 Hereford Journal, 22 November 1862.

formerly rather barren district to cereal growing by liming and the introduction of clover was occurring from the mid-seventeenth century and it seems reasonable to assume that the increasing demand for labour may have been met by a contemporary growth in squatter settlement. And secondly, this growth received added impetus from the 'closed' nature of the sheep-corn system which reduced the significance of rights to common pasture as the emphasis shifted from grass-fed to arable-fed sheep. It is surely significant that it was only at the very margins of this system that common rights appear to have been more jealously guarded; for example at Aston Ingham where the sandier soil shaded into the heavier 'clay and stone brash.' There are even suggestions that common rights over the parish's May Hill Common, an upland common rising to 970 feet, were assuming increasing importance in the early nineteenth century. In 1762, the customary tenants asserted that 'they had liberty to 'Dig Stones, lop trees, cut fearn, furze and Gorst in the waste of the Manor', but by adding 'for our own uses without licence from the Ladies' (i.e. of the Manor), it would appear that the latter had tried to curtail or charge for these particular liberties, and it may not therefore be a full custumal. The Tithe Award mentions that the Common was 'enjoyed by different landowners in the sd Parish as a Turn Out for their sheep and cattle' which suggests some degree of specificity, and two haywards of the waste lands and commons were appointed in 1857. This same year, five men faced fines of 40 shillings each because they had 'cut,

75 Jones, 'The Evolution of High Farming', p.254.

76 Dodd, loc. cit., pp.211-213.

77 P.R.O., IR18/2961, Aston Ingham Tithe File.

78 H.R.O., C42/1,2, 30 June 1762.

pared and burned Turf on the May Hill Common': the right to cut turf had significantly not been mentioned in 1762, and indeed the unusual reference in Herefordshire to burning turf (consequently threatening the rest of the available pasture) implies that the common was being well grazed.<sup>79</sup>

There is, of course, the problem of bias which may have crept into this kind of evidence - and manor court presentments are often the sole source we have for common rights. Because mineral rights were reserved to the Lord of the Manor, the presentments could tend to reflect the interests of the Lord rather than the tenants. Overstocking the commons may have been a matter which was dealt with at a more private level, whereas the taking of raw materials was a tangible case of the lord's own 'property' being threatened.

Nevertheless, in the Aston Ingham case, the evidence implies that tenants were not simply making such presentments to gratify, or at the request of, the manorial lord. Similarly, the commoners of Garway parish - again on the fringe of the region - judged illegal fern-gathering as interfering with their own rights, by presenting 'that several people from other parishes gather fern to the detriment of the tenants of the manor.' Quarrying likewise was seen as 'breaking up and destroying the herbage and soil.'<sup>80</sup>

Garway's case parallels that of Aston Ingham in other ways. A similar tendency towards increased protection can be detected. No orders respecting the use of

79 H.R.O., AC88/1/1, Aston Ingham Manor Court Book.

80 H.R.O., S50/3, Garway Manor Court Book, 15 October 1886, and S50/2, 15 April 1839.

the common were made from 1799 until 1823. In that year, an attempt was made to restrict outsiders' access by ruling that 'no sheep shall be set to Garway Hill unless marked with the two first letters of the Christian and Surname of the Owner.' In 1827, a Court of Survey returned that 'all tenants whether free or customary inhabiting within this Manor, have free common of pasture and pannage in and over the commons and waste grounds there.' While Courts of Survey were convenient channels for resurrecting evidence of dubious customs, this is the only mention in the county of pannage rights still extant in the nineteenth century (the majority of coppices having long since been enclosed), but here they were apparently still rigorously defended, to judge from an earlier entry of 1818 when Thomas Bradiford and his sister were presented 'for breaking open the manor pound in the night time and taking out a Pig belonging to their father.' The pound itself was in 1848 said to be 'wanting raising being at present unfit for Cattle, Pigs, Sheep and other animals', implying that there were problems of overstocking; three years later, when clearly the repairs had taken place, this was certainly true, for the Hayward 'complained to this Court of the rescue of certain cattle of William Hollings seized by him for trespass on the Common of Garway Hill.' The problem continued well into the late nineteenth century; presentments stating that 'several persons from the adjoining parishes depasture cattle on Garway Hill' were made in 1874 and 1886,<sup>81</sup> all 'to the detriment of the tenants.'

Not only was the common extensively grazed by sheep, cattle and pigs. An angry tenant demanded that 'there should be no Colts turned to the Hill unless

81 H.R.O.,S50/1-3.

Casterated When the season of the year com it is bad for people to have their  
mares served with any Horse' and called for better supervision. 'Now there is  
plenty paid for the land for the Hill to be looked after in a different manner  
82  
now all this winter the Hill have been stocked heavy.'

Complaints about overstocking tended to be voiced during agriculturally lean  
periods, but there is little doubt that in both Aston Ingham's and Garway's case  
a stricter manorial vigilance over the exercise of common rights became  
necessary during the nineteenth century. The two hills on which these tracts  
of commonland are sited, at 970 feet and 1200 feet respectively, differ  
dramatically in their soil and relief from the gently undulating landscape that  
surrounds them. Moreover, both in fact were situated in parishes containing  
other tracts of commonland, and it was on these latter commons that larger  
settlements had mushroomed - Gorsely Common straddling the Linton/Aston Ingham  
parish boundary, and Garway Common nearer to the village centre of Garway.  
These parishes are therefore classic examples of the 'multiple-common' variety,  
and the process of encroachment would appear to have been largely responsible  
for stimulating the contrary spirit of increasing protection. One tenant of  
Garway was in no doubt as to who was most at fault for overstocking the  
commons: 'Now the Court Leat will soon behere Now I have a few observation to  
make first those that have got 2 acre of land 30 sheep 3 cattle 2 colts now  
83  
this soart of worck do want to be put a stop to.'

82 H.R.O., S50/3. Loose letter, unsigned, c.1880.

83 Ibid.

Smallholders and brinkers were also apparently the principal class to 'benefit' from the greatly diminished commonable pastures on the hills on the southern boundary of the Ross Region, which again form a discrete group lying outside the legal boundaries, but geographically an extension to the Forest of Dean. The former commons in both Walford and Whitchurch parish had long been almost entirely overrun by squatter settlement; at Walford, for example, the Tithe Map records only 47 acres of common, 31 acres of which comprised the low-lying Coughton Marsh, the remaining acreage being scattered in a dozen small parcels, none of which exceeded four acres. Even had sufficient common pasture survived, it was unlikely the neighbouring farmers would have risked turning animals out onto them; the Doward was distinctive enough for Herefordshire to<sup>84</sup> earn itself the epithet of 'the hill of robbers'. Renowned particularly for sheep-stealing, it also earned itself the name of 'Mutton Tump' because 'once sheep got into the Doward lanes they could in the old days, be regarded as<sup>85</sup> irrecoverable.' Only Goodrich retained some commonland (243 acres at Coppet Wood, and 34 acres at Huntsholme Hill), but these again were too close to the ill-famed Doward to attract much grazing, and this again appears to have been restricted to the brinkers, who could keep a closer eye on their livestock. However, even their demands seem to have been limited: 'It has always been the custom for residents on the hill to cut fern, peas and bean sticks and small stakes when required. No sheep have been on it for many years.' Although the evidence is rather late (though their corporate memory stretched as far back as 1878), of the nine residents on Coppet Hill who claimed common rights to it in

84 Hereford Journal, 3 January 1849.

85 H.R.O., AK95/1, M.P.Williams, 'Notes on Great Doward', 1983, Typescript.

the 1960's, only one stated they had exercised grazing rights ('upwards of 100 sheep'), while the remainder only remembered cutting fern and pea- and  
86  
beansticks.

In one respect, though, the commons here were integrated more closely than those in other regions (excepting those on the Woolhope Dome), being the only other major source in the county of lime. In 1755, the unscrupulous Meese Tenants of Goodrich Manor were reported to 'have dug large quantities of Stone on the waste of Little Doward, Long Grove and Old Grove and cut the underwoods growing thereon to Burn the same into Lime which they dont make use of on  
87  
their lands but sell the same and make great advantage thereof.' By the early nineteenth century, the industry had passed into the hands of kilnowners and lime-burners residing on the commons. Exhaustive extraction at the expense of renewable resources had also extended to the mining of ironstone, particularly on the Doward. In many respects, therefore, this group of commons shared the same characteristics as those situated within the Forest of Dean, and like the Malvern Hills, their history of common rights are bound up more closely with those of the Royal Forests, departing most radically from the 'norm' associated with the majority of Herefordshire's commons.

iv) Region 4: The South-West Region

Nevertheless, the South-West Region may also be said to exhibit certain individual characteristics which single out its commonland for special analysis.

86 House of Lords Record Office, Forest & C.F.P.S., 2nd Deposit, Box 38  
File 276.

87 H.R.O., O68/111/37.

With its differing agricultural practices, topography and terrain, the region stands out for the special emphasis its farming community placed on common rights. The relief gradually increases in a south-westerly direction to the Black Mountains which reach over 2,000 feet. Communications were difficult; of Craswell: 'the mountainous situation of the Townships, its remote distance from any market town (this being the only region without a market centre) ... (and) the miserable and almost impassable state of the roads' were commented on in 88 1841. The poor thin soils on the higher land are matched by the ill-drained valley bottoms of heavy red clay, difficult to work. The physical constraints on corn production are reflected in the land usage with only 35% of the area cultivated as arable, compared to 48% under pasture (in the 1840's). Three-field rotations of fallow/wheat/beans or oats were common but occasionally barley was introduced on the sandier loams. The poverty of the region as a whole emerges when the rentable value of the land is compared to the rest of the county:

TABLE 2

Average Rentable Value of Land in Herefordshire By Region  
in Shillings c.1840 (Excluding Towns)

	<u>Tot. Parishes</u>	<u>Arable</u>	<u>Pasture</u>
Region 1: Central Plain	43	120.7	141.2
Region 2: Eastern	45	102.1	120.5
Region 3: Ross	26	126.1	142.5
Region 4: Black Mountains	23	76.7	98.6
Region 5: Scarplands	9	90.5	103.3

Source: H.R.O., Tithe Apportionments.

The Table tends to confirm the regional hierarchy of agriculturally advanced zones as explored so far, and significantly, the number and size of squatter

settlements declining in proportion to the average rentable value of land in each region. The Ross Region commanded the highest value for both arable and pasture; it supported the largest squatter population, but had the lowest acreage of surviving commonland. In complete contrast, the neighbouring Black Mountains Region was conspicuously badly off; it also had the largest surviving tracts of commonland, but the smallest number of squatter settlements. Moreover, with its liberal sprinkling of medium-sized holdings of between 20 and 100 acres, terrain and land values had inhibited the polarization in the sizes of farming units to be found in other regions:

TABLE 3

Size of Herefordshire Farms by Region:  
1870 (Excluding Towns)

	ACRES				
	<5	5-20	21-50	51-100	>100
Region 1: Central Plain	30.2	28.2	13.1	7.8	20.6
Region 2: Eastern	27.9	24.2	12.5	11.7	23.7
Region 3: Ross	30.6	24.6	11.8	10.8	22.1
Region 4: Black Mountains	25.0	23.3	15.8	16.1	19.7
Region 5: Scarplands	24.1	26.2	12.9	9.7	27.0

Source: P.R.O., MAF68/243

In one respect, however, simple statistics of farm sizes can be misleading when assessing productivity if the extent of common land is also not taken into account. While larger farms in the rest of the county appear to have largely relinquished their rights over their respective commons, the majority of holdings in the Black Mountains Region had direct access to common grazing, and indeed relied on it to remain viable. The herbage on these commons on the old Red Sandstone was superior to that found in many other upland grazing areas in that it had a relatively high wintering capacity; consequently the sheep population was the highest in the county, and a marked excess of horses over farm requirements (in the region of 37%) reflects the degree of commercial

specialization that could be achieved within a communal agrarian framework. At Craswell, for example, a tenant in 1816 was presented for 'keeping a Stallion upon the Hills and Waste of this Manor and that the same is a great nuisance<sup>89</sup> and Detriment to the Inhabitants turning up mares to the same Hills'. At Clifford, as late as 1908, only two parishioners turned out cattle onto Merbach Hill, but individual stints for 28 inhabitants of up to 50 sheep were allowed over Merbach, Alt and Clifford Common in the parish. Fern-cutting was<sup>90</sup> restricted to those who possessed such stints. In the massive manor of Ewyas Lacy, a few of the tenants (through 'fear or ignorance' according to the jury) were still in the early eighteenth century paying 'Inrollment money for their right of Comon in the said wast and comons ... that is to say three pence for every Beast and three pence for every eight sheep that shod be depastured or kept on either of the said Commons or Wast from Candlemas until Allholantide.' The Jury also stated that the Cottagers 'have not nor ought to have any right of common upon the said wastes or Comons by virtue and color of (their) leases and grants but that the right of Comon do belong to the freehold, Copyhold and Antient Leasehold Tenants of the said Manor and that if any of the said Cottagers or Incroachers do depasture the sd waste or comons they are Trespassers upon the Liberties and Privileges of the said freehold, Copyhold and<sup>91</sup> Leasehold Tenants.' It is difficult to assess, of course, the degree of enforcement of these regulations, but such a forcible statement is in itself significant in the context of the lack of vigilance characteristic of the other

89 N.L.W., Mayberry MSS, 5305, Craswell Manor Rolls, 22 May 1816.

90 H.R.O., AB100/2/26.

91 H.R.O., J91/4, Ewyas Lacy Manor, Court of Survey and Baron, 13 November 1701.

regions, and it may also be noted that at Ewyas Harold in 1859 it was decreed that 'all sheep (were) to be marked with two letters, or to be impounded' and in 1863, a motion was carried that 'a proper person be appointed to look after the stock trespassing on the Common.'<sup>92</sup> This pattern of increased vigilance apparently resembles closely that of the carefully controlled common of Garway parish in Region 3. But whereas in the latter case 'the common rights (were) without stint', at Ewyas Harold the accepted stocking levels had always been decreed. In 1817, for example, William Watkins was presented 'for depasturing the herbage ... called Ewyas Harold Common with more sheep than he depastures on the inclosed land occupied by him in winter.'<sup>93</sup>

Similarly, at Craswell Hugh Stephens was presented a year earlier for 'turning Sheep upon the Lords Hills and Waste not being a tenant' and likewise John Pritchard in 1821 for turning 'too many sheep' onto the commons. These reveal that the tenants were guarding their privileges which had been clearly stated in 1743: they had always 'antiently Enjoyed a right of Comon upon such waste lands for such Quantities of sheep and Cattle as they can conveniently winter upon their own lands.'<sup>94</sup> Moreover 'this use of these vast upland commons is continued today as farmers in the valleys turn agreed quotas of sheep on to the mountains in the summer months.'<sup>95</sup>

92 H.R.O., J91/2, Manor of Ewyas Lacy and Ewyas Harold Court Book, 6 May 1859; 29 May 1863.

93 Ibid., 8 May 1817.

94 N.L.W., Mayberry MSS, 5305, 22 May 1816; 5309, Easter 1821; 5268, 19 May 1743.

95 Ewyas Harold and District W.E.A., Ewyas Harold Common, n.d., p.3.

Evidence for the implementation of stinting controls is in fact confined to this region. Strict surveillance of the commons, particularly by the significant proportion of independent freeholders to be found in this area, must largely account for the lack of squatter settlement in relation to the vast expanse of commonland available. For there was apparently no lack of potential settlers - it was simply that colonization was more carefully controlled. J.P. Malcolm noted the fragile huts of some hopefuls on a tour through the area in 1814. He asked his travelling companion:

'These people are rent and tax free?'

'At present; perhaps they may not be so six months hence.'

'How say you! Surely the ground belongs to the public?'

'True, it does; but I have known a team drove against such huts, for the purpose of pulling them down, when the builder could not pay 40s per annum.'

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The very fact that Malcolm specifies these huts as occupying only roadside verges and small parcels of waste implies that even heavier restrictions applied to the more valuable common pastures. Where settlement had occurred, it was of a scattered nature, the product of a variant on squatting procedures confined to this Welsh Borderland region. It was not that common rights were underused, but arose from the individual abuse of stinting controls. As one Radnorshire farmer expressed it, the farmers 'set up lines across the common, but really we have no right to do so ... and these lines are constantly changed as a fresh tenant comes in, or one man gains more power than another, either by cajoling or threatening his neighbour.' The common law right upon these commons was 'the law of the strong' and a squatter depended on local 'patronage' to gain a foothold:

'Suppose a pauper should be troublesome to his parish, he would perhaps get some of his neighbours there to

encourage him to squat upon a certain portion of common but they would stipulate with him that it should not be on their own part; that is A,B or C would say to him 'Go and build a hut on D's boundary. We will encourage and support you.' When he has his hut built, the persons who encouraged him would object to employ him, because of offending D.'

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In the Black Mountain Region, therefore, the exercising of common rights based on the virtual appropriation of tracts of common land by individual farmers (which nevertheless usually stopped short of physical enclosure) was a major factor dictating the very scattered pattern of squatter settlement, which may be said to be a feature particularly characteristic of much moorland edge colonization.

v) Region 5: Scarplands

A glance at Map 2 indicates that the remaining major expanses of commonland were concentrated in the north west of the county along the Radnorshire/Shropshire borders. Their contiguity to the Black Mountains would have suggested the two regions might have shared certain characteristics. The land usage was comparable with around one third of the total area cultivated as arable. A similar ridge and valley topography is encountered in both regions, although in the Silurian Scarplands the valleys tended to be more lush and the limestone ridges more thickly wooded than in the south east. The commons, of a poorer, thinner soil on the higher ridges can therefore be more closely compared ecologically with the Woolhope Dome, and while there were some extensive sheepwalks, the grazing was in general probably best described like

that at Downton as 'Kind, but poor pasturage for sheep and young cattle.'

Although there was a marked excess of horses over cultivation needs, as in the Black Mountain Region, the sheep population was significantly smaller than in the south-west, suggesting that the exploitation of common rights was not so intensive here. Certainly on Bircher Common, fern-gathering was a commercial

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enterprise. But the crucial difference between the two regions - partially reflected in the comparative farm sizes listed in Table 3 - was the pattern of landownership. In the north-west, the Batemans, Harleys and Knights owned the major part of the region between them. In the absence of a strong freehold body of opposition, colonization of the waste depended almost exclusively on the whims or wishes of individual landowners, and in any case, the opportunities for such were severely curtailed by the spate of early Parliamentary Enclosures which had wiped out all the major expanses of commonland in the northern part of the region. By contrast, the landowning interests of the ironmaster family of Payne Knights extended into South Shropshire, where their mining ventures appear to have encouraged the establishment of squatter populations closer to

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the Clee Hills, leaving the Herefordshire commons grouped around the family seat at Downton Castle unscarred by 'undesirable' colonies of squatters.

This overview of the relationship between the survival and extent of commonland and the degree to which it was enmeshed in the local agrarian systems of which

98 P.R.O., IR18/3024, Downton Tithe File.

99 H.R.O., W28/2, Luston Manor Court, 16 January 1872.

100 K.W.G.Goodman, 'Hammermans Hill: The Land, People and Industry of the Titterstone Clee Hill Area of Shropshire from the 16th to the 18th Century', University of Keele Ph.D. thesis, 1979.

it physically formed a part, leads to some broad conclusions as to its relative importance in each of the county's regions.

First, on a general level, it is clear that Herefordshire had failed to inherit the tight and sometimes throttling communal organization to be found, for example in the East Midlands. The relative paucity of information available on the agricultural exploitation of commonland in the county (in the form of detailed customals, for instance) which at first sight seemed a severe limitation on fathoming the relationship between farmer and squatter, in fact of course is the very product of this lack of restrictive communal control. And this relative laxity is in a very obvious sense an essential prerequisite to the establishment of commons settlements in the first place, though it can tell us little about the impetus to settlement growth. A tight agrarian system in which access to common pastures was a vital source of livelihood and where consequently rigid stinting controls and careful policing were essential, could hardly be conducive to the prospect of seeing both the area of commonland and the richness of the pastures reduced by undesirable squatters. Only in the Black Mountains Region is there sufficient evidence to suggest that the integral importance of commonland to the type of pastoral agriculture practised there actually impeded settlement. Conversely, an agricultural system which attached no importance at all to common rights would either have pursued a rigorous policy of large-scale enclosure or would have been so lax over the regulation of commons that they would have become entirely overrun by squatters. Region 5 certainly exhibited some of the characteristics of the first type, with evidence of early enclosure reflecting the concentration of landownership in the north-west. Of the other kind, the extent to which some of the commons in the

extreme south of the county in the Ross Region had become honeycombed with squatters' encroachments certainly points to a marked laxity of management and lack of emphasis on the value of common rights.

For the most part, however, the continued co-existence of squatter settlements with outside farmers' access to commonland depended on the agricultural community maintaining a delicate balance between the exercising of limited common rights and a willingness to 'turn a blind eye' to limited squatter activity. The Central Plain perhaps exhibits this balance most vividly, particularly in those cases of parishes of the 'multiple-common' variety. It illustrates that the two interests need not necessarily be incompatible, and is yet another facet of the 'marginal integration' so characteristic of Herefordshire's commons settlements. In April 1850, Charles Phelps, a respectable farmer of Aston Ingham, met Charles Davis, an inhabitant of May Hill Common, over which Phelps had extensive grazing rights. In Phelps' words: 'Davis said to him "how do you do, master". I replied 'how do you do, Charles, have you been sheep dealing?' He answered 'yes, I have been buying this little lot...' In the light of the hostility towards squatters expressed by farmers at the Parliamentary Sessions on Inclosure in 1844, there is an unexpected tone of cordiality between Phelps and Davis, despite the fact that Davis had not only at one time encroached on the common but was now also capitalizing on the available common pastures.

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Nevertheless, the review of the county's regions also suggested that a certain

101 Hereford Journal, 8 May 1850.

tightening up of manorial vigilance of commons occurred in the late eighteenth and early nineteenth century, with some courts being revived, haywardens appointed, custumals rehearsed and boundaries re-defined. But this evidence, implying that commons were being more intensively grazed, should not be accepted too literally. What it does reveal is the existence of a flexible framework of control among freeholders, leaseholders and tenants, a framework with its own language of common rights which could be plugged into or reactivated, as the need arose. The 'need' in the early nineteenth century, as we shall see, was to curb excessive squatting. In this respect common rights were both assets and integral elements in this groups' own version of selective paternalism in which recourse to the argument of interference with these rights could be the means of excluding unwanted settlers.

Whether or not the manorial structure was revived, the final general conclusion to emerge from this survey is the undoubtedly restricted range of animals that were turned onto the county's commons. There is only one definite reference to  
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cattle being turned onto a common and this in fact states that the animals belonged to owners from the adjacent parish - over the county boundary. Many farmers were deterred from turning sheep onto a number of the county's commons because 'of the rot', and no doubt their susceptibility to disease from other flocks. If farmers themselves were unwilling to turn out such animals, what of the squatters themselves? The following Table lists all the references to livestock in the 450 odd wills of commoners:

102 H.R.O., S50/2, 18 May 1874, 'several persons from the adjoining parishes depasture Cattle on Garway Hill to the detriment of the tenants of the sd. manor'.

TABLE 4  
Livestock Mentioned in Commoners Wills, 1780-1880

		Cattle	Sheep	Horses	Mules	Pigs
Tillington Common	1789		Yes			
Bringsty Common	1806		9	1 Colt		
Ruckhall Common	1807		6			
Bishon Hill	1808			1 Mare		
Walford	1812		17	5		
Walford	1815			Yes	Yes	
Ganarew	1829		Yes			
Whitchurch	1834				2	2
Mordiford	1835		Yes	Yes		Yes
Mordiford	1835		Yes			
Llangrove	1845				2	
Walford	1851					2
Ledbury	1861		Yes			
Bringsty	1870		3			
Llangrove	1872			1		
Goodrich	1876		Yes			

Source: H.R.O., AA20 Copy Diocesan and Deanery Wills, 1780-1857; N.L.W., Copy Wills 1858-1881.

While there was of course no compulsion to mention livestock in wills, we can note on the other hand that they were on the whole made by the more 'affluent' commoners who would be more likely to be livestock owners. More revealing is the type of livestock kept. Horses, mules, pigs and perhaps even the (small) flocks of sheep may have been supported on the smallholding itself, without recourse to grazing on the commons. The complete absence of cattle is supported by the evidence from manorial records, newspapers, letters and accounts. Not only would it appear that the squatter's reliance on the common itself as the source of his livelihood has been exaggerated, but that the vivid picture of the poor labourer deprived of the wherewithal to tend his cow after enclosure must be consigned to the realms of pervasive pastoral image in Herefordshire's case. Here, the squatter never even possessed a cow before enclosure.

103 See, for example, K.D.M.Snell, Annals of the Labouring Poor: Social Change and Agrarian England 1660-1900, 1985, pp.174-179.

## CHAPTER 2

### SEASONAL CHANGE

#### Part 1: The Male Cycle

##### 1) Woods and Fields

If the typical commoner derived little benefit from the commons themselves, what was there in his modes of getting a living to distinguish him, if at all, from the ordinary villager or craftsmen? Goodman's study of the squatter mining communities on Hammerman's Hill, Fisher's exploration of similar settlements in and around the Forest of Dean, Large's analysis of metal-workers in the Forest of Feckenham, (all three studies focusing on counties adjacent to Herefordshire), Samuel's insight into the lives of the brick-makers of Headington Quarry, all stress the proto-industrial origins of these settlements as centres specialising in the production of a raw material or commodity<sup>1</sup> supplied through an essentially cottage-based system of labour.

In Herefordshire, however, only the gloveresses resident on the Malvern Hills on the very boundary of the county and employed as outworkers to the gloving industry centred at Worcester can be said to approximate to this tendency towards specialisation, although even here their labour supplemented household earnings rather than providing the sole source of income. Their husbands, like<sup>2</sup> most commoners in Herefordshire, were described simply as 'labourers'.

1 Goodman, op. cit.; C.Fisher, Custom, Work and Market Capitalism, 1981; P.Large, 'Economic and Social Change in North Worcestershire during the 17th Century', Oxford University D. Phil. thesis, 1981; R.Samuel, 'Quarry Roughs', loc. cit.

2 H.R.O., 1851 Census Enumerators' Books, on microfilm. Gloveresses are recorded at Acton Beauchamp, Bishops Frome, Bosbury, Bromyard, Much Cowarne, Colwall, Cradley, Eastnor, Evesbatch, Ledbury, Linton Township, Little Marcle, Mathon, Stanford Bishop, Whitbourne. See also D.C.Lyes, The Leather Glove Industry of Worcester in the Nineteenth Century, 1973.

Yet, though the county boasted no particular industry, it would be misleading to describe the labouring community as an undifferentiated agricultural workforce. The Labour Accounts for the Lays and Highnam Farms, Tarrington covering the period February to February 1831-2, and the coincidental survival of a full 1831 census listing of the parish, permits a closer examination of the significance of such distinctions.<sup>3</sup> The two farms, owned by the Foley estate, conveniently drew their labour partly from the commons settlement at Tarrington Common, partly from the village of Tarrington itself. Anthony Godsall, waggoner, living in at the Lays, spent 272 of 308 working days hauling materials, only 13 days ploughing, 8 days haymaking, and the remaining 15 in sundry tasks. Richard Adams, shepherd, spent 189 out of 303½ days attending the sheep flocks, leaving them principally for the corn harvest (54 days). William Gwilliam, ploughman, assisted by his oxboy, was engaged 201 days of the year in ploughing, 71 days in hauling, and the remainder in field occupations. These men all remained fully employed throughout the year (including such festivals as Christmas Day) with only Sundays for rest. The annual round of events for these individuals promised little internal differentiation both in the nature of the work and in the relative intensity of seasonal activities.

In complete and vivid contrast, the labour sheets also fortunately chart the movement of less skilled workmen at the farms, movements punctuated by seasonal absences and revealing the multiplicity of tasks in which more casual workers could be involved. Michael Howells, of Tarrington Common, was employed

3 H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Accounts of Labour on the Lays and Highnam Farms, 1831-1832; H.R.O., K14/80.

for only 198 days out of a possible total of 312 working days, his wide-ranging list of tasks breaking down as follows:

TABLE 5  
Michael Howells: Labour Sheet 1831-2

<u>Field</u>		<u>Boundaries</u>		<u>Wood</u>	
Haymaking	14	Ditching	16	Cutting Wood	10
Mowing	3	Banking	4	Stacking Wood	1
Harvesting	1	Levelling	6	Loading Timber	3
Taking in Rick	2	Cutting Bushes	14	Pulling up Cordwood	4
Cleaning Wheat	1	Planting Quick	2	Transporting Timber	2
Gathering Oats	1	Cropping/		Peeling Bark	1
Turning Oats/		Hedging	22	Stacking Boards	1
Barley	2	Spreading		In Cockshoot Wood	1
Winnowing	1	Earth	11	Total:	23
Harrowing	2	Total:	75		
Cutting Thistles	11				
Spreading/		<u>Cider</u>		<u>Miscellaneous</u>	
Tumping Dung	6	Shaking Apples	2	Taking Notes to	
Spreading Ashes	1	Cider making	22	Farmers	1
Loading Crops	6	Washing		Soliciting same to	
Work in Meadows	1	Hogshead	1	haul coal	2
Glatting	8	Racking Cider	1	At Ledbury	1
Total:	60	Total:	26	With Coal Teams at	
				Hereford	5
				Filling Ice	1
				With Mr Cranstone	2
				Sundry Jobs	2
				Total:	14

Source: Labour Accounts, Lays and Highnam Farms, Tarrington, 1831/2.

Howells, despite absences, was on a regular wage of 18d per day throughout the year; but two other employees, Thomas Brooks and Richard Munn, also both from Tarrington Common, in the summer months significantly went over to piece-work. Unfortunately, their earnings in that period are not recorded; but the nature of their daily employment on the farm is, and the pattern is very revealing.

Thomas Brooks was engaged only 213 days, and Richard Munn 197 days out of the possible 312. They clearly worked together for much of the year, as their labour sheets differ little in details and shifts in activity for both men occur on the same day. Thomas Brooks' range of employment was as follows:

TABLE 6

Thomas Brooks: Labour Sheet 1831-2

<u>Field</u>		<u>Boundaries</u>	<u>Woods &amp; Commons</u>	
Haymaking	9	Ditching	37½	Cutting Stakes 1½
Mowing	4	Filling Earth	11	Felling Trees 27
Taking in Rick	1	Draining	1	Bashing Trees 5
Threshing	4	Scraping the Fold	3	Cutting Wood 4
Trussing Hay	2	Hedging	9	Faggotting 21
Hoeing Turnips	23	Total:	61½	Digging Round
Cutting Thistles	2			Trees 1
Gathering Oats	1	<u>Miscellaneous</u>		Mowing Fern 21
Hauling Wheat	1	Filling Ice	1	Gathering Fern 5
Loading Crops	4	Sundry Jobs	1	Total: 85½
Ploughing	7	Total:	2	
Tumping Dung	6			
Total:	64			

Source: Labour Accounts, Lays and Highnam Farms, Tarrington 1831/2.

Apart from the evident failure of the farm to supply full employment to these three men (it does not of course follow that they remained unemployed), a striking contrast between the fully engaged employee and the commoners is the degree of involvement in the basic farming process. Whereas William Gwilliam spent the whole year in the fields or on the roads, Thomas Brooks and Richard Munn divided their time in roughly equal proportions between field and wood. The marked seasonal cycle becomes less remarkable when the topographical siting of virtually all Herefordshire's commons settlements is recalled. Tucked away close to tracts of woodland and coppice out of which the commonable pastures had originally been carved, commons settlements stood liminally at the juncture of field and woodland, and squatters employment correspondingly straddled both zones, with winter work in the woods complementing the summer harvests in the fields.

11) The Winter Cycle: Phase 1

Following the hay and hop harvests, ending in September, the commons inhabitants retired first from the fields to their employer's orchards, and from thence to their own private ones to collect the apples and commence cider-making. Those without mills went to others on the commons more fortunate. On October 15th 1827, a poor man and his wife were 'employed in making cider at Breinton Common, in a mill which they were permitted to use for the purpose.'<sup>4</sup> Joseph Cooke a blacksmith living at Kingsthorpe Common, Much Birch, having built a cider mill in 1849 at a cost of £28 10s 0½d, proceeded in November to let it out for one or two days at a time for the use of his neighbours. Over the next 16 years, between October and February, the mill was hired out at an average of 15 days a year to forty different named individuals, at 1/6d per day. By 1864, when unfortunately the accounts end, he had only recouped<sup>5</sup> £22 18s 0d. At Broadmoor Common, Fownhope, James Parsons 'had a cider mill on his premises.' On the 10th November 1852 Thomas Williams of the same place 'went with a person named Richard Skinner, taking with him a quantity of fruit to Parsons' to make cider ... having engaged Skinner at so much per day including food and drink.'<sup>6</sup> At Ruckhall Common, Eaton Bishop, 'most brewed their own (cider), sharing the labour of pressing done by donkeys before 1900, mostly in the grounds of Apple Tree Cottage (formerly the Apple Tree Inn.)'<sup>7</sup> The cider

4 Hereford Journal, 17 October 1827.

5 Accounts of Joseph Cooke, Blacksmith, of Much Birch. Original in possession of Mrs Pat Cooper.

6 Hereford Journal, 14 January 1852.

7 Eaton Bishop W.I., 'Eaton Bishop: Its History 1855 - 1955', 1955, p.17. Typescript in H.C.L., Local Collection.

operations of Gilbert Howells of Howl Hill, Walford, were interrupted in 1819 when 'a fellow stole from (his) stable, a mare half bred, worth about twenty guineas, which had been lent him for the purpose of grinding cider.'<sup>8</sup> Communal sharing of mills and animals from the early winter months thus ushered in a period of 'self-help' when the commoners withdrew from the fields to their woodland settlements.

The woods themselves from October began to provide necessary materials for coping with the colder months ahead. School log-books are replete with such entries as '13th Oct. 1868. Cannot get a full school as so many children are getting acorns for the pigs.'<sup>9</sup> The pig, of course was ubiquitously the labourer's friend, providing the prime, sometimes sole, source of winter meat and also going into circulation to pay off debts when money was scarce. But the scanty evidence nevertheless suggests that in the woodland districts animals were likely to be more numerous and healthier than in the less sheltered areas. If pannage rights in most districts had long been eroded by the fencing off of coppices, acorn-gathering children found a role as intermediaries in regions where woodland abounded. Free food would thus have been more readily available to the commoners' pigs; during the 'Hungry Forties', when a speaker at the Hereford Agricultural Society's annual dinner was lamenting the fact that 'many of the cottagers were formerly able to keep a pig, but he was sorry that was not the case at the present time', the Journal reporter who visited Tarrington Common on New Year's Day 1846 noted that one of the cottagers kept a pig 'and

8 Hereford Journal, 27 January 1819.

9 H.R.O., J17/1, Croft & Yarpole School Log Book.

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in a second room (it was) gratifying to see more than one flitch of bacon.'

Likewise, James Young who had 'an inclosure on Howl Hill (Walford), on October 22nd (1845) was standing near a gate placed across the road to keep out the pigs and donkeys, which are well known to abound in this locality, and was charging Mr Mountjoy with having opened the gate and let the pigs through to

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his fruit.' Access to the fruits of trees was thus a vital component of the squatters' winter economy, with little consideration being spared for the legal technicalities of common right. Henry Griffiths, aged 17, of Tarrington Common, in court for gathering chestnuts on the Sabbath in October from the Grove, Stoke Park, 'very insolently declared that 'he had given himself liberty to

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gather the chestnuts'.

Customary rights more stringently regulated the harvest of the commons' distinctive natural covering of fern and gorse. At Luston Manor's Court (held on January 16th 1872) 'We do order that no person within this maner who may have right to cut and take fern off Bircher Common shall cut any previously to the 29th day of September in any year nor before 6 O'Clock in the morning and that no commoner shall cut or take any fern for Sale but for his own

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Consumption only under a penalty of five shillings.' Although two presentments were made at the same Court for infringement of this bye-law, the school log-book confirms that the majority observed the calendrical code: 'Oct 15th 1867:

10 Hereford Journal, 2 February 1848; 21 January 1846.

11 Ibid., 12 November 1845.

12 Ibid., 25 October 1846.

13 H.R.O., W28/2, Luston Manor Court, 16 January 1872.

Several children stay away to gather fern upon the Bircher Common, the gathering only being allowed at the present time of the year.' - although unfortunately no evidence exists of whether those without common rights were strictly barred.<sup>14</sup> Again, though, the proximity of squatters' cottages to this resource must have increased the unlikelihood of detection. Nevertheless, in the context of their relationship to outsiders, October and the season of acorn- and fern-gathering rather than being an activity exclusive to squatters, constituted a kind of transitional period in which, if the commons inhabitants had retired from the fields to the woods, outsiders also were penetrating and benefiting from the ecological environment surrounding the squatters' homesteads.

In particular, wood for winter fuel was regarded as a customary perquisite. Three women from Aconbury Hill were 'charged with stealing underwood belonging to Richard Taylor value 5 shillings. It appeared the prosecutor had brought a quantity of brushwood at Laggit Lough Wood in the parish of Much Birch, and had placed it ready for tying into faggots for sale. The defendants, being accustomed to have wood from the enclosure had appropriated some for their own use.'<sup>15</sup> Criminal reports, however, tend to overstress the tension between 'customary' right and private property; while such rights undoubtedly were gradually eroded during the nineteenth century, many more cases of 'theft' of wood probably remained undetected than reached the magistrates' ears. The case quoted above should be set against an earlier reference by the Guy's Hospital Commissioners to:

14 H.R.O., J17/1.

15 Hereford Journal, 27 June 1857.

'The Birkall Coppice (which) we observed had been very much plundered by the Poor of Madley, but Watkins told us he woud not concern himself to prevent it, for if he did he must live on very ill Terms with his Neighbours and might be in danger of having his house fire'd. In short, the practice of woodstealing is so common in the country that we would hardly judge how far a man was to be condemned as dishonest for not interposing to prevent it, when he had undertaken no particular trust for that purpose.' 16

Lying mid-term between these two reports, the early nineteenth century probably saw squatters at an advantage in procuring free fuel, being well isolated from authoritative interference and more conveniently situated at the margins of woodland reserves. Indeed, bearing in mind the fact that many of the commons inhabitants either owned small tracts of woodland, or brought in quantities of wood for craft use which would supply copious thinnings for burning, it may well be distorting the true situation to paint too vivid a picture of woodstealing and customary right. It may well have been a practice confined to the very poorest cottagers, or more particulary to certain sections of the squatter population such as poor widows or adventurous youths. Thus, for example, in 1861, Mary Hill, Mary Sirrell and Mary Bailey, all of Broadmoor Common, were charged with 'stealing a quantity of chips, the property of Mr Henry Edwards (also) of Broadmoor Common. The chips were taken from a place where a man was making hurdles.' 17 Moreover, it was the poor village and town inhabitants who lacked their own resources who would go grubbing around near the commons for wood; thus the pattern observed for acorn and fern-gathering was reinforced by the presence of outsiders in search of fuel.

16 H.R.O., C99/111/235. Guy's Hospital Sub-Committee Report of View of Herefordshire Estates, 1754, f.62.

17 Hereford Journal, 10 July 1861.

The squatter's reliance on woodland resources clearly extended far beyond the need for firing and bedding for pigs; the search for fuel paralleled the search for employment in the winter months as the arena of opportunities shifted from field to woodland. In the (arbitrarily selected) years of 1828-9, the first advertisements in the County for coppice wood appeared on October 22nd, announcing the sale to take place on November 1st. These sales increased thereafter throughout the winter months. At Pixley, potential buyers were advised to 'apply to Joseph Cole, Putley Common, woodward to Mrs Stock'; at Tillington, to Edward Davies, the woodman, residing near Tillington Common; at Fownhope, to Thomas Taylor, woodman, Broadmore Common; at Goodrich to William Tyler, woodward at Coppet Wood Common; at Wellington to Edward Williams, residing at Westhope Hill. The final advertisement of the season announced the<sup>18</sup> auction was to take place on 13th April.

The sales themselves thus fell in a well-defined period (November-April); and the marked seasonal distribution of coppice management underpinned the structure of winter employment in commons' settlements. For those commoners actually employed on the estates, the woodwards and labourers like Thomas Brooks and Richard Munn, the primary job was to fence out with underwood the portion of coppice intended for sale. Estate needs had also to be catered for, and both Munn and Brooks began work in the coppices in the fortnight September 24th - October 7th 1831, 'bashing trees' and 'faggoting'. They continued gathering and loading faggots by piece-work until November 19th, when they were transferred to constant wages and began 'cutting and loading wood.' The actual

18 Ibid., 17 December 1828; 14 January 1829; 2 February 1829; 1 April 1829; 8 April 1829.

process of felling did not commence, however, until January 4th in the following year.

Although some coppice was thus appropriated for estate needs - indeed, if 'occasionally all the coppice was both felled and retailed by the proprietors, (nevertheless) the most profitable and most common procedure is for coppice-wood to be sold standing.'<sup>19</sup> The Foley Accounts confirm that the nature and quality of the coppice itself predetermined the class of buyers. First, unlike timber sales which attracted peripatetic buyers ('a great deal of oak is felled and sawn, but is sent out of the County. The trade is chiefly in the hands of firms with external interests'<sup>20</sup>), purchasers of coppice-wood were living within a few miles of the place of sale. Between 1786 and 1792, for example, when the parish of residence is consistently stated, all the buyers at Foley sales came from the parish in which the coppice-wood was situated, or from the immediately adjacent parish, but never, apparently, from further afield. Secondly, three classes of buyer can be distinguished: a) local farmers and gentlemen who were clearly purchasing for their local needs (repairs of fences, hoppers etc.) b) established village craftsmen (coopers, wheelwrights, carpenters etc) and c) a miscellaneous section of the population, including many of the commons inhabitants, who were stocking up with wood for a variety of individual uses. Finally, it needs to be emphasised that these different categories of buyers did not attend the various sales indiscriminately and in the same proportions. On the one hand, the geographical radius of buyers drawn to a particular sale

19 Hereford Journal, 20 October 1847.

20 H.E.Fitzrandolph and M.D.Hay, eds., The Rural Industries of England and Wales, Vol. I, 1977 edn., p.27.

tended to narrow as the quality of the coppice-wood under the hammer itself declined. When part of Ashperton Park Coppice was sold at 3s 6d per lug in 1792, only four of the total twenty buyers resided in the parish. But when Cowsington Coppice in Tarrington Parish was offered in 1790 at only 15d per lug, only four of the twenty-seven buyers came from outside the parish. Sales of inferior grade coppice provided the major opportunity for squatters to acquire their stocks; the quantities purchased were also noticeably small:

TABLE 7

<u>Purchasers of Coppice Wood from Cowsington Coppice 1790</u>					
<u>Tarrington Common</u>		<u>Durlow Common</u>		<u>Remainder of Parish</u>	
	Lugs		Lugs		Lugs
James Cole senr.	31	James Spencer	22	Farmers:	
James Cole junr.	44	John Preece	22	John Edwards	154
Thomas Cole	22	James Hodges	16	John Davies	44
William Saunders	16	James Lewis	16	John Poole	44
Francis Jauncey	16	Total:	76	John Taylor	95
Joseph Beeks	8			Edward Southall	66
John Williams	16			John Smith	
Richard Brooks	16			(Blacksmith)	44
Total:	169			John Kings	
				(Carpenter)	41
				William Brace	
				(Cooper)	31
				William Wood	
				(Tailor)	44
				Thomas Lewis	68.5
				Edward Barret	38
				Total:	672.5
Average Lugs per Buyer - Commons: 20.4					
" " " " - Remainder: 61.1					

Source: H.R.O., Foley Coll., Coppice Accounts Ledger, 1771-1855.

In 1790, the two commons in the parish hosted a total of 24 households (Tarrington Common = 16; Durlow Common = 8). Thus, exactly half had acquired some quantity of coppice at this one sale, a remarkable indication of the involvement of commoners in woodland resources. By contrast, the largest

proportion of buyers from the rest of the parish were the major farmers and craftsmen, representing only a quarter of the remaining households in Tarrington.

Following the apportionment of coppice-wood at the sales, which peaked around Christmas-time, 'underlashing, as it is called, commences (= all the weaker shoots and small underbranches of oak etc.) are cut off, together with all the birch, hazel or ash, and all kinds of poles not intended for peeling are now cut down.' The squatters' principal harvest in the woods thus fell within the period sandwiched between the sale and 'about the first week in May (which) is<sup>21</sup> the usual time to begin to fell oak.' Commoners' employment in the woodland consequently fell into two distinct phases: the first phase was principally the squatters' own concern, restocking his wood-shed or stack for his own private uses. He dealt in coppice and underwood, not timber:

My grandfather (George Hodges of Durlow Common, born c.1850) he had a team of horses ... he did buy this wood, this coppicing in the winter and autumn when they did sell it ... and then he used to buy it to get the ash for making them hoops and things for making these hurdles - it was wattles that he used to make ... plaited ... they were made of hazel. It was simple enough ... provided you could twist 'em. They would have a block of timber with holes drilled in it, and they did put so many sticks in it and plait them and twist 'em every now and then ... they would make 'em all without using nails.

And then he did make what was known about here as boat baskets and they were like these things ... made with strips of wood ... used for fruit picking and picking up potatoes ... they didn't work for firms, like builders ... they used to work by themselves. And he made hoops for the hogsheads ... they were made from ash.

22

21 Hereford Journal, 20 October 1847.

22 Interview with George & Jack Hodges of Longcroft, Tarrington, 8 July 1982.

Particularly interesting is the fact that George Hodges 'didn't make barrels, though he was a cooper' by training. Listed in the 1871 Census as 'hoopshaver', he in fact only worked in coppice-wood, and not the better grade timber required for barrel-making.

Less skilled commoners put the coppice and underwood to other uses, either for household consumption or to earn a living. William Vaughan of Broadmore Common, who earned his money 'by hard work, what I'm able to do, and pays my rent too', sold besoms to get 'sometimes half-a-crown, sometimes four or five shillings' a<sup>23</sup> week. At Checkley Common, 'squatters, misnamed gypsies ... made besoms etc. from<sup>24</sup> the brushwood laid by when coppices were cut and picked up odds and ends.' 'Legal' self-employment of this kind was always liable to abuse. The following three cases all involve inhabitants of the Common Hill, Fownhope and are all taken from the same year (1861), indicating how widespread this kind of activity must have been. Charles Saycel, fined for cutting underwood, stated he was "'hard up' and cut the wood to make besoms, to obtain food.' Thomas Preece, up for exactly the same offence had 'been a soldier, and is now a besom-maker.' Perhaps the easiest way to derive some sort of living from these more suspect sources was through the supplying of faggots made from 'the heatherings and small branches of the coppice, which cannot be used for manufacture ... in the<sup>25</sup> neighbourhood of towns this is the chief branch of the underwood trade.' Mary Harris, only 16, was seen cutting wood on the evening of the 2nd of February. She 'tied it in a bundle and carried it to the cottage of Mr Jones, and laid it

23 Hereford Journal, 7 October 1846.

24 T.H. Parker, A History of Stoke Edith and Tarrington, 1964, p.15.

25 Fitzrandolph and Hay, op. cit., p.25.

down on the outside ... the wood was sold for 2d to Mrs Jones.

Fownhope's woods were certainly a favourite target; the coppice belonging to John Wood Esq. (of Martop, Somerset) had 'for several years ... been so completely overrun by persons who earned their livelihood by cutting his wood and carrying it to Hereford for sale ... The place was also much infested by poachers, the woodman having recently taken up about a hundred wires.'<sup>27</sup> Of course, more 'respectable' faggot-merchants operated such as William Morvan of Tillington Common, who made enough money from the trade to build a second<sup>28</sup> house on his former faggot-ground.

#### 111) The Winter Cycle: Phase 2

The faggot-merchant, like the besom-, hurdle-, hoop- and basket-maker thus carried on his own private enterprise without the intervention of middlemen. Faggotting by this method - clearing privately purchased allotments or grubbing around in the coppices after the primary fall - must be carefully distinguished from that which accompanied the principal fallage of timber in April/May. For it was at this more intensive period of employment that the woodland was opened up to outsiders brought in to fell and strip the maiden timbers.

About the first week in May is the usual time to begin to fell oak ... the best procedure is to let the 25 acres (the average size of allotment) to four men accustomed to that work ... who employ others to do the work of felling the poles, peeling and ranking the bark ... 2 fellers will employ from twenty to

26 Hereford Journal, 6 February 1861,; 27 November 1861; 20 February 1861.

27 Ibid., 1 November 1854.

28 Ibid., 5 October 1854.

thirty persons, men, women and children, some cutting the small branches off the poles, others peeling, some carrying, others ranking the bark - all being paid by the person who takes the work. Felling and peeling bark should be finished in a month. This part of the contract completed, a number of the same men should be employed to cut up the poles. The small branches are cut off and made into faggots at the rate of 3 shillings per 100 of 6 score, and afterwards sold in the wood for 10s per 6 score ... the strongest portion of the poles is cut into pit-wood ... the smaller ends are cut into yard lengths, called yard wood ... (and) made into coke in the wood, and is sold to iron-masters or for kitchen stoves.

29

This second phase immediately strikes a vivid contrast to the first in the scale and nature both of management and employment. Faggot-tying was transferred from the hands of individual enterprise to the realm of contractual employment and wage-bargaining: 'Your Honor, I was engaged on the 16th May last to tie faggots at 2d per hundred. I and Jones tied 2370 in three days, but the tops was to be cut, your Honor, but they wasn't, and I told him (the contractor) we could not go on in that way, but must have a fresh agreement.' The woodlands themselves were thrown open and became a faggot 'mart'. The outside timber merchants moved in to haul away cordwood, coal-pit props etc. Farmers sent in teams to procure hop-poles for the forthcoming season. The following Table demonstrates the marked seasonal distribution of hop-pole and faggot sales following the principal fallage of coppice woods on the Hampton Court Estate in 1856:

29 Ibid., 20 October 1847.

30 Ibid., 23 June 1847.

TABLE 8

Sales of Hop-Poles and Faggots, Hampton Court Estate, 1856

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Hop-poles	0	3145	4530	22308	2850	-	-	-	-	-	-	-	-	-
Faggots	555	450	325	2275	650	11370	8595	5270	100	900	715	600	670	-

Source: H.R.O., E41/314 Hampton Court Coll., Accounts of Wood, 1856-1863.

The Table shows that, whilst felling extended to the end of May, preliminary preparations had to be carried out most intensively in April.

Scattered references, though providing valuable insights into the process, can unfortunately tell us nothing of the exact extent of the squatters' own involvement in this second phase of the woodland cycle. Clearly bark-strippers and helpers were employed locally, and again the commons settlements were favourably situated as a source of labour. But in so far as the emphasis was on timber in this second phase, those commoners who were employed, worked as hired labourers and significantly moved away from the local coppices to the timber-producing areas. At Madley, when some fowls were stolen in June 1878, a man named Cook was suspected with 'a friend, James Whiting, alias Darky Whiting' from Winnall Common, Allensmore, 'at work up there woodcutting and Timber randing.' That the woodmen were no longer a localised body of workmen in the summer season is vividly captured in this scene at Glasbury (on the Radnorshire/Herefordshire border) in June 1851 when, following 'a pugilistic encounter' between the villagers and some woodmen employed by a government

31 H.R.O., G56/18, Abbey Dore Police Division Letter Book, 27 June 1878.

contractor, the next evening the two sides met on the Wye Bridge, 'the woodmen defying passers by with 'If yer be Philistines go on, but if yer be Natives, fetch out yer Champions,' and true to their trade, prosaically added 'and we'll  
32  
cut 'em into short pieces.'

Apart from the mobility factor, the most that can be said of the second phase is that timber workings could absorb some squatter labour (usually at the more specialized level of sawyers etc.) up to the point of the recommencement of coppice management, when sawyers, hauliers and labourers would return to their homesteads. Complaints were received, for example, as late as September 'respecting the Timber Hauliers' Horses in the Neighbourhood of Pontrilas and Kentchurch. I found James Weston working two horses in bad condition. I also  
33  
cautioned Wm Price.'

But if the horses were likely to give out by this time, so were the opportunities for employment, and the harvest doubtless drew many of those still involved in the second phase away to <sup>the</sup> fields. By August 24th, for instance, 'Darky' Whiting had left woodcutting and was to be found at 'Hay,  
34  
reaping.'

In the context of the structured rythms of the seasonal cycle, however, the

32 Hereford Journal, 11 June 1851.

33 H.R.O., G56/18, 25 September 1863.

34 Ibid., 24 August 1878.

importance of the early part of the second phase lies not so much in the extent of the squatter's participation, as in the extent of outsiders' - the non-woodlanders' - involvement. Bark-stripping, for example, was by no means confined to squatters. When in May 1811, Sir George Cornwall wanted some fencing done following the passing of the Bredwardine and Dorstone Inclosure Act, he was told that 'till Barkstripping is finished no labourers can be  
35  
procured.' The re-opening of the woods to waggoners' teams collecting hop-poles, faggots and timber, to women and children seeking employment etc. was symbolically recognized and celebrated at May Day and Oak Apple Day (May 29th). In the public arena 'On the first of May, the juvenile part of both sexes rise early in the morning, and supply themselves with green branches of trees; returning, the boughs are placed against the doors and houses and are kept there during the remainder of the day.' On May morning farmers also renewed the birch tree at the stable door to avert ill-luck, while cottagers placed 'withy' and birch above their doors 'and in the pigs' cot and even ... in the seed-beds in the garden.' The relationship in time between the commencement of the principal fallage and May Day celebrations was surely no coincidence. Similarly, Oak Apple Day which had in some areas ousted May Day itself ('the twenty-ninth was our real May Day in Bromyard') was ostensibly held in recognition of Charles II's escape, but the reason for its continued observance well into the nineteenth century may well have been associated with the seasonal significance of the end of May, when felling and barkpeeling were  
36  
completed. Why else should the bark heaps in Hereford, stacked ready for use

35 H.R.O., F10/154, Moccas Coll., Letter from J. George Cornwall, 4 May 1811.

36 E.M.Leather, The Folklore of Herefordshire, 1912, pp.101, 18, 102.

in the tanneries, have been topped by boughs of oak on that very day?

iv) The Summer Cycle

If April saw the re-entry of outsiders into the woodland, a contrary move by the commons inhabitants not involved in the second phase was associated with the onset of renewed employment opportunities in the fields; from the log-books of three different schools in parishes with commons settlements:

April 17th 1870: Several children away setting potatoes.

April 24th 1865: Poor Attendance - children potato planting.

April 8th 1868: Potato planting has engaged several children this week and last.

38

Again, the degree of commoners' involvement in such work is difficult to gauge, particularly as many of the cottagers grew their own potatoes. The reporter who visited Tarrington Common in January 1846 - after a particularly bad season of potato blight - noted that William Preece 'pays one pound a year for potatoe-ground and usually grows about 20 bushels, but they have nearly failed last year. Some were shown to us as bad, but a very large proportion of them appeared eatable.' James Ward 'usually grows 40 bushels of potatoes but this season will scarcely have five ... a neighbour who had crowded his potatoes into a bury, instead of spreading them in a dry place, lost about ten bushels out of  
39  
twelve by rot.'

This and other reports would certainly suggest that the balance was in favour of home employment. At Weobley: 'Mar 27th 1868: Attendance not so good as such

37 Miss Hatton, 'Bark Tanning Processes carried on at the Barton Tannery 1877-1910', 1975. Typescript in H.C.L., Local Collection.

38 H.R.O., AA97/1, Eaton Bishop School Log Book; Weobley Museum, Weobley School Log Book; H.R.O., J17/1, Croft and Yarpole School Log Book.

39 Hereford Journal, 21 January 1846.

owing to garden operations.' And at Yarpole: 'April 2nd 1875: Many older  
40  
children are employed at home at this busy time.'

It thus seems likely that, if some of the references to planting may point to contract work, nevertheless many of the commoners' children may have been kept away from school to assist their parents in the garden at home. Late March and early April thus found a close parallel with events in October, when both the home and farmers' orchards had to be attended to. Both periods were of a similar 'transitional' nature in the working calendar.

Undoubtedly it was mowing and reaping during the season of hay and corn harvests which drew the largest numbers from the commons back into the fields. The 1834 Poor Law Report bears out the almost total labour-absorbing capacity of harvest-time in Herefordshire. Of the 14 parishes represented in the printed returns, nine specified that none was out of work during the summer period. Of the remainder, Almely (Pop. 670 in 1831) reckoned on 7 or 8 labourers not finding work, Lyonshall (Pop. 880) on 6, and Holmer (Pop. 556) on 4 or 5. Of the two market towns, Leominster stated the numbers out of work to be 'very few - we take care to find work for all' while Ledbury put the figure at 'about 30', although then stating these were 'maintained by harvest work.' In  
41  
winter, by contrast, they were 'maintained by poaching and thieving.'

More specific figures for Tarrington bear out these generalisations. On the one farm, the Vine, surveyed in 1798 as consisting of 288 acres, of which 76 were

40 Weobley Museum, Weobley School Log Book.

41 Poor Law Report, XXX, 1834, pp.207-216.

arable, 37 men were engaged in that year in reaping. Assuming that those listed together with the same name were from the same household, 34 separate households had provided (male) labour on this one farm. The total households<sup>42</sup> in the parish in 1805 was 71, and there were six other farms over 100 acres. That a general descent from the commons took place at this time was recalled by T.H. Parker: 'Thomas Vernall, from the Common ... with one who described himself as Thomas Brooks - You can tell me by my looks' (also of Tarrington Common) and two others bringing their scythes, set to work in the meadow following one another at decent distances, and pausing at a fascinating call by their leader every so often to drink each one of them two horns of cider from the equally fascinating barrel. At harvest time, these men ... cut the oats and wheat in the lower field with crooks and reaping hooks, and some women did the<sup>43</sup> binding.' As an employment 'perk' enjoyed by commoners in the summer months when they turned to the fields as waged labourers, the harvest allowances of cider were rather different from the 'customary' rights claimed by commons inhabitants in the woodlands, and in the context of the winter and summer cycles, it is worth exploring these differences further. Cider consumption, for example, was closely correlated to wage rates; when the latter increased in summer, so too did the cider allowance. At Ledbury, for instance, wages in 1834 were 'Summer 9s to 10s with 4 quarts of cyder drink per day: winter, 7s with 2 quarts of drink.' But its status as a perquisite is ambiguous - cider had a fixed monetary equivalent, and the amount drunk in a week was reckoned to be worth about 1 shilling in the summer; thus at Hope-under-Dinmore summer wages

42 See below, Chapter 4.

43 Parker, op. cit., p.14.

were 'with cyder 8s; without cyder 9s.'

Customary allowances of cider were thus defined solely in the context of labour relations between farmer and labourer, and the allowance was calculable in terms of a financial equivalent. The same conditions were largely attached to the practice of gleaning corn in the months terminating the summer period in August and September. In the same year as the Hereford Journal reminded its readers in its Almanack for 1848 that 'by the common law and custom of England, the poor are allowed to enter and glean upon another's ground after the harvest without being guilty of trespass', a report appeared stating that James Thomas, aged 10, on the 13th August, 'went with his sister to Mr Jones' house (Lower Hill, Breinton) and asked permission to lease in a field of his which had been 'ridded' when Mr Jones replied 'I'll rid you' and set the dog

45

upon him.' Nor had this been a recent development. A correspondent of the Journal in September 1811 bemoaned the fact that 'on passing through one of the most fruitful districts in this county a few days ago I was astonished to see large herds of pigs and cattle turned into the corn stubbles before the fields were wholly cleared of the sheaves! - and upon inquiry found that many Farmers in that neighbourhood make a common practice of so doing, to the total exclusion of the already half-famished poor Gleaners. O Shame!' Clearly, however, such antisocial behaviour was not universal; what had happened in fact was that the supposed custom of gleaning at harvest time had been converted

46

44 Poor Law Report, XXX, 1834, pp.211-212.

45 Hereford Journal, 29 December 1847; 25 August 1847.

46 Ibid., 4 September 1811.

from a right to a privilege to be granted at the farmer's discretion. One farm-bailiff clearly equated a departure from this sanction as theft; two women had been employed by him binding wheat, and according to him 'they had not had permission to glean, and if they had been granted that privilege, it would not have been until after the piece had been completely ridded of the

47

crop.' In some cases, the 'right' hardly constituted an employment 'perk' at all; at Cloddock 'The women often give the farmers two or three days work for no wages in consideration of receiving permission 'to lease'; and occasionally they only 'lease to halves' i.e. are obliged to give up to the farmers half the wheat they collect. Either one or the other practice always prevails among the

48

farmers.'

This reduction of the custom of gleaning, like cider allowances, to an equivalent in labour-time and/or money not surprisingly led to the privilege being jealously guarded by those to whom it had been granted.

Sarah Morgan summoned Eliza Morgan for assaulting her at Hunderton on 23rd August 1847. The latter had had permission from Mr George Stephens to lease in a field of his with other poor women. Sarah Morgan thought she had as much right as Eliza Morgan to lease in the same field, and went there on Monday last with her party for that purpose, when they were ordered by Eliza Morgan to leave the ground, as she and her party had had the express permission of Mr Stephens to lease in that field.

49

Similarly, when Eliza Yeomans of Gorsty Common, Clehonger, entered a field in the parish with some others to glean, she was confronted by her own aunt (who

47 Ibid., 5 September 1855.

48 Report on the Employment of Children, Young Persons, and Women in Agriculture, XIII, 1868-69, pp.206-207.

49 Hereford Journal, 15 September 1847.

came from the village) who proceeded to send the intruders off the premises her niece 'not being one of the privileged few, as was herself.' In court, Eliza's mother declared her inability to pay the fine, stating that 'she possessed nothing more than her usual allowance from the Union, her husband being unable  
50 to work.' Eliza was thus a pauper, but had received little benefit from the 'common law and custom of England.' But the report also highlights some cracks in the arguments of those historians who favour the notion of the existence of a 'customary' society in early nineteenth century England. The case hardly fits, for example, E.P. Thompson's proposal of a neat dichotomy envisaged as the breaking apart of 'the agrarian inheritance system (conceived of as a body of rules enshrined in case-law) and the received customary traditions and practices of the village' which lay along the lines of 'socio-economic  
51 cleavage'. In the case of leasing, in fact, the alliance was between farmer and gleaner (= employee or privileged pauper) the latter jealously guarding their rights - even against their own kin.

Custom was much more flexible than historians have given it credit for; gleaning, like cider allowances, was not simply 'reified' but was annexed to, re-interpreted and contained within the framework of labour relations. Consequently they were perpetuated as practices well beyond the period in which, we are led to believe, customary society fell apart. Edgar Davies, for example, remembering his childhood at Ruckhall Common, Eaton Bishop during the period 1881-1897, remarks that 'it was up to everyone to make the most of the

50 Ibid., 11 September 1850; H.R.O., microfilm of 1851 Census, Clehonger.

51 E.P.Thompson, 'The Grid of Inheritance: A Comment', in J.Goody, J.Thirsk and E.P.Thompson, eds., Family and Inheritance, 1976, p.338

harvest and we were allowed to go into the fields 'gleaning' or as I think it was called 'leasing'. I have known a room in some of the cottages being filled from floor to roof with corn as a result.<sup>52</sup>

v) Summer and Winter: Contrasting Customary Frameworks

In the summer period, therefore, customary allowances were transmuted into 'perks' calculable in terms of the labour or labour-time given. In this respect, it is particularly interesting to find an exact parallel to the harvest period in the intensive second phase of the woodland cycle (occurring in the 'summer' half from April onwards) when coppices were invaded by outsiders in search of employment during the principal fallage. A sawyer from Leominster, who had been in the trade for fifty years, deposed in 1849 that the 'custom of that part of the country and of the trade was that all spauls, butts, tops and chips were the perquisites of the party who took the job of falling.'<sup>53</sup> Bark-strippers also claimed 'perks'. In June of 1849, a contractor was sold an unspecified 'quantity of elm' by a Withington farmer, who also threw into the bargain '90 gallons of cider, at 5d per gallon, for the men who were working at bark-stripping.'<sup>54</sup>

James Thorney, aged 15, employed in Mr. Partridge's wood at Walford, thought 'he was doing no harm in carrying a little firewood home after his work at night.'<sup>55</sup>

At Pembridge, a woman was charged with having stolen on 11th June, a quantity of oak wood, the property of Mr. Robert Lewis. One witness, a Mr. Nicholas, a

52 Eaton Bishop W.I., 'Eaton Bishop: Its History', 1955, p.10.  
Typescript in H.C.L., Local Collection.

53 Hereford Journal, 28 March 1849.

54 Ibid., 18 February 1852.

55 Ibid., 25 June 1851.

permanent employee of the prosecutor deposed that 'it was a custom among the persons employed in the woods to take a burden of wood home at night when they left their work', but it subsequently transpired that Nicholas himself 'had often turned persons back when they had been found taking wood away' and Thomas Hall heard Nicholas say 'he would have a sovereign for the extra wood<sup>56</sup> and he would put them out one burden a day.'

As in the case of gleaning, custom was annexed to the contractual relationship between employer and employee; and the allowances themselves were calculable in monetary terms; a witness in the last case revealed how they could be used as 'currency': 'Phoebe Bedford worked in the wood in question and often took her burden of wood to the Bywaters ... where she received sometimes tea, sometimes cider etc. for her portion.' The summer period commenced, therefore, just as it ended with harvest gleaning, in the alignment of customary right to economic privilege and employment perk.

The exercising of 'rights' in the winter period to collect wood, fern, tree-fruits etc., on the other hand, could have no such equivalent, being divorced from the structure of labour relations. Bushaway's comment that gleaning paralleled wood rights is thus surely misguided because no direct comparison<sup>57</sup> can be made. The gathering of wood (and for that matter poaching) was carried on outside the context of waged employment, and was therefore much more easily re-defined by the coppice-owners as theft or trespass. In this situation, gains

56 Ibid., 7 August 1850.

57 B.Bushaway, By Rite: Custom, Ceremony and Community in England 1770-1880, 1982, p.209.

could only be made by squatters in one of two ways. Either emotional appeals were made (usually on the grounds of poverty) to the paternalistic spirit of those in positions of authority, and certainly commoners always appear to have had an eye for the main chance in this respect. In one very revealing episode, when the tenants and freeholders were, following a Court Leet of the Manor of Burghill, dismantling the cottage erected by James Morvan on Tillington Common, Martha Jones, also living on the Common, 'was there looking on, and asked Mr. Powell (one of the overseers) if he would allow her to have some wood' from the cottage, while Mrs. Mary Downes of a similar abode, 'carried some wood home that had been given to her by Mr. William Lewis' (another of the parish  
58 officers). Alternatively, of course, squatters could risk detection and resort to 'stealing' or poaching game.

From the property-owners perspective, the two alternatives were complementary. Selective paternalistic deference to the supplication of the poor seeking access to fuel resources was an admission of, and concession to, their own fears of the possible consequences for their property if all entry was barred. At the same time landowners had few scruples in also increasing the efficiency of their own rural police force, as the seasonality of wages, entered under 'Game' in the Hampton Court Estate Labour Day Book of 1820, demonstrates:

TABLE 9  
Game Expenses: Hampton Court Estate 1820

	Weekly Average				Weekly Average		
	£	s	d		£	s	d
Jan 3rd - Jan 29th:	1	15	4	May 13th - Sep 16th	-	-	-
Jan 31st - Feb 26th:	-	14	6	Sep 18th - Oct 14th:	-	14	-
Feb 28th - Mar 25th:	-	18	6	Oct 16th - Nov 11th:	-	17	10
Mar 27th - Apr 22nd:	-	14	-	Nov 13th - Dec 9th:	-	13	6
Apr 24th - May 13th:	-	14	-	Dec 11th - Jan 6th:	-	12	-

Source: H.R.O., E41/156, Hampton Court Coll., Labour Day Book, 1820.

58 Hereford Journal, 12 October 1853.

The need for an effective policing system not surprisingly peaked in the winter season. It can therefore be no coincidence that at the exact mid-point, a strange ritual was acted out:

The Christmas after - I've heard my father talk about it many a time - Tweed, the old keeper on the Foxley Estate adjoining Wormsley, came to my father, he said 'Do come up and give me a hand,' he said, 'I'll be bound to have the poachers.' Every Christmas Eve the poachers used to go on his estate and defy him to come out of his cottage. So father went up after it got dark to the cottage just under Nash Wood ... and they had a glass of whisky. Bang, bang, bang! 'They've come!' Tweed said, and opened the latch of the door. Someone shouted out in his garden 'Don't come out, we'll shoot you' So he banged the door shut and as he banged it two charges from a twelve-bore gun come against the door, and the lead is in that woodwork today ... That was the poacher in those days.'

59

This type of ritual activity is manifestly different from that so far encountered in the summer half, but it would be wrong nevertheless to see these as unconnected phenomena. They became, in fact, aspects of a single reality when judged in the context of the calendrical cycle, providing a coherent framework for the structuring of relations between commoners and outsiders. The withdrawal or exclusion of squatters during the winter period from the agricultural labour market was paralleled in renewed social cleavages, which in 'squatter' parishes were topographically underlined by the siting of poor houses among the cottages of the marginally-placed commons settlements. However, as the underlying theory of overseers paying annual rents for these cottages was to promote a measure of independence, there was little marked rise in expenditure in winter allowances; instead, paupers turned away to the woods to obtain a living. Where employment was provided, it was principally indoor

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59 Evan Rogers, A Funny Old Quist, 1981, p.18-19.

60 See below, Chapter 3.

work; at Llangarren, 'the women are employed in spinning in the winter'; while

'all winter many an old man used to be able to add to his poor earnings ... if

one could swing a flail there was money to be earned.' Alternatively, there was

work to be had on the roads. In January 1822, for example, a fire broke out in

'a cottage belonging to Richard Hodges of Twyford Common, owing to some flax

being placed near the fire to dry by a person employed to dress it for the poor

man. The poor fellow, not having employ in his business of carpenter had left

his house to break stone in a neighbouring quarry.'

If local poor law administration itself contributed to the social and spatial segregation of the commons during the winter period by encouraging independence, the disintegration of the parochial unit was also underlined by the marked lack of observances ritually defining its existence and importance at this time. This was in vivid contrast to the summer period when, from May Day onwards, with the symbolic 'rediscovery' of the woods, all or a major proportion of the parish could be seen taking part in communal observances. On 29th May, for example, at Kingsland, 'there were great doings that day; we used to climb up and put a great bough of oak on the church tower.' The importance attached to communal recognition of the event was underlined in the punishment meted out to non-observers who failed to sport a sprig of oak - 'the lads of the rural districts used to be ... very busy for weeks before Royal Oak Day came

61 Poor Law Report, XXX, 1834, p.211.

62 Q.R.Darling, 'Notes on Herefordshire in Olden Times', 1935, n.p.  
Typescript in H.C.L., Local Collection.

63 Hereford Journal, 30 January 1822.

round, collecting eggs of small birds, blackbirds and thrushes particularly, and with these they pelted mercilessly any person they chanced to see who had  
64  
neglected to obtain the conventional oak-leaf.'

May Day and May 29th celebrations shaded into those falling around Whitsuntide and the start of the wake season: 'April 17th 1858: The period of the usual annual Fairs and Feasts throughout the County is now approaching. The Chief Constable orders that Supts. of Divisions will immediately prepare a list of the days and dates of such Fairs and Feasts ... stating opposite each the probable  
65  
number of Officers required to attend.' The list is sadly no longer in

existence, but newspapers and other sources confirm that, of the 26 parishes for which dates can be calculated, all the wakes fell within the period May - October. One Herefordshire clergyman referred in fact to 'the annual recurrence of these wakes in the neighbourhood in which they are held at intervals from  
66  
about the month of May to the beginning of winter.' The majority in fact were held between June and August; often falling mid-point in the summer season, the wake thus celebrated the integration of its parish; even for natives who had moved away, some acknowledgement of the day appears to have been deemed necessary; a Clifford 'labourer', complaining of the high prices of provisions, wrote to the Journal: 'Wel thinks I, 'tis Cusop's feast, I'll gie the old 'oman a treat, cause they com'd from there, and away I goes to Welsh Hay, wi' my weeks wages in my pocket, but lor' bless ye, a scrag end of a neck of mutton could  
67  
not be had under 7d so I goes back and thanks God for taters and bacon.'

64 Leather, op. cit., p.102.

65 H.R.O., G56/8-10, Abbey Dore Police Division General Order Books.

66 Hereford Journal, 29 November 1837.

67 Ibid., 9 August 1854.

Foods also helped to define the distinctive quality of a parish feast in relation to its neighbours; 'Each feast had a special dainty associated with it, varying with the season at which it was held. At Ross, it was pork and turnips, at Peterchurch, rice pudding with currants. Blakemere had a cherry feast; the people of the parish also had their first roast duck and green peas<sup>68</sup> that day.' Drink also ensured that commensality extended to all parts of the parish, and was not simply confined to the established drinking-houses. 'At the Petty Sessions held on Saturday last, six cottagers were convicted in mitigated penalties and costs for selling cider or beer at Trelough feast in August last, without taking out licences for so doing. It is hoped this example will cause the effect of preventing this practice in future at this and all other feasts of this kind.'<sup>69</sup>

The sequence of seasonal festivities including May Day, Club feasts, parish wakes, harvest practices and customary allowances can thus be regarded as a calendrical continuum, comprising a summer 'block' in which communal integration and the parish unit found ritual expression at all levels of local society, from which the commoners were not excluded. In striking polarity, during the winter period, the parish unit received no ritual recognition; celebrations retreated indoors; commons settlements became isolated. If the Established Church failed to play any significant role in the summer period, the celebration of its two major festivals in the winter half at Christmas and Easter, would, it might be argued, have served to re-integrate the community inside the walls of the parish church. But the prevalence of nonconformist congregations on the

68 Leather, op. cit., p.151.

69 Hereford Journal, 19 November 1825.

commons refutes this, while, if the Anglican clergy had a role to play, it was in going out to the settlements to hold special lectures in the cottagers' homes. In 1868, for example, the parson at Clehonger held his first cottage lecture for the season on December 4th at Betty Powell's house on Gorsty Common. On April 9th 1869, 'I dropped the Common meeting being so much engaged.' They were not held again until December 3rd.

70

If both vestry and clergy were actively engaged in promoting the independence of commons settlements in the winter half, manorial lords and estate owners stepped in to bridge the gap with feasts of roast beef and plum pudding around Christmas time, the newspapers often publishing letters of thanks from the poor persons so regaled. But beyond the charitable and paternalistic links between manorial lord and the poor unencumbered by interference from vestry, farmers and other middlemen, the role of the manor itself as a defined unit during the winter period was also forced into prominence as that of the parish receded into the background. Franchise of free warren was of course vested in the manorial structure, and newspaper advertisements for the various individual or groups of manors appeared in August or early September to warn against depredations on game by outsiders during the winter season. Given the lack of opportunities was there 'any wonder that the crime of poaching should be on the increase, or can the farmer be surprised that his fences, or turnips or hop-poles should be diminished during the winter nights?'

71

70 H.R.O., AJ47, Clehonger Diary Transcript. And for Crafta Webb, Bredwardine, see W. Plomer, ed., Kilvert's Diary, 1960 edn, Vol.3, p.445, New Year's Day 1879: 'At 6 I went to Crafta Webb to begin my cottage lectures there.'

71 Hereford Journal, 5 December 1838.

But squatters' property was also at risk in the winter half, although the threat came from an entirely different quarter. On the one hand, by the nineteenth century, Courts Leet and Baron (as distinct from purely Customary Courts held for the purpose of registering copyholders' transactions) were rarely called more than once a year in Herefordshire. The majority were usually held in late September, October, or early November, when presentments for encroachments on the manorial waste would be made. Enclosures were ridden over and fences thrown down shortly after the day of the Court, or within a specified time limit if they had not been removed. Morvan's cottage at Tillington Common was destroyed by rioters on the Monday following the Court held on 24th September 72 1853. At the Court of Wormelow Manor (covering fifteen parishes) held on 10th October 1820, all encroachments were to be laid open 'before the Feast of Nativity now next ensuing.' This was one of the few manors, in fact, to also hold a Court in April (i.e. the transitional month at the end of the winter period). At these, it was specified that encroachments should be thrown open before the Feast of St. Michael the Archangel (29th September); thus, any recriminating action against squatters would not be carried out until the beginning of the winter period. 73 At Goodrich, presentments of the Grand Inquest of 25th October 1721 specified, in one case, removal of encroachments by the 25th December, and in another, a period of one month was allowed. 74

The other principal function attached to these courts was to perambulate the boundaries of the Manor. Samuel Merry (aged 71 in 1850) had had the extent of

72 Ibid., 21 September 1853; 5 October 1853.

73 H.R.O., A19/1, Wormelow Manor Court Book.

74 H.R.O., O68/1/9, Goodrich Manor Papers.

the Manor of Goodrich 'impressed on my memory by receiving a 'dousing' in a well when walking the boundaries when I was 15 or 16 years old. We were well buffeted, and then they gave us cakes and cider.' At Eardisley Manor Court Leet and Baron, 'on the rising of the Court the jury, accompanied by a number of the inhabitants, walked to Woodseves, and having hoisted a lad into an oak, duly smoked him by burning a bolting of straw underneath him, and having painted some of the other lads, to mark the starting point in the memories of the rising generation, the company started on the perambulation of the manor boundaries.' Completed in two mornings, the processioning ended with 'cheers for the Lady of the Manor who provided a dinner at the Tram Inn that evening when the bailiff took the chair.' In the winter period, therefore, it was the manorial boundaries which were defined. By contrast, Rogationtide (27th April-2nd June) realigned the inhabitants to their parochial units.

The use of fire at manorial perambulations may itself be significant, for the winter half was notable for the number of ritual occasions on which it was used - at all times an integral element in the protection of and expression of attitudes to property. In some cases, following the holding of a court, squatters could face destruction of their chattels or property by fire; at Tillington in 1853, 'when anything fresh was brought out (of Morvan's house) onto the common, and thrown into the fire, the disturbance increased, the mob shouting and hallooing 'hurrah'!' During the night 'fire-sticks were brought off the common into his (i.e Morvan's) father's garden by Joseph Cole and William Cooper who put them together and blew them to light a fire to enable them to

75 Hereford Journal, 7 August 1850.

76 Leather, op. cit., p.150.

get up the potatoes that were in the ground,' while some of the rioters 'had<sup>77</sup>  
been and were then wishing that he (Morvan) was in the middle of the fire.'

Manorial Courts, and their aftermath were not the only occasion on which fire was used for intimidation; November 5th was also annually observed in characteristically pyromaniacal fashion. Cases of distortion of Guy Fawkes Night for religious and political comment by burning the effigies of unpopular personages are well-known.<sup>78</sup> Less well documented is the significance of the occasion for expressing social animosity: 'Nov 5th 1860. 6 p.m Left station went to Ewias Harold Common. Remained there to detect persons firing the gorse.'  
'Nov. 6th 1872. Cautioned the children on the 4th about playing with gunpowder along the roads on the 5th of November, and setting fire to the bushes on<sup>79</sup>  
Bircher Common.'

Both commons were well populated. As the Ewyas Harold case suggests, it was also by no means a sport confined to young children. Gorse-firing may thus have constituted a significant expression of 'channelled' antipathy towards the commoners in accord with the general tendency of the winter half. When Thomas Langford, aged 19, was convicted at Weston Beggard for this offence, it was stated that 'there were many small cottages in the neighbourhood of the furze which had been fired (viz. the Shucknell Hill settlement) and the consequence

77 Hereford Journal, 12 October 1853.

78 See, for example, Bushaway, op. cit., pp.65-74, and R. Storch, 'Please to Remember the Fifth of November': Conflict, Solidarity and Public Order in Southern England, 1815-1900' in R. Storch, ed., Popular Culture and Custom in Nineteenth-Century England, 1981, pp.71-99.

79 H.R.O., G56/11, Abbey Dore Police Division Day Journals; H.R.O., J17/1, Croft and Yarpole School Log Book.

might have been very serious to the cottagers.' More direct evidence of conflict comes from a Whitbourne case of 1851, when Joseph Owens was summoned for having, on Thursday night the 6th November, 'assaulted Samuel Dallow, by striking and kicking him. Defendant and others had set fire to some gorse growing on the common when the plaintiff remonstrated with them, and defendant

'pitched into him'. The burning of the vegetational covering of commonland was, of course, an ancient method of improving pastures; it was thus also a perfect medium for intimidating those who had jeopardized its availability.

Throughout the winter half, the emphasis remained on the insecurity of property and particularly the need to provide stabilizing rituals designed to counteract witchcraft. For the farmers, the ritually controlled use of fire was intimately connected with the designation of property and status. Observed at the critical mid-point - during the Twelve Days of Christmas - the custom of 'Burning the Bush' was kept up well into the nineteenth century; the globe of hawthorn hanging in the farmhouse kitchen was annually renewed at this time by burning the bush in the wheat field, and in some cases, carrying it alight across the

ridges of the fields to drive away 'the old 'un.' Similarly, on Twelfth Night, 'they make twelve fires of straw and one large one to burn the old witch -

without this festival they think they should have no crop.' In the south-west of Herefordshire, the whole ceremony was projected forward to the end of the

80 Hereford Journal, 8 August 1849.

81 Ibid., 12 November 1851.

82 Leather, op. cit., p.92.

83 Ibid., p.95.

winter season, but significantly omitting overt demonstrations with fire as the central element; instead special cakes and toasted cheese were essential ingredients as the product of controlled domesticated fire. The ceremony was called 'corn-showing': 'a procession was formed and visited every field of wheat belonging to the employer, and in each field the principal person breaks a bit of cake and strews the crumbs as if sowing them ... and then pours out and scatters a little cider saying 'God bless the Master of this field and send him  
84  
a good increase.' Fosbrooke mentions that 'parties are made to pick out cockle from the wheat. Before they set out they take with them cake and cider, and  
85  
says my informant, a yard of toasted cheese.' The need to prescribe boundaries, measurement and the delineation of space by the deliberate transgression of zones is consistently symbolic of the whole winter period. More prosaically, these rituals appear to have functioned as mechanisms for reinforcing the established positions of master, household and employees. On Twelfth Night, the cake shaken from the oxen's horn fell either to the bailiff or to the mistress - not to the servants or labourers. At corn-showing, the procession was apparently led by the farmer and family, friends and neighbours, followed by the indoor servants, followed by the outdoor servants, their wives and children. They were thus performed to the exclusion of all strangers - in short, the old 'un.

On the commons, the Twelve Days may have been observed at an even more private level. Whereas the whole farming unit was included in the wassailing custom, the exclusion of all outsiders and the primary importance of the immediate

84 Hereford Journal, 30 April 1851.

85 T.D.Fosbrooke, Ariconensia, or Sketches of Ross and Archenfield, 1821.

household at this lower level was underlined in the belief that from December 25th to January 6th it was considered very unlucky to borrow fire - a taboo<sup>86</sup> that is wholly consistent with the winter period.

It would thus appear possible to draw a distinction between the divisive, protective and individually-observed rituals of the winter half and the more integrative observances of the summer period. The correlation extended into the economic sphere with the juxtaposition of employment in woodland and field, and in the tenorial sphere with the contrast between parish and manor and the differing perceptions of property that these entailed. Together, these formed a complementary cycle providing a synchronic dimension to the marginal integration characteristic of Herefordshire's squatter settlements in the early nineteenth century - an annual rhythm of breakdown and re-integration between commoners' and outsiders' economic, ritual and social practices. For, despite the occasional explosion of reprisals during the winter 'manorial' half, the possible consequences of the breakdown were muted and dispersed with the onset of the 'parochial' summer period. Moreover, within the two halves, charity on the part of manorial lords at Christmas undercut the antagonistic actions of freeholders and tenants, while such actions themselves were channelled through and contained within the manorial structure. Squatters also could chip away at manorial privilege by poaching game, and, in the early nineteenth century, at least, the smashing down of squatters' fences was as much a token gesture (to stop the encroachers gaining freehold rights) as a fully-fledged rejection of the squatters' rights to remain on the commons. Their eviction, moreover, would be contrary to the inclinations of the manorial lord himself (on whose

86 Leather, op. cit., p.108.

'protection' the tenants themselves relied), who was precisely at this period encouraging, or at least permitting, the establishment of squatter settlements - in some cases to protect and delineate more clearly his rights to the commonland in question.<sup>87</sup> By contrast, communal observances in the summer season did not merely serve to re-integrate the commons settlements into the parochial unit, but also overlaid and subdued, as it were, the conflicts inherent in labour relations and wage-bargaining characteristic of this period of intensive employment.

The balance between manor and parish, their seasonal significance, and their cross-cutting linkages rather than mutual exclusiveness, may thus have been a fundamental factor in reducing conflict between commons and outsiders in the early nineteenth century. Indeed, it was precisely where the balance had tipped that conflict was most likely to arise. In Gloucestershire's Forest of Dean, for example, (not apportioned into ecclesiastical districts until the 1830's), the peculiar structure of Forest Law and the absence of a strong overlord (being a Crown Manor) increased both the independence of the Free Miners and Commoners but also the pace and extent of encroachment. Riots and recriminations<sup>88</sup> followed. Similarly, where the majority of houses or cottages on the commons were in the hands of overseers, tensions frequently arose. In Herefordshire itself, the spectrum was not as broad, which may account for the relative absence of cases of riot between commoners and outsiders. Significantly, it was only on the margins of Dean and on the Malvern Hills (disafforested Chases) that clashes occurred, while examples of resistance in commons

87 See below, Chapter 3.

88 C.Fisher, Custom, Work and Market Capitalism, 1981.

settlements with strong overseers' presence do also feature in the records.

Such disputes were part and parcel of the wider synchronic processes which would work to upset these diachronic seasonal rhythms, and they supply evidence for analysing change in later chapters. Moreover, to pigeonhole all facets of squatter activity merely as diverse aspects of this single neat dichotomy would also represent a gross oversimplification of the structure of squatter society. Most noticeably, the analysis so far has been principally concerned with the seasonal experiences of the male sector of the squatter population - indeed to the experiences of male household heads. Did, in fact, these temporal rhythms shape and affect the lives of all members of the squatter household equally?

## PART 2

### The Female Cycle

#### 1) Seasonal Change

The two months of November and April can be fixed as the two 'liminal' periods in the squatter calendar which witnessed an important transition from field to wood in November, and vice versa in April. But evidence is also forthcoming of women in squatter communities not being quite so rigidly governed by these rhythms as were the men. Indeed, during the first phase of coppice management there was little work for women in the woods; farm accounts in fact definitely reveal female activity in the fields during the 'winter' period. At Tarrington, bean-setting on the Lays and Highnam Farms commenced in the middle of March. In 1784 (beginning March 15th) the work was completed by April 5th. In 1785

89 See below, Chapter 5.

ten of the total of fifteen women were from Tarrington Common and Durlow Common, and could earn roughly 3d/4d each for five days work, being paid by the <sup>90</sup> bushel. Less specifically, a Bosbury landowner employed 'three women regularly and more occasionally. The employment for the three women is pulling and <sup>91</sup> cleaning turnips in winter ... picking stones, dressing meadows.' While many Herefordshire parishes returned answers stating that there was little or no female employment on the farms in the winter months, the evidence also reveals that some field-work was available for women which distorts the neat seasonal dichotomy exemplified by the male cycle. Indeed the kind of work taken on - stone picking, turnip-singling, meadow-dressing and bean-setting - were conducted not only away from spouses, but in fact were subject to little male <sup>92</sup> supervision of any kind. This was in complete contrast to the second phase of coppice management, particularly in April when bark-stripping opened up the woods - hitherto a male preserve - to women and children again, seeking employment. At Yarpole: 26th April 1869. 'Many children away barkpeeling.' At Weobley: '4th May 1870: Poor attendance through barkpeeling.' And at Treville: 'There are seven children in the school today ... although I have had as many as 30. They have gone away now to pick up bark. (There are 500 acres of wood in the Township of Treville; a great deal of this is oak, and women and children are employed in picking up and stacking the bark during the months of April

90 H.R.O., Foley Coll., (uncat.), Vine Farm, Tarrington, Accounts 1781-1788.

91 Report on the Employment of Children, Young Persons, and Women in Agriculture, XIII, 1868-9, p.204.

92 See, for example, Poor Law Report, XXX, 1834, pp.207-216 ; Almeley, Ledbury, Pembridge, Whitchurch.

93  
and May.'

This sudden irruption of women and children into the male sphere provoked a marked and stylized posturing in the distribution of roles which is neatly captured in this description of a borderland barking party: 'While the young and active men swarm into the branches and take up perilous positions aloft, the old men and even the women can be thumping away below ... while the children can find ample employment in the same occupation, or in piling into heaps the detached pieces of bark.'<sup>94</sup> And as described by a participant: 'The women and

older men worked on the ground, peeling the stems as high as they could reach. Then the girls and young women would use short ladders with six or seven rungs peeling higher from there. Finally, the young men would climb the trees to complete the peeling. These young men would compete with each other in agility.<sup>95</sup> Old women would collect the fallen pieces of bark on a canvas.'

This vivid picture charges the noted 'coincidence' of May Day or Oak Apple Day and the bark-stripping season with additional significance. Not only was it generally a time when the woodlands were opened up to outsiders, but the celebrations symbolically displayed, for the first time in the year as it were, the clash of male/female roles in the workplace which had hitherto been spatially well-defined. For the young, unmarried population this had obvious connotations, particularly as in (most) of Herefordshire, May Day also witnessed a clear struggle for servant's places at the 'mops' or hiring fairs. At a less dramatic level, May celebrations evoked the subtle adjustments taking place in

93 H.R.O., J17/1, Croft and Yarpole School Log Book; Weobley Museum, Weobley School Log Book; Report on Agriculture, XI, 1868-9, pp.206-7.

94 Illustrated London News, 16 April 1859.

95 Welsh Folk Museum, Tape 226, Tape of Rees Price, Merthyr Cymog.

conjugal relationships. Throughout the summer half, though the distribution of tasks still parted company into defined male/female entities, the territories nevertheless were condensed with men and women often working alongside each other; and yet the subordinate role of women was carefully maintained. Thus, at Fownhope, for example, 'bark-stripping for men provided seasonable work for women who chopped and bagged the bark.'

96

Preparation for the other major harvests began at this time, particularly in the hop-fields. 'The hop-tyeing occupies women during May and June, until haytime.' 'The hop-plants are tied with rushes as they grow, and require tying three times in the year.' This specifically female task was, however, dependent on male labour for the initial preparations. Men provided the materials by 'throwing down' in spring (i.e. uncovering the stock), 'spreading the poles' (i.e. moving the hoppoles from the bundles to the place where they are to be pitched), 'pitching the poles', 'kerfing', 'rowing' (raising the earth into a hill round the stock), 'stripping and piling poles.' The men thus acted as mediators in transferring the products of the wood to the fields for the hop season from May through to September.

97

Sandwiched between these months, the organization of labour during the hay and corn harvests paralleled that in the second phase of the woodland cycle, with a similarly unequal juxtaposition of roles being maintained. At the former could be seen 'long rows of men cutting the meadow with scythes side by side, each about four paces behind the man on his left ... The cut hay was tedded with

96 E.F.Gange, Fownhope: Its Church and People, 1950, p.24.

97 Report on...Agriculture, XIII, 1868-9, p.204, Bosbury; p.205, Bromyard.

pikles (forks) and scattered out to dry. Women often did this ... when the hay was ready to come in, women with rakes and men with pikles brought it up into rows to be loaded on the waggons.<sup>98</sup> Likewise, during the corn harvest, a similar configuration of roles was acted out, as an example of 1855 demonstrates: 'Two women, binding after their husbands, who were reaping at Newcourt, were charged with stealing wheat from E. Griffiths Esq.'<sup>99</sup>

The end of the corn-harvest did not see a recession in the opportunities for commoners of finding further employment in the field, but was 'capped' by the hop and apple harvests. When viewed as the concluding events of the summer cycle, parallels immediately suggest themselves with the bark-stripping season which heralded it in. There was the same short-range, seasonal migration to the principal hop- and apple-picking areas. On November 29th 1877, for example, 'Ellen Hodges returned to school this week after being absent a long time picking apples', while in October 1874 it was reported that 'several (were) at work in fields with their mothers, or kept at home to mind baby whilst the mother is out at work.'<sup>100</sup> At hop-picking, encampments mushroomed like the clusters of bark-strippers tents, while the whole operation was just as remarkable for its intensity and concentration of labour. 'Someone was deputed to go round the village and its hamlets, the outlying cottages and neighbouring dwellings, and check the last years list, adding new names or cancelling old. The number was made up by gypsies who would come in the summer to get their

98 Q.R.Darling, 'Notes on Herefordshire in Olden Times', 1935, n.p. Typescript in H.C.L., Local Collection.

99 Hereford Journal, 5 September 1855.

100 H.R.O., AA97/1, Eaton Bishop School Log Book.

names taken and to be told not to come before the first week in September.

During August there would be frequent attempts to 'turn in ' till at length persistence would be rewarded and a general arrival would take place a week or two early during which half a dozen horses and some donkeys had to be supported on the farm and firewood supplied or taken.<sup>101</sup>

But, while these occasions appear to be 'family' affairs, though the hops were destined for the oast-houses (managed by males, who slept in them overnight), and though the men tidied up the yards afterwards by 'stripping' the poles, hop-picking itself in absorbing such large numbers of women (to whom the task itself was confined) undoubtedly undercut the kind of status enjoyed by males during the corn harvest. Indeed, the temporary superiority of women in the field at hop-picking received its due ritual expression. For, if at first 'the men put girls and women in the cribs and kiss them - then the girls put the men in and kiss them. The women are no respectors of persons, the farmer, male visitors and any other man they can catch are marched down the hopyard to the nearest crib.'<sup>102</sup> An earlier observer - or victim- stressed the customary objective of the ceremony: 'Groups of women may be seen in all directions, picking hops into the cribs, but it is rather dangerous to go near them. I will tell you why. If you do not give them money they lay hold of you and toss you into the crib, covering you all over with hops.'<sup>103</sup>

Compare these scenes with the different situation at the earlier corn harvest in the custom of 'making free of the hay-field ... wherein the fair sex were the party assaulted - the ladies, having entered the field were each saluted by a

101 'Handpicking the Hops in Herefordshire', The Times, 11 September 1965.

102 Anon, A Parishoners Account of Cradley in 1913, n.d., p.25.

103 Hereford Journal, 11 August 1841.

young man present, and we conclude that the agreeable task was rather rudely  
104 performed.' A glimpse of the underlying stresses in this temporary imbalance  
being dissipated through ritual activity is surely afforded in the practice  
observed after the hop-picking had been completed, when a number of stripped  
poles were dressed with hops and ribbons, and then hoisted in procession back  
to the farm for the occasion of the hop-supper. First, however, a King and  
Queen had to be elected: 'The man had to be a smock-faced 'un (i.e. clean-  
shaven). We chose a young man that 'ud make a nice gal like, and a smart woman  
105 as 'ud make a smart boy.'

It would seem, in fact, that ritual inversion at the end of hop-picking not only  
signified the temporary superiority of women in the fields, but for the  
commoners in particular, it also ushered in the winter period when female  
status was at least equal with, if not dominant to, the male householder. In  
recognition of the primary importance of female contributions to the stability  
of the household at this time, their earnings through hop picking were directed  
into purchasing household necessities: 'with the hop-picking money, the hop  
106 pickers buy their winter supply of coal, warm clothes and boots'. In the winter  
107 half the woman's importance in the home was paramount. The primacy of the  
woman's sphere was underlined ritually by hanging up the hops used in the hop-  
pickers procession in the farmhouse kitchen; the latter received additional

104 Ibid., 22 July 1846.

105 Leather, op. cit., p.106.

106 Anon., A Parishoners Account of Cradley in 1913, n.d., p.25.

107 c.f. the stress on motherhood at Christmas, Candlemas and mid-Lent  
(Mothering Sunday).

recognition at New Year when the globe or 'Bush' of hawthorn would also 'be  
108  
hung up in the kitchen of the farmhouse, with the mistletoe.' It would not be  
until May Day that the emphasis shifted again to the protection of cattle-  
stalls and outbuildings. This retreat indoors was paralleled in the type of  
winter work undertaken by the male commoners in the coppice-woods which kept  
them close to home. Perhaps there was something of the ritual 'safety-valve'  
mechanism operating again in the belief that at exactly mid-point in the winter  
period, a woman 'must not come first to the house, or there will be no luck  
through the year' - apparently a structural inversion of the fact that the  
woman's place (and in the commons settlements, often the dominant place) was  
109  
precisely in the home during this season.

The ritual of 'cribbing' at hop-picking was thus consistent with the onset of  
the winter period. It had its counterpart not only in the custom of 'making  
free of the hayfield', but also in the more complex ritual of 'Crying the Mare'  
which effectively defined the close of the summer season. The significantly  
named 'Mare' was made from the small patch of corn left standing at the end of  
the corn-harvest. The reapers tried to cut the ears off the corn by standing  
110  
at a certain distance and then throwing their sickles at the 'Mare'. That it  
could sometimes take two hours to accomplish this feat implies a perception of  
the fact that the period of intensive employment for males in the fields had  
come to an end. That it must also have in some way defined the relationship  
between the sexes is poignantly revealed when it is recalled that wives were

108 Leather, op. cit., p.91.

109 Ibid., p.104.

110 Ibid.

waiting to enter the fields for the purpose of gleaning. 'No one was allowed to glean until the last 'stook' of corn had been removed from the field.' A variant practice: 'I have seen a field cleared all except one 'stook' which was left, and the farmer allowed only his own workmen and families to glean there; until the stook was removed the public was excluded.'

111

In a striking parallel to the events surrounding the commencement of the second phase of the coppice cycle, a traditionally male preserve is again being threatened by invasion by women; gleaning and hop-picking would follow the corn harvest, and announced the onset of the winter season in which commoners retreated to the woodlands, leaving the fields to the women to clean and prepare the land for the following spring.

The female 'cycle' did not, therefore, coincide so closely with the neat seasonal rhythms characteristic of the male commoners. The intrusion of women into waged employment was carefully 'controlled' in relation to the male tasks, and their position was solidly defined only in so far as it impinged on the male workspace. This process whereby male work rhythms moulded the horizons of female activity extended into the sphere of customary practices which in squatter society provided the wider economic context to purely waged employment. Indeed, the exercising of customary right constituted a principal link between the two levels of pure waged employment and pure unwaged household tasks, and was thus a sensitive meeting-point of male/female territories; in its seasonal context it was closely aligned to the different rhythms explored above. In the summer half, custom as exercised in the field

111 Darling, op. cit., n.p.

or during the second phase of the woodland cycle was defined by the contractual relationship between employer and employee; in the winter, notional 'rights' in the wood were divorced from the structure of labour relations. This had repercussions for the structuring of conjugal relationships for it appears that female participation in customary activities was closely regulated by the availability of waged employment for the household head. In the winter, spatial and sexual segregation feature prominently precisely because of the concentration of workspaces with males forced to, or choosing to, remain confined more closely to the household environs. Roles were defined in the very modes of getting a living. Poaching flourished, and being solely pursued by the men, was itself a reflection of the absence of employment opportunities at this time. Bagging game reared on estates also constituted a concealed attack on the gentry and farmers' own incapacity to create winter work. Women, on the other hand, more particularly adhered to customary rights such as collecting wood which was not claimed as a 'perk' for work performed. Even gleaning itself had undergone a significant transformation. Martha Parry of St. Margarets at her mother's inquest stated that 'On Saturday last (23rd December), I went out looking for grain which is customary for the farmers to give poor  
112  
women at this time.' St. Thomas Day was specifically known as 'Gooding Day': 'A sack of wheat was placed at the door of each farmhouse, and from it a quartern measure of wheat was given to every woman who called for it - more would be given to those who had families; it was usually ground by the miller free of  
113  
charge.' Such customary expectations in contrast to the exclusive employee's privilege of gleaning in the summer were apparently fulfilled - no case of a

112 Hereford Journal, 27 December 1854.

113 Leather op. cit., p.108. (St. Thomas Day = 21st December).

farmer's refusal having come to light.

Socially and calendrically proscribed 'begging' by women in the winter period did not, however, significantly encompass ritual performances for monetary gain, which were confined to male 'companies of wassailers, morris dancers and mummers.' Ritual begging by these methods discretely signposted the male's incapacity to find full winter employment and yet also the desire to remain independent of parochial assistance. The provision of ritual entertainment helped mask their dependency on mere direct, charitable earnings. Raphael Samuel quotes the discovery by Cecil Sharpe of morris dancers at Headington Quarry, a squatter settlement which has received generous treatment from Samuel: 'The men apologized for being out at Christmas ... but work was slack 'and they  
114  
thought there would be no harm in earning an honest penny.' A vaguely informative statement that 'it was customary in North Herefordshire for men to go Morris dancing during a hard frost, when masons and others could not work, in order to raise money', suggestively links the practice with commons settlements, bearing in mind the significant workforce to be found there connected with the building trade. Wassailing, with its overtones of militarism ('We had a captain, who kept the punch-bowl') was exclusively a male performance, while the text of the mumming plays quoted by Leather included no female characters. (Elsewhere, female characters were played by men.) Blackened faces (the custom was known as 'guising') possibly indicate the need to preserve anonymity and conceal the fact of unemployment. Even such winter performances as carol-singing were male preserves: 'women and girls who came  
115  
carol-singing were not welcome, and received nothing.'

114 Samuel, 'Quarry Roughs', loc. cit., p. 187.

115 Leather, op. cit., pp.130, 110, 146, 109.

Ritual performance thus preserved a measure of the principal breadwinner's independence in the face of winter unemployment. When work opportunities flourished with the commencement of the summer season, on the other hand, a radical shift in male/female relationships can be discerned. Whereas in the winter period the respective customary activities were kept distinct both in context and content, in the summer period these were brought into a closer relationship which paralleled the shift in the workplace. Whether earned in the second phase of the coppice cycle or in the fields, perks for both men and women were calculable in fiscal terms but were also inseparable from the nature of employment whose organization emphasised structural imbalances in the male/female roles. The subordinate role of women in the field in the summer period was underlined in the demonstrations of strength in the exclusively male sport of wrestling institutionalized at the wakes (festivals which would frequently fall in the mid-harvest period.) If 'the women sometimes acted as  
116  
seconds for their husbands during their wrestling bouts' (reproducing positions taken up at reaping-time during the harvest), the opportunity for courtship could also be a one-sided affair: 'The late wake at Cradley has given the magistrates some work in the shape of hearing assaults committed by the male rural visitors upon offending females.' (reproducing the tendency to 'make free  
117  
of the hay-field.') Similarly, illegal poaching in the period of winter underemployment was customarily transformed at the wake, in some parishes at least, through the privilege granted 'by the owners and occupiers of land to the people to course hares on the Black Mountains. They kept greyhounds on purpose

116 Rev.W.Morgan, 'A Few Folk and Other Stories', T.W.N.F.C., 1925, p.103.

117 Hereford Journal, 10 October 1849.

for this occasion.

#### ii) An Alternative Model

If the female identification in both waged and customary activities with a simple alternating rhythm remained weak, perhaps we should be seeking alternative cycles - weekly, monthly, annual - as more applicable to the ordering of squatter female time. In other words, can it be argued that an important organizational principle in squatter society was precisely a temporal ordering of the respective partners' roles in marriage whereby complementary but not comparable rhythms were established which delineated and perpetuated the social system?

At first sight, it would appear these alternative rhythms might be located in the regular performance of household tasks. The following indicates the sequential weekly cycle of operations undertaken by farming wives in nineteenth century Herefordshire: 'One day at the beginning of the week was washing day, the next ironing and airing. One day was baking day and another, generally the one before market day, was churning day and making up the butter.'<sup>119</sup> Not surprisingly, this regularity conversely established certain days as being unsuitable for performing certain tasks: a wife found hanging out her washing on Saturday could only be a slut.

In the squatter communities, however, there is no convincing evidence for such regimentation. For a society based on conspicuous consumption, the opportunity

118 Leather, op. cit., p.157.

119 Darling, op. cit., n.p.

exists for a change of clothes several times a week. But in a society which differentiates at best only between working clothes and 'Sunday Best', the end of the working week - Saturday - clearly establishes itself as a more practical day for washing. In 1861, for example, several items of clothing, the property of William Portman of Bromyard Downs were stolen: his 'wife had hung it out to dry on Saturday evening last.' In 1845, Mary Ackford of Shucknell Hill 'was at home on the Saturday evening ... I was washing my clothes ... it struck nine by my clock; my son went to bed ... I wanted them to go to bed to get on with my ironing.'

Convenience rather than custom similarly established alternative or 'irregular' rhythms in the performance of other tasks connected with the household. In the case quoted above, we learn that Ackford's next door neighbour was 'at market' on the day in question. Market day obviously did occur on a set day of the week, but on the one hand this was imposed from outside the community, and on the other, there is no evidence that squatter females attended market regularly like the farmers' wives. As the Darling quotation suggests, the latter attended as much to purchase goods as sell the products of their particular domain - principally butter and cheese. But as squatters kept no cows, this element of providing a service in the market-place did not arise. Where we do find references to commons inhabitants attending market, the evidence suggests that they suffered from inexperience or ignorance in this field. The Journal readers no doubt tittered at 'a novelty which caused much merriment in the little ancient borough of Leominster ... in the pig market there on Friday last. It appears that a country bumpkin from Bircher's Common had a pig of some

120 Hereford Journal, 24 July 1861; 2 April 1845.

considerable magnitude for sale, but finding offers scarce for the purchase ... he resolved to get something in the shape of silver for it, even if it was not coin; and a hawker of watches, steel pins etc. having presented himself in the market, was accosted by the countryman as to the merits of the 'dackey' as he termed it: he asked him if he could have a swop - to wit the pig for a watch. The hawker, who is a Jew, said 'de dackey was a dood one, but he musn't buy pink, dat stuff being noxious to deir palates.' Eventually the Jew is persuaded, however, and the 'Country bumpkin' is duped into exchanging the pig for what he thought was a silver watch - only to find it was worth but twelve shillings. 121 The Jew afterwards sold the pig to a publican for sixteen.'

The squatters principal contact with the market place, if at all, appears to have lain in this sphere of the sporadic disposing or purchasing of major items rather than regular 'shopping' for smaller household goods. In 1861, a 'gentleman from Bodenham sent some of (his) sows offspring to be sold. A person from Checkley Mordiford, purchased one of the number and took it home. Next morning 'piggy' was missing ... the loss was proclaimed in Hereford market on the following Saturday.' At length the pig was found to have returned to 122 Bodenham.

Apart from pigs, the other major item of expenditure was winter fuel. Mrs Lerigo, of Gorsty Common, in January 1851, went to Hereford 'in a cart; we took coal home in the cart.' On the way home, she gave a lift to the housekeeper of a local farmer, who was carrying her market basket after purchasing small

121 Ibid., 18. August 1847.

122 Ibid., 13 November 1861.

household necessities in the town. The contrast between the purpose of each female's journey indicates neatly the selective use of market towns by squatter  
123  
families.

The acquisition of smaller household items and basic foodstuffs appears to have been met not by weekly trips to market but by sporadic outings to the local shop. Unfortunately, it is impossible to gauge the full extent of shop-keeping on the commons; as a family 'sideline' - often run by wives or widows - these small enterprises may have gone unrecorded in the census listings. Even so, 31 - very nearly a third - of the 96 settlements yield evidence of provision dealers in the period. Though surprising, perhaps, to find these services were available in such isolated places, their very existence implies that local custom maintained them and belies the 'poverty-stricken' image of commons populations painted by contemporary outsiders. With the opportunity of purchasing household necessities on the doorstep, as it were, 'shopping' had neither the time-consuming and rigid timetabling connotations that it carries  
124  
today.

123 Ibid., 12 February 1851.

124 Shopkeepers are found at: Winnal Common, Allensmore; Aconbury Hill, Much Birch; Breinton Common; Tillington Common, Burghill; Twyford Common, Callow (1861); Westhope Hill, Canon Pyon (1842); Gorsty Common, Clehonger, The Wyche and Colwall Green, Colwall; Dilwyn Common; Barewood, Eardisland; Ruckhall Common, Eaton Bishop (1861); Ewyas Harold Common; Garway Common (1817); Red Rail, Hentland (1851); Wellington Heath, Ledbury; Birtley, Lingen; Linton Hill & Gorsley Common, Linton (1851); Bringsty Common & Bromyard Downs, Linton township; Marcle Hill, Much Marcle; Checkley, Mordiford (1851); Sapey Common, Uppey Sapey; Grove Common, Sellack; Crow Hill, Upton Bishop (1851); Vowchurch Common; Forest Green, Walford; Auberrow Common, Wellington, Welsh Newton Common; Shucknall Hill, Weston Beggard. All are listed in Littlebury's Directory and Gazetteer of Herefordshire 1876-1877, except dated examples, taken from H.R.O., microfilm 1851 & 1861 census, and Hereford Journal, 12 March 1817; 1 June 1842.

Examples illustrating the flexibility in daily rhythms concerning other spheres of household management could also be quoted. Cooking, for example, by no means involved laborious preparations; the pot was kept boiling and stews as the staple diet were probably added to as the need arose. The clay floors characteristic of squatter cottages required a cursory sweep with a besom rather than continual scrubbing, polishing or cleaning. But enough has been said to indicate that female activities were not governed by strict daily rhythms in the same way that the male working cycle was dictated by the seasonal contrasts of employment in the fields and woodlands. It was, moreover, this relative lack of the kinds of constraint imposed on, for example, the wives of farmers, that 'released' squatter females for wage labour; this in turn because of its sporadic and diverse nature conversely militated against the adherence to daily household rhythms throughout the year.

It would seem more appropriate, therefore, to seek an alternative model to define the context of the female's role in squatter society. For it would be wrong to suggest that simply because evidence is lacking that household management was governed by strict daily rhythms, there was nevertheless an important spatial and physical context to the female's control of household affairs. As we have seen, in the context of waged labour, there was a discrete separation both of roles and spaces and in the products of that labour between males and females. The female's contribution to the household economy was either directly in the form of the amount of corn gleaned or wood foraged, or indirectly in the shape of hoddicking money for buying shoes, clothes or coal. In other words, they were contributions towards the further performance of specifically household duties - duties moreover which were under her own supervision.

In this respect, the alternating seasonal rhythms between woodland and fields characteristic of the male cycle, was balanced in the squatter household by the female's access to and control of two basic elements - fire and water. The difficulty in reconciling these two responsibilities are neatly encapsulated in the unfortunate case of Agnes Bagley, of Ruckhall Common, aged 3 years, who:

came to a shocking death by burning at Eaton Bishop. A married woman Eliza Skyrme, who lives near the house of the deceased child's parents, was going to a well for water. There was no grown up person in the house - only two children, one three years, the other 15 months old ... Ann Bayley said she was a niece to the child's mother, with whom she had gone across the garden to a well just before the child cried out ... they were not away more than a quarter of an hour.

125

There were two alternative solutions for avoiding such catastrophes. One was to delegate the task of collecting water to one's children. In the Shucknell Hill case of 1845 quoted above, Mary Ackford on the Sunday 'did not rise till almost eight; I called out to my son, and said "Bill, are you in bed now?" for I wanted him to get me some water for breakfast.' Even if males were sometimes delegated the task, there was an implicit recognition of where the ultimate responsibility lay: 'A lady, taking her children for a country holiday on Bircher Common, arranged that a local boy should carry drinking-water from a nearby well. The following year, wishing to make the same arrangements, she was told: 'What! Bertie Perkins! Er's too big-sorted now for that.'

126

127

The other solution was to carry children to the well - Mrs Wood of Crow Hill, Upton Bishop had 'a child on one arm and a pitcher on the other when going

125 Hereford Journal, 9 November 1853.

126 Ibid., 2 April 1845.

127 W.Leeds, Herefordshire Speech, 1972, p.19.

after a jug of water'. It is highly probable therefore that females from commons settlements were rarely seen in public without carrying some symbol of their domestic responsibilities, whether a bundle of faggots, a basket of household goods, a pitcher of water, or a child. (Males, on the other hand, carried their belongings in wrapped bundles, or secreted a diffuse range of articles in their pockets.)<sup>129</sup>

One of the two principal tasks consuming quantities of water was of course the washing of clothes and here again the externalization of the symbols associated with a female's duties applied. Washing was not hung out on lines hidden from public view, but laid out to dry on the boundary hedges of the property. Apart from being an invitation to passing thieves, it is easy again to overlook its significance as an overt display of status. As a statement to other members of the community, the drying clothes conveyed a vast amount of information about the household - its comparative wealth in terms of the quality of the clothes, the conscientiousness of the female over her domestic duties, even the size and composition of the household. The amount, too, could signify that washing was taken in by the household as a secondary income. This in turn might reflect on status in so far as widows, childless females, or wives whose children had left home in particular appear to have had some spare time to benefit from this source of extra income.<sup>130</sup>

128 Hereford Journal, 22 August 1849.

129 See, for example, Hereford Journal, 28 October 1846.

130 For washing on hedges, see *Ibid.*, 22 May 1861 (Gorsty Common); 24 July 1871 (Bromyard Downs) and H.R.O., G56/18, 28 June 1877, (Ewyas Harold). For females taking in washing, see Hereford Journal, 10 August 1842 (Marcle Hill); 7 October 1846 (Broadmore Common); 28 January 1852, (Checkley).

Similarly, clothes laid out to dry would also signify the female's ability to sew, an occupation requiring good light and therefore, in the warmer months in any case, carried out on the cottage doorstep. This skill was taken for granted; an unmarried male or widower did not bother to learn it, but had to seek alternative arrangements; as Joseph Brooks' will of 1813 specified his daughter was to wash and mend for George and William (her two brothers) until 131 18 years old. In this respect, it could clearly also provide a useful secondary income. But the skill involved not just the ability to make new clothes, but to eke out the life of old clothes for as long as possible.

This responsibility for stretching resources as far as possible extended into the other major female activity requiring access to water - that of cooking. The water itself was not thrown away but served as leftovers to the pig. Husbanding these resources was an aspect of the fact that squatter properties were not simply dwelling-places; they were storehouses of provisions to ensure the livelihood of the squatter household, from the orchards, through the vegetable garden, pig sty and wood pile, into the house itself, where often one 132 room was set aside for the storage of corn gleaned in the fields. Evidence relating to the organization of space within squatters' cottages is not easily arrived at, but the following description does offer a useful insight: when

131 H.R.O., AA20/50, f.43; Copy Will of Joseph Brooks of Stanford Bishop, 1813. See also AA20/47, f.52; AA20/48, f.99; AA20/48, f.177.

132 Hereford Journal, 24 March 1852: Digwood's son 'heard rustling against some leased wheat in a room adjoining to that in which he and his father slept.' (Llangarren); 3 November 1830: Fire broke out at a cottage on Tillington Common, when a child took a candle to a room containing straw; 29 September 1841: A similar occurrence at Bromyard Downs due to a quantity of leased pease haulm being left by the fire to dry: See also above p.101 for Edgar Davies' description of Ruckhall Common, Eaton Bishop.

police arrived at the cottage of Joseph Farrington on Breinton Common in pursuit of some stolen fowls they found:

by the fire side a large iron pot in which was a quantity of potatoes, and the remains of two fowls. Dishes were on the table, and in which there existed portions of the repast, and 2 wooden bottles filled with cider...in the back-kitchen they found a large barrel of cider, a bag of potatoes ... and a long pole and kind of 'gin' or engine, used by fowl-stealers in hooking fowls off their roosts.

The main front kitchen was therefore used for eating, drinking and cooking, the back-kitchen for storage - indeed, the items listed in the latter, cider barrel, potatoes, and gin traps, are all associated with seasonal male activities, the front room being largely the domain where female activities were carried out. <sup>133</sup>

The large iron pot clearly filled with a stew of meat and potatoes illustrates that the culinary activities of female commoners was largely confined to boiling food. This extended into the making of preserves, converting seasonal fruits into a longer-term food resource. <sup>134</sup> Male contact with obtaining or preparing produce lay in a different sphere: their domain was confined to rotten or rotting foodstuffs in the form of game and apples (windfalls converted into cider) or the smoking of pork which was then hung up on cratches in the kitchen. That such activities nevertheless impinged closely on the female domain may conversely account for the kind of belief which held that female blood should not come into contact with the pig when it was being <sup>135</sup> killed. Nevertheless, there were important differences as regards the locating

133 Hereford Journal, 23 April 1851.

134 Ibid. 10 December 1851: Theft from cottage on Shucknall Hill 'of a loaf of bread, and a quantity of tea, sugar, butter and preserves.'

135 'Folklore of animals', Winifred Leeds Collection of Herefordshire Folklore. In possession of author, to be deposited at H.R.O.

of these male tasks; game and sheep were probably gutted and skinned 'on the job', apples were crushed in cider mills, the hairs of the pig were singed off over external fires.

The female's cooking activities were firmly located in the kitchen hearth, however, and the maintenance and control of domestic fire was clearly her preserve. When visitors called at James Evans' house at Ledgemoor Common (Kings Pyon) on January 2nd 1852, 'he came down with a lighted candle...then called his wife and ordered her to make a fire and boil the kettle, and make  
136  
some tea.' The responsibility of the female for lighting the fire was reflected in her collecting of kindling wood rather than larger logs to maintain a fire. Fanny Clarke and a 'Mrs Taylor, were in a wood at Fownhope, the whole or part of which is rented by (William Daw), who asked them to pay for some chips which they had taken away, which led to an altercation, and summary  
137  
chastisement with a thin lath.' The 'faggot-pile' would thus have been a customary sight in commoners' gardens, its size again externalizing and reflecting the industriousness of the females in their woodland forays. Moreover, the faggot-pile' was visually balanced by the ash-heap, also a symbol  
138  
of the female's responsibility for cleaning out fireplaces after use. But more than passive comment from neighbours was invited when it came to lighting a fire - this often necessitated a trip next door with a splint to acquire a light - again apparently a female task, and again subject to potential dangers. One Friday evening in September 1841, Susannah Went of Bringsty Common, 'had been

136 Hereford Journal, 24 March 1852.

137 Ibid., 16 August 1848.

138 Ibid., 30 June 1852.

to the house of Ann Brown for a light about 7 O'Clock, and immediately after  
her return into her own dwelling a cry of "fire" was heard.'

139

'Borrowing' light in this respect carried with it none of the connotations of 'begging' in the usual sense of implying an unequal economic relationship between donor and receiver. And as Flora Thompson indicates was the case at 'Lark Rise', an intricate borrowing system existed between the female members of the community precisely because, in economic terms, everyone was 'in the same  
140 boat'. This element of sharing thus complemented the externalization of female tasks; together they set up common patterns of experience which determined the sense of 'community'. Because virtually every task undertaken by a squatter female was externalised, it could be subject to comment or criticism by the wider community. More importantly, the performance of the tasks themselves complemented the seasonally proscribed activities of males. The female's responsibilities were not rigidly governed by weekly, monthly or annual rhythms, but depended on the observance of repetitive cycles - fires were not lit just in the winter to keep warm, but were maintained all year round for cooking or drying. Clothes had to be mended or kept clean whatever the season. Women in this respect had the task of converting seasonally available produce - fruit from their own orchards, wood chippings from the coppice phase, gleaned corn from the harvested fields - or seasonally earned wages, into products for consumption which would ensure the continuity of the household throughout the year. By ironing out the seasonal fluctuations and channelling these resources through the household for consumption, women were instrumental

139 Ibid., 29 September 1841.

140 Flora Thompson, Lark Rise to Candleford, 1939, 1980 edn., p.107.

in sublimating the vagaries of seasonal time into a repetitive sequence of tasks which ultimately delineated the spatial organization of a squatter household. Indeed, this definition of boundaries extended beyond the immediate confines of the squatter household; unlike the more varied geographical horizons of the males in work, in search of work or on poaching exploits, the women followed set paths in a regular fashion, to a well for water, or to a neighbours house to borrow some household item. Outside the boundaries of the settlement, they made occasional trips to market, or forays into their accustomed woods for faggots; gleaning was confined to local fields which were claimed as their own patches.

I am not suggesting, then, that marriage in squatter communities was a contract based on equal rights of status - the notion of equality is anachronistic when applied in the context of the foregoing analysis. Rather, role distribution in squatter marriages was complementary rather than comparable, encapsulated so neatly in the following exchange between the barrister and William Vaughan of Broadmore Common, who we have already met in court defending his voting rights:

'How do you get your living? '  
'By selling two or three besoms.'  
'How much do you get a week?'  
'Some times half a crown, sometimes four or five shillings ... '  
'Well, now tell us what family you have got?'  
'Two alive and five dead.'  
'Have you a wife?'  
'Yes.'  
'Where does she live?'  
'At Woolhope with me to be sure! Where do you think?' (Laughter)  
'How does she get her living?'  
'By washing to be sure.'  
'Can she get her living without you?'  
'One helps t'other of course'.

141

141 Hereford Journal, 7 October 1846.

In this complementary intermeshing of roles, rather than in institutional expressions of community, lay the crucial organizational principle of squatter society and the key to its stability and continuity.

## CHAPTER 3

### TENURIAL CHANGE

#### Part 1: Tenurial Options

In the first Chapter it was argued that the Herefordshire evidence contradicted the view that the exercising of common rights could be considered an integral ingredient in the majority of the county's varied agrarian systems, or even as a valuable asset in ensuring the livelihood of brinkers and smallholders. Instead, the 'rediscovery' of common rights in the early nineteenth century was essentially part of the landowners' and farmers' stock of ammunition when attempting to curb excessive squatter settlement growth. In the second Chapter, we moved on from this entirely 'negative' interrelationship between the squatter and wider community to stress the kind of marginal integration that characterised the commoner's seasonal patterns of employment. In this Chapter, I want to explore the ways in which squatters were in fact embroiled in relations with local society on yet more complex levels of interaction by examining their changing tenurial status over the period 1780-1880. Indeed, it is easy to forget in the plethora of evils attributed to them that squatters were squatters quite simply because of their peculiar tenurial position.

In a sense, the term 'squatter' is in itself misleading when applied to Herefordshire's commons settlements if by that term we include only those inhabitants who had encroached their parcel of waste, had erected on it a cottage or house, and had then sat tight undisturbed and uninterrupted for twenty years (the period proscribed by the Statute of Limitations for gaining full or freehold possession). Not surprisingly, no figures are available demonstrating the success rate of this method. But indirect evidence suggests

it was a rare enough occurrence. For example, even a 'freeholder' like John Barnett who resided at Mordiford only owned 'a cottage and small parcel of land in that parish which he ... had enclosed from the waste by permission of the late Mr Hereford the lord of the Manor, who ... had given him the land. He had built a cottage upon it, and had enjoyed it ever since (a period of 27 years) without any interruption, and without paying any acknowledgment.'<sup>1</sup> The 'indirect' evidence, from manorial records, leases, wills, newspapers, parish records, which provides the substance of this Chapter in fact reveals extremely complex tenurial patterns, with variations existing both within and between individual settlements. Nevertheless certain broad categories and changes can be discerned. The processes outlined below do not, of course, represent a temporal sequence of transitional stages through which each individual squatter's property passed. Rather, each constituted a tenurial possibility depending on a multiplicity of local factors. But in so far as these possibilities multiplied over time, the sequence does relate to broad changes in settlement procedure, marking a progression from the early eighteenth century through to the mid nineteenth century.

#### 1) Lease and Acknowledgment

By the early eighteenth century, in fact, the two principal means of retaining an encroachment on the waste were either by taking a lease from, or paying an acknowledgment to, the lord of the manor. Thus, randomly, Edward Greenly Esq. granted 'a lease for 99 years of a cottage and three gardens lying in a dingle<sup>2</sup> at the lower part of a common called Brilley Green in the parish of Brilley';

1 Hereford Journal, 14 October 1835.

2 University College of North Wales, Whitney & Clifford MSS, 433.

while at Craswell on the other hand, it was reported in 1694 that the cottagers on the waste 'have paid amerçiements for their severall cottages to the Bayliffe<sup>3</sup> there.' Such apparently simple alternatives mask, however, the complexities of tenurial interaction. At first sight, the lease would appear to be a fairly robust form of guarantee of title to the waste in the formal assart tradition. In fact, there had been a crucial disjunction with medieval practices both in the relative status of grantor and lessee, and in the functional limitations imposed by the conveyance. The ridiculously low rents so often found specified in squatters' leases may in one sense be said to operate in the squatter's favour as regards light financial commitments. Between 1751 and 1826, for example, the Lords of the massive Ewyas Lacy and Harold Manors issued 129 leases for cottages (with property attached) encroached from the waste in the parishes and townships of Craswell, Longton, Newton, Michaelchurch Eskley, St. Margarets, Walterstone and Ewyas Harold. The breakdown of specified rents is as follows:

TABLE 10

Annual Rents Specified in Leases for Encroachments  
In the Manors of Ewyas Lacy and Harold 1751-1826

	Total
1/- or less	39
2/6 or less	36
4/- or less	26
10/- or less	23
15/- or less	5
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	129

Source: Abergavenny MSS, 4, Manors of Ewyas Lacy and Harold, 1751-1826

A report as late as the 1850's stated that of 14 cottage properties at Twyford Common (Callow) owned by Guy's Hospital as Lords of the Manor, one was let

3 N.L.W., Mayberry MSS, 5287.

under lease at 1/- per annum, nine at 2/-, one at 4/-, one at 8/- and only two at levels more consistent with quoted contemporary cottage rents of 35/- and 40/- respectively.<sup>4</sup>

Such a policy of granting leases was, however, rarely pursued quite so consistently, and it is of interest to note that in both sets of examples the respective lords of the manors were also absentee landowners. This would suggest that leases were issued partly to circumvent the problem of holding regular manorial courts, or if they were kept, to reduce the business load in having to make presentments and receiving acknowledgments. For, although the leases were financially favourable to the squatter, they merely fossilize in written form the token payments made by squatters at the manorial court acknowledging the lords right in the parcels of waste which had been encroached upon. The process can be charted by juxtaposing surviving leases and court rolls. For example, an encroachment on the Common Hill, Fownhope, was presented in 1756 'in the ocupacon of John Lewis, tenant to James Chest abt a quarter of an acre in three parcels adjoyning to ye Dwelling house and Orchard.' The encroachment was annually re-presented, and by 1765, the wording had changed to 'in the Ocupacion then of John Lewis but now of Joseph Stallard tenant to Nathaniel Turner late James Chests ...' Finally, in 1779, a lease for three lives at 1/- per annum was granted by the Lord to one John Davies, tenant of '1/4 acre heretofore inclosed out of ye n. side of the Comn Hill by Nath. Turner and now in the possession of Jos. Stallard as undertenant to the

4 H.R.O., C99/111/238. Report on the Herefordshire Estates of the President and Governors of Guys Hospital, 1856.

sd J. Davies.' A dated lease is not therefore necessarily a reliable guide to a settlement's origins, a point often made explicit in the text itself. Without the benefit of independent court roll verification, for example, the Duke of Chandos granted a lease in 1710 to Eleanor Armstrong of Callow, widow, of 'A cottage, garden or orchard adjoining with a little plock opposite to the same and severed therefrom by a certain wainway containing 1/4 acre now lyeing enclosed out of Twyford Common ... together with the liberty to enclose 3/4 acre more out of the said Common next adjoining to the said plock' and the covenants specified that 'she will build (at her own proper costs and charges) one dwelling house with a good stone Chimney and Oven therein.' Whilst sanctioning the actual erection of the house in the future, the lease makes it clear that it was confirming a settlement that had already taken place.<sup>6</sup>

At first sight the transition from acknowledgment to lease would appear to imply a greater measure of tenurial security. Yet the dry and specific wording of the squatter's lease inevitably conceals certain ambiguities. From the squatter's point of view, the acceptance of a lease may in fact have witnessed a reduction in the kind of flexibility he or she might have enjoyed by paying an acknowledgment. For whereas the latter only temporarily acknowledged the manorial lord's title to the soil, the former bound the squatter (and usually his descendants also) to a more clearly defined landlord-tenant relationship. With the acknowledgment, there always remained the possibility that a freehold title could eventually be won if the manorial courts were allowed to lapse, or

5 H.R.O., AB47, Fownhope Manor Court Book, 28 October 1756; 8 October 1765; AB47/3.

6 H.R.O., C99/111/68.

the paltry fine failed to be collected. For instance, a Mrs Wolff 'asked permission of Mrs and the Misses Griffin (Ladies of Goodrich Manor) to inclose from Copped Wood Common, within the Manor, about an acre and a half, for the purpose of making a garden to a cottage. Permission was given, upon the understanding that an acknowledgment should be paid, or a lease taken; but it did not appear that such lease had been prepared, or that any acknowledgment had been paid by Mrs Wolff after the first two years.'

The success of this method of gaining a freehold would, one might have expected, have been dependent on the regularity of and degree of vigilance exercised by the manorial courts. And it was argued in a preceeding Chapter that a certain revival in manorial activity in the county could be detected in the late eighteenth and early nineteenth centuries, and that this was a response to an increase in squatter encroachments. Of the 96 commons settlements, at least 70 were contained within manors that maintained the practice of holding courts well into the nineteenth century.

Apart from the late survival of pockets of copyhold land in the county, the solid endurance of the manor into the nineteenth century can largely be attributed to its flexibility in the sense that it was the one local unit of

7 Hereford Journal, 7 August 1850.

8 The calculation was made from collating information contained within  
a) The Manorial Register at the National Register of Archives  
b) Surviving court books and papers in H.R.O. and N.L.W. (See bibliography)  
c) Advertisements for the holding of courts placed in the Hereford Journal  
The figure may therefore slightly underrepresent the true total because some records have failed to survive and there was, of course, no statutory obligation to give warning of the holding of a court in the local newspapers.

organization which could successfully channel and control both squatting activity and any opposition it may have aroused. It is too often assumed that the manor's function was to prevent squatting activity, an assumption apparently ratified in the usual injunction to the homage when the court opened to 'diligently enquire and here presentment make of all matters and things which shall come to your knowledge ... you shall present no one through any hatred or malice nor leave anyone unpresented through fear, favour, affection or reward or hope thereof but shall present all things truly and indifferently.'

In fact, the numbers of presentments and the full extent of squatter activity in any single manor rarely seem to tally, judging by the obvious discrepancy that arises when the known size of squatter settlements and the total number of entries for encroachments in court rolls are compared. The Barton Colwall Manor court rolls, for instance, record presentments for encroachments in 1765, 1779-1783, 1791; then no more appear until 1861, although the courts continued to be held in the intervening period. This in isolation would suggest that the early nineteenth century saw little squatting activity, but a separate list of encroachments, drawn up in the 1830's and specifying the years in which they had been made, reveals that 31 encroachments had been taken from the common by 21 separate individuals between the years 1793 and 1833.

While the 'visibility' of this activity varies from manor to manor, it is clear that recorded presentments represent only the tip of the iceberg. Much manorial business must consequently have been settled verbally and, as another

9 See, for example, AB47/3.

10 H.R.O., AA26/1/1-4, Barton Colwall Manor Court Books, 1733-1862;  
H.R.O., AE30/530, 'Measure of Commons & Incroachments in Colwall', 1834.

reminder that squatters were by no means peripheral outcasts, it is evident that they often attended court in person either to pay their acknowledgments or to argue their case. James Morvan attended the Burghill Court Leet in 1853 and 'said he would pay nothing, but said he would throw the fences open' of an encroachment made by him on Tillington Common. And it is interesting to note that one of the jury (P. Yeomans) at that same court had himself been presented<sup>11</sup> twenty years before for an encroachment on the same common. At the Fownhope Manor Court in 1734, George Cook was first fined 6s. 8d. for encroaching upon<sup>12</sup> the waste - and then elected to serve as a Constable for the ensuing year.

The manorial court thus brought together several disparate elements representing the different tenurial interests of the community: the steward on behalf of the lord, the jury and homage representing the freeholders, copyholders and tenants, and those who had come to pay rents or acknowledgments. The history of any one commons settlement is thus part and parcel of the specific manorial framework embracing it, and it is the interaction of these disparate groups rather than their significance in isolation which often determines the nature of that settlement. The plotting of the exact territorial distribution and the specific status of Herefordshire manors would not be an easy task. As regards their relationship to squatter settlements, however, an overall picture can be represented by mapping the chief manors of Herefordshire, which were still active in the holding of courts in the nineteenth century. Where several manors were held under one lord these are shown as one cluster. The results are quite striking,

11 Hereford Journal, 12 October 1853; N.L.W., Chirk MSS, Group D/110, Burghill Manor Court Book, 26 September 1833.

12 H.R.O., AB47.

Ownership of Herefordshire Manors  
in the early Nineteenth Century

KEY



= Ecclesiastical Manors



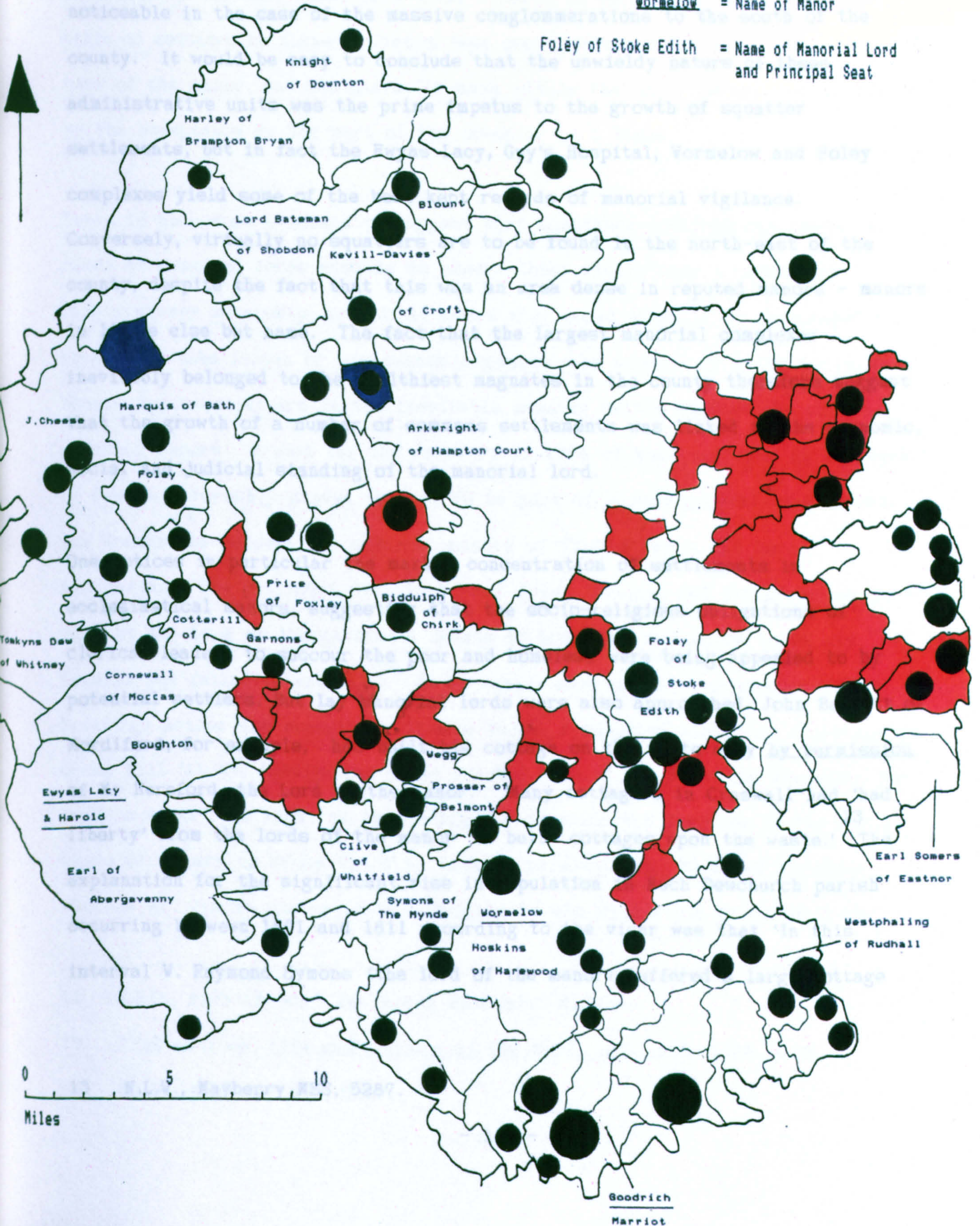
= Collegiate Manors

Wormelow

= Name of Manor

Foley of Stoke Edith

= Name of Manorial Lord  
and Principal Seat



demonstrating a close relationship between large manorial clusters under single ownership and concentrations of squatter settlements, particularly noticeable in the case of the massive conglomerations to the south of the county. It would be easy to conclude that the unwieldy nature of these administrative units was the prime impetus to the growth of squatter settlements, but in fact the Ewyas Lacy, Guy's Hospital, Wormelow and Foley complexes yield some of the best kept records of manorial vigilance. Conversely, virtually no squatters are to be found in the north-east of the county, despite the fact that this was an area dense in reputed manors - manors in little else but name. The fact that the largest manorial complexes inevitably belonged to the wealthiest magnates in the county therefore suggest that the growth of a number of commons settlements was linked to the economic, social and judicial standing of the manorial lord.

One notices in particular the marked concentration of settlements in ecclesiastical manors, suggesting that the socio-religious obligations of clerical leaders to succour the poor and homeless were being appealed to by potential settlers. But lay manorial lords were also approached. John Barrett of Mordiford, for example, had built his cottage on the waste only by permission of Mr Hereford, the Lord of the Manor. Many cottagers in Craswall had 'had<sup>13</sup> liberty' from the lords of the manor 'to build cottages upon the waste.' The explanation for the significant rise in population in Much Dewchurch parish occurring between 1801 and 1811 according to the vicar was that 'In this interval W. Raymond Symons (the lord of the manor) suffered a large cottage

13 N.L.W., Mayberry MSS, 5287.

14  
population to establish itself on the waste at Saddlebow etc.' Undoubtedly the  
suffrance of the lord could be a vital element in securing a settlement. The  
title of settlers on Gorsely Common 'was good against all comers, except the  
lord of the manor, and his claim, if made within the legal period, was satisfied  
15  
by the acceptance on the part of the occupier of a lease.'

There is also some evidence to suggest that squatters could become pawns in  
cases of manorial lords wishing to assert their rights over a common of  
indeterminate ownership; indeed, it seems they could actually be encouraged to  
settle and take leases or pay acknowledgments, the records of which would then  
become important levers in the inevitable ensuing battle against the claims of  
adjacent manors. A suit for the recovery in 1694 of some cottages on the waste  
of Craswall township proved in fact to be part of a more general dispute over  
the boundaries between the adjacent manors of Thomas Smyth and Lord  
Abergavenny. One gentleman testified 'that great threats, and ill practices were  
used by the Lord of Abergavenny's agents to bring the cottagers to be his  
16  
tenants but failed to prevail'. In an assize case of 1745, according to the  
brief, an action was brought by Thomas Rudge, a squatter occupying a cottage on  
Orcop Hill 'At the instigation of Mr Clarke, Lord of the Manor of Wormelow, not  
only to assert his right to the cottage in question but likewise to the whole  
waste or common in Orcop which he insists is within the Manor of Wormelow  
whereas Mr. Symons claims it is belonging to and within his Manor of Orcop'

14 H.R.O., AJ25/12. Much Dewchurch Parochial Minutes.

15 J.C.Shambrook, Life and Labours of the Revd. John Hall, 1886, p.13.

16 N.L.W., Mayberry MSS, 5287.

This was just part of a long-standing dispute (proceedings had originally been instituted in 1735/6) between the Lords of Wormelow and Orcop Manors over title to the common, but the verdict went in favour of Orcop because proof was established of Symons exercising manorial rights, receiving acknowledgments and breaking down the fences of squatters who had refused to acknowledge his  
17  
title.

Finally, an ejectment case as late as 1835 on the Worcester/Herefordshire border ostensibly concerning three pieces of land encroached from the waste in fact was brought by the Dean and Chapter of Westminster to try their manorial title. At a retrial in 1837, it was emotively claimed that 'the parties (who 'owned' the land) ought not to be deprived upon the evidence of witnesses who, after having made encroachments themselves, were employed by the Dean and  
18  
Chapter to get up cases of this sort.'

Not only, therefore, did squatters sometimes become pawns in inter-manorial disputes; the above cases also make it plain that, even if their settlement was sanctioned in the eyes of the manorial lord who received the rents or acknowledgments, his own liberty so to do could be challenged from neighbouring quarters. Tenurial security for the squatter was thus not guaranteed. In this respect, the settlements which would most likely be affected by this kind of inter-manorial bickering were obviously those that stood at the interstices of contiguous estate zones, both of which were seeking to extend their tenanted territories into the legally greyer areas of adjacent wasteland under the aegis

17 N.L.W., Mynde MSS, 2996-3012.

18 Hereford Journal, 5 August 1835; 27 July 1836.

of their respective manorial powers.

Even where such disputes did not arise, however, the lord's sanction to a settlement could be challenged by other residents within the manor. In theory, as one deponent claimed at the 1844 Parliamentary Session: 'If there was an abundance of common pasture, the lord might consent (i.e. to encroachments) without the consent of any tenant'; when pressed by the Committee, however, the same witness admitted he had known cases of squatting in which 'the lord has consented out of good nature to the inclosure and has received an acknowledgement in money, and the tenants have afterwards objected and thrown  
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it open.'

The 'unholy alliance' between squatter and squire could thus break down in areas where the lord lacked a suitable measure of control. The 1754 Report on the Herefordshire Estates of Guy's Hospital stated that:

There are several cottages built on Aconbury Common part of which is the boundary of the Manor of Wilton wch were shewn to us as encroachments on the waste having no grant nor paying any rent or acknowledgment to the Lord of the Manor. Some of them it is said have been erected 20 or 30 years so that they will in time be claimed as freeholds if proper care be not taken to prevent it. We were informed that these cottagers (at least some of them) wod have taken Leases of the late Machs of Carnavon but that the Freeholders of Wilton wod not consent to it and once a year have been wont to beat down the fences & ride over the Inclosures to prevent the Cottagers from acquiring a prescriptive right by an undisturbed possession.'

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19 S.C. on Enclosure, V, 1844, q.5490; q.5498.

20 H.R.O., C.99/111/235, f.14.

Opposition to squatting activity could thus be double-edged, and again the flexibility of the manorial framework was such that it not only ensured that squatting activity was monitored but also permitted criticisms of the manorial lord's policy to be voiced. Manorial lords themselves did not escape presentments and fines. Usually it was for non-repair of parish pounds, footpaths, bridges or ditches, but occasionally the Lord's own attempts to nibble at the Common did not escape the jury's attention: in 1822, for instance, the Reverend John Eckley, one of the Lords of Burghill Manor, was presented for inclosing 'A Parcel of Land part of the sd Tillington Common' and fined 6d.<sup>21</sup> From a functionalist standpoint, it is again tempting to interpret the smashing down of squatter's fences by tenants or freeholders (always of course carried out with the court's sanction) as a convenient 'safety-valve', channelling criticism away from the lord himself and instead towards undesirable squatters; they being the embodiment of one of his more unpopular policies of granting permission to diminish the extent of the available common pastures.

For, in effect, once a settlement had occurred, there was little the homage or freeholders could do except quibble with the lord over who should claim ownership. The dispute between the freeholders of Wilton and the Marchioness of Carnarvon was not about whether the squatters should be allowed on Aconbury Common or not, but who should have effective control over their property. The fences were ridden over, but the cottagers remained. The ritual could reach farcical levels. In the adjoining county of Radnorshire 'before the holding of a court for presenting encroachments, some of the parties in possession of them took down part of their fences in order to have it supposed that they were

21 N.L.W., Chirk MSS, Group D/110.

submitting to the title of the lord, and after the Court was held they put them  
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up again.' In exceptional circumstances, the cottages themselves could be

threatened, but this only appears to have happened when squatters had refused

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to pay acknowledgments.

#### 11) Parish Property

So, all else being equal, the squatter's encroachment became a focus of interaction in the web of relationships between manorial lords and freeholders and tenants, whether or not an acknowledgment was paid or a lease signed. Generally, if the manorial lord attempted to assert his rights too strongly, either by allowing excessive settlement or forbidding it entirely, neither action was greeted by quiescent subservience on the part of the tenants or freeholders. On the contrary, their response was graduated accordingly; as the Aconbury case illustrated, their reaction to the former was to channel their aggression into fence-breaking; in the latter case, the tenants or freeholders could find themselves in conflict with the manorial lord, if they were actively promoting resident paupers to establish themselves on the commons so as to reduce their burden on the poor rates. For it was by no means the case that all settlement was actively discouraged by the established inhabitants - the history of conflict is concerned rather with attempts to restrict growth rather than prevent settlement. Indeed, an element of co-operation rather than conflict between all parties concerned is at the heart of the explanation of why so many squatter settlements had sprouted in Herefordshire. For in many cases, the initial impetus behind the carving out of a smallholding from the waste

22 Hereford Journal, 10 August 1836.

23 See, for example, Hereford Journal, 5 & 12 October 1853 for a full report of the Tillington Common riot when Morvan's cottage was badly damaged after he refused to pay an acknowledgment at the manorial court.

arose from the joint permission of both manorial lord and vestry being gained. Originally sanctioned by the Elizabethan Poor Law, this form of 'licensed' squatting interposed the parochial authority, who became responsible for paying acknowledgments or rents, between the squatter and manorial lord. Theoretically, it was an ideal compromise. The lord nominally retained his title to the enclosed parcels of waste. The parish rates were reduced by removing the paupers, not to the workhouse, but to the commons where through self-help they could eke out an existence without further burdening the overseers. It should in passing be mentioned that it is therefore easy to overlook the influence of such established squatters in paradoxically guaranteeing or prolonging the survival of commonland independently of the agrarian framework, for their own livelihood would be jeopardized if the commons were destroyed or enclosed. Similarly, we are exploring here only the factors conducive to initial settlement. Once a pauper had established himself or herself on the common, it does not of course imply that he or she would remain one. The whole rationale behind the policy was the future possibility of bettering one's condition.

The chronology of this form of development is unfortunately obscure; in Herefordshire, it seems the Act instituted a concentrated first phase of settlement in response to the economic difficulties of the late sixteenth and early seventeenth centuries. It was reported in 1649, for example, that at Woolhope 'there are 20 cottages erected upon the wast in severall places within the Manor they say the same were erected for the reliefe of poor people & by order of Justices of Peace.<sup>24</sup>' There then appears to be a hiatus until the early

24 Dean & Chapter Archives, R1211, Parliamentary Survey of Woolhope Manor.

eighteenth century when a steady trickle of individual settlements begin to be reported - such as that at Eaton Bishop in 1739 when it was 'agreed that Jams Chapple a pauper of the psh be permitted to build a cottage on Ruchall Comon to join a house now inhabited by Mary Parry provided that the sd House be esteemed a parish house.' And again in 1779, the overseers 'pd Mr Croose for Ruckwall Comon Note, the Ld of the Maner his underlessee, this is an acknowledgment to the sd Lord for inclosing certain parts of the sd Comon for<sup>25</sup> the purpose of Erecting houses for the use of the poor.' As might be expected, by the eighteenth century little recourse was had to acquiring the formal sanction of Justices of the Peace sitting in court; instead, a more casual agreement was reached with individual manorial lords. In itself, such informality was fraught with dangers, and hardly guaranteed security of tenure for the squatter. The trustees of Guy's Hospital, Lords of the Manor of Callow, complained of '3 or 4 cottages erected by the Parish ... on the Comon and one of them lately without license of the Lord. They are therefore Encroachments and are indictable and shod be indicted unless they assent to pay some<sup>26</sup> acknowledgment or ask leave of the Lord of the Manor'. At Tarrington, the parish cottage adjoining the vicarage 'was moved and rebuilt in 1785 on Tarrington Common by Dr. Napleton and Lands inclosed for a garden out of the sd Common, intending for the Occupier to pay 26sh. to the Trust (i.e. the Foley Trust - Lords of the Manor) in lieu of the 6 p. 23 yards at the Vicarage, which is now in the Lawn before the House, but since that time the Freeholders ... rode thro' the sd inclosure and ordered the occupier (Wm Hodges) to pay no rent

25 H.R.O., H25/11, Eaton Bishop Vestry Book.

26 H.R.O., C99/111/235, f.64.

for the same.

Potential sources of conflict thus existed between the two competing institutional frameworks of authority in the form of parish and manor. Generally, however, a certain balance had been struck by the early nineteenth century as manorial lords became increasingly willing to make wholesale grants to overseers of common property in the face of mounting population pressure and poor rates. Bleathwood Common was given in exchange for other land to the Overseers of Little Hereford by William Dansey Esq. on March 5th 1748 'In order for the Parishioners to erect houses upon for the use of the Poor of the aforesaid parish, or to make use of as they think proper.' The 27 leasehold cottages at Bringsty Common, held of the Bishop of Hereford, Lord of Whitbourne Manor, became invested in the parish in 1798, while earlier in 1765, John Freeman Esq. had given 'all my right, title and interest in the cottages and tenements in Whitbourne which I hold under the Lord of the Manor ... to the Churchwardens and Overseers ... for the use and benefit of the poor of the parish; to be inhabited by such poor as my son or his heirs shall nominate or approve, or the cottages to be let out and the rents used for the benefit of the poor.'

Tithe evidence is unfortunately too late for indicating the exact local distribution of such parish property, but it was declared that before the 1834 Poor Law 'most parishes had cottage property belonging to them in which

27 H.R.O., Foley Coll. (uncat.), Stoke Edith Estate Rent Books, 1782-1886.

28 H.R.O., T19/33. Papers relating to Bedlam Charity.

29 Quoted in P.Williams, Whitbourne, A Bishop's Manor, 1979, p.103.

authorities were in the habit of placing their indigent poor', and before the sales took place under the new Act to help pay for the Union Workhouses, the numbers of these cottages in the county were placed at 'some three or four  
30  
hundred'. Where sales had been delayed in individual parishes, tithe maps indicate that the majority were situated on commons. Usually tithe-free and non-rateable, waste land was the ideal choice for promoting self-help. At Breinton, 8 out of a total 26 cottages situated on the common were still in the hands of the overseers in 1851, while at Little Hereford and Westhide all the cottages at Bleathwood Common and Dodmarsh respectively were designated as poor houses.

If a chronology can only be roughly charted, it is nevertheless clear that from the squatter's point of view, the distinction between parish and manor was particularly well-defined in the early nineteenth century when, prior to the sales, the number of poor houses were at their peak, and when the manorial structure itself was being revived and transformed to deal with the contemporary explosion in the number of encroachments. In this respect, the seasonal contrasts between the 'summer' and 'winter' periods, which expressed themselves in the degree of prominence accorded to rituals associated with the parish and manor respectively, take on an added significance when the tenurial relationships of squatters with manorial lords, tenants, freeholders and parochial vestries are added into the equation.

### iii) Enclosure

The growth in the number of parish-owned commons properties had obviously witnessed a significant shift in the relationship between manorial lord and freeholders and tenants. Whereas fence-breaking was essentially a negative action on the latter's part, embodying an implicit criticism of manorial policy, the wholesale granting of waste by the lord to the vestry, or permitting the overseers to build poor houses thereon, clearly gave rate-payers a greater voice in the control of squatter settlement.

The logical consequence of this increasing assertion of freeholders rights to permit (or conversely, to restrict) squatter settlement growth at the expense of the manorial lord's own interests in the common were a series of Parliamentary Acts of Enclosure which affected 33 out of the 96 commons harbouring settlements in the period 1780 to 1880. The effects of Enclosure were finite in that the manorial lord's rights over the commons were extinguished once and for all, and the less well defined customary boundaries of the manor, and the bundle of rights that entailed, were substituted by visible, straight hedges that  
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defined physical boundaries.

Parliamentary Enclosure in Herefordshire, as we have seen, has been dismissed simply as a 'mopping-up' process. This may certainly have been true of the few remaining tracts of arable land in the county, the impetus for which undoubtedly sprang from a desire to rationalize a perceived 'outmoded' system of agricultural landholding. But with commonland, and in the context of this thesis, with well over a third of all the settlements being affected by the

31 See below, pp.286-297.

movement, the effects of enclosure surely cannot be dismissed so lightly.

The effects on squatters themselves will be discussed shortly. Here, it is important to stress the theme of continuity in the search by lords and freeholders for effective methods of control over the problem of squatter settlement growth. For, paradoxically, exactly the same stimulus that lay behind much of the settlement growth in the seventeenth and eighteenth centuries, also put an abrupt end to it in the first half of the nineteenth century. Poor houses were a means of circumventing a rise in poor rates in the earlier period. By the early nineteenth century, Parliamentary Enclosure offered a very different and more finite solution to exactly the same problem.

It should be noted that the most significant burst of Enclosure Acts occurred after the 1801 Enclosure Act had come into force, and within a decade the larger settlements for which acts were passed had all been affected. The timing - i.e. after enclosure costs had been reduced - is significant, for some of the awards make it absolutely plain that agricultural improvement was not the overriding impetus, and again the relative lack of integration of commonland in local agrarian systems as explored in a previous chapter is borne out. Quite simply, Enclosure was a very effective tool for preventing any further increase in the poor rates by once and for all barring the possibility of future encroachments on the commons. The Ganarew Inclosure Award stated in the preamble, for example, that 'the sd Common or waste land is in its present state incapable of any considerable improvement, and is subject to continual  
32  
Encroachments thereon.'

32 H.R.O., Q/RI/18. Ganarew Inclosure Award, 1835.

Parliamentary Enclosure was thus the 'end of the road' for many of the squatter settlements in the county, both in the sense that existing encroachments and their ill-defined tenurial position were transformed into full freehold or leasehold status, and that any future illegal squatting became impossible. The manorial framework, in which squatter, freeholder, tenant and manorial lord were bound together in a 'multiplex' pattern of complex tenurial interrelationships, was destroyed forever. The squatter gained more tenurial independence or security, but at the cost of transforming his 'landed' status into a more specialized legal relationship with his neighbour and, if a tenant, with his landlord. At this point, there was little to distinguish him on a tenurial plane from the ordinary labourer residing in the village or tied cottage. And in this respect, his physical and social isolation, living as he did in a marginal settlement, became more marked after enclosure than it was before, as a consequence of the sweeping away of the manorial institution which had previously formed a focus of interaction between the squatter and his 'social peers'.

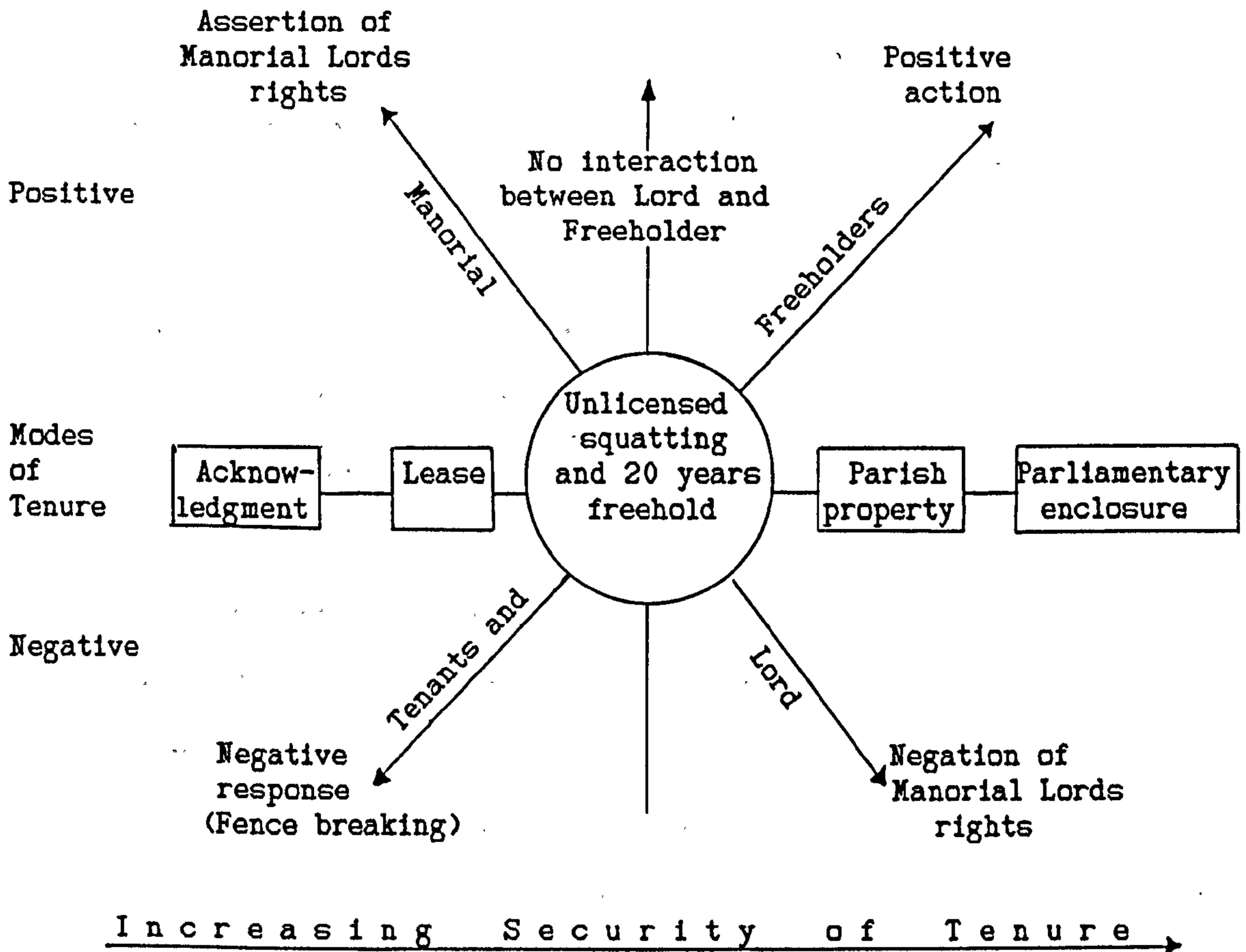
## PART II SQUATTER RESPONSES

### 1) The One Night House

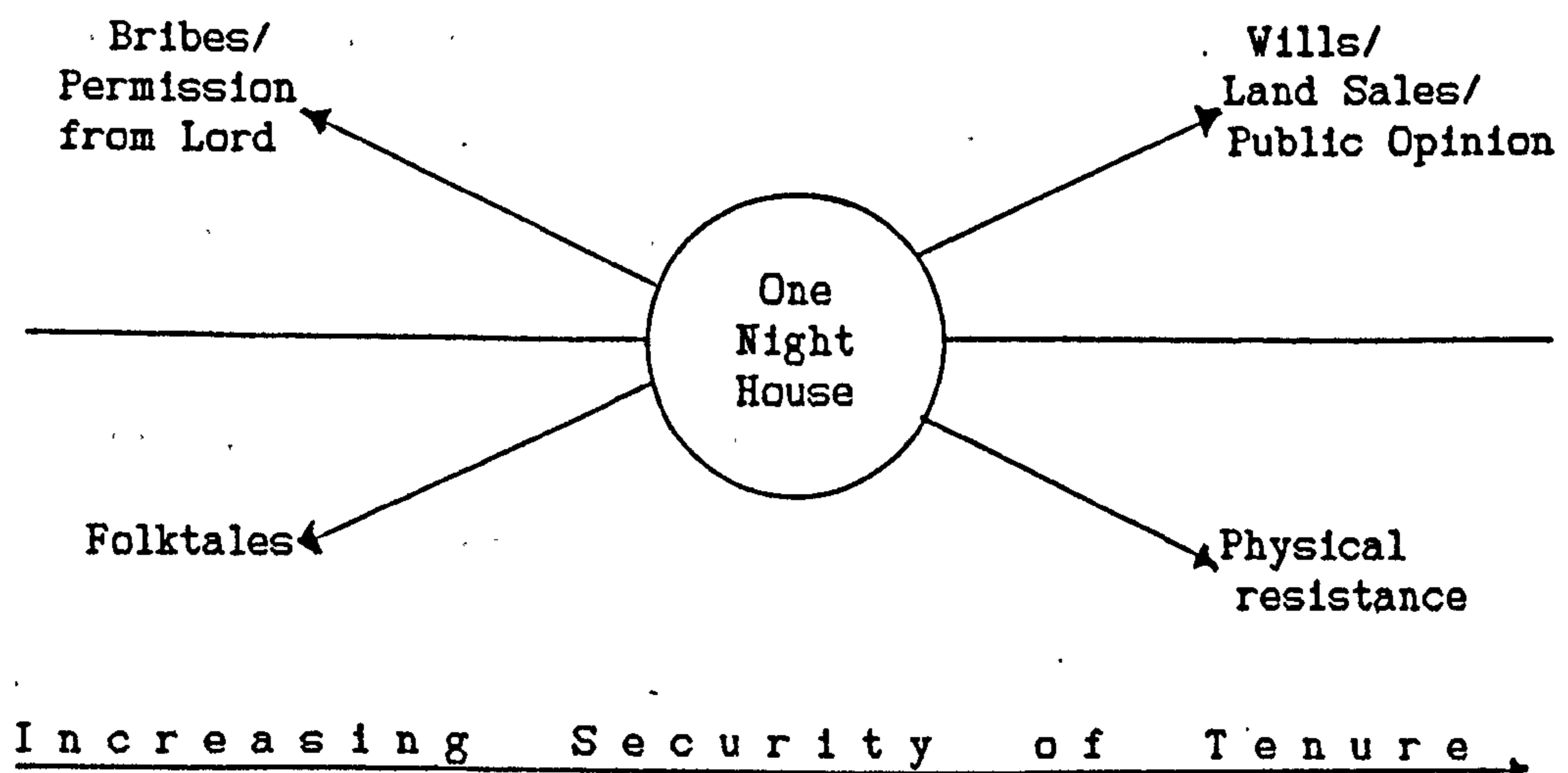
However, there were still some two thirds of commons settlements left unaffected by enclosure, and even in those affected it would be entirely wrong to see the squatter's role in this interactional model as an entirely passive one prior to the acts being passed. The first of the two Diagrams overleaf therefore recaps in schematized form the types of tenurial interaction explored so far, while the second table provides an additional dimension incorporating the strategies pursued by squatters themselves to define and secure their

DIAGRAM

A) TENURIAL INTERACTION



B) LEGITIMATING CHARTERS



property, strategies which were both generated by and in part conditioned the policies and responses of outsiders. The two Diagrams consequently need to be read in conjunction with each other, in the sense that the pursuit of any one legitimating charter resorted to by squatters would appear to find a counterpart in the different policies adopted by outsiders themselves. As we saw, the period from the early eighteenth century through to the mid-nineteenth century witnessed a general multiplying in the modes of tenure available to squatters, accompanied by a decline in the manorial lord's own ability to manipulate squatting activity for his own ends, and a corresponding growth in the tenant's and freeholder's own level of positive participation in the control of squatter settlement growth. The perceptible revival of manorial activity in the early nineteenth century explored in the first Chapter is not at all incompatible with this shift in tenurial interrelationships. As was argued there, the revival had nothing to do with an archaic attachment and rediscovery of the value of common rights as integral elements of local agrarian systems. Rather, it was a response to the rapid increase in the number of encroachments during that period, and must therefore be seen as an alternative but complementary solution to Parliamentary Enclosure, though less finite in its effects on the manorial framework of control.

Turning to the second Diagram, it is therefore possible to see the solutions resorted to by squatters as a range of options multiplying over time in tandem with the changing forms of tenurial interaction. So, to begin again with the central motif, the mythical status of the 'one-night' house can be associated with the myth of the frequency with which squatters gained freehold rights to their encroachments through undisturbed possession over the statutory period.

Ella Leather was informed in the early part of this century that 'on Ruckhall Common, people used to come in the night and put up a hut of the roughest kind. By lighting a fire from which smoke would rise before daybreak, this was sufficient to establish a right to the site, and squatters would build a better house on the same plot of ground at their leisure.'

33

While the underlying principle was the same, variations on the myth of the one-night house occurred in different parts of the country. Generally, the further to the east that the evidence relates to, the less emphasis is found on the actual completion of the house. In Cornwall and Wales, the entire house had to be standing by daybreak; in Devon, notional completion appears to have sufficed in that 'a bit of thatch was put on', while in Herefordshire and Shropshire only a chimney, either erected and complete in the former or smoking by dawn in the latter was required. A variant on this method was reported by Charles Heath in 1799, who stated that, in the Wye Valley between Ross and Monmouth, 'he saw a small hut, by the water side, carelessly heaped together, which according to the established custom, the indigent natives raise in the night; this, if they can accomplish it, so as to cover in, and boil a pot within the space of twelve hours unmolested, becomes their own; and they are allowed to enclose a sufficient quantity of land around it, and to rebuild a more suitable

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33 Leather, op. cit., p.149.

34 See the three articles by A.Everton in The Conveyancer and Property Lawyer, 'Built in a Night...', XXXV, 1971, pp.249-254; 'Ty Un Nos', XXXVI, 1972, pp.241-244; 'With Smoke Ascending...', XXXIX, 1975, pp.426-429. See also the two articles by R.U.Sayce, 'Popular Enclosures and the One-Night House', Montgomeryshire Collection, XLVII, Part 2, 1942, pp.109-20 and 'The One-Night House and its Distribution', Folklore, LIII, 1942, p.161; W.G.Gill, 'The One-Night House', Folklore, LV, 1944, pp.128-132.

cottage.' Conversely, as the emphasis on the actual completion of the cottage declined from west to east, so more significance was attached to the means of securing the surrounding property. In Herefordshire, it was believed that anyone wishing to clear a site for building on the Downs outside Bromyard, would mark out an area by boundary fires which they kept alight all night - if they were not ejected in twenty-four hours - and it is difficult to imagine a more obvious method of drawing attention to one's actions, particularly as the emphasis is usually on secrecy - they kept the land and built the cottage.

The increasing emphasis on property rather than actual completion is interesting, for two reasons. On the one hand, evidence for beliefs on the one-night house refer only to the western counties, which again upholds in a different dimension the general thesis presented in Annals of the Labouring Poor. The lack of examples from the east would tend to point to the more depressed state of the labouring poor in that region, with an intermediate region on the Welsh Border where the emphasis on property rights rather than simply a dwelling-place suggests a difference in status between the claimants to the east and west of the border, the former reflecting the importance of tenurial interaction outlined above. Secondly, while the 'one-night' house has been inserted in the diagram at the point of no interaction between squatters and outsiders (the very establishment of cottages by this means suggesting a lack of effective controls), the underlying threat of reprisals is nevertheless

35 Quoted in A.Everton, 'Ty Un Nos', The Conveyancer and Property Lawyer, XXXVI, 1972, p.242.

36 Quoted in A.Everton, 'With Smoke Ascending...', The Conveyancer and Property Lawyer, XXXIX, 1975, p.428.

still present. The myth tried to condense into a night what should have effectively by Statute taken twenty years.

But it is included at this point because the concrete evidence, though again - not surprisingly - rather sparse, negatively suggests that the actual practice of throwing up a house in the night was a rare enough occurrence - indeed, not a single reference in a legal document has been found. Reports of cases are usually vague, and are confined to literary evidence or cited as folk memories. A cynical contributor to the Hereford Journal in 1833 came very close to actual contemporary verification when he offered 'to the public the most approved method of cottage building as practised at Mathon' (a parish on the eastern county boundary):

Beg or borrow 'as most convenient' as many good stout hop-poles as you can; some black poles 'if they are not too heavy' will do better; fix upon any part of Malvern Common that you like best, dig your foundations and ... proceed to operations, having four or five to assist you, with a mason at their head, all of whom can be found on the side of the hill; with good judgement, in two or three days you may have the smoke curling above the chimney ... after a time you may enclose as much ground as you please, and white-washing your cottage, your work will be done.

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The letter was intended to deprecate the inaction of local ratepayers in not stopping these encroachments, and in the end it was this - the attitude of outsiders - which really governed whether a 'one-night' house, or for that matter any number of nights, would survive or not. For it is irrelevant whether the house was built in a night or a fortnight, as the myth that it entitled the occupier to freehold possession constituted no defence in Statute Law. Indeed, a number of the cases quoted by Everton actually refer to

37 Hereford Journal, 9 January 1833

acknowledgments or rents being paid. The only reference to the 'one-night' house in Herefordshire discovered by this writer was quoted by a former inhabitant of Tillington Common, who remembered gypsies squatting in a particular hollow near his cottage. The parish officer at the time claimed that this was a means of claiming freehold rights, and therefore made sure that the gypsies were turned off <sup>38</sup> within twenty-four hours. This puts an entirely different perspective on the myth of the one-night house. In this version, it is not the squatter who used it as a legitimating charter but a person in a position of authority who employed it as a theoretical justification for ejectment. Perhaps we should therefore locate the origins of the myth entirely outside the realms of squatter culture, and see it as a reflection of the mixed bag of 'polite' reactions and images that squatter communities generated.

The need for secrecy is in any case contradicted by the numerous cases in which the lord's permission to build was sought at the outset. Instances, too, can be quoted of bribes to bailiffs or other agents to seal their lips, or to act as intermediaries in seeking the lord's sanction. In a dispute of 1850 over the title to encroachments on Copped Wood Common, for example, William Metcalf, a land-surveyor 'deposed he made a map of the Manor of Goodrich in about 1832, saw the defendant Hill who said he should like to take a lease of the part of the common with the land in question which he told me he was about to lease from Miss Griffin, defendant requested him to speak to Mr. Powles, the agent to <sup>39</sup> Miss Griffin, and he would make him a present for doing so.' The exasperated

38 Information from Mr Griffiths of No. 1, Hermitage Cottages, Canon Pyon, Herefordshire.

39 Hereford Journal, 7 August 1850.

commentator on the problems of squatters at Mathon quoted above also hinted at a similarly successful exploitation of the parochial authorities: 'Indeed, if you (i.e the squatter) manage matters well before-hand - If you belong to the parish, either by threats of going to the magistrates, or entreating, or any way you deem best, you will be able to extract as much as will pay your 'friends' to assist you' in erecting the cottage.<sup>40</sup>

Generally, however, in the early eighteenth century when the tenurial options for squatters were more restricted, a direct appeal was often made to the lord of the manor himself, the success of which depended on that kind of discretionary paternalism particularly associated with that period. In the opening years of the century, a woman asked leave of the Lady of Orcop Manor to enclose and build on a piece of waste ground on Orcop Hill. Permission was granted but some years later the woman being widowed and wishing to remarry an outsider to the parish, was threatened by some parishioners who wanted to take possession of the land for the use of the parish. The Lady of the Manor<sup>41</sup> supported the woman, who kept the land until her death.

#### 11) Folktales

Without this support, the woman might well have been subjected to a cacophony of 'rough music' by her opposers; speculation aside, it is nevertheless important to emphasize that the customary mode of destroying encroachments was itself a highly ritualistic act designed to punish those, as with charivari, who had distorted the rightful descent of - in this case - common property. The

40 Ibid., 9 January 1833.

41 N.L.W., Mynde MSS, 2813. Quoted in D.Coleman, 'Orcop Village', 1967, p. 105. Typescript in H.C.L., Local Collection.

linking feature is the importance of the ritual hunt. In the classic instance of an intermanorial dispute between the Foleys and Hoptons over Tarrington Manor in 1807, a witness deposed that he had worked as whipper-in to Mr. Hopton for three years, when he and his huntsmen had regularly hunted over the Manor of Tarrington: 'About five years ago he accompanied the huntsman and others to Tarrington Common where they threw down the fences and rode through the 'new inclosures to preserve Mr. Hoptons right as Lord of the Manor.'

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The vivid association of hunting down game (a major reason for preserving manorial rights) and the hunting down of squatters (a means of asserting these rights) is perhaps the key to a Herefordshire folktale, told in 1909.

The men at the farms along the foot of the Black Mountains (a pitch for isolated squatter's encroachments) used to rear greyhounds for the gentlemen when I was a boy. When ready to go back to their owners, a day's sport was allowed with them first. One day they were a long time looking for a hare. At last they found a fine fat one under a bush on the mountain. A little boy on the hill nearby shouted 'Run, granny, run, the hounds be after thee.' By that they knew she was a witch. She ran straight to a little cottage and disappeared through the keyhole, but as she went through, one of the hounds bit her leg. The door was locked and they could not get in at first. When they opened it, they found a very old woman sitting by the fire, doctoring a wound in her leg.

By an interesting transformation, the hare, symbol of manorial hunting rights, becomes hunted witch, whose little cottage on the mountainside becomes, I would suggest, a symbol of encroachment into those manorial rights. By drawing her blood, which the hounds do at the very door of her cottage, the witch's power is destroyed and, by implication, manorial rights reinstated. But the ambiguity of

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42 H.R.O., R93, Hopton Collection, 11067. Tarrington Common Brief, 1807.

43 E.M.Leather, The Folklore of Herefordshire, 1912, p.52.

the tale is such that, on the one hand it may simply represent the outsiders' view about squatters, and certainly the equation of squatter settlements with being repositories of witchcraft was a strong one, or it could just be a squatter's folktale, relating the ignominious attacks they could be subjected to in being represented as witches and hunted down by those objecting to or resenting their settlement.

A more positive association between an identifiable squatter culture and the defense of property rights may be implied in another Herefordshire folktale which describes how the Devil was tricked by Jack O' Kent. As they were passing a freshly-sown field, Jack offered the Devil the choice of taking the tops or bottoms of the crop when the harvest came. 'Tops' said the Devil - but it was a field of turnips. At the next field the devil chose bottoms, but this time it was wheat. Finally, they competed in mowing hay, Jack got up in the night and stuck harrow tines over his rival's half of the meadow, so that his scythe was blunted by what he thought to be tough burdocks.<sup>44</sup> The tale is a familiar one of Devil and trickster. But the Herefordshire version lacks motive; a particularly interesting Lincolnshire parallel perhaps helps to retrieve it. It concerns the boggert, the Lincolnshire equivalent of the Devil, 'a squat hairy man who comes to a farmer, who has just taken a bit of land, and declares that he is the proper owner, and the farmer must quit. Having proposed an appeal to law, which the boggert rejects, the farmer says 'Wilt thou tek what grows above ground, or what grows beneath ground?' In the ensuing contest, which follows exactly the Herefordshire sequence, the boggert loses

44 Ibid., pp.165-166.

each challenge and finally concedes 'Ye may tek mucky old land, an' all 'ats on  
45  
it.'

So the latter tale would appear to represent a kind of folk charter establishing a squatter-farmer's claim to his property by outwitting the devil - a kind of surrogate landowner or bailiff. However, the personification of the devil, who could assume the form of just about every obnoxious exploitative character in the rural community - gamekeeper, bailiff, excise man etc. - was a common theme in popular culture. Moreover, there were several other Herefordshire tales about Jack of Kent which bore no conceivable connection with the defence of property rights. So rather than suggesting the existence of a folk culture generated by and peculiar to the squatters themselves, which set them off as a world apart, the Jack of Kent tale in particular integrates the squatter's own version within a more widespread local culture in which the important theme is the concept of the exploited tricking and confounding those who exploited them.

However, while folktales may have had a more positive integrating aspect to them, as a device to justify squatters' claims they were not designed to achieve any specific result. They would, in fact, appear to be generated in a situation where all other avenues of recourse such as bribery or an appeal to the manorial lord, had failed. Manipulation of the bailiff in reality becomes manipulation of the devil in a chimerical setting. In the Lincolnshire tale, the farmer proposes the contest precisely because the boggert has rejected a recourse to the law to settle the dispute. And again, it may be mentioned in

45 K.M.Briggs, A Sampler of British Folktales, 1977, p.123.

passing that the 'loss' of the motive in a tale told in a western county like Herefordshire as compared to the more defined and more sinister version of the Lincolnshire tale, may well be a reflection of the greater integration of squatter communities in the west, as opposed to the more persistent deprivation and class-orientated tenurial relations characteristic of the east.

### iii) Wills, Landsales and Public Opinion

By contrast, the increasing recourse by Herefordshire squatters to legalistic devices, such as wills and landsales, and to the law courts to challenge the claims of the manor or vestry over their encroachments, conversely becomes a measure of the relative slackening of outside controls, and is accompanied by greater vocal support for the plight of the squatter who by the early nineteenth century is increasingly depicted as being subject to the whims of oppressive, grasping landlords.

There is much to suggest that wills were regarded by squatters as surrogate title deeds; a minute attention to the locality of land enclosed out of the commons coupled with details of length of possession or mode of inheritance demonstrate that the act of willmaking was regarded by squatters as a means of leaving written proof of their rights to the land. John Watkins, of Llangrove Common (Llangarren) left to his wife 'a piece of land of 1 rood bounded by land of Mr. Brown on the East side and by a line drawn from the garden Gate by an apple tree and the stump of a walnut tree to an elm tree in the Hedge of the Common field (i.e. enclosed out of the common) on the west side thereof the sd tenement and land being the same which was left to my wife under the will of her first husband Henry Waters.' He also bequeathed two pieces of land, equally

well specified, 'which two patches I enclosed from the waste more than thirty years ago' (and which therefore entitled him to freehold possession.) Similarly, Thomas James of Little Birch, labourer, left to his brother his freehold house, garden and land 'situate at the Green on Aconbury Hill and which I inherited  
46  
from my father'.

Another indication of this growing security of tenure can be seen in the increasing number of property sales of former encroachments from the commons, which also suggest that the squatter's freedom of entry into the land market was partly a reflection of the declining tendency of freeholders to resort to fence-breaking. In a sense, a transaction of land recently inclosed which involved the exchange of money between buyer and seller gave the buyer a more secure right to the land simply because that transaction had occurred - like the will, it recorded the title through the written word, and placed at one remove the responsibility for the encroachment. Thomas Goodyear of Norton township, Bromyard, yeoman, left his 'messuage and lands situate at Bromyard Downs 'lately purchased by me of Thomas Badges' and another cottage and land also at Bromyard Downs' lately purchased by me of Thomas Dalley' to Maria,  
47  
daughter of Mary Norman who now lives with me.'

To quantify the degree of activity in the property market would also be impossible as many transactions must have been conducted privately. But the tip of the iceberg is revealed in newspaper advertisements of sales of commons

46 H.R.O., AA20/63 f.479, Copy Will of John Watkins of Llangrove, 1842;  
H.R.O., AA20/64 f.250, Copy Will of Thomas James of Little Birch, 1842.

47 H.R.O., AA20/66 f.91, Copy Will of Thomas Goodyear of Norton, 1846.

property - in themselves overt, public expressions of tenurial security. One or two of the advertisements hint at uncertainty; when half an acre of arable orchard at Checkley Common, described as a 'Desirable Situation for building upon', was offered for sale in 1831, it was merely stated that 'The Tenure will be specified at the time of sale.' But the overall rise in the number of advertised sales is unmistakeable:

TABLE 11  
Property Sales and Commons Settlements in Herefordshire 1800-1849  
 (By Decades)

	No. of Sales (Cottages)
1800-1809	18
1810-1819	36
1820-1829	42
1830-1839	133
1840-1849	131

Source: Hereford Journal, 1800-1849

Thus, whether employed as a means of actually securing a title, or simply intended as a buttress against outsiders' claims, the recourse to will-making or property sales certainly bears witnesses to the increasing tenurial security of squatters in early nineteenth century Herefordshire. In this respect, the whole question of title and ownership was shifting into a more public arena, beyond the confines of local debate confined to the vestry or manorial court. Parochial officers and manorial lords, anxious to establish their rights, both increasingly resorted to the county courts to try their claims against undesirable squatters. Though the cases in the short term tended to go in favour of the plaintiffs, in the longer term their actions attracted greater exposure through local press reports of court proceedings.

48 Hereford Journal, 7 September 1831.

Consequently, one notices that public opinion tended increasingly to cast the plaintiffs in the role of overbearing tyrants crushing the small man, depriving him of his livelihood and security. When Thomas Knight brought an action of ejectment against Thomas Lewis to obtain possession of a cottage and garden erected almost a century earlier on the waste in Wormsley manor, the verdict went in favour of the plaintiff only on condition that Lewis 'should be allowed (he being a very infirm old man) to spend the remainder of his days therein on payment of a trifling consideration.'<sup>49</sup> Clearly the case stirred the county into gossip and condemnation, for a long letter appeared in the Journal a fortnight later in which Thomas Knight felt obliged to defend himself in appearing to 'have acted harshly, if not unjustly, against a man whom I have during nearly<sup>50</sup> forty years treated with the greatest kindness.'

Similarly, when Guy's Hospital tried to assert manorial rights over lands enclosed from Vowchurch Common, a local landowner wrote to the paper questioning 'what right has Guy's Hospital to this property?' and concluding that it must be 'either robbing the poor parishioners of their cottages, or<sup>51</sup> the occupiers of land of their pasturage.' And when Morvan's cottage on Tillington Common was burnt down by rioters after he refused to pay an acknowledgment at the Burghill Manor court held in 1853, the lord's agent felt it necessary to inform the Journal's readers that 'I had nothing whatever to do

49 Hereford Journal, 1 August 1823.

50 Ibid., 13 August 1823.

51 Ibid., 27 April 1853; 13 May 1857.

with the pulling down of the cottage, either directly or indirectly.' Morvan himself was hailed by the newspaper as the 'hero' and 'victim' of the affair.

52

Yet, though public opinion clearly condemned these heavy-handed actions and may increasingly have acted as a brake on other manorial lords attempting to assert their rights, nevertheless Morvan's case illustrates that the tenurial status of some commons properties was still indistinct even as late as the 1850's. The following case-study in fact illustrates how the processes explored in this Chapter could be worked out in practice in the case of one property, while with a neighbouring example uncertainties could persist to - and even beyond - the end of our period.

52 Ibid., 28 October 1853; 22 February 1854.

## CHAPTER 4

### THE CHANGING EXPERIENCE OF DURLOW COMMON AND TARRINGTON COMMON 1780-1881

#### Introduction: Topography and Development

The parish chosen for this case study - Tarrington - is ideal in three respects. First, it contains not one, but two commons settlements. Secondly, the range of tenurial options encountered in these two settlements is remarkable, with at least one example of every one of the types discussed in the previous chapter occurring at some stage in the period 1780-1881. Finally, the parish is probably the richest of any in Herefordshire for the kinds of documentation required for highlighting changes in the nature and composition of the two settlements over the period. This is largely due to the parish falling within the influence of the Stoke Edith Estate. In particular, the fortunate survival of a census of the parish taken in 1781, and a further listing of inhabitants in 1831 (beyond the requirements of the national census demands), together with the 1798, 1815 and 1833 parish surveys, means that light can be shed on a usually blurred but key period of squatter settlement growth. With the estate, manorial, parish register and later census evidence, a relatively complete reconstitution of all the commons families and their<sup>1</sup> changing tenurial fortunes, can be attempted.

Within the boundaries of the parish, a rich diversity of landscape is complemented by the variety of settlement and land use. In the 1840's, at the time of the Tithe Apportionment, over half the parish of 2,230 acres was down

1 Much of the detail of this Chapter is based on information collected from a range of primary sources which are listed in the Bibliography.

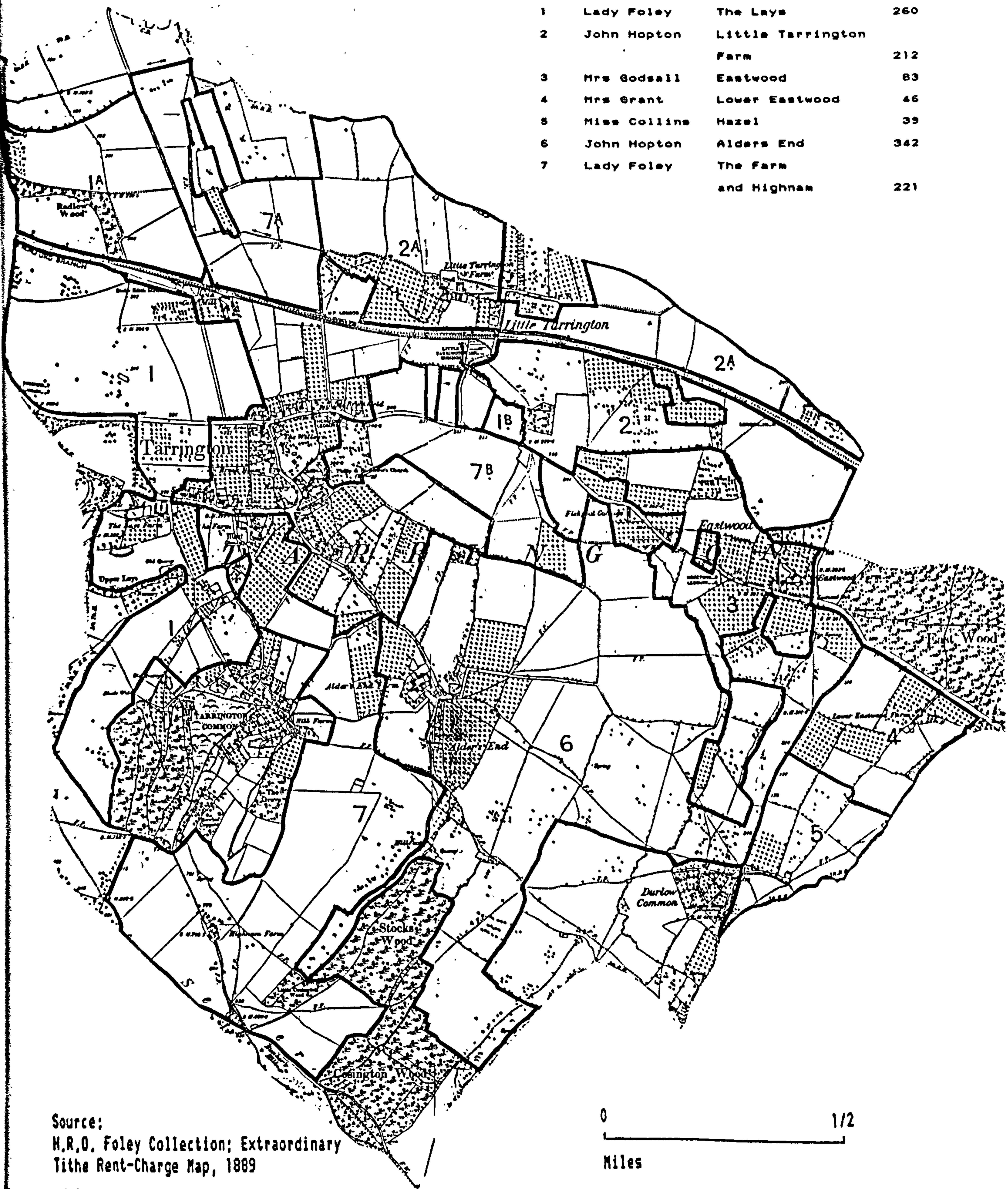
to pasture and meadowland, one quarter ploughed as arable, and the majority of the remainder planted as woodland (209 acres) or cultivated as hops (57 acres). In schematic terms, the landscape moulded the gradual agricultural shift of emphasis from the arable lowland in the northern part of the parish (where the open fields enclosed in 1796 were located), through pasture on the lower slopes, to woodland and common as one climbs up from the Frome valley towards the cap of the Woolhope Dome at the southern end of the parish.

Gravitating towards the western side of the parish, the village of Tarrington, at the base of the dome, forms a relatively compact settlement, the houses and cottages aligned east-west along the main Hereford to Ledbury road (and roughly equidistant between the two towns), then weaving at right angles to this road up the hill in a southerly direction towards the Church, then again turning a sharp corner eastwards and leading towards the three major farmsteads in the parish of The Farm, the Vine and the Lays. Smaller discrete settlements, principally of labourers' cottages, grouped themselves around the other three major outlying farms at Little Tarrington, Eastwood and Alders End. The remaining smaller farms at Durley, Highnam, Hazle and Hill Farm all lie in the southern half of the parish and in their smaller sizes and positions no doubt reflect a process of assarting land from the wooded slopes of the Woolhope Dome in the medieval period. (See Map 5)

The pattern of landownership had also tended to grow out of this settlement distribution and land usage. Basically, the western side of the parish almost exclusively formed part of the huge estate of the Foley family, whose seat was located in the neighbouring parish of Stoke Edith. Little Tarrington and the



NO.	OWNER	FARM	ACRES
1	Lady Foley	The Lays	260
2	John Hopton	Little Tarrington Farm	212
3	Mrs Godsall	Eastwood	83
4	Mrs Grant	Lower Eastwood	46
5	Miss Collins	Hazel	39
6	John Hopton	Alders End	342
7	Lady Foley	The Farm and Highnam	221



Source:  
H.R.O. Foley Collection: Extraordinary  
Tithe Rent-Charge Map, 1889

0 1/2  
 \_\_\_\_\_  
 Miles

north-eastern part of the parish fell within the sphere of the Hopton estate, centred at Canon Frome, while a greater degree of owner-occupation or tenanted land of smaller landowners tended to characterize the south-eastern area of the parish. While the basic configuration of landownership changed little over the period 1780 - 1881, a conclusion that a state of equilibrium reigned in the parish would be misleading. In particular, massive changes were occurring at the interstices or peripheries of these blocks of ownership. This is nowhere more apparent than in the case of the two settlements of Durlow and Tarrington Common, which together form the primary focus of this study.

The common pasture of the parish had in fact entirely escaped the Enclosure Act of 1796, and by the 1840's some 18 acres still survived as such at Tarrington Common, with smaller patches of 3 and 1 acres respectively at Durlow Common and Little Tarrington Common. The latter was a small low-lying area of waste towards the northern boundary of the parish, and could not support a settlement of any size. Tarrington and Durlow Common, on the other hand, both lay on the lower slopes of the Woolhope Dome in the southern half; in their relative sizes, and in their tenorial and demographic composition, they reveal interesting variations, so that not only can we generalize from the combined experiences of both, but we can also compare their experiences as contrasting types of commons settlements.

The first indisputable generalization applicable to both settlements is that the period 1780 to 1861 witnessed a steady but unmistakeable growth in the numbers of persons resident on the two commons; there were nearly twice as many households (28 compared to 16) on Tarrington Common in 1861 than could be

found there in 1781, while Durlow Common reveals an even more impressive rate of growth, with a fourfold increase in the number of households (16 compared to 4) in the same period. Broadly speaking, the primary conditions actually favouring growth were similar to both settlements. These conditions are closely interlinked, and principally stem, first of all, from the disintegration of customary rights over a long period of time until by the eighteenth century local farms had abandoned any grazing rights they may have once enjoyed on Tarrington and Durlow Common. Thomas Gwillim's deposition (referring to Tarrington Common) in 1807, stated that 'I never knew Mr H<sup>2</sup>(opton's) tenants depasture cattle upon the common. No one in particular does.'

Without an homage committed to upholding their rights of common, there was little justification for maintaining manorial courts. In 1807, it was known that courts had been held regularly up to a certain date in the past, but that date could not be recalled in living memory, and it was simply stated that 'they were discontinued the expence being greater than the profits arising from them'. This very period of neglect in the eighteenth century provided the background for the dispute over title to the manor of Tarrington which began to gather momentum in the final years of that century; a brief outline of the facts surrounding this dispute are in fact critical in our understanding of the future and to an extent, differing development of Tarrington and Durlow Common. The two contenders in the dispute were the Hopton and Foley families. Richard Cope Hopton Esq. was 'a gent. of very great fortune residing at Canon Frome.' In 1776 he came into possession (on paper at least) of the Manor of Tarrington,

2 H.R.O., R.93, Hopton Collection, 11067, Tarrington Common Brief, 1807, on which the following account is based.

his father having acquired it upon his marriage in 1732. But whereas the son decided to make Canon Frome his chief residence (only three miles from Tarrington) his father had 'lived and died in Worcestershire as did his widow Mary'. Although during this time Hopton senr. had employed one John Freeman to collect some chief and reserved rents arising out of the manor 'in other respects the manor was totally neglected'

In the father's absence up to 1777, the Foley family began to feel their way towards laying a claim on the manor of Tarrington. The general motivation for this was described in 1807 as follows: 'At Stoke, which is (the) adjoining parish to Tarrington, the Foley family have a most magnificent Mansion surrounded by a Park, Pleasure Grounds and Shrubberies laid out with very great taste, and to which they wou<sup>d</sup> be be very glad to add the manor of Tarrington which adjoins it.'

The first move to establish a claim, however, appears to have been made as early as 1724, when a court for Tarrington Manor was held by them and several individuals were presented for incroachments on Tarrington and Durlow Common. The exercise was repeated in 1757, but a lapse of some twenty years then ensued, presumably because for much of that period both the Foleys and the Hoptons resided little at their respective Herefordshire seats.

Nevertheless, the seeds of confrontation had been sown, and this context of both an attenuated yet disputed manorial title would arguably be conducive to settlement formation on the commons. Unfortunately, as is so frequently the

3 H.R.O., F/H1, Foley Manor Court Book, 1724-1923.

case with the eighteenth century evidence for Herefordshire, the consequent lack of accurately maintained manorial records means that the very process of settlement and growth at this time is shrouded in some obscurity. The presentments made at the Foley's 1724 court provide an interesting clue, however. At that court, seven individuals were presented for incroachments on Tarrington Common, and four for incroachments on Durlow Common. Out of the total of eleven, five bore the surname of Cole. The 1684 map of the Stoke Edith estate indicates that two of the smallholdings on Tarrington Common occupied by the Cole family in 1781 were already established at this early<sup>4</sup> date. The likely conclusion to be drawn from this is that almost half the growth of both Durlow and Tarrington Common in the period 1684 - 1724 is attributable to one established family in the parish, who through inheritance and accumulation had considerably expanded their original holdings.

If the Coles represent something of a 'success story', the other major stimulus to growth prior to 1724 indicates a less prosperous avenue to settlement on the commons. James Hodges of Durlow Common recalled in 1807 how his father had come to reside there: 'The parish put him in (the cottage) to take care of my mother ...' In the absence of a strong manorial presence, therefore, the vestry took advantage of the situation and 'planted' several families on the commons without, apparently, paying acknowledgments or seeking permission from the lord of the manor.

The cases of the Coles and Hodges neatly indicates the two strands of development characteristic of the eighteenth century and outlined in the

4 H.R.O., Foley Collection of Maps, A Survey of the Parishes of Stoke Edith, Yarkhill, Weston Beggard, Taddington ... by William Deeley, gent., 1684.

previous Chapter. On the one hand, families already established in the parish were benefiting from the availability of commonland for the formation and subsequent expansion of smallholdings. On the other, a number of families were 'artificially' finding their way from the parish's established settlements onto the commons as a direct result of the poor law system. As has been noted elsewhere, none of these settlers had come 'as if from nowhere'; their mobility was contained within the bounds of the parish.

Unfortunately, insufficient evidence exists to allow a complete assessment of which two categories of settler the eleven individuals named in 1724 actually fall into. Nor is it possible to say exactly when they had arrived on the common. What is clear, however, is that all the prerequisites for settlement on the two commons were present as early as 1724. First, the exercising of common rights of pasture appears to have been non-existent. Second, lax manorial control had witnessed the demise of the courts. Third, the vestry had capitalized on this situation by housing paupers in cottages on the commons. Fourth, both the vestry and families like the Coles had created a precedent by encroaching on the commons; nevertheless there were still 5 acres of open common at Durlow and 22 acres at Tarrington Common. Precedent and availability of further land invited further settlement, whereas isolated commons with no existing resident population were less prone to initial development.

What seems surprising therefore (given these 'optimum' conditions), is the very fact that between 1724 and 1781, virtually no expansion or new settlement appears to have taken place on the two commons. At the 1757 Court,

unlike its predecessor, not a single encroachment was presented.

The explanation would appear to lie in the lack of population growth in the eighteenth century - there is, for example, very little sign of pressure on the existing housing stock on this period, the total number of households recorded in the parish in 1781 (71) tallying exactly with the total number of houses<sup>5</sup> (including exempted properties) assessed in the 1664 Hearth Tax. The 1684 Estate Map indicates nine dwellings already established on Tarrington Common, and two on Durlow Common. The numbers had grown to only fifteen and four respectively in 1781, and the 1724 presentments would suggest that the extra eight dwellings may well have appeared by that date, with a period of stasis between 1724 and 1781. Similarly, the Hearth Tax and 1801 census evidence suggests that any development that may have occurred between 1664 and 1801 was balanced by a similar reduction in the number of properties in the established centres of settlement in the parish.

## PART I 1780-1830

### 1) Demographic Structures

The continuity of families like the Coles was no less a prominent characteristic of the commons in the century after 1780. Of the cottages already built in 1780, or established within the next forty years, nearly three-quarters were still inhabited in 1881 by descendants of the first-recorded occupants in our period. Continuity between three, four and sometimes five generations was by no means unusual.

5 M. Faraday, 'The Herefordshire Hearth Tax', T.W.N.E.C., XLI, pp. 77-90.

The immobility of this large nucleus of families increases confidence in the reconstitution data, as opposed to less topographically-specific data derived from general parish studies. Conversely, it should not blind us to the fact that demographically, significant changes were occurring. If there is little evidence of population pressure in the parish prior to 1780, the situation - at least as far as the commoners were concerned - altered drastically in the subsequent fifty years.

In two respects, though, the commoners deviated little from what many reconstitution studies have already confirmed since Hajnal's seminal article of 1965 - the existence of a European marriage pattern and in particular the late age at marriage of women relative to the age of puberty.<sup>6</sup> The English evidence as presented by Flinn show little variation from the overall mean of 25 years,<sup>7</sup> and the commoners experience conforms very closely to this pattern:

TABLE 12  
Age at First Marriage: Durlow and Tarrington Common Residents  
1780-1830

	Male		Female	
Mean	27.6	(28.0)	25.3	(25.2)
Number	17	(46)	15	(42)

Source: Durlow and Tarrington Common FRFs

(Note: The bracketed figures are those derived by back-projecting from recorded ages either at death or census, and where a marriage is not recorded, subtracting 9 months from the ages of the parents at the birth of their first recorded child. The close correlation with the unequivocal evidence increases confidence in the reliability of this method.)

6 J.Hajnal, 'European Marriage Patterns in Perspective', in D.V.Glass and D.E.C.Eversley, eds., Population in History, 1965.

7 M.W.Flinn, The European Demographic System 1500-1820, 1981. For comparative purposes, the following tables are produced in the same format as those of Flinn, pp.102-137.

The mean age of women at the birth of their last child of 41.35 years (20 cases) also reflects the European pattern of a restricted reproductive span, although it is worth noting that this is in fact almost 5.5 years longer than the mean of the two comparable English reconstitutions for the period. If there was some stretching of fertility at the end of the cycle, the pattern was also breaking down at its commencement, blurring the significance of the female's age at marriage; at a rate of 52 per 100 live first births, the number of children conceived prior to marriage indicates that just over half the brides of commoners were already pregnant when going to the altar, a figure higher than any of the parishes (English or European) listed by Flinn for all periods. Additionally, exactly 1 in 10 of all births (24 of 240 cases) were conceived entirely outside marriage; the association of a formal ceremony of marriage with a first sexual experience was thus rather muted for the majority of commoners.

The relative 'urgency' of reproductive behaviour implied in these statistics is confirmed, although the numbers are small, when completed family sizes are calculated:

TABLE 13  
Family Size by Wife's Age at Marriage  
Durlow and Tarrington Common 1780-1830

	Under 20	20-24	25-29	30-34	All
Number	3	11	8	4	26
Mean	10.7	7.8	5.75	4.5	7.0

Source: Durlow and Tarrington Common FRFs

The stunningly high average of seven children born per family can be compared, for example, to the experience of Terling in the period 1550-1724, where though women married slightly younger on average, the mean size of their families was only 4.6 children; the figures for the commoners are consistently higher for each age group - a woman marrying as late as 30-34 was on average giving birth to almost this number of children.

One would have suspected, given the supposed increase in the physical and economic pressures of maintaining and raising such large families that mortality would have taken a heavy toll, acting (in the absence of any Malthusian positive checks) as a necessary brake, in a sense, to relieve some of these pressures. Yet nothing could be further from the truth. Perhaps surprisingly, the commoners' children's chances of survival were greater than in any of the English (or for that matter European) settlements for which comparative figures are recorded by Flinn:

TABLE 14  
Survival Rates  
Durlow and Tarrington Common 1780-1830  
 (Survivors per 1,000 live births to various ages; both sexes)

	Numbers of Survivors at Age		
	1	5	10
1780-1830	937	918	907

Source: Durlow and Tarrington Common FRFs

Within the context of a pattern of regularly spaced birth intervals, however, the small number of children dying in the first ten years of life and in particular in infancy is entirely consistent; the presence of higher infant mortality would have caused greater disruption to birth intervals. (The majority of infants dying were, in any case and as expected, first or last born anyway.) The above statistics provide ample evidence illustrating the expansive

nature of the commoners' demographic regime in this period, a regime in which a relatively late age at marriage was nevertheless combined with a consistent pattern of fertility largely unrestricted artificially by any form of contraception or 'naturally' by high levels of infant mortality. Commoners were producing children far in excess of the necessary guarantee for simple replacement.

There would appear to be several interconnected factors here - tenurial, familial and economic - and it is important to see how these linked together as stimuli to growth.

In the tenurial sphere, the story must revert to the nascent opposition between  
8  
the Foleys and the Hoptons.

ii) Manorial Disputes

If the long-established settlers on the commons were joined by few 'newcomers' in the period 1724 to 1781, nevertheless the former exploited the disputed but as yet unclarified manorial claims of the Hoptons and Foleys to their advantage. William Hodges of Tarrington Common clearly managed to secure a degree of tenurial security for the property he had enclosed from Durlow Common consisting of '2 gardens and the standing of one barn and crops of some trees' as he was paying a chief rent to the Hoptons between 1760 and 1763. The arrangement was clearly an amicable one. Benjamin Parker who collected the rents for Hopton, touched on this in 1807 when he remarked: 'It is beyond my recollection to say what passed with Hodges, I had no thought at the time of having the receipt again ... I cant say whether I ask'd him to drink, it is usual

8 The following account is based on H.R.O., R93, Hopton Collection, 11067, Tarrington Common Brief, 1807.

to do so.' James Cole on the other hand had turned to the Foleys and had secured a lease for three lives on a cottage and enclosure he had made at Tarrington Common well before 1785, while his brother Thomas Cole felt confident enough of his title to levy a fine upon the three cottages he owned there in 1783. James Hodges too took advantage of the lax control exercised by a complacent vestry in this period, as his son recalled in 1807: 'there was but one room in my fathers time and a little bit of ground ... he put up another room and then the parish thought it was too much for him' - but the room, and the Hodges remained, and indeed over time acquired freehold possession.

Against this background of apparent tenurial security, the dispute over the manorial title was nevertheless gathering momentum in this period, and its nature and course were ultimately to affect the settlers on both commons. No doubt any potential rivalry between the Hoptons and the Foleys over possession of the manor was fuelled in the wider political sphere by the fact that the Foleys 'were about the years 1768, 1774 and 1776 engaged in great and expensive election contests for themselves or their Friends, in all of which they were opposed by the voice and interest of the plaintiff' (i.e. Hopton). The main catalyst, however, was the return of Richard Cope Hopton to reside at the estate in Canon Frome. (His father had never been more than an absentee landlord.) This caused no immediate confrontation; rather, each family began to nudge forward their claims, but utilizing different channels. Hopton pursued three different courses. First, his gamekeepers and servants regularly hunted over or shot on the manor, and he 'in the regular way appointed gamekeepers, whose names have from time to time appeared in the annual list printed in the Hereford newspaper.' Secondly, Hopton deputized his chief gardener to go to

Durlow Common (which is the nearer of the two commons to Canon Frome) to collect some 'chief or reserved rents ... for Inclosures on Durlow Common. In 1796 he received of Mary Spencer 1sh. In 1797 of Jas Hodges 14s for seven years rents.' He also employed Richard Matthews of Tarrington 'in giving notice to cottagers on the commons to go to Canon Ffroome house to pay their rents and those that were in arrear he used to receive; he remembers receiving rents of Mary Spencer, John Preece and others for ground inclosed out of Durley Common...' And finally, and more dramatically, from about 1783 he began to assert his rights in a more symbolic fashion. One witness in 1807 recalled 'I have rode through the inclosures both on Tarrington and Durley by Mr Hopton's orders, about 23 years ago, only once while I lived there.' He was accompanied by Mr Matthews, and 'the reason of our riding through was to keep up Mr Hoptons right to the manor.' Apparently there was a lull until 1795 or 1796 (in the interim Hopton had largely been absent again, living at Bath while the house at Canon Frome was being rebuilt) when Richard Matthews 'went by Mr Hoptons directions to Tarrington Common and with a hedge bill cut down Fences belonging to the Inclosures there to let the horsemen who attended ride through them.' Subsequently, the parties that made these sallies appear to have grown in size; and by 1800 they were becoming an annual event. Hopton's head gardener accompanied them in 1800; in 1801 his chief Whipper-In led the sortie, and by 1804 the company was blessed with the presence of the Reverend Mr Parsons - 'a gent. of great respectability, a County Magistrate a near Neighbour and relative (of Mr Hopton.)'

The Foley family responded to this increasingly overt Hopton challenge with a set of tactical manoeuvres that in some instances mirrored their rival's

methods, but in others differed subtly from them. They had held no more manorial courts since 1757, but a revival in their interest complimented the increasing frequency in the number of hunting parties following Hopton's return to reside at Canon Frome in 1776. From 1778, for example, the anomolous situation arose where both the Hoptons and the Foleys were including the Manor of Tarrington in the deputations of their respective gamekeepers published in the Herefordshire newspapers. As the plaintiff's attorney grumbled 'Mr Foley might as well have given a deputation for a manor in the moon.' Nothing as uncivilised as pitched hunting battles appear to have occurred as a result, although one witness remarked that 'once or twice we have run into one another.' More subversively, James Davies also well remembered 'the Plaintiffs hounds running a hare into Mr Foleys shrubberies where Mr Foleys workmen knocked it on the head.'

An alternative, though, to Mr Hopton's better substantiated hunting rights over the manor had to be found; and it was particularly in response to the increasingly overt combination of hunting and fence-breaking that the Foleys in 1805 began to resurrect an alternative manorial structure based on the revival of the lapsed courts. Significantly, the 1805 proceedings were not held in the Court House, but at Barrs Court in Tarrington, the private house of the Foley's chief tenant in the parish. All the chief farmers appeared, although Richard Matthews, Hopton's chief fence-breaker from the parish, was conspicuous by his absence. Nevertheless, all Hopton's principal tenants were present, and it would be misleading therefore to project the two leading opponents' confrontation down the social scale as a neat dichotomy of satellite interests. Indeed, the

situation is made more complex by the fact that Hopton's principal tenants also owned some freehold land in the parish; though they can be numbered amongst the fence-breaking parties, they were not entirely Hopton's pawns. In fact, the interesting and confused state reached in 1805 was that a number of these tenant/freeholders were on the one hand riding with hounds to break down the inclosures so as to preserve Hopton's right to the manor, and on the other, attending the Foley courts, and 'sanctioning' the extracting of fines for encroachments which were due to Mr. Foley as self-titled lord of the manor. Yet this Janus-like attitude was wholly consistent with their position as freeholders in the parish, for their only means of checking the disturbing rise in population (and therefore the likely burden on the poor rates) was by voicing their opinions either in vestry meetings or at manorial courts. In keeping their options open, they were merely demonstrating their concern for their own future financial welfare.

In extracting fines for encroachments, Foley was of course trying to ensure that his title to the soil was confirmed. To go one step further, were the Foleys actually 'encouraging' settlement on the commons for the purpose of acquiring a majority of witnesses willing to acknowledge that title? Short of oral testimonies stating the fact, definitive proof in the surviving evidence is not forthcoming. But by amalgamating several oblique scraps of information, a rather convincing argument can be put forward to suggest that, if not actively promoting settlement in person, the Foleys were nevertheless deliberately turning a blind eye to development on the commons as a basis for reinforcing their claims.

First, there is the undeniable fact that between 1781 and 1805, after a period of stability, both Durlow and Tarrington Common 'took off' in terms of the mushrooming of new cottages and encroachments, as Table 15 indicates. The evidence also reveals that the majority of these new families were not unknown immigrants. Edward Beeks, for example, who appeared on the common in precisely this period, described in 1807 how he had 'known Tarrington 60 years and upwards. He was born in the parish.' More significantly, 'His Father & Mother were Servants in the Foley Family at Stoke & married from thence. When a boy he (i.e Edward) used to be much with the Servants at Stoke House, he knew several gamekeepers there ... with whom he used frequently to go acoursing and shooting.'

Equally revealing is the fact that both James Wilcox and James Pocknell appear in the accounts of the Foley-owned Vine Farm for labour services in 1802/3, and then in 1805 are mentioned for the first time as occupiers of cottages and encroachments on Tarrington Common.<sup>10</sup>

Finally, the increasing frequency of Hopton's forays onto the commons in the first five years of the century acquire a more comprehensible significance if read in the context of Hopton's mounting distrust of his rival's attempts to sow allegiance amongst the new settlers.

The situation could only change with a resolution of the dispute over the manorial title, and by 1807 matters came to a head. In response to the Hoptons'

10 H.R.O., Foley Coll. (uncat), Tarrington Boxes, Vine Farm Accounts, 1781-1788, 1797-1806 (4 Vols); Tarrington Manor Suit Roll, 1805.

recourse to hunting and fence-breaking, the Foleys concocted an alternative symbolic display to force the issue, wholly consistent with their manufacturing interests from whence their wealth was derived. Brickmaking was never established on Tarrington Common as a permanent industry, but on 'January 1st 1805 & on divers other days and times', Robert Jones (one of Foley's tenants) 'with force and arms broke and entered ... Tarrington Common, and with his feet in walking trod down trampled upon consumed and spoiled the grass of the sd Plaintiff then growing there of the value of £5 with spades & other instruments dug up got and raised divers large quantities of Earth & Turf to wit, 100 Cart loads of Earth & 100 Cart loads of Turf & disposed thereof to his own use.' The purpose of breaking up the land was to 'make bricks there for the express purpose of giving (Mr Foley) an opportunity of trying his right to the manor.' And Thomas Gough, who actually fired the clamp, willingly 'acknowledged the Trespass and said that it was no business of his he was employed to make Brick because the Gentlemen disputed about the Manor.'

Within the two parties' tactics, we perhaps briefly glimpse on a wider canvas the changing composition of the landowning class on the eve of the Industrial Revolution - the eighteenth century image of the country gentlemen devoted to little else except hunting, is superseded by the nineteenth century 'nouveau' landowner whose roots are based firmly in manufacture and industry.

The resolution of the case in favour of the Foleys finally confirmed their title to the soil of the commons of the Manor of Tarrington. They celebrated regularly at first with annually held manorial courts, which then lapsed to triennial courts, then only on a sporadic basis. But with no prospect now of

Hopton's title being 'regained', his tenant/freeholders registered their disapproval by non-attendance. As late as 1874, the Foley agent was grumbling about the problem of consequently finding suitable candidates to constitute the homage: 'Mr Hoptons tenants will I understand refuse to attend the Tarrington Court. Please to advise me to whom I can send the summons as it does not seem much use sending them to Lady E. Foley's tenants. As Smith is insolvent and there is none other than Mr. Cale of Tarrington who occupies less than 20 acres shall I summon the Clergymen?'

There were further problems for the Foleys in also cajoling the commons inhabitants themselves to accept the title. With the demise of the fence-breaking parties after 1805, there was little that the manorial courts could do except make presentments of encroachments after they had been established and receive acknowledgments for them. The following Table illustrates how the court was still active in this field in 1868, although by then presentments were being made only for additions to existing holdings, rather than entirely new settlements.

TABLE 15  
New Presentments made in the Tarrington Manor Court 1805 - 1868

	Durlow Common		Tarrington Common	
	Enc Only	Cottage & Enc.	Enc. Only	Cottage & Enc.
1805	8		15	3
1808			2	
1811	2	5	1	2
1822		1	4	
1832			3	
1845			5	
1868			4	

Source: H.R.O., F/H1, Foley Manor Court Book, 1724-1923

11 H.R.O., F/H1, Foley Manor Court Book, 1724-1923. Letter from H.Parker to T.Barneby, 22 June 1874.

So the process of piecemeal enclosure continued long after the manorial dispute had been settled, though as the presentments at the first 'official' court clearly demonstrate, those already established on the commons had benefited most in the period immediately prior to the court case.

The expansive demographic regime of the commoners at this time should therefore be judged in the context of these new tenurial opportunities. The availability of land boded well economically for increased supplies of food, cider, timber (either as cash crops or for home consumption), and also for the future of a greater number of children in its potential either as a mortgageable or saleable asset, or for extension of existing accommodation, or even in some cases the building of new houses for children nearing marriageable age.

An increased measure of self-sufficiency was in no way compromised by a decline in the availability of waged employment. As Snell has shown, yearly wages in the western counties were rising steadily from about 1730 to 1790, and then much more sharply from the 1790's, and though male wages never reached the peaks attained in the eastern counties, female wages appear to have risen uninterrupted until the end of our first phase in the 1830's. Similarly, his source suggests that the seasonal distribution of unemployment between 1780-1834 was much more muted in the west, for both males and again particularly for females, perhaps not so surprising when the seasonal rhythms and diversity of work explored in an earlier Chapter are taken into account. But as Snell has pointed out, his sources 'tell us nothing about the relative size of the male and female work force in different periods', and this must surely be the crucial factor when attempting to equate population change and employment

opportunities, where the perception of an expanding job market may be more  
12  
important than short-term seasonal fluctuations in labour demands.

That the period 1780-1830 witnessed an important expansion in labour opportunities in Tarrington can be illustrated by considering three principal factors.

#### iii) Agricultural Change

First, this period was one of rapid agricultural change in the parish, which can be demonstrated particularly in the manner in which landholding was drastically re-organized to create a more labour-intensive system of farming. Secondly, the detailed labour sheets of the Lays and Highnam Farms for 1831/2 can be exploited to indicate how by the end of the period, despite a spectacular increase in the potential labour force, structural unemployment may have been virtually absent in the parish. Finally, analysis of expenditure on poor relief can compliment these findings by indicating the size and composition of the pauper sector, and in particular, whether any able-bodied commoners were obliged to rely on this source.

That Tarrington experienced considerable agricultural improvement in the late eighteenth and early nineteenth centuries is only too apparent in the flurry of exchanges of land which were constantly redrawing the boundaries of many of the farms in the parish. The Enclosure Act of 1796 was merely a specific, overt expression of a more long-term pattern of tenurial exchanges. (As a result of the Act, 468 acres of open fields and meadowland were exchanged, of which 368 acres were owned by the Foleys and the Hoptons, the remaining 100 acres split in much smaller parcels between a dozen smaller owners. The lands were distributed in sixteen separate fields, ranging in size from 1½ acres to

12 K.D.M.Snell, Annals of the Labouring Poor: Social Change and Agrarian England 1660-1900, 1985, pp.18, 40-49.

113 acres. The Act in no way affected the common pastures at Tarrington or Durlow Common.) C.A. Mason, the Foley's land agent, commented in 1846 on the changes subsequent to Enclosure as they affected his own farm, the Vine:

The greater part of the farm is very wet and of a thin washing quality of land it being new inclosures from the common land about 50 years since. It has however been very much improved by draining etc ... the Buildings are capable of accommodating far more stock than the land will support on account of the small quantity of tillage which has been increased within the last 20 years by breaking up some meadow ground...

13

The minutiae of these changes however do not concern us here, but two major trends are pertinent to the development of the commons settlements and their demographic surge in the early nineteenth century. On the one hand, that favourite stumbling block to historians of the relevance of the land tax assessments to charting the position of the small landowner can happily be by-passed. The following Table, comparing the surveys of 1798 and 1833, puts beyond all reasonable doubt the fate of the 'small' landowner in Tarrington parish - the term must obviously be used with caution as it relates only to those owning a 'farm' unit of five acres or more: it does not include the kind of occupier found on the commons:

TABLE 16  
The Small Landowner: Tarrington Parish: 1798 and 1833

Size of Holding (Acres)	5-9	10-19	20-49	50-99	Total
1798	3	3	4	1	11
1833	0	3	1	1	5

Source: H.R.O., Foley Collection (uncat.), Tarrington Boxes, 1798 & 1833 Surveys

The principal beneficiaries of the re-allocation of this land were the larger farms in the parish, all of which were in Foley or Hopton ownership. Though a

13 H.R.O., Foley Collection (uncat.), Letter Book of C.A.Mason, 1846-1864, 28 April 1846.

reflection of the larger estate's drive towards expansion, the actual extent of land absorbed in this way - about a hundred acres - is perhaps less significant than tenurial changes between, but particularly within, these large blocks of ownership. Following the 1796 Act, for example, a further re-allocation of land took place in 1803 as a result of a private agreement between the Foleys and the Hoptons, involving an exchange of scattered allotments accrued as a result of Enclosure. Some 50 acres were included in this agreement alone; in addition some 20 acres of land unaffected by the Act were also exchanged, leading to further rationalization of boundaries between the two estates.<sup>14</sup> Most striking, however, were the changes within the individual blocks of ownership themselves. On the Foley estate, for example, the allocation of lands to the five principal farms (Vine, Barrs Court, the Farm, Highnam and Lays) underwent considerable variations between 1780 and 1830, perhaps the most dramatic being the dismembering of some hundred acres of the Vine Farm in 1802/3, and its re-allocation principally to the Farm and Highnam. The effect of these changes was to make all five farms of roughly similar medium-sized proportions by 1833. The Vine of 246 acres, Lays at 195, Highnam at 111, Barrs Court 182, and The Farm 180 acres. Both Lays and Highnam had been taken in hand following problems with tenants and a bailiff installed to run the two conjointly. Of the smaller farms, the Tanhouse was nearly doubled in size to 55 acres, Hill Farm and Kingshay remained roughly similar in acreage, while Little Vine had been swallowed up completely.

Thus the disappearance or enlargement of smaller holdings was balanced by a pruning back of the largest farms - not, as one might have expected, a process

14 H.R.O., F/HIII/ Foley Collection (uncat.), Tarrington Box, Papers concerning Tarrington Enclosure Award, 1797-1804.

of continuous engrossment at the expense of the smaller farms. This process of redistribution and redefining of boundaries had without doubt led to a more efficient farming system, and the concomitant effect in this pre-mechanized period was a demand for more labour. Snell has pointed out that considerable regional variations occurred in the decline of service, and clearly the western counties may have experienced a very different pattern to the east; while in both areas in the early nineteenth century farms increased their production and the larger farmers withdrew from manual work, yet in the west the demand for more labour appears to have been met by enlarging the more traditional avenues of employment through the recruitment of larger numbers of living-in servants. Far from entering a period of continuous decline from the eighteenth century, as appears to have been the case in the eastern counties, in Herefordshire service may have enjoyed a brief renaissance in the late eighteenth and early nineteenth centuries. The following Table illustrates that this was certainly the case in Tarrington parish:

TABLE 17  
Living-in Servants, All Tarrington Farms, 1781 and 1831

	1781			1831		
	Male	Female	Total	Male	Female	Total
1. Vine	5	3	8	6	3	9
2. Barrs Court	4	1	5	5	2	7
3. Lays & Highnam	3	0	3	4	2	6
4. Farm	5	1	6	5	3	8
5. Alders End	3	2	5	6	3	9
6. Little Tarr.	3	1	4	5	2	7
7. "	2	0	2	1	3	4
8. Eastwood	3	0	3	2	2	4
9. "	-	-	-	1	1	2
10. Hazle	1	0	1	2	1	3
11. Tanhouse	0	0	0	3	1	4
12. Galletts	0	0	0	2	1	3
	---	---	---	---	---	---
	29	8	37	42	24	66

Sources: H.R.O., M27/4 & K14/80, 1781 and 1831 Listings of Inhabitants

15 Snell, op. cit., pp.67-103.

A near doubling of the number of living-in servants clearly has important ramifications as regards the perceptions of commoners marrying in the period 1780-1830; a prime stimulus to increased fertility must have been the consideration that larger numbers of children could find places as servants, and not remain as potential burdens on the family income at critical points in the family life-cycle. Even the poorest families on the commons benefited from this expansion of opportunities within the parish itself, the system of parochial apprenticeships ensuring that places would be found for their children on the local farms. Yet this reliance on the parish by commoners should not be exaggerated. Of the 82 recorded apprentices placed between 1801 and 1830, under half (39) were children from the commons. Of these, eight were the children of just one couple - Thomas and Lydia Hill - who occupied one of the parish houses on Tarrington Common, while a further 13 were the offspring of other parish house occupants. Two further apprentices were illegitimate. Of the remainder, an explanation such as an illness, disability or bereavement of one of the parents may well account for the temporary preferring of a child for a parish-assisted place. By way of example, another four apprentices were all offspring of Richard Bowkett of Durlow Common (but not a parish house occupant), whose blindness, attested in 1805 and at his death in 1818, prevented him from fully supporting his family. William Preece, also of Durlow, eventually secured a place in 1819 on his own grandfather's smallholding in the neighbouring parish of Yarkhill (his employer receiving three guineas for clothing); William's father had died at the age of only 29 two years previously.

Parish apprenticeships represented only a small proportion of the number of children of commoners going out to service, and indeed it is worth noting that

their reliance on this form of assistance appears to have declined relative to other labouring families in the parish:

TABLE 18  
Tarrington Parish Apprentices: 1801-1830

	1801-1815	1816-1830
Commons	20	19
Rest of Parish	9	34

Source: H.R.O., K14/72, Tarrington Vestry Book, 1792-1872

Openings for servants were not, of course, confined to the parish alone, and the impression that a similar expansion of opportunities occurred in the surrounding parishes is reinforced by the 1831 census statistics. Despite the relatively high mean size of the 34 households on Tarrington and Durlow Common of 5.5 persons, this was not due to large numbers of children failing to find places as living-in servants. Of only 10 unmarried males aged between 15 and 30, at least six were engaged in 'familial' crafts such as mason (3), shoemaker (1), carpenter (1), and thatcher (1). The obvious imbalance of opportunities between males and females is reflected in the higher number of the latter (16) between 15 and 30 remaining at home. (Note: the ages of 12 females and only 1 male in the census cannot be ascertained). Quite apart from the usefulness of older female children remaining at home to look after their younger siblings, the imbalance may also reflect differing employment opportunities: more female work, such as hop-picking, apple-picking, meadow-dressing and harvesting, was carried on outside the more formal confines of living-in service, while a number of females employed as domestic servants but who nevertheless resided in the familial home can only be put forward as a possibility rather than accurately identified. It is noteworthy, however, that where the age at leaving home can

16 H.R.O., K14/80, 'An Account of the Population ...in Tarrington', 1831.

be calculated, the males were consistently placed at a younger age than the females:

TABLE 19  
Age at Leaving Home; Parish Apprentices from the Commons  
1801-1830

Male	Age	Female
1	9	0
5	10	0
9	11	1
2	12	4
0	13	3
0	14	5
---		---
17		13

Source: Durlow and Tarrington Common FRFs

This no doubt reflects a general imbalance for all servants, even if the age at leaving home for unassisted places may have been generally higher for both males and females.

iv) Employment Opportunities

The expanding opportunities for service between 1780 and 1830 thus compares favourably with the pronounced decline by this time in the east, and must surely have been an important component of the commoners' reproductive strategies. Nevertheless, the growing number of children of pre-service age also had to be fed and clothed; a more critical variable in the early stages of the family cycle was therefore the availability of employment for household heads and the opportunities for generating sufficient familial income to support these younger children.

While the sources do not exist for illustrating the exact timing of changes in the employment market, the Labour Sheets of the Lays and Highnam Farms for 1831/2 can be exploited to indicate the rate, nature and seasonality of

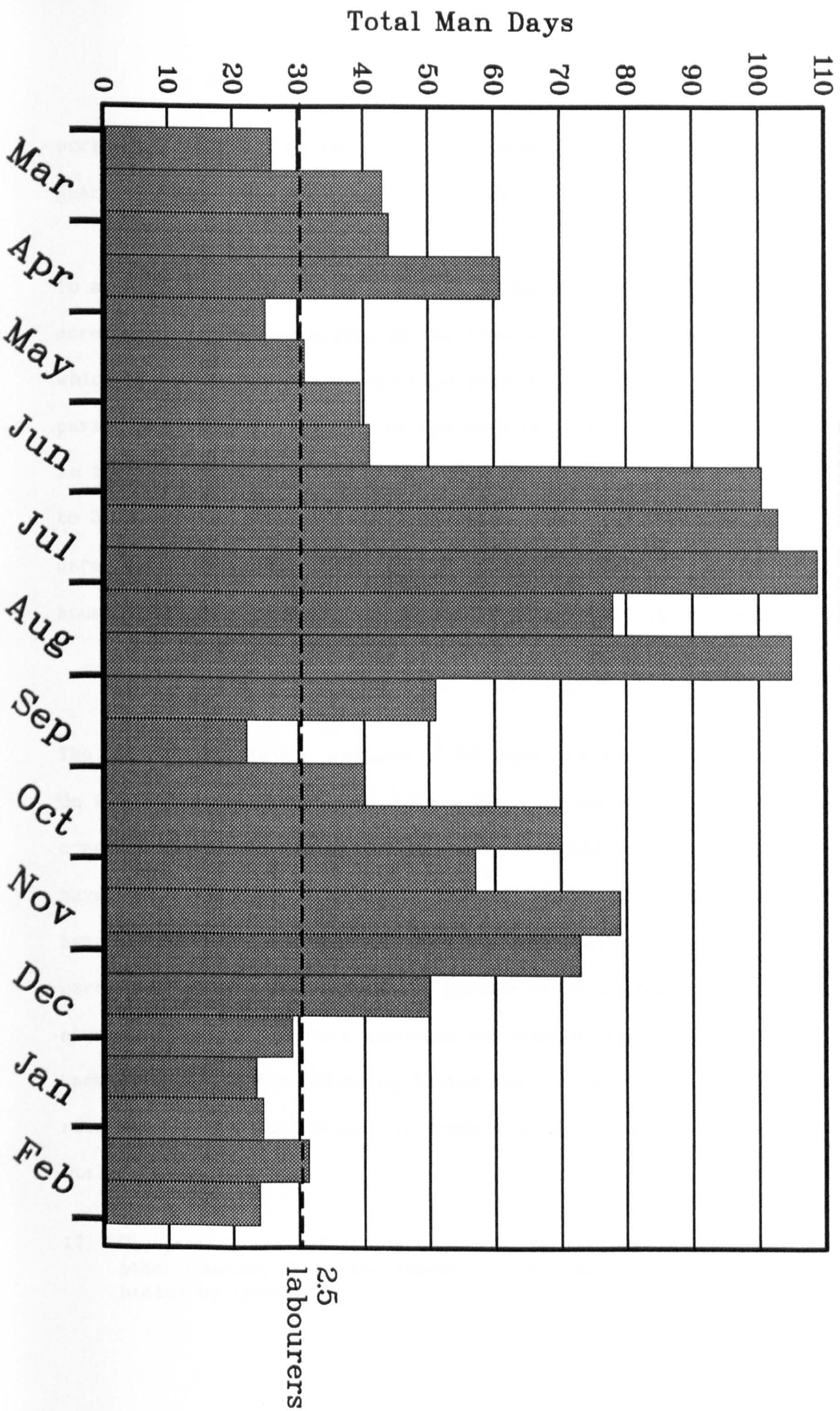
employment at the end of our first period, and so by implication point to the changes that must have occurred in the previous half century.

The Labour Sheets list the daily activities of all the labourers - male and female - employed on the two farms, which by this time had been taken in hand by the Foley estate, and to all intents and purposes were farmed as a single unit. A bailiff was installed in the Lays Farmhouse, while the chief ploughman resided at Highnam. So as to derive reliable statistics which can be applied to the parish as a whole, the activities listed need to be apportioned according to the nature of the tasks carried out - whether they relate to arable, pastoral, or other land usage. As we are not concerned here with the work carried out by the living-in servants, but only with the involvement of household heads, the activities of the former are not included in the following tables. What needs to be noted, however, is that the employment of living-in servants, whose more specialized areas of responsibility lay in the strictly agricultural activities of, for example, ploughing and shepherding, effectively reduced the extent of work available in the fields proper (whether arable or pasture) for labouring householders. Nevertheless, the fields on these farms still provided 1381 man days of employment for the latter between February 1831 and February 1832. Theoretically this would provide 4.5 labourers with constant employment. The work, though, was not of course spread evenly in this way over the year, and the histogram overleaf illustrates the violent fluctuations in its seasonal availability.

The figure illustrates the extreme hardships that could occur because of winter unemployment even in a relatively mixed farming system, where no other type of

1. Lays and Highnam Farms, Tarrington; Total man days worked,  
Feb 26th 1831 – Feb 24th 1832

Fields: Adult Male Labourers.



work was available. As the chart illustrates, only 2.5 labourers would be guaranteed employment throughout the year.

To arrive at a rough estimate for the parish as a whole, the combined recorded acreage of pasture and arable on the Lays and Highnam Farm was 306 acres, which includes a portion of the Lays Farm in Stoke Edith parish, that of the parish (including the portion of the Lays in Stoke Edith parish), 2118 acres. As the percentage of arable at the Lays and Highnam Farms was 32.6% compared to 31.0% for the parish, little distortion should occur because of an unrepresentative sample. On these calculations, the total number of labouring householders that could expect to find constant employment would be:

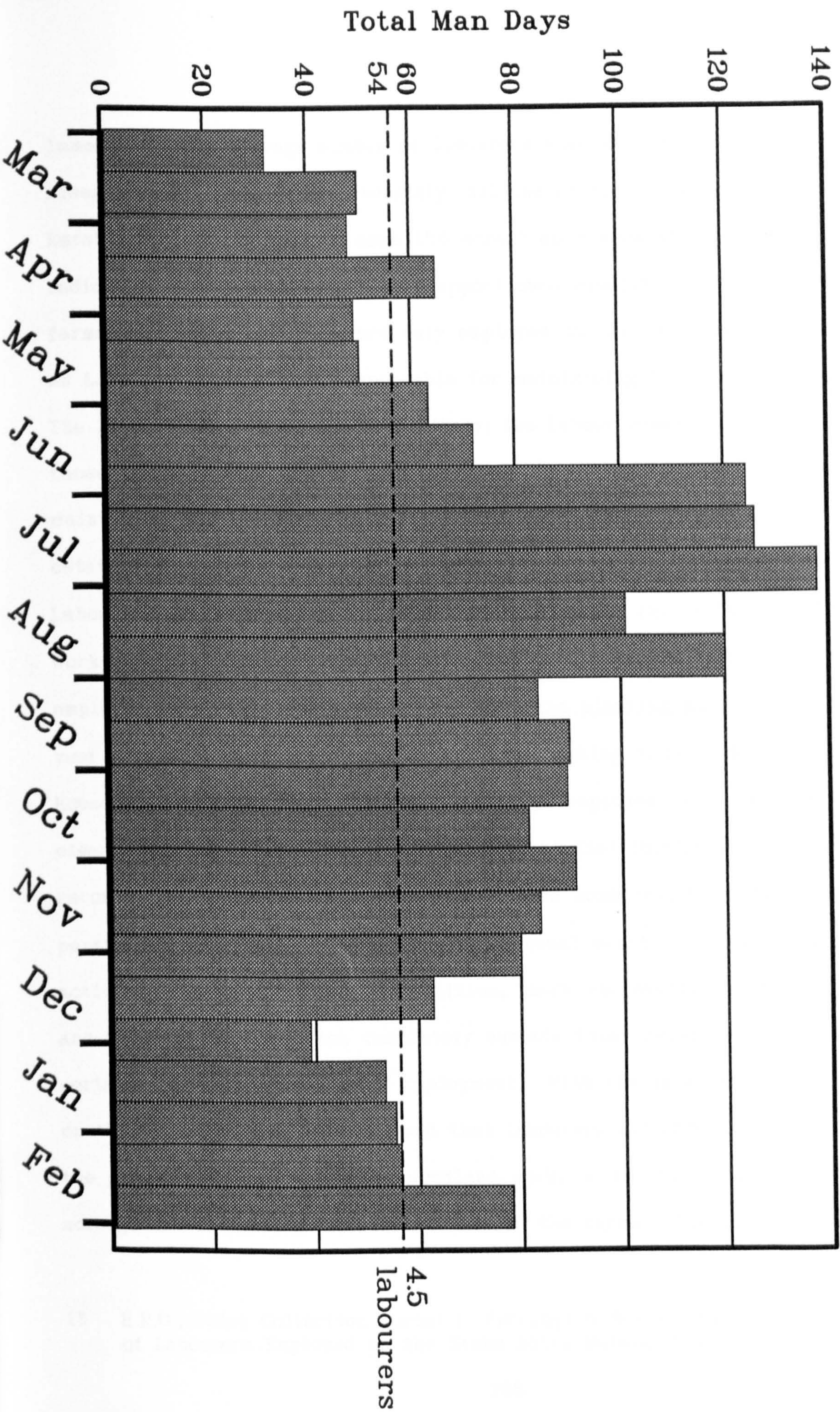
$$\frac{2118}{306} \times 2.5 = 17.3.$$

17

The 1831 census lists a maximum of 52 labouring households in the parish. On this calculation, just over only a third of the household heads would find constant employment throughout the year; seasonal reliance on poor relief would have been catastrophically high. However, the findings of an earlier Chapter have already indicated that the term 'agricultural' labourer is not a particularly meaningful one in the Herefordshire context. In particular, the abundance of woodland work smoothed out some of the irregularities of seasonal unemployment. In the following histogram, the importance of woodland work as recorded in the Labour Sheets is demonstrated when added to the man days worked in the fields.

- 17 Occupations are not listed except for farmers and major tradesmen. From all other sources, 47 of the households are known definitely to have been headed by labourers.

2. Lays and Highnam Farms, Tarrington; Total man days worked,  
Feb 26th 1831 – Feb 24th 1832  
Fields and Woodlands: Adult Male Labourers.



Immediately, the average number of labourers who could find constant employment rises from 2.5 to 4.5. Unfortunately, all the parish surveys list the Foley Estate woodlands (totalling some 150 acres) as a separate item, giving no indication as to whether they were apportioned equally between the estate-owned farms, or whether the labourers only employed on the farms kept in hand such as Lays and Highnam were responsible for maintaining them in their entirety. The latter however does not seem likely; the Labour Sheets focus attention on those labourers who were engaged primarily in the agricultural tasks of maintaining the two farms proper, and only secondarily in the wider field of estate management; a separate note made in 1839 of the 'Names & Wages of Labourers employed on the Stoke Edith Estate' makes this point exactly: 'Those work-people who are set down as belonging to the Farm & Highnam are often employed for other things; & the same with the planting men; there is every year a great deal of work in felling Timber, making Faggots &c for Stoke Edith House done by these men'. The <sup>18</sup>full workforce employed in the woodlands is clearly not therefore recorded. (The seasonal distribution of woodland work as recorded in the histograms in any case yields some tell-tale signs, in particular the absence of any peak in the usual months of frenzied woodland activity in April and May.) In addition, there was another 60 acres of coppice and woodland in the parish completely outside Foley ownership, which would certainly have generated extra employment. With the lack of absolute certainty on this point, it has been assumed that labourers attached to all the farms in the parish had equal access to woodland work, or in other words the woodland acreage can be equally distributed between the farms. The total number of

18 H.R.O., Foley Collection (uncat.), Tarrington Boxes, List of Names and Wages of Labourers Employed on the Stoke Edith Estate, 1839.

labourers that could consequently expect to find constant employment in the parish would be:

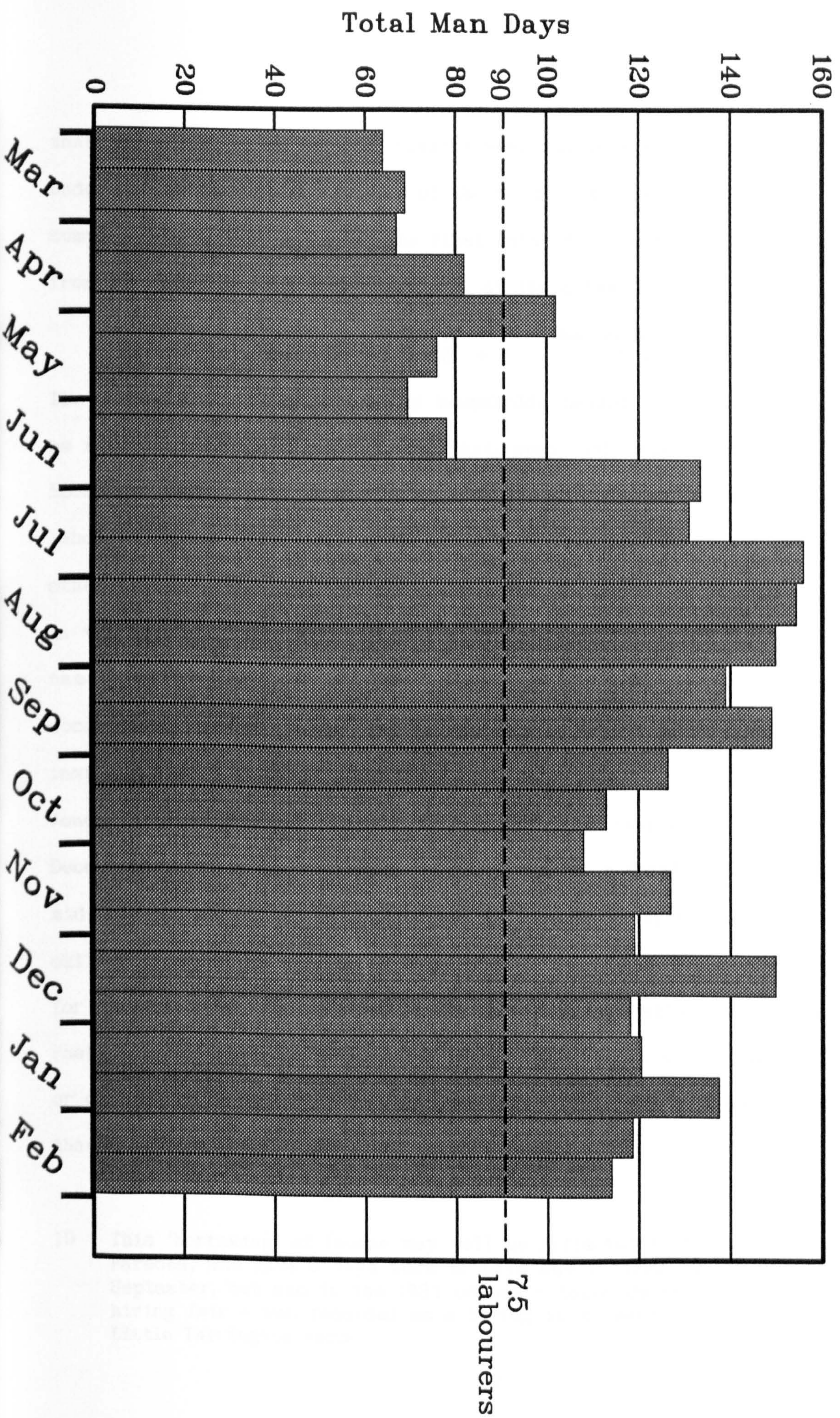
$$\frac{2327}{336} \quad \begin{array}{l} (=2118 + 209 \text{ woods}) \\ (=306 + 30 \text{ woods est.}) \end{array} \times 4.5 = 31.2$$

The employment prospects are thus beginning to look healthier, with some 31 of the total of 52 labouring household heads finding constant employment throughout the year, while the remainder would at least be guaranteed work for a full six months of the year.

So far we have considered only the extent of labour necessary to ensure continuity in production of field and woodland crops from one year to another - sowing and planting, harvesting, threshing and so on. Yet it has also been shown that the period 1780-1830 witnessed considerable tenurial changes which in themselves pointed to a desire to rationalize and improve farming methods in the parish. In particular, improvements on the Stoke Edith Estate involving the planting and maintaining of hedgerows, fencing, ditching, levelling and improving uneven or broken ground, quarrying, carting and spreading stone for road improvements and so on, required a massive input of manpower. The histogram overleaf confirms the substantial involvement of the labourers working on the Lays and Highnam farms in this programme of improvements.

The seasonal significance of such work is only too clear. The remarkable ironing out of the seasonal fluctuations considerably increases the number of labourers that could be provided with work throughout the year to 7.5. The actual total would be between 9.0 and 10.0 if the first sixteen weeks are omitted, and indeed it seems likely, considering the discrepancy between the man days worked at the same time of year at the beginning and end of the series,

3. Lays and Highnam Farms, Tarrington; Total man days worked.  
 Feb 26th 1831 – Feb 24th 1832  
 Fields, Woodlands & Estate Improvements: Adult Male Labourers.



that the initial labour sheets (clearly when the idea was first tried) actually under-record the total activities of the workforce. Nevertheless, even if their complete accuracy is accepted, the final total for the parish is far removed from the basic farming unit considered at the outset:

$$\begin{array}{rcl} 2386 & (=2327 + 59 \text{ commons \& roads}) & \\ 344 & (=336 + 8 \text{ " (est.)}) & \times 7.5 = 52.0 \end{array}$$

The correlation with the number of households headed by labourers in the parish as a whole is uncanny, and suggests that, even with other members of the household assisting at harvest-time etc., there would still have been a slight labour shortage within the parish at certain busy periods of the year. That other labourers were drafted in from outside the parish is in fact made clear in the Lays and Highnam Labour Sheets themselves. At least 7 of the labourers named are untraceable in the 1831 census, and the majority appear only occasionally throughout the year on specific tasks. William Kilmaster, for instance, put in only 23 days work at the July harvest. Joseph Hall, Richard Jones and Thomas Bailey assisted 6, 8 and 10 days respectively in late December/early January. William Pritchard worked a total of 50 days between mid-July and September, with a further 12 days in January. Only John Reems, a skilled carpenter on the higher wage of 2/- a day and Thomas Griffiths worked for more than half the year on the farms. It is probable that all these men resided in neighbouring Stoke Edith parish; the response to a shortage of, or demand for more, labour was to reshuffle work around the local farms, rather than rely on migrant labour.

19 This 'borrowing' of labour may well be reflected in the case of James Parsons, who gave 8 days work to Lays and Highnam in late August/early September, but who in the 1831 census - taken on the 30th May after the hiring fair - was recorded as a living-in servant with Nicholas Sirrell at Little Tarrington Farm.

The evidence from the Labour Sheets raises, though it cannot entirely answer, one very interesting question. Why is it that, despite sufficient work apparently being available for all heads of labouring households in the parish, very few of the labourers employed on the Lays and Highnam Farms actually worked there 'full-time'? Of the ten householders residing in the parish, only Richard Adams, the shepherd, and Richard Saunders, carter, completed a full working year at the farm. (Saunders worked a total of 300 days, Adams 303½) Both, significantly, lived in the village of Tarrington itself. Of the remaining eight household heads, the number of days worked is as follows:

TABLE 20  
Man Days Worked on Lays and Highnam Farm: Feb.26 1831 - Feb.24 1831

	Daily Wage	Piece Work	Total
William Burton	146.5	150	296.5
James Wilcox	288	-	288
William Gwilliam	251	9	260
John Griffiths	197	41	238
Thomas Hill	218.5	-	218.5
Thomas Brooks	120	93	213
Michael Howells	198	-	198
Richard Munn	104	93	197

Source: H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Labour Accounts, 1831-2

All eight men in fact lived on Tarrington Common, so that Lays and Highnam alone provided at least some work for a third of all its resident household heads. It would be tempting from this evidence alone to conclude that for the remainder of the year these men could have found no other gainful employment. Yet it has already been indicated that constant employment could be found for the heads of all labouring households in the parish; the apparent contradiction can only be resolved if the argument is accepted that a significant element of choice was exercised by these labourers; the considerable amount of piecework undertaken itself points to a flexible system of wage-bargaining not usually associated with the 'labouring poor'. The conclusions to be drawn are clear:

these commoners at least were not helpless pawns in a saturated labour market; alternative sources of income were being derived from a fluid system of very localized labour mobility, with individual commoners providing a service to a number of local farms, to contractors purchasing local timber, and to the principal estates in the area on reciprocally agreed terms.

These findings lead us naturally on to consider the commoners' consequent reliance on poor relief, the sexual division of labour and the contribution of female work to familial income, mobility - or the lack of it, and more generally, the overall standard of living that could be achieved within this relatively buoyant labour market.

Given the two variables of a high percentage of piece-work and a fluid labour market, any data on wage levels must obviously be treated with caution; because of the relatively high number of days worked, the earnings of only two commoners - William Burton and James Wilcox - give some idea of what their annual income might have been. The very fact, though, that they are employed nearly full-time on these farms in itself strikes a note of caution in the context of their neighbours' more usual work patterns; further research indeed suggests that they might not have been at all typical. James Wilcox, for example, had reached the age of 71 in 1831; all the other seven labourers were not yet 60. Wilcox received the lowest fixed daily wage, although it is worth noting that his earnings of 8/- a week were only 6d less than the average agricultural wage reported for the county in 1833. In 1831, he had only his wife to support, and also may have derived further income from his son-in-law and wife who resided with him with their first child. Burton's case is more enigmatic; the type of work undertaken by him is so different from all the

others that one suspects he suffered from some physical disability; indoor work of threshing and winnowing accounted for 207½ days work; the fact that he also occupied one of the parish houses on the common would tend to support this hypothesis. (Equally, it is very revealing that even this class of occupier could find constant employment by this time.)

The other labourers from the common, when not on piece work, were receiving a weekly wage of 9/- or 1/- more than the county average, except for John Griffiths who as a carpenter was employed at 11/- a week. We have no means of telling whether these rates could be exceeded by piecework, or whether the labourers were earning more during the year through their other employment. Nor is it possible to tell how far annual fluctuations affected the commoners, although it is worth noting that 8 years later, Thomas Brooks, William Burton and Thomas Hill were receiving a weekly wage of 10/- , while James Wilcox, still active at 79, was now receiving 7/- a week.

More seriously, the crucial question of how far other members of the household contributed to familial income is even more elusive. The Lays and Highnam Labour Sheets tend to raise more questions than they answer on this point. On the one hand, the identification of women is more problematical: those names recorded in the Labour Sheets are unfortunately found in some cases in two

20 c.f. The average agricultural wage of 8/- reported for the county in 1837. For county comparisons in 1833, 1837 and 1850, see Snell, *op. cit.*, p.130. The Rector of Monnington in 1846 stated that weekly wages for agricultural labourers on the western side of Herefordshire were either 7/- or 8/-, and added they were 'very seldom out of employ...last winter it has been difficult to find hands'. However, he also noted 'a decrease of wages during late years of 1/- or 1/6d. a week', while between 1811 and 1817, a fall from between 12/- or 15/- to 7/- or 8/- a week may have occurred. B.M., Additional MS 40587 f.168-169.

families in the parish, or a mother and daughter of working age share the same name. On the other, the distribution of arable and pasture on the Lays and Highnam Farms may well be representative of the parish as regards the male tasks associated with it, but this is not the case with female employment opportunities: in particular, there were no hops grown on these two farms, yet more than 70 acres were recorded in the parish as a whole; similarly, the orchard acreage was negligible (confined entirely to the homestead sites and totalling no more than 3 acres) whereas the Vine Farm, for example, possessed some 39 acres. A hiatus in their work patterns on these two farms thus occurs at the very time that hop- and apple-picking were taking place; a similar one in May no doubt points to the local availability of piecework during the bark and faggotting season. The localized fluidity of the female labour market appears even more pronounced than the male pattern. In this context, it is no surprise to find that, though Lays and Highnam would fail to support even one full-time female worker living out, the work was in fact shared liberally between 11 different women, with none working more than a third of the year on these two farms:

TABLE 21  
Female Labour: Lays and Highnam Farms, Days Worked  
Feb 26 1831 - Feb 24 1832

	Arable	Pasture	Total
1. Mary Hill	35.5	64	99.5
2. Elizabeth Griffiths	29.5	48.5	78
3. Jane Pritchard	23	49	72
4. Mary Preece	20.5	50	70.5
5. Sarah Adams	33	35	68
6. Mary Gwilliam	9.5	38.5	48
7. Elizabeth Gwilliam	44	4	48
8. Ann Howells	3.5	30.5	33.5
9. Sarah Griffiths	8	24.5	32.5
10. Ann Griffiths	14	17.5	31.5
11. Ann Brooks	0	11	11

Source: H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Labour Accounts 1831-2

Given the unrepresentative nature of these two farms, estimating the total number of females who could find constant employment in the parish throughout the year becomes a more tenuous undertaking; the more limited, though still very important, labour opportunities for women appear in any case to have been distributed fairly equitably on the basis of a shorter 'working year'. Moreover, there appears to have been a more flexible approach between female members of a single household to 'job sharing'. For example, Ann Griffiths and Sarah Griffiths never appear together in the same work sheets, although 60 of their combined 64 days of work are concentrated entirely within 18 consecutive weeks of the year between June and September. The census tells us that Sarah Griffiths, aged 23 (daughter of John, the carpenter), was still resident with her parents in 1831; she and her mother Ann, aged 54, clearly elected to work for alternate periods, ensuring that one adult female was always at home to look after the younger children.

To assess the 'average' yearly income of any family resident on the commons would involve even more heroic guesswork, but let us assume that the Labour Sheets actually do represent the only source of annual income. To take the Griffiths family as an example, it has been assumed that the Elizabeth Griffiths recorded as working 78 days on the farms is in fact the younger sister of Sarah listed in the family home on Tarrington Common in 1831. If she is, then the family's total income would be:

TABLE 22

Total Family Income of the Griffiths Family  
of Tarrington Common, 1831-1832

	Days Worked	Wage	Total		
			£	s	d
John Griffiths	238	22d.	21	16	4
Ann Griffiths	31.5	8d.	1	1	0
Sarah Griffiths	32.5	8d.	1	1	8
Elizabeth Griffiths	78	8d.	2	12	0
			----		
			£26	11	0

Source: H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Labour Accounts 1831-2

Despite problems of identification and almost certainly the incompleteness of the picture presented, the Table is nevertheless revealing if only to suggest an interesting possibility. For it does indicate that a household head like John Griffiths could remain unemployed (or choose not to work) for a quarter of the year without arguably jeopardising the family's livelihood; indeed the average familial weekly income of 10/2d. is still 1/8d. higher than the average weekly wage for the county recorded in 1833. Nevertheless, the wider availability of women's work in the western counties should not blind us to the fact that their financial input can at best have only compensated for the lower wages paid to male labourers when compared to their counterparts in the eastern counties. Nor am I arguing that the 'average' wage itself endowed the 'average' labourer with a carefree living; but one can only re-iterate here the advantages that the labourers on the common enjoyed in terms of larger gardens supplying greater quantities of vegetables, orchards for cider-making and grazing ground for pigs, access to free fuel, together with an idiosyncratic tenurial status which in a

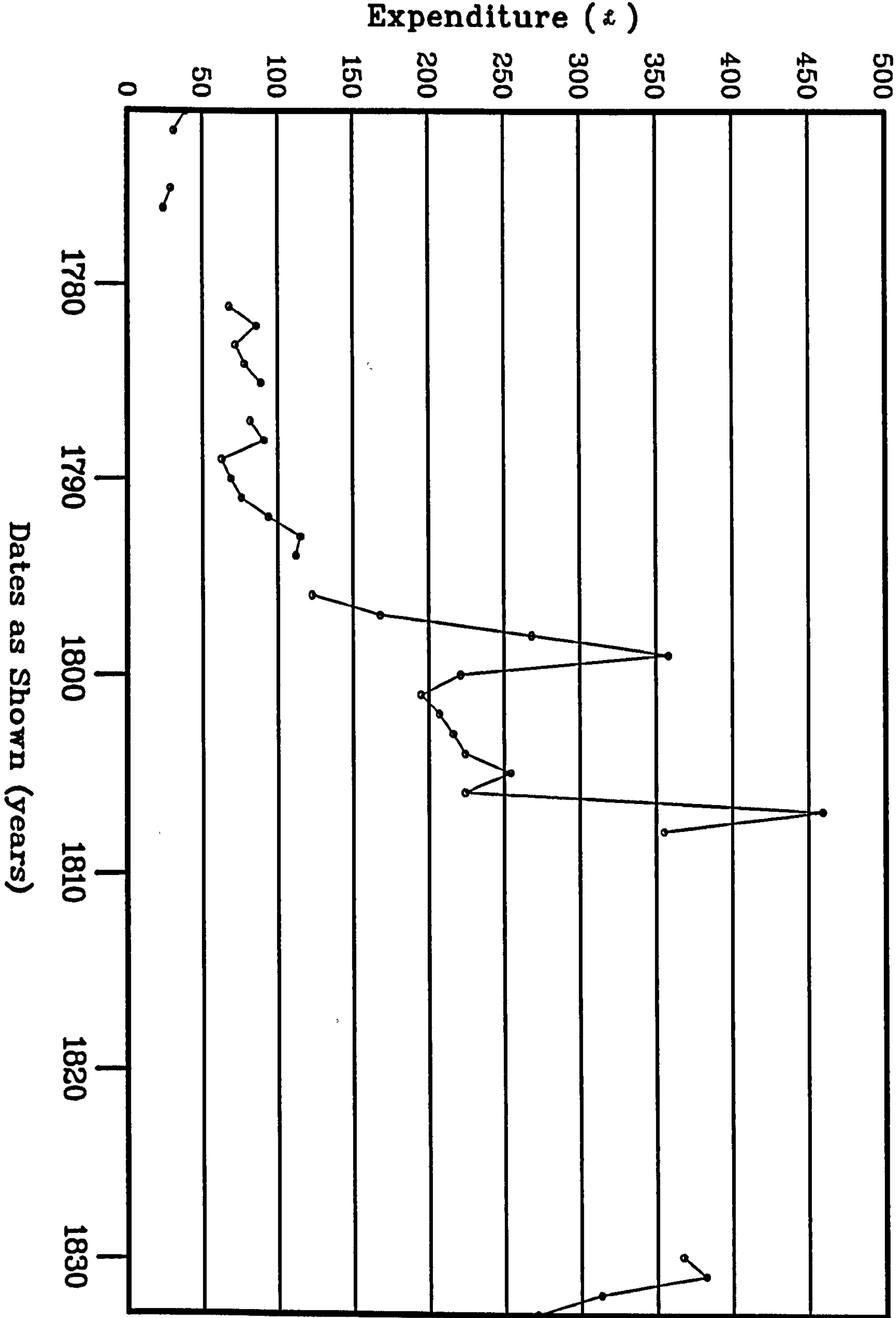
number of cases removed the payment of rents as an item of household  
21  
expenditure.

v) Poor Relief

There can surely be no more sensitive indicator of the economic position of the commons population relative to the rest of the parish's labouring poor than expenditure on poor relief. Figures are available for only a selection of years, but the following graph illustrates the increasing burden placed on ratepayers between 1771 and 1836.

- 21 The reporter who visited Tarrington Common on 1st January 1846 'met with a courteous reception. In each cottage we entered we found a comfortable fire, & the wives engaged in some useful domestic occupation...1) William Preece has a wife and one child ... rent £3 a year. Cottage in good repair, weather-tight, dry. Wages 8s 6d to 9s per week, with wheat allowed by the master, Mr Mason, at a moderate rate per bushel; master also shows other little kindnesses to his workpeople ... Pays one pound a year for potatoe-ground, and usually grows about 20 bushels ... Keeps a pig, and in a second room gratifying to see more than one flitch of bacon. 2) Mrs Saunders - rent £4 a year. Husband ill, and earns but little; when fully employed has 9s a week; wife gets 8d a day picking swedes; 2 or 3 healthy children around the table, busily and happily employed ... Mr Foley gives away half bushels of wheat and money, according to number of families, on his birthday; have coal supplied at so much per ton. 3) James Ward lives in a stone-built, excellent cottage; has 9s a week & 5 children; usually grows 40 bushels of potatoes ... is in regular work, & keeps a pig; sends 3 children to school at Stoke, and pays nothing for them ... Children can read the Bible; there is a good-sized garden attached to the cottage; the family have wheat at 7s a bushel, and bake their own bread.' Hereford Journal, 21 January 1846. Preece and Saunders were both leaseholders, hence the payment of more standard cottage rents. John Spencer's homestead at Durlow Common comprised in 1848: 'Two cottages & Stable, Millhouse, Piggeries and Out-offices. Large & productive Garden & Orchardring well planted with choice sorts of fruit.' Hereford Journal, 20 September 1848. Jack Hodges recalled that there were five cider mills on Durlow Common alone in the 1880's. (Interview with George & Jack Hodges of Longcroft, Tarrington, 8 July 1982.) For cherry trees on Tarrington Common, see T.H. Parker, A History of Stoke Edith and Tarrington, 1964, p.14. From the prizes awarded in the competitions held by the Stoke Edith Estate for Cottage Gardens, we learn that in 1851, William Jauncey of Tarrington Common had grown good crops of onions, parsnips, carrots, scarlet beans and broccoli. H.R.O., Foley Collection (uncat.), Reports of Judges, Stoke Edith Estate Cottage Garden and Accommodation Competitions.

Poor Law Expenditure, Tarrington parish, 1771 – 1835



Source: H.R.O. K14/42 & K14/72, Tarrington Parish Records.

Against the obvious dramatic rise in overall expenditure, a comparison can be made with the actual relief given to the segment of the population we are interested in. Unfortunately complete overseers' accounts survive only for a few years, but as these tie in closely with the beginning and end of our first period, they at least allow analogies to be drawn:

TABLE 23  
Poor Relief Expenditure, Durlow and Tarrington Common,  
1784-5 & 1832-3

	Commons			Village & Out-relief			Village			Out-relief		
	1784-5			1832-3			1784-5			1832-3		
	£	s	d	£	s	d	£	s	d	£	s	d
Weekly Payments	18	10	0	29	18	0	27	5	0	14	10	0
Rents	1	10	0	2	0	0	8	17	6	10	4	0
Occasional Payments	1	7	6	17	0		5	11	3	2	7	0
Fuel	1	2	0	11	0		1	5	6	1	10	0
Clothing	-	-	-	7	6		3	9	0	14	0	
Wheat	-	-	-	-	-	-	3	9		-	-	-
Apprentices	?			4	14	6	(3	0	0)	4	1	0
Illegit. Children	1	0		11	16	0	-	-	-	26	0	0
Funerals	2	18	6	-	-	-	0	15	0	-	-	-
Totals	25	9	0	50	4	0	46	7	6	59	6	0
										£	s	d
										196	11	6

Source: H.R.O., K14/42 & K14/72, Tarrington Parish Records

Though expenditure on commons inhabitants had nearly doubled over the half century, so too had the population on Durlow and Tarrington Common dramatically risen almost threefold from 72 in 1781 to 198 in 1831. Significantly, too, while four families were regularly assisted with weekly payments in 1784-5, this had dropped to only three in 1832-3. The number of other individuals not in regular receipt of relief but helped with occasional payments dropped from two to one. Expenditure on fuel had actually decreased, while the clothing allowance in 1832-3 for commoners amounted to only two pairs of shoes. The increase in the bastardy rate accounted for the heaviest outlay, but as the

fathers of the illegitimate children may in a number of cases have lived away from the commons, the actual attribution to the commons may be exaggerated; for example, the father of Mary Hill's bastard, Thomas Fuger (not resident in the parish) contributed £3 18s 0d during the year to offset the cost to the parish of maintaining the child. The most interesting point to emerge from the accounts, however, is that, despite the fact that six households were occupying parish houses in 1831, only two were receiving regular relief. Another three of the occupants only occasionally relied on relief - Thomas and Lydia Hill for a pair of shoes and two of their large brood of children being placed as apprentices, William Powell's daughter for relief for her illegitimate child, and William Burton during his wife's illness. Reference to the Lays and Highnam Labour Sheets show that both Thomas Hill and William Burton were employed on the farms during this period, and we have already noted Burton's possible disablement. William Powell was certainly employed on the Vine Farm in 1802-3, although we can only assume that he was still working in 1831. Of John Hill's working status at Durlow Common we know nothing, but it is clear that the majority of these household heads at least, though 'planted' in the parish houses on the commons in the early 1800's, had managed to find, or be found, work in the parish to support their families.

By way of contrast, total vestry expenditure on other paupers more than quadrupled. Indeed, in one sense the commoners themselves actually benefited from this expansion in relief. Where individuals became ill and had to be looked after, where pregnant unmarried girls had to be nursed through their laying-in period, where a wet-nurse was required while the mother of an illegitimate child tried to earn a living, where shoes for apprentices or

paupers needed mending or making, where a bedstead had to be fixed, a lunatic housed, clothed and fed, or a poor person lodged prior to his or her removal - the commoners as long-established and usually trusted families in the parish<sup>22</sup> reaped financial rewards from the service they provided to the vestry.

Of course, the figures for poor relief derived from two relatively prosperous years at the beginning and end of our first period may well exaggerate the picture of independence that appears to characterize the economic position of the majority of families resident on Tarrington and Durlow Common. Despite the relative advantages they can be shown to have enjoyed as regards the potential of their holdings to provide a greater measure of self-sufficiency, there were still the basic necessities of life that had to be purchased. Indeed, it is not until one begins to construct hypothetical annual budgets that one glimpses the hardships that many must have suffered to make ends meet. While the 'Standard of Living' Debate has generally concurred that in material terms at least the labourer may have had more purchasing power in the 1830's and 1840's than in 1780, what both sides of the debate have tended to ignore is the 'knock-on' effect of the persistently high price of wheat between 1795 and 1820, with any potential savings in the subsequent decade surely being absorbed in making good the privations the 'average' labourer must have endured in the previous twenty-five years, particularly in the realms of furnishings and clothing. With the annual average price of a bushel of wheat peaking at 15 shillings in this period, it only takes a rough calculation on the basis of a relatively low annual consumption of 26 bushels of wheat to show that bread alone would account for 75% of the total family income earned by a family like the

22 See above, Introduction, n.40.

Griffiths. As early as 1795, for example, the need to ameliorate the plight of all the labouring families in Tarrington parish was recognized:

June 29th 1795: The distress of the poor must be greater at this time than was ever remembered, wheat at 15s p Bushell, Meat of all Sorts & Cheese at a very high price, whether there is Sufficient in the Parish of Tarrington to Support the Inhabitants till the next Harvest is very doubtful, but when the gardens will furnish part of the Support, less bread will do than at present, a Subscription for the support of the poor for every person that can afford, & his compassion for their distress was never more wanting. 23

Subscriptions totalling £14 13s 0d were distributed among the labouring poor: recipients included all the families on Durlow and Tarrington Common except for the Coles, Brooks and Jaunceys. Francis Jauncey was the Foleys' most substantial tenant on Tarrington Common, paying an annual rent at this time of £1 10s 0d for his cottage and land of almost an acre; the Coles and Brooks on the other hand were long-established residents on the common who, apart from the Munns, were the only families to have gained full freehold rights to their holdings in this period through undisturbed occupation. As James Munn was listed as a recipient in 1795, it is clear that greater tenurial freedom did not necessarily guarantee economic independence. Ironically, in fact, tenurial independence could be the very agent of its loss.

This had nothing to do with reliance on poor relief or charity, but arose from the fact that the obtaining of full freehold rights actually released the property as a mortgageable asset. Clearly tenants at will of the Foley estate such as the Jaunceys, occupiers of parish houses like the Burtons, Powells,

23 H.R.O., Foley Collection, Portfolio 11, Subscription List for Relief of the Poor, 1795.

Hodges and Beeks, and tenants of other landlords such as the occupiers of the one cottage owned by Hopton on Tarrington Common, were in no position at all to raise immediate cash in this way, while those commoners occupying holdings still classified as encroachments, even if they had been able to persuade someone to lend money on such insecure terms, would have been foolhardy to do so: for as soon as the property was deemed mortgageable (and therefore potentially alienable), it would have invited a claim by the Foleys to its undisputed ownership as lords of the manor.

Occupiers however such as the Brooks, Coles and Munns, who by this time had gained full freehold possession, found themselves in a very different position, and it is significant that all three took advantage of their more secure tenurial status. The William Brooks recorded at Tarrington Common in 1781 was actually the last generation of that family to enjoy unimpeded rights of ownership - a year beforehand he had tried to ensure this through a formal deed of gift conveying the whole property to his eldest son Richard. Ten years later, and Richard had mortgaged the entire holding for £26. The pattern is repeated in the fate of the Cole's freehold, mortgaged in 1816 for £80, while the Munns held out for another decade, finally mortgaging their property in 1826.

At first sight, this trend associated with owner occupiers appears to have had little long-term effect; the Coles, Munns and Brooks were all still resident on the common at the end of our first period. Indeed, the great-grandson of William Brooks was to be found in 1881 occupying the same cottage mortgaged in 1790.

But before turning to the second period to examine whether this impression of continuity can be substantiated, the main findings of the first fifty years can be summarized as follows: an expansive reproductive regime characterised the commoners' demographic experience in the period 1781-1831, due to a number of interconnected factors. Tenurially, many of the commoners were expanding their holdings; partly as a result of the Foley/Hopton manorial dispute in which the Foleys at the very least appear to have turned a blind eye to new encroachments in return for the acknowledgments they received, acknowledgments which bolstered their claims to the title of the manor; and partly too as a buttress against the high price of wheat in providing a more self-sufficient diet of home-grown produce. Against the harsh economic climate in the middle years of the period should also be set the expanding employment opportunities in the parish, on the one hand in the number of places for living-in servants which relieved families of the financial burden of maintaining the majority of their older children, and on the other in the diversity of farm, woodland and estate work available that appears to have kept pace with the demand for constant employment at least among the growing number of male household heads. Whether the female workforce also grew is an unknown factor, but it is clear that in 1831 their earnings still made a very significant contribution to household income, in contrast to the declining opportunities in the eastern counties. In support of these trends the actual decline in the number of recipients of poor relief residing on the commons, despite a trebling of the population, is proven by comparison of overseer's accounts at the beginning and end of the period, which testify in a sense to the success of this aspect of poor law housing policy. Nevertheless there were indications of more long-term financial worries; ironically, those possessing more had more to lose, and owner-occupiers

were left in 1831 with the problem of how to relieve their properties of mortgage debts incurred up to forty years earlier. On the other hand, the very fact that virtually all the families who were settled on the two commons by the first decade of the nineteenth century were still resident in 1831, indicates a measure of continuity and resilience rarely echoed in the literature on labouring families during this period.

## PART 2 1831-1881

### 1) Demographic Structures

Indices of continuity or change, of course, can be constructed on a range of variables - length of occupation, standard of living, demographic rates and so on - although raw statistical data of this nature leaves little room for discussion on qualitative change -or lack of it. In particular, the enduring rhythms of the woodland/field cycle, the structuring of complimentary male/female relationships in marriage, and the reproductive strategies outlined above may have created, within a relatively 'closed' population like that at Durlow and Tarrington Common, patterns of cultural behaviour which were slow to respond to change, patterns which once established provided parameters which shifted more slowly than outside influences - economic and social - may have otherwise dictated. Certainly the expansive demographic regime of the first period shows little tendency to alter course in the second, not just in terms of completed family size, but in all the variables governing fertility and mortality rates. There was, for example, a barely significant lowering in age at first marriage:

TABLE 24  
Age at First Marriage: Durlow and Tarrington Common Residents  
1780 - 1881

		Male	Number	Female	Number
Mean	1780-1830	27.6 (28.0)	17 (46)	25.3 (25.2)	15 (42)
	1831-1881	26.7 (27.5)	28 (45)	25.0 (24.8)	29 (45)

Source: Durlow and Tarrington Common FRFs

The very slight lowering in the female age at first marriage was probably compensated for by the drop in the rate of pre-marital conceptions - though how far this was due to delaying baptism is a moot point - the average interval between date of marriage and first recorded baptism increased only 3 months from 9.9 to 12.9 months:

TABLE 25  
Pre-Marital Conceptions: Durlow and Tarrington Common  
1780-1881  
 (Baptisms within eight months of marriage per 100 first births)

	Rate Per 100 Live Births	Number
1780-1830	52.3	23
1831-1881	22.6	7

Source: Durlow and Tarrington Common FRFs

Perhaps more significantly, there was no change in the illegitimacy rate, and this trend is all the more pronounced when compared to the figures for the parish as a whole:

TABLE 26  
Illegitimate Births: Tarrington Parish  
1780-1881

	Parish	Rate Per 100 Live Births	Commons	Proportion of All Illegit. Births
1780-1830	8.8 (55 of 626)	10.0 (24 of 240)		43.6% or 21 of 228
1831-1881	5.8 (43 of 739)	10.1 (26 of 258)		60.5% or 26 of 235

Source: Durlow and Tarrington Common FRFs

Secondly, any slight gain in fertility that may have occurred as a result of brides marrying at a slightly younger age was compensated for by a similarly minimal lowering in the age at which they gave birth to their last child:

TABLE 27  
Mean Age of Women at Birth of Last Child: Durlow and Tarrington Common  
1780-1881

	Age	Number
1780-1830	41.35	20
1831-1881	40.76	38

Source: Durlow and Tarrington Common FRFs

In other words, there was very little difference in the actual reproductive span between the two periods. Within that span, too, the distribution of birth spacings showed little significant change:

TABLE 28  
Birth Intervals: Durlow and Tarrington Common  
1780-1881  
(In months; all ages at marriage)

	0-1	1-2	2-3	Penultimate-Last
1780-1830	12.0	24.8	30.4	38.0
1831-1881	13.1	25.5	27.2	37.3

Source: Durlow and Tarrington Common FRFs

Certainly there is no indication in either period of the employment of artificial methods of restricting fertility, the very low figure of 7.4% of births occurring more than 4 years after a previous one comparing, for example, to the means of 49.4% and 66.3% for French and Swiss reconstitution evidence in a comparable period.

The overall effect of this continuity between the two periods as reflected in all these variables is the tendency for completed family sizes to remain way above the norm:

TABLE 29  
Family Size, by Wife's Age at Marriage  
Durlow and Tarrington Common 1780-1881

	Under 20	20-24	25-29	30-34	All
1780-1830					
Number	3	11	8	4	26
Mean	10.7	7.8	5.75	4.5	7.0
1831-1881					
Number	0	4	9	5	18
Mean	0	8.25	5.0	3.0	5.2
1780-1881					
Number	3	15	17	9	44
Mean	10.7	7.9	5.3	3.7	6.2

Source: Durlow and Tarrington Common FRFs

Given the small size of the sample, and therefore the allowances that must be made for slight variations between the two periods and within age-groups, the overall perspective is nevertheless suggestive of a continuing rate of demographic expansion far in excess of mere replacement levels.

Nevertheless, noticeable differences do begin to emerge when the subsequent histories of those individuals born in the later period are traced, as the focus of analysis shifts from the raw reconstitution data and the enduring reproductive elements within a relatively closed population, to the changing social, economic and physical influences which cumulatively begin to break down this impression of unerring continuity.

For example, though the exact nature of the influences at work - whether they be new diseases, increased susceptibility to existing diseases through dietary changes, the increased tendency for mothers to leave young children at home while they went out to work, exposing them to more risk and so on - cannot be pinpointed - the statistical evidence is unequivocal in indicating an actual increase in infant mortality in the later period:

TABLE 30  
Infant Mortality: Durlow and Tarrington Common  
1780-1831

(Deaths under age 1 per 1000 live births; both sexes)

	Deaths per 1000 Live Births	Number
1780-1830	70	228
1831-1881	132	235
1780-1881	102	463

Source: Durlow and Tarrington Common FRFs

Even excluding illegitimate children, who were either more at risk or more mobile, the comparative survival rates for children to age 10 indicate a decline in the later period:

TABLE 31  
Survival Rates, Durlow and Tarrington Common  
1780-1831

(Survivors per 1000 live births to age 10; both sexes, excluding illegitimate births)

	Age	At Risk	Dying	Rate per 1000	Survivors
1780-1830	0-1	207	11	53	947
	1-4	192	6	31	918
	5-9	183	2	11	907
1831-1881	0-1	209	19	91	909
	1-4	175	9	51	863
	5-9	150	1	7	857

Source: Durlow and Tarrington Common FRFs

Within the context of the individual life cycle, however, the problems lay not so much in one's survival chances (the extent of the decline should not be exaggerated) in early childhood; rather the difficulties began to arise just at the end of this period in life when the first break with the parental household was normally expected.

ii) Employment Opportunities

Unfortunately, the buoyant expansion in the number of places for living-in servants that occurred between 1780 and 1830 was to undergo a dramatic reversal in the later period:

TABLE 32  
Living-in Servants: Tarrington Parish  
1781, 1831, 1841, 1881

	Male			Female		
	Farm	Domestic & Apprentices	Total	Farm	Domestic	Total
1781	29	-	29	8	4	12
1831	42	11	53	26	7	33
1841	31	8	39	18	11	29
1881	9	4	13	9	14	23

Sources: H.R.O., M27/4 & K14/80, 1781 & 1831 Listings. H.R.O., microfilm, 1841 & 1881 census, Tarrington Parish

While the hiring of female domestic servants continued to thrive throughout the century, this in no way compensated for the drastic decline in farm places; for males the twin drop in openings is only too clear. Poor Law changes in the 1830's had removed the obligation on local farmers to take parish apprentices, and the records suggest that the last 'crop' were found situations in 1835. The inevitable corollary of this was that by 1881 only 4 of the female and 2 of the male servants had been born in Tarrington.

With doubtless a similar decline in opportunities occurring in adjoining rural parishes, the only other options open to children of service age were two-fold. On the one hand, they could remain at home in their teenage years, which appears to have become an increasingly common experience; whereas in 1851 those in the 0-10 age bracket accounted for 69.2% of all unmarried children

aged between 0-19 residing in their parental homes on Durlow and Tarrington  
Common, by 1881 the figure had dropped to only 57.4%<sup>24</sup>.

The knock-on effect of this trend was for childhood to merge into early adulthood within the confines of the parental home, or in some cases in lodgings in neighbouring households on the commons. Thus, the percentage of unmarried children resident or lodging at Tarrington or Durlow Common in the 20-29 age-group rose from 24.3% to 30.8% between 1851 and 1881, taken as a percentage of all children aged 0-29.

The decline of service and its consequences placed new pressures on the labour market, with more members of a household seeking work in an already saturated labour market. As the 1831 Labour Sheets suggested, though full employment may have been available for all household heads within the parish, any surplus workforce in the form of older unmarried sons was less easily absorbed. That the occupational levels for household heads on Tarrington and Durlow Common remained remarkably steady between 1841 and 1871 indeed suggests that optimum levels had been reached:

- 24 This does not necessarily imply that these children remained unemployed. It is probable that a number still worked as domestic servants or seasonally on the local farms. As a result, more pressure may have been exerted on these children for higher contributions towards household income, and though this may have helped to buttress a family's survival after the introduction of the new Poor Law, its effect on the savings capacity of youths prior to marriage is perhaps reflected in the type of household arrangements discussed below.

TABLE 33  
Occupations of Household Heads: Durlow and Tarrington Common  
1841-1881

	1841	1851	1861	1871	1881
Labourers	26	26	25	24	14
Crafts	9	9	11	11	10
Others	2	3	5	9	8
Totals	37	38	41	44	32

Source: H.R.O., microfilm, 1841, 1851, 1861, 1871, 1881 census, Tarrington Parish

And the fact that any increase in the labour market is largely due to openings outside the traditional labouring and craft sectors, only reinforces this view. New opportunities arose in the 1860's with the construction of the Hereford and Worcester Railway, which passed through the northern end of Tarrington Parish. In both 1861 and 1871 we find 3 platelayers heading households at Durlow Common. The other major new 'opening' is apparent in the rise of the number of gardeners from only one in 1841 and 1851, to two, three and five in 1861, 1871, and 1881 respectively - a response no doubt to the influx of the professional and upper middle classes into the parish during the period.

A very different picture emerges, however, when the total resident male working population is added to the equation:

TABLE 34  
Occupations of All Resident Working Males:  
Durlow and Tarrington Common, 1841-1881

	1841	1851	1861	1871	1881
Labourers	35	38	49	42	34
Crafts	12	20	16	15	14
Others	2	4	6	10	12
Totals	49	62	71	67	60

Source: H.R.O., microfilm, 1841, 1851, 1861, 1871, 1881 census, Tarrington Parish

Compared to the steady occupational position of household heads, a peak in the total workforce employed emerges in the 1861 census for labourers and in 1851 for the craft sector. Note also that the 1881 decline is much more muted when the total workforce is taken into account. The apparent effect on labour mobility is thus very interesting, for it seems probable that the decline in households in 1881 is actually a direct outcome of the over-saturated state of the labour market between the 1850's and 1870's. In the earlier period, between 1780 and 1830, labour mobility was age-specific and individual-orientated, with the geographical horizons of the young adult population being broadened through service and in the early years of marriage. Once established in permanent employment, however, continuity of residence was then the norm. But as the children of this stable core of families on Durlow and Tarrington Common found it increasingly difficult to secure permanent employment, so too did the total labour requirements of individual families increase; the effect was to squeeze out the more recent settlers without any marked decline occurring in the total labour force employed. In both periods of course, a larger proportion of children are disappearing from view than remain on the common. What is new in the later period on the one hand is that that proportion is actually decreasing, while on the other, a larger proportion of families is also disappearing from the records entirely.

With larger numbers of elder, unmarried children remaining on the commons (children moreover who, due to the decline of service, had experienced even less geographical mobility than their parents had enjoyed), marriage horizons tended to contract. For example, of all children born or resident on the commons prior to their marriage in the period 1780-1830, only 5.3% (3 out of 57 cases)

chose a partner also living on Tarrington or Durlow Common. Between 1831 and 1881, the figure had risen to 17.8% (20 out of 112 cases). The obvious effect on the density of kinship networks on the commons and the creation of a more inward-looking community hardly needs stressing.

Yet even for those children marrying an outsider, a total break with the parental home was unlikely to occur immediately. The underlying cause was the increasingly restricted housing market: the last 'squatter' cottage had been built on Tarrington Common in 1822; some sub-division of existing cottages did occur in this period, and though providing more accommodation for newly-married couples, this trend in itself was a further indication of the growing restrictions on rural house-building. These restrictions created a novel phenomenon which has tended to escape the attention of family historians. It had been a common enough occurrence in the earlier period for the child destined to inherit the family property to marry and bring his or her spouse into the parental home, so guaranteeing support for those parents in old age. Thus for example in 1781, James and Anne Hodges and their three daughters resided with James's parents on Durlow Common. Next door, Thomas and Mary Preece were living with their son and daughter-in-law John and Susan Preece and their two grandsons. At Tarrington Common Thomas Munn lived with his wife and aged mother-in-law Ann Edwards. The registers of baptisms, however, also indicate an increasing number of children (usually one per couple) born to parents who do not share a surname with any of the established commoners' families. In isolation, it would be tempting to conclude that these were entirely new families who only fleetingly occupied vacant cottages on the commons, exaggerating the impression of geographical mobility.

Yet the full reconstitution evidence indicates that in the period 1780-1830, of the 24 traceable marriages of children not inheriting the parental property, a total of 7, or 29%, remained in the parental home after marriage for a short period as evidenced by the recorded birth of their first child, presumably because no alternative accommodation was immediately available. The births of their first two children are recorded for another such couple. Between 1831-1881, the proportion had risen dramatically; out of a total of 70 traceable marriages, 21 had their first child born in the parental home of one of the spouse's, 7 the first two children, and a further six having moved away initially, returned at some stage during their marriage to the parental home as evidenced by the recorded baptisms of one or more of their middle-born children. In other words, nearly half (48.6%) of non-inheriting couples had at least one child born in the home of one of the couple's parents. The decadal trend is as follows:

TABLE 35  
Marriages of Non-Inheriting Couples with Children Born in Parental Home  
DurLOW and Tarrington Common: 1780-1879  
(By year of marriage)

1780-1789	1
1790-1799	0
1800-1809	0
1810-1819	3
1820-1829	4
1830-1839	3
1840-1849	6
1850-1859	8
1860-1869	10
1870-1879	7

Source: DurLOW and Tarrington Common FRFs

Of course, the total figure of three-generational households will never be recovered - we can only glimpse its significance as a result of a child's birth; the census statistics add a few more examples but as the residential period

was always confined to less than ten years, census analysis clearly obscures<sup>25</sup> important interdecadal variations in a family's life cycle. Thus, if in the earlier period the pre-marital conception and illegitimacy rates reduced the sexual significance of the marriage ceremony, in the later period these two factors combined with a further delay in finally establishing separate households to reduce both the sexual and social significance of marriage as an institution.

Though undoubtedly a reflection of the problems encountered by newly-married couples in finding separate accommodation, the growth in the number of couples returning to a parental home later in the reproductive cycle suggests that internal family organisation may also have been an important factor. For a two-way process was involved; in so far as the 'flow' of married children through the household tended to be staggered over the later years of the parents' life, it suggests a reciprocal arrangement was involved whereby the latter were ensured some economic support and domestic care in return for shelter. Additionally, the grandparents could look after their grandchildren while the parents were out at work. That the arrangement occurred most frequently in the early years of married life (i.e. when there were no older children in the household to mind their younger siblings) tends to lend some support to this view. Either way, the evidence points to worsening economic conditions either as a result of housing shortages, failure of newly-weds to be able to afford cottage rents, the sustained need for mothers in the early stages of the reproductive cycle to go out to work, and the increased reliance of aged

25 Given that many 'inheriting' married couples also resided with their parents, the significance of the 'nuclear' family in the context of generational life cycles is further reduced - see below.

parents on financial support from their children as a result of changes under the new Poor Law.

#### iii) Inheritance Strategies

The combination of all the factors so far discussed also created a subtle shift in one area of family continuity rarely explored at this socio-economic level. The image of the nineteenth century labouring poor either as a highly mobile workforce, or as a depressed population huddled together in tied cottages, together with the general absence of wills and the consequent problem of tracing the actual transmission of property through several generations, has tended to distract attention from labourer's attitudes to inheritance and the ways in which they sought to provide for their offspring.

And yet inheritance, as the mechanism which ensures the passage of property (and for that matter values and customs) from one generation to another within a stable core of property-holding families, lies at the very crux of community life. Commons settlements provide perhaps one of the richest areas for study; because of the nature of landholding, and the need to establish rights to encroachments over a long period of time, because of poor law housing policy and the economic opportunities which rooted the population near to the source of employment, all these factors contributed to a remarkably high level of generational continuity. A very high total of 50 generational transfers involving 26 properties are traceable in the period 1780-1881.

We are left, though, with the problem of making sense of a seemingly infinite variety of options arising theoretically out of personal choice of heir and pragmatically out of each family's unique demographic circumstances. A property

can be left to a first, second, subsequent or youngest son; it can be left to a similar range of daughters; it can be divided equally between all or some children; or it can be left to more distant kin, or an unrelated friend. Examples of all these options (excluding the last) appear in the Tarrington and Durlow Common context - the total number of different strategies found is 20. Yet these can be worked into a comparative framework by isolating four categories, based on whether the strategy stems from 'custom', 'choice' or 'necessity', or is based on partible inheritance. Customary inheritance involves<sup>26</sup> all cases where an eldest or only son inherits. The 'Choice' element includes all cases where a middle-born or youngest son or a daughter is preferred over<sup>27</sup> the 'natural' heir. 'Necessity' involves cases where only one child, male or female, survives; where, in the absence of any male heirs, the property passes to the eldest or only daughter, or where no children survive and the property passes to a relation or other individual. Partible inheritance includes, in the Tarrington and Durlow Common examples, division between not more than two children.

Because of the demographic variables affecting each family's profile, there is bound to be an element of overlap in the generational periods chosen - here, these are defined by the baseline created by the point in the life-cycle reached by the first couple in 1781. Once the overall limits of each generation is

26 In regions where custom did not favour primogeniture, the focus of this category would have to be altered.

27 This method has the advantage in that it increases the number of assignments; while each individual inheritance strategy requires a complete knowledge of the movements of all children after birth, this method can afford to 'lose', say, a middle-born child in a family of four children where, for example, the second youngest inherits.

defined by these three generational families, all other data relating to families appearing on the common later in the period is assigned to one of these generations.

The changing nature of the types of inheritance strategies favoured by each generation is shown in the following Table:

TABLE 36  
Inheritance Strategies: Durlow and Tarrington Common  
(by Generation, 1780-1881)

	Partible		Custom		Choice (A) Males		Choice (B) Females		Necessity		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.
Generation 1 1781-1825	1	7.7	9	69.2	1	7.7	1	7.7	1	7.7	13
Generation 2 1810-1866	2	8.3	9	37.5	3	12.5	8	33.3	2	8.3	24
Generation 3 1850-1881	1	7.7	4	30.8	3	23.1	5	38.7	0	0	13

Source: Durlow and Tarrington Common FRFs

The Table reflects a remarkably interesting shift of priorities in inheritance strategies over the period. It suggests an increasingly more flexible approach to inheritance which at first sight appears to contradict the argument pursued so far which has seen the commons communities becoming more isolated in terms of marriage patterns, less responsive in their demographic behaviour to external economic trends, more rigidly constrained by a saturated labour and housing market, more dependent, paradoxically, on remaining independent in the context of changes in the Poor Laws. Yet the reasons behind the shift in inheritance strategies spring entirely from these very pressures.

Continuity in high fertility rates largely unrestricted by infant mortality obviously far exceeded basic replacement rates. A surplus of children was compounded by a remarkably late mean age of death for spouses in the period 1780-1881, averaging at 62.9 years for wives and (interestingly) 65.1 years for husbands. Inheritance certainly could not be a smooth passage from one generation to another throughout the period, and the problems associated with a system of inheritance favouring primogeniture are self-evident; at one extreme, an eldest son could be over 60 before finally coming into possession of the family property.<sup>28</sup> That primogeniture was the norm in the early period is surely a powerful indication of the strength of a customary framework of inheritance.

Because of the late age at inheritance, the eldest son could pursue one of two options before finally coming into possession. On the one hand, he could remain in the family household with his spouse and children, so that a considerable generational overlap occurred. We have already noted such cases in the 1781 census. Problems arose, however, where younger brothers and sisters had not yet left the family home; the expanding family of the heir was likely to exceed reasonable living space.

The more common option in the earlier period is exemplified in its most structured form by the Jauncey family of Tarrington Common. Francis and Susan

28 Mean ages at death include all deaths of spouses in the period 1781-1881; it therefore underestimates the real mean at the tail end of the period. The implications of low adult mortality and the relatively late age of women at the birth of their last child may well reflect the continuing 'logic' of an expansive reproductive system in the second half of the period; with the harshening of the poor laws there was a need to ensure a 'supply' of younger children who would be able to maintain them in old age.

had married in 1786; they had 2 sons, a daughter, and a final son born in 1796. William, the eldest son, married in 1814 at the late age of 46, and moved with his wife to live at Durlow Common, where their first child was born. William's father was already aged 74 on his son's marriage, so that William's inheritance was unlikely to be delayed much longer. William's younger brother George had already left home for service, and must have married elsewhere, as we hear no more of him. 1816 was a year of rapid change; William's youngest brother Thomas was buried in July on his twentieth birthday. Three months later his sister Ann married and moved out of the family home. Another month passed and William's father died. At this stage, when each one of his younger siblings had either married, left home, or died, William moved back into the family home, all his subsequent children being born on Tarrington Common. His inheritance, interestingly, was complete, for his mother died five years after her husband at Prestons Marsh, probably having gone to live with either George's or Anne's family.

This pattern of the eldest son and heir moving away from the family home on marriage and returning only at the death of one or both parents is repeated in many instances in the early period. William Bowkett, eldest son of Richard and Hannah of Durlow Common, married in 1826. From 1826 to 1834 he lived as innkeeper at the Oak Public House in Tarrington; on his mother's death in 1834 (his father had died in 1818) he gave up this profession and returned to the family home to work, as his father had done, as a gardener. Richard Griffiths and Samuel Cole were both eldest sons and both moved to the neighbouring parish of Stoke Edith at marriage before returning as heirs to Tarrington Common in 1796 and 1807 respectively - Samuel only finally coming into full

possession of the family property at the advanced age of 52. Other eldest sons went slightly further afield - Richard Brooks to Ledbury before returning in 1781, and John Spencer to Cradley, Worcestershire - he came back to Tarrington Common in 1809 on the death of his mother, his only surviving parent, in that  
29  
year.

By the second half of the period, the whole pattern of inheritance had changed. One of the factors demoting the eldest son from his pre-eminent position was no doubt the loss of access to a flexible local housing market. Unable to settle for short periods close to the family home before inheriting, the eldest son on marriage now had to either stay put at home - usually impracticable for reasons of space - or move further afield, and the tendency for greater mobility to reduce family communications and hence inheritance chances is no doubt reflected in the inheritance Table. Secondly, with the increased difficulties of claiming poor relief after the introduction of the New Poor Laws, the concern of parents as to how they would be supported in old age no doubt loomed larger, and as younger children were more likely to remain longer in the family home, it seems probable that individual preferences for children who 'gave' more to their parents in terms of time, attention and probably maintenance, would be better rewarded than those siblings who had chosen a more independent course. Maximising household efficiency by maintaining a pseudo-conjugal relationship after the death of a spouse is no doubt reflected in the usual household arrangement of widowers favouring unmarried daughters and

29 This trend would not, of course, have been recognised through parish register evidence alone; it is only glimpsed through supplementary documentation such as census material (where the birthplaces of elder children indicate this mobility); it is probable therefore that a number of other cases remain untraced.

widows unmarried sons; the unusual characteristic of greater life expectancy for husbands compared to their wives may well account for the large number of female heirs appearing in the later period.

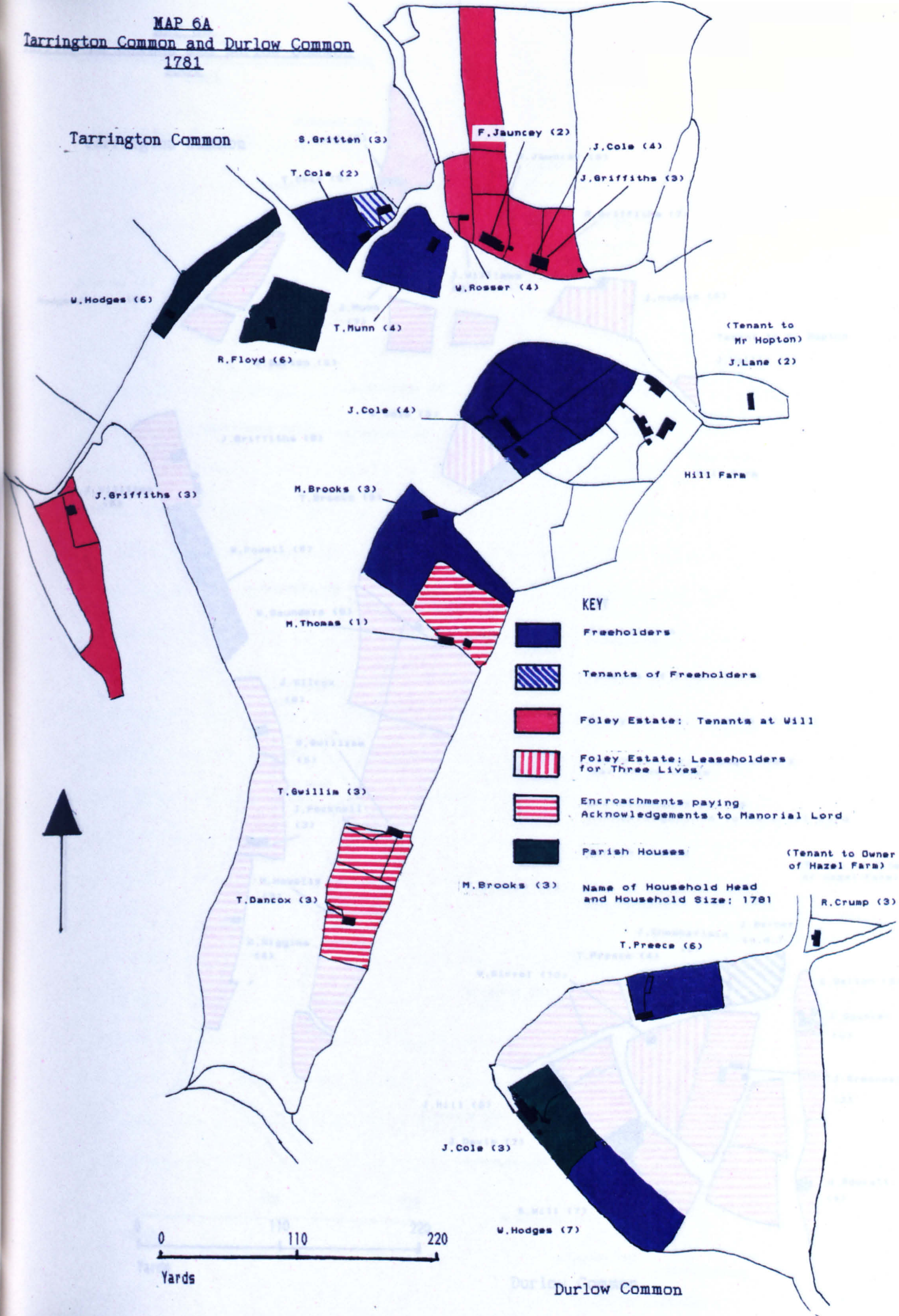
#### iv) Tenurial Change

Finally, perhaps the underlying cause of the shift in inheritance strategies was that the content and significance of what was being conveyed from one generation to another was itself also changing. The tenurial status of properties on Tarrington and Durlow Common in 1881 was very different from what it had been in 1781, and the following three maps illustrate the nature of those changes at the beginning, middle and end of the period. From the relatively straightforward pattern in 1781, the options mushroom until by 1831 the commons are tenurially at their most diverse - with a mosaic of owner-occupiers, Foley three-life or yearly leaseholders, tenants of outside landlords, tenants of other commoners, parish house occupants and, of course, those occupying cottages still classified as encroachments all jostling for space; and then by 1881 there has been a realignment back to a less complex system but structured around different tenurial relationships to those existing in 1781. Two interconnected trends are evident - on the one hand the more rigid definition of boundaries (both physically and legally) and on the other the Foley wave of influence spreading from the estate centre over Tarrington Common in particular and nudging forward over Durlow Common.

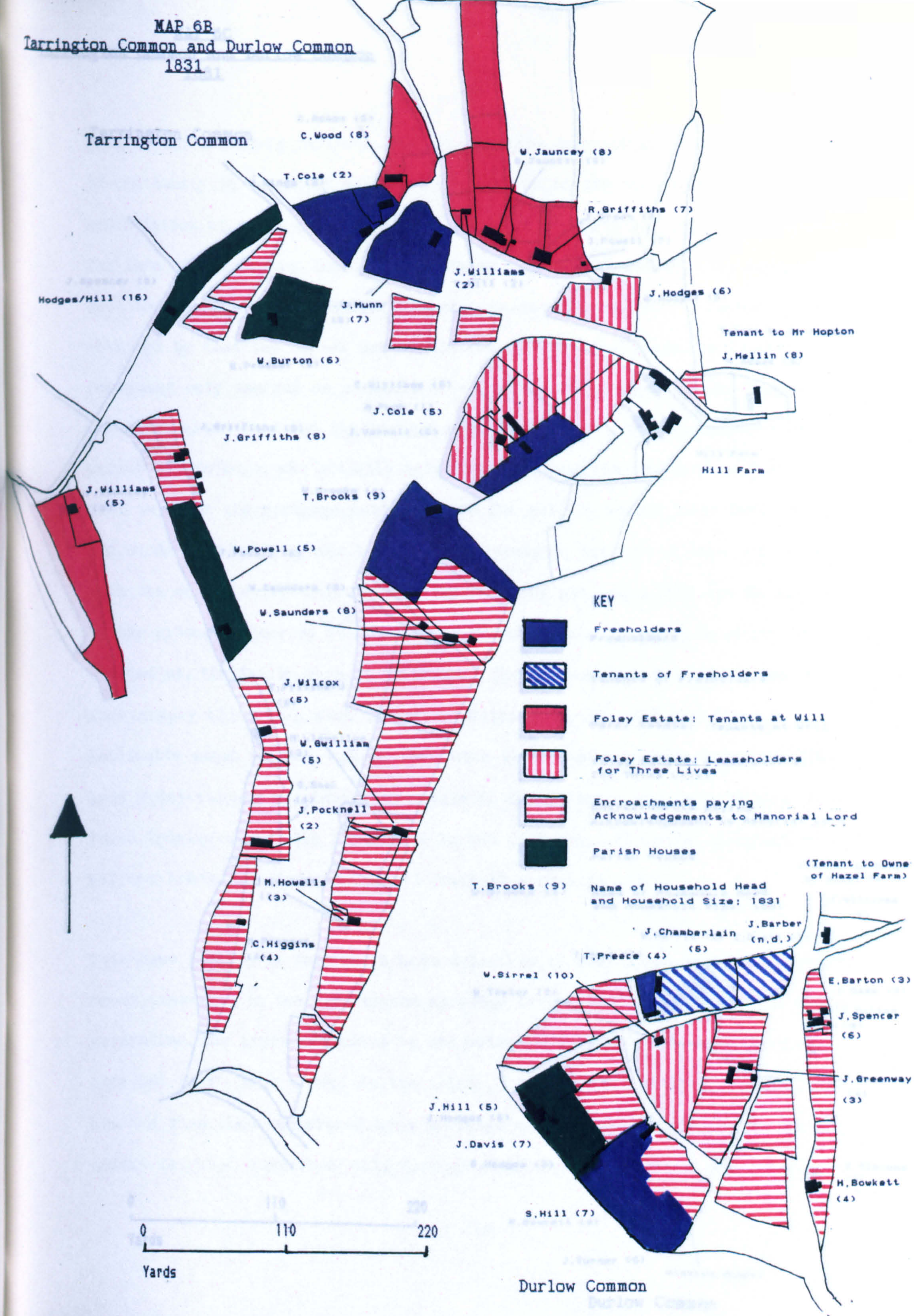
#### a) Freeholds

To take some examples. The three principal owner-occupiers, as we have seen, had all mortgaged their properties by the 1820's, though at first sight this appeared to have little effect on generational continuity; William Brooks for example in 1881 was occupying the same cottage inhabited by his great

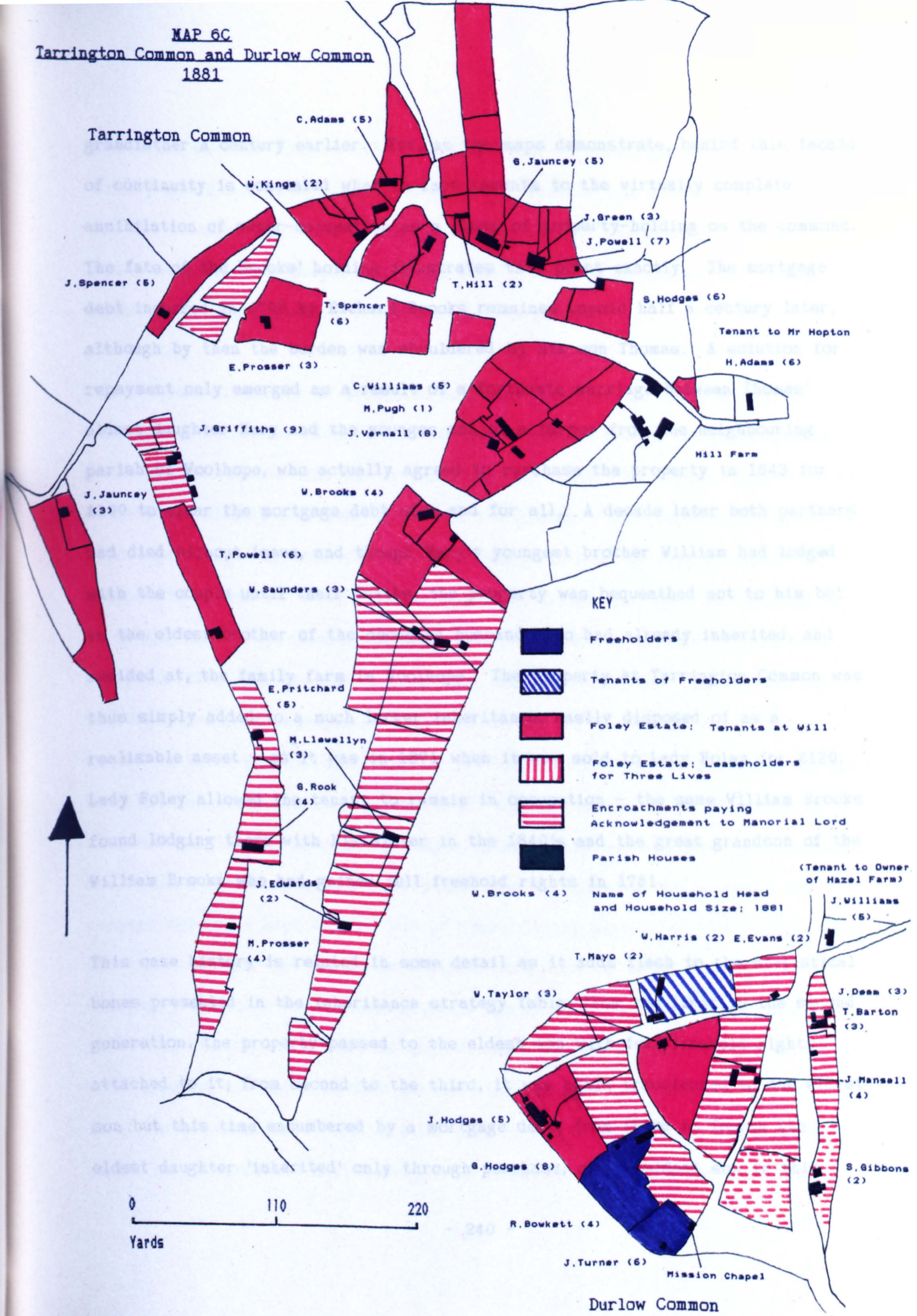
MAP 6A  
Tarrington Common and Durlow Common  
1781



MAP 6B  
Tarrington Common and Durlow Common  
1831



MAP 6C  
Tarrington Common and Durlow Common  
1881



grandfather a century earlier. Yet, as the maps demonstrate, behind this facade of continuity is concealed what in fact amounts to the virtually complete annihilation of owner-occupation as a class of property-holding on the commons. The fate of the Brooks' holding illustrates this point exactly. The mortgage debt incurred in 1790 by Richard Brooks remained unpaid half a century later, although by then the burden was shouldered by his son Thomas. A solution for repayment only emerged as a result of a fortunate marriage between Thomas' eldest daughter Mary and the younger son of a farmer from the neighbouring parish of Woolhope, who actually agreed to purchase the property in 1843 for £100 to clear the mortgage debt once and for all. A decade later both partners had died without issue, and though Mary's youngest brother William had lodged with the couple until their deaths, the property was bequeathed not to him but to the eldest brother of the deceased husband, who had already inherited, and resided at, the family farm in Woolhope. The property at Tarrington Common was thus simply added to a much larger inheritance, easily disposed of as a realisable asset - as it was in 1871 when it was sold to Lady Foley for £120. Lady Foley allowed the tenant to remain in occupation - the same William Brooks found lodging there with his sister in the 1840's and the great grandson of the William Brooks who had gained full freehold rights in 1781.

This case history is related in some detail as it adds flesh to the statistical bones presented in the inheritance strategy Table; from the first to the second generation, the property passed to the eldest son with full freehold rights attached to it; from second to the third, it was again transferred to the eldest son but this time encumbered by a mortgage debt; from third to fourth the eldest daughter 'inherited' only through purchase; of the eldest son in this

generation we know nothing after his first year of marriage, when he had already moved out of the family home; it was instead the second and only other son who finally 'inherited' as tenant of Lady Foley. The gradual attenuation of rights attached to a property thus go hand-in-hand with the distortion and departure from a customary framework of inheritance.

The eventual alienation of freeholds into the grasp of the Foley estate is repeated in the cases of the Munn and Cole families, though the paths leading towards that outcome tend to diverge along the route. The Munn's experience at first sight closely conforms to that of the Brooks - the property mortgaged in 1826, remortgaged in 1852 (Richard Munn being 'in need of thirty pounds to supply his occasion'), sold in 1865 to a local farmer for £200 so clearing the debt, and finally purchased, following that farmer's liquidation in 1874 by Lady Foley for £250. In two respects, though, the details differ. On the one hand, the departure from primogeniture occurred earlier in the Munn's case, in the second to third generational transfer. Why Richard Munn was preferred as heir over his two elder brothers is not at all clear - the mortgage agreement of 1826 entered into by his father simply spoke of his 'natural love and affection for Richard' when imposing the condition that in spite of the mortgage the cottage should be kept for the use of himself, this particular son and his heirs for ever. Whether the two elder brothers chose not to be shouldered with the mortgage burden, or whether the father's specified 'affection' for Richard implicitly conceals a history of quarrels with his eldest sons is a moot point; what is clear is that with this proviso, the sequence of transfers between the first three generations does parallel that of the Brooks, in that full freehold rights to the property were conveyed by Richard's grandfather to his father,

while from the second to the third generation the unpaid mortgage debt formed part of the inheritance.

On the other hand, a more radical departure from the Brooks' example occurred as a result of the marriage of Richard Munn (the heir) in 1831 to the widow of the village butcher. Richard moved into her house, and divided his former home on Tarrington Common into two cottages, so providing an extra source of income to the wages derived from his labouring activities on the Lays and Highnam Farms. Not only was the Munn's connection with Tarrington Common severed physically in this way; Richard's wife was already beyond child-bearing age when he married her. Demographic realities may thus account for the readiness to dispose of the property in 1865, rather than crushing financial need (the profit from the sale would after all have paid off the mortgage debt at least six times over).

This was certainly the explanation behind the alienation of the Cole's freehold on Tarrington Common. Mortgaged in 1816 for £80 by Samuel Cole, the property was left by him to his eldest son Thomas, who died, after a childless marriage, in 1855. He bequeathed the cottage 'subject to the mortgage thereon' to his brother Edward, who died just over a year later also 'without issue'. The property was left to a distant kinsman, remaining void until 1864, when it was sold to Lady Foley for £160; the conveyance specifically stated that 'the sd Principal Sum of £80 secured by the sd indenture of mortgage on 11th March 1816 hath long since been duly paid.' So in this case the connection of this branch of the Cole family with Tarrington Common ceased, not for financial reasons, but through the extinction of any direct male line.

Though the end result - i.e acquisition by the Foley Estate - is the same in all three cases of freehold occupation, the scales are tipped differently according to demographic or economic circumstance.

It should be noted that the Foleys themselves did not pursue an aggressive policy of acquisition through repeated 'offers' of purchase, or even a policy of attrition - in none of these cases were they the mortgagors and in all three examples the properties had already passed out of the direct line of inheritance before acquisition. The following letter from the Foley's Herefordshire agent dated September 22nd 1874 illustrates how the Munn's property came fairly into the estate's hands:

Dear Sir, I purchased for the Right Honble Lady Emily Foley at an Auction Sale held at the Foley Arms Inn Tarrington last night the two cottages described in the particulars and Conditions of Sale enclosed for the Sum of £250 - and £3:3 expenses. £25:0:0 Deposit was paid to Mr Chamberlain the Vendor's Solicitor. The Houses are Mortgaged to a client of Mr Homes Solicitor of the Castles Munsley near Ledbury for £160. Interest &c. probably amounting to £175.00. The Abstract of Title is confirmed to the conveyance to Mr Smith in 1865 but I believe Richard Munn his predecessor held the property many years.

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By way of contrast the Agent had written two years earlier to Lady Foley to report that 'Mr Gregg Solicitor of Ledbury asked me a few days ago if your Ladyship would purchase two or three cottages on Durlow Common..' Having received his instructions, he informed Lady Foley that 'I have written to Mr Gregg to say that your Ladyship does not wish to purchase the Cottages on

30 H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Bundle of Estate Correspondence, H.Parker to T.Barneby, 22 September 1874.

Durley Common, they are old Buildings but in a good state of repair - they<sup>31</sup> would not be a desirable property for your Ladyship.' Quite why they were not 'desirable' is left a mystery, but the letter provides a check to the assumption that all properties were snapped up by the Foleys as soon as (or even before) they appeared on the open market. Content to pick and choose, the Foley's main aim appears to have been to consolidate their influence on Tarrington Common, while the geographically more distant Durlow Common was left more to its own devices.

b) Leaseholds

This policy of non-interference combined with a selective extension of estate control at opportune moments is also reflected in the conversion of three-life leaseholds on expiry to yearly tenancies. Within their allotted span, leases granted for three lives did allow considerable flexibility to the holders, excluding of course, being able to raise cash through mortgages. John Hodges, for example, sold his interest in the lease granted to him by the Foleys in 1812 to his son James thirty years later for £10; this is particularly noteworthy as John remained another five years in the cottage until his death in 1847 at the advanced age of 84. James continued living nearby at Hillfoot and only moved back onto Tarrington Common on his father's death. As he was a middle-born son, it seems highly likely that this represents a good case of a reciprocal parental/child agreement overriding custom; James' purchase of the lease provided a small income for his father in his old age, while James himself was guaranteed the 'inheritance'. James' widow was still occupying the cottage in 1881, though in 1870 the lease for three lives finally expired and her status was reduced to a yearly tenant.

31 Ibid., H.Parker to T.Barneby, 22 September 1874.

Of the other two leaseholds for three lives, one granted by the Foleys in 1798 to a younger branch of the Cole family on Tarrington Common, the other in 1812 to William Preece of Durlow Common, both ran their full terms until their respective expiry dates in the 1870's, when the last remaining 'lives' in each lease both died. By the second half of our period, neither of the holders were actually resident, but were deriving rents by subletting. William Preece, who died in 1819, was actually both the first and last 'life' mentioned in the 1812 lease to reside at Durlow; his wife and daughter as the remaining two 'lives' moved away from the parish. The subsequent history of the younger Cole branch is no doubt unique in 'squatter' annals in terms of the degree of social mobility and success involved, but is nevertheless one more illustration of the misinformed nature of the witnesses' evidence at the 1844 Inquiry. The last surviving life in the 1798 lease was the eldest son of James Cole, yeoman, of Tarrington Common. This son, also called James and born in 1786, trained as a shoemaker, but in his spare-time learned to play the organ at the local parish church. By 1818 he was thanking 'Subscribers' to his concerts. The first concert for that year was fixed for the 26th January at the Feathers Inn in Ledbury 'for which he has engaged a Select Party of Voice & Instrumental Performers from the Cities of Hereford, Worcester etc.'<sup>32</sup> The following year he would play a selection of 'Sacred Music (Handel, Messiah) followed by a Miscellaneous Concert & Ball at the Foley Arms'<sup>33</sup> in Tarrington. When he married in 1821, he moved from the Common into one of the Foley's cottages in the village. By 1832 his spare-time interest had become a full-time occupation, and

32 Hereford Journal, 21 January 1818.

33 Ibid., 22 December 1819.

he was thanking his customers for their support and stating that he 'continues  
34  
to Tune and Repair Organs and Piano-Fortes.' By this time he was the father of  
five daughters; the eldest died at the age of 19, but at least three of the  
35  
others are referred to as unusually talented vocalists, and these talents  
eventually took the family to London, one of the three daughters marrying a  
City watchmaker, another the musician son of a gentleman, and the third was  
still unmarried and singing 'professionally' in 1873 at the age of 43; this was  
the year the lease expired on the property at Tarrington Common as a result of  
the death of James, their father, who started his career as a shoemaker on the  
Common, and died in his 87th year in Maida Vale, London.

James' seven younger brothers also appear to have prospered - Andrew for  
example becoming a sexton at Hereford Cathedral, Charles a mason, Thomas a  
glazier - and all established themselves outside the parish, except Thomas, the  
fourth surviving son. It is Thomas in fact who was named as executor of his  
father's will and also heir of the Tarrington Common property, whereas his  
three elder brothers were the three lives named in the 1798 lease. As these  
three brothers had all moved away or married by the time of their father's  
death in 1843, it seems probable that all had received their inheritance  
portions at a prior date; Thomas was the only son to remain in Tarrington  
(though not on the Common) till his death - an illustration of a complex web of  
inheritance and property-holding in which the chief 'lives' may have no  
inheritance stake in the actual leasehold, while the nominated heir in turn

34 Ibid., 2 May 1832.

35 Ibid., 17 February 1847; 1 December 1847.

chooses to sublet rather than reside in the property held by that lease. As Thomas fathered four daughters but no sons, the connection with the parish of the Cole family which had once dominated the expansion of Tarrington Common abruptly came to an end with his death in 1870.

The Cole's history therefore adds some new dimensions to the inheritance Table. We have already explored some of the ways in which the changing tenurial status of a property could affect the chain of inheritance; demographic accident, as in the case of the older branch of the Cole family, could wipe a family out of the inheritance Table altogether. Personal parental preferences, as with the Munn and Hodges' examples, also appear to have increasingly whittled away at customary expectations. On the economic level, a mortgage burden might be 'inherited' by a succeeding generation and eventually cause the alienation of a freehold. But in the Cole's case, economic success rather than failure was the prime force behind changes in inheritance practices; personal talent, for example, could lift a potential heir (like James Cole) entirely out of the locality and thus distort the customary framework of primogeniture. On the other hand, reasonable prosperity and trading opportunities could divert a nominated heir (like Thomas Cole) away from actual residence in the inherited property. Finally, marriage settlement (as was probably the lot of Thomas' elder brothers) could shift the inheritance of the property itself down the sibling line.

To read the inheritance Table properly, therefore, three variables must be taken into account - the relative tenurial status of the property at any one point in time, the total demographic context, and the 'push and pull' of economic

opportunities. In the last category, no parallels exist to quite match the upward social mobility of James Cole and his talented daughters, and yet the draw of the 'big city' as a means of exploiting these talents to the full was nevertheless mirrored in the histories of a number of other commoners' families, where sons and daughters were increasingly in the later period finding their way to Hereford, Worcester and particularly Birmingham in search of higher wages. We only gain a glimpse of this movement through for example the census listing of visiting children, and indeed it is debatable whether it was the 'pull' of the towns themselves or the 'push' of local circumstances such as a saturated labour or housing market which was the actual spur to the exodus; one can only note its obvious effects on inheritance preferences and the likelihood that a wedge was being driven between those children who in increasing numbers were staying at home until later in life, and those who chose or were obliged to move further afield. Against the tightening of kinship networks on the commons and the reduction of links with neighbouring communities must therefore be set their broadening geographical links with the rest of the country.

c) Parish Houses

At the other end of the economic scale to the Cole family were the occupants of parish houses, whose tenurial status was radically altered in 1841 when at a vestry meeting on August 19th it was resolved that the Guardians of the Poor of the Ledbury Union be permitted to sell the materials of the six cottages on Tarrington and Durlow Common under the provisions of the recent act. The phraseology is important, because the conditions of the sale made it clear that freehold rights were not being conveyed; instead, the parish had established these cottages by permission of the Lord of the Manor, and paid reserved rents

36 H.R.O., K14/72, Tarrington Vestry Book, 1771-1871.

for the same. While potential purchasers could charge rents for the cottages themselves, their rights to the land would be circumscribed by the same conditions that formerly applied to the vestry. Unfortunately, the exact financial details of the outcome of the sale are not recorded, but it is clear that the Foleys made a clean sweep in purchasing all the cottages, for each is subsequently recorded in the estate rent book as 'Let by Written Agreement from Year to Year.' Charles Mason, the Foley's agent, had been the chairman of the meeting, ensuring that the Foley's interests were maintained, and it is probable that his involvement caused some mutterings as the vestry minute book subsequently included a 'Recitation that the above meetings were fairly convened'.

Nevertheless, it should be noted that all the lessees except one were the same occupants prior to the sale, while the new annual rents were set at the same level as the reserved rents previously paid by the vestry. The effect of the sale was simply to remove the vestry as intermediary and reduce the occupants' position to a simple landlord/tenant relationship. Nor did the Foleys interfere with the subsequent descent of the properties themselves, as all but one were still occupied in 1881 by descendants of the occupants prior to the sale.

In the case of parish houses, therefore, the importance of inheritance lay not in the transfer of freehold possession from one generation to another, although in the years prior to 1841 there always existed the possibility that the anomalies of the tenorial status of these cottages might resolve themselves in favour of the occupants; more importantly, as Snell has shown, evidence of paternal settlement increasingly became the criteria by which eligibility to

relief was judged; 'inheritance' may thus not confer full property rights as such - but it may convey alternative forms of security in the form of an undisputed entitlement to poor relief.

d) Tenants at Will

While the status of parish houses was clarified during this period, the other major tenurial group of residents apart from freeholders and leaseholders were those occupying land defined as encroachments, and in some cases these remained in a liminal state of ownership well beyond the end of our period, with both commoner and manorial lord acting in the belief that they retained a full title to the property. As late as 1924, for example, Susan Rock of Durlow Common returned the 'tenancy agreement' sent to her by the Foley estate (and which had been signed in 1851 and again in 1870 by the previous occupier, William Bowkett) with the following letter attached:

Sir, I am returning the enclosed unsigned, as it is 20 years last August since my late husband brought the cottage etc. & during that time nothing of the kind has been signed & I am not willing to sign it now. I should wish it to remain as it is, that is paying 3/- a year as chiefrent (sic), your due as Lord of the Manor.

Appended to the letter in the estate papers is a solicitor's opinion stating that:

I would observe that the only acknowledgements in writing are those signed by Wm Bowkett and that these acknowledgements do not create a tenancy at all, but are merely acknowledgements to the effect that L. Emily Foley was entitled to the soil as Lady of the Manor ... in my opinion you cannot do more than insist on the continuance of this payment of 3/- per annum except perhaps that you might insist on the enclosures being restored to the Common.

38

37 Snell, op. cit., pp.78-81.

38 H.R.O., Foley Collection, (uncat.), Stoke Edith Estate Tenancy Agreements, 1851-1924.

Such drastic advice was not followed, and an agreement was reached based on a yearly payment of 3/-. The persisting confusion surrounding encroachments is perhaps best summed up in this letter dated 1903 from another commoner, this time resident in the neighbouring parish on Backbury Hill over which the Foleys also claimed manorial rights:

I am now 86 years of age and cannot possibly come being too infirm to sign my name for land at Backbury ... My father built the cottage on this land about 1812 before I was born he died about 1820. My mother was left a widow with six children and had to have in those days local relief by the overseer of the parish. She always paid this acknowledgment in her days. Up to the year 1870, at her death, I undertook the payment and have kept it paid ever since ... We have always paid repairs and outgoings. Last year I paid £8 so that we have had not much benefit from it. I always understood only the land belonged to the Stoke Estate not the buildings as I would not have spent a penny upon it. It should have gone down first by now by this agreement you appear to claim it all thereby ignoreing any claim I have in it ... Surely this is not right and I cannot sign an agreement in this form. I have never been asked before. The Late Lady Emily Foley always recognised me and used to call here sometimes as I lived (as a) boy in Stoke Park 5 yrs under the park keeper ... and was there when she was married to Mr. Foley and helped to draw them up from the Ledbury Lodge to the House with ropes when we brought her home.

39

The emotional appeal in this impersonal, money-grubbing age at the turn of the century to the more paternalistic spirit of the past echoes beautifully both the developing theme of this thesis as a whole and the Foley preference earlier in the century to maintain the status quo rather than meddle obtrusively in the commoners' affairs. It would be wrong, however, as we have already seen, to ignore the gentle strides forward the Foleys had been making in the interim as regards consolidating their position, and Lady Foley herself clearly wished to see the anomalies surrounding encroachments cleared up once and for all. The

payment of fines at the manorial court was supplemented by the issuing of the more formal written acknowledgments in the 1850's, although the exact definition of manorial title conferred by these agreements was still in doubt in the 1870's. In September 1870, Lady Foley's Worcester agent wrote in response to a plea for clarification that 'By the acknowledgments which have been signed the title of Lady Emily Foley is admitted and she has the power to take possession at any time within 20 years of the date of each acknowledgment' but, he carried on, 'I understand the yearly sums paid are not sufficient for yearly rents and if not the Persons holding cannot be considered Tenants from year to year ... If any refuse to renew the acknowledgments or to give up possession or to accept a Lease for three lives which I think might be offered it would be necessary to make a demand of possession and on their refusing to give it they might be ejected by an action of Ejectment.<sup>40</sup>' However, the much later and more cautious opinion expressed on Susan Rock's letter of 1924 indicates the continuing reluctance and constraints in using such strong arm tactics; indeed, Lady Foley herself finally abandoned any attempt to clarify the situation once and for all; with a note of weariness she issued instructions to her agent in 1882: 'As there seems to be so many difficulties in offering or granting Leases from Year to Year or Leases for Lives, to those holding Encroachments on The Common, I write to say ... that I think I must leave matters as they are now in Herefordshire, and go on holding Courts for the Manors and obtaining<sup>41</sup> acknowledgments from the different parties as heretofore...'

40 H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Bundle of Estate Correspondence, T.Barneby to H.Parker, 7 September 1870.

41 Ibid., Lady Foley to T.Barneby, 1 March 1882.

Prevarication by the Foleys on this issue should have left those holding encroachments on Durlow and Tarrington Common free to dispose of, or mortgage their properties as they saw fit. There was, however, a catch. The problem was that, in the absence of any deeds, there would be difficulties in persuading a potential money-lender or purchaser of the adequacy of a secure title, while he (or she) would certainly be dissuaded if he learnt that acknowledgments were being paid to the manorial lord. Moreover, even if this obstacle was overcome by, for example, simply concealing this limitation, it was precisely at this point that the Foleys would feel obliged to flex their muscles; for a successful sale or mortgage of an encroachment which did not contain the condition that acknowledgments should continue to be paid to them as lords of the manor might annul their own interests in the property. It is presumably for these reasons that only one attempt involving both a mortgage and sale of an encroachment can be traced. The following advertisement appeared in the Hereford Journal of 20th September 1848: 'To be Sold. 2 Cottages + Stable, Millhouse, Piggeries and Out-Offices. Large & productive Garden & Orchardring well planted with choice sorts of fruit situate at Durlow Common, Tarrington & late in the occupation of Mr. John Spencer, Stonemason.' The notice warned that the property 'will be affected under Powers of Sales contained in certain Mortgage deeds.' This public announcement caused a flurry of action in the Foley estate office; the solicitor's bill details 'attendance upon Mr Mason (Lady Foley's agent) conferring with and advising him respecting a distraint made upon the furniture of the Widow Spencer (of Durlow Common) for rent alleged to be due to Mr Ockey and a proposal that had been made by Mr Galliers Mr Ockey's Attorney to forego the rent if she should deliver up to Mr Ockey certain cottages and gardens belonging to your Ladyship which had improperly (been) included in a Mortgage

made by the late Mr Spencer to Mr Ockey.' Though the Foleys retained their 'title', it may well have been as a result of this case that the more formal written acknowledgments were introduced in 1850.

The willingness of virtually all the commoners to sign these acknowledgments must therefore be judged in the context of the lack of alternatives. Unable to sell or mortgage, the acknowledgments at least restricted the Foley's financial claims to a small reserved rather than a full annual rent, while the twenty-year rule carried with it the possible long term prospect of failure to renew, thus eventually guaranteeing full freehold rights. These two elements - lack of alternatives and long-term prospects - conspired to ensure generational continuity, and this was one area in which the Foleys did not tend to interfere. Ann Pritchard of Tarrington Common, for example, laconically stated in her will of 1857: 'I, Ann Pritchard do hereby will and bequeath all my property to my son Edward Pritchard on condition that he will take charge of my Children.'<sup>43</sup> The Foley agent merely noted in the margin of payments of fines for encroachments at the manorial court held in 1868 that 'Ann Pritchard wishes Edward Pritchard to become tenant'; these wishes were clearly respected, as Edward still occupied the encroachment in 1881.

This tenorial group therefore exhibits the greatest degree of continuity in the inheritance Table, with a remarkable nine out of the ten cottages being occupied

42 H.R.O., Foley Coll. (uncat.), Tarrington Boxes, Solicitor's Bill: Edward Pritchard to Lady Foley, 1847-1850.

43 H.R.O., Foley Coll. (uncat.), Stoke Edith Estate Rent Books, 1782-1886; Copy Will of Ann Pritchard, 1857.

in 1881 by descendants of the original settlers. Their tenurial position had also altered little in the period, unlike the full freeholders, three-life leaseholders, and parish house occupants. The reasons behind the apparent shift in inheritance strategies are thus at first sight less easy to define. It is only by examining them in isolation that a possible explanation emerges. First, it should be noted that exactly half of those occupying encroachments had settled on the common after 1781, and thus fail to appear at all in the first generation in the inheritance Table. Of the other five occupants, five different categories emerge in the first generation alone; one strategy is dictated by 'necessity', the couple being childless and therefore bequeathing the property to a niece; in another case the first generation is missed out entirely as the father outlived his only son and heir by seven years; the exact descent is not traceable in one instance due to inadequate reconstitution data and is consequently omitted from the Table, while another involves an unusual example of partible inheritance, a second cottage being built on the encroachment and left to the youngest daughter, the original cottage passing to the youngest son! The last category involves the passage of the property to an eldest son, the one and only example out of ten cases therefore of 'customary' inheritance, which should be compared to the 69% recorded in the inheritance Table for all first generation transfers for the common as a whole. Without rehearsing all the strategies pursued in the second generation, one may note that of the 11 instances, again only one follows the 'customary' pattern of eldest son inheriting, while a total of 4 cases involve preference being given to a younger child over an older surviving male sibling. Only five properties passed to a third generation in this period, none of which involve an eldest or only son inheriting.

From this brief resume it will be clear that the interpretation of the inheritance Table pursued so far is misleading when applied to this one tenorial group. Of the total of 20 transfers over the whole period relating to the ten original properties, only two follow 'customary' expectations, and the picture that consequently emerges is one of considerable flexibility rather than any noticeable breakdown over time of a customary framework of inheritance. There would appear to be two principal explanations for this departure from the 'norm'. In the first explanation lies an interesting sociological possibility, when it is remembered that the origins of these late encroachments may well lie in the search for alternative housing by the 'dispossessed' younger sons or daughters of families from neighbouring parishes. However, while such an explanation may tentatively account for the preference of younger sons and daughters as heirs by the first generation of settlers, it is difficult to believe this accounts for the continuing trend in the later transfers, unless one accepts that it created a powerful family precedent. The second explanation, which is better substantiated by the evidence, requires a wider perspective on the overall objectives of this particular tenorial group. The will of Ann Pritchard quoted above in fact provides a clue; for though she specified that Edward, her youngest son, should inherit 'all her property', this was only 'on condition that he will take charge of my Children'.

The implication in this bequest is therefore clear: that inheritance of the property by one child carried with it an obligation to care for one's other siblings. Ann Pritchard's will consequently exposes an important shortcoming in the inheritance Table: by highlighting only the child who actually physically succeeds to the parental property, it ignores the changing fortunes of other children over the period. Referring back to the Bowkett case quoted above, it

will be remembered that William, the eldest son, only inherited the parental home after his father had died, after his younger brother had left home, after his sister had married, and after his mother had moved away to Prestons Marsh. The overall parental objective in the Pritchard and Bowkett cases is thus identical - to ensure that the future of all one's children were equally safeguarded. The wider ramifications of inheritance are thus only partially reflected in the Table, and the reasons behind the switch from a customary framework of inheritance to a complex mosaic of individual decision-making lay in the mounting socio-economic and tenurial problems explored earlier in this chapter - problems associated with the increasing housing shortage, the increasing number of children forced to remain in the parental home due to the decline of service, the gradual extinction of opportunities for expanding holdings, the decline in mortgaging outlets which previously had ensured that 'non-inheriting' children could receive a decent marriage portion.

The changes in inheritance practices thus represent only one ingredient in the gradual disintegration of the customary framework of squatter society in the nineteenth century; a disintegration which involved the breakdown of the rhythmic seasonal cycles of winter work in the woodlands and summer labour in the fields, the dismantling of parochial systems of relief, the demise of the manorial framework of control and the slow process of loss of tenurial independence. Though this analysis of Durlow and Tarrington Common has charted the nature and timing of some of these changes in the context of a single parish, the following Chapter attempts to establish a framework for charting the broad chronologies of change, and the manner in which different categories of settlement were affected in different ways.

## CHAPTER 5

### CHANGE AND COMMONS SETTLEMENTS: TOWARDS A CLASSIFICATORY MODEL

Less than a mile to the south-west of Tarrington on the other side of the Woolhope Dome, lay the infamous squatter settlement of Checkley Common. T.H. Parker, agent to the Foleys and resident at the Vine in Tarrington, remarked that 'I don't know that there were more thieves there than in other places; but Checkley Common had rather a bad name.'<sup>1</sup> Mr. Ford, a former Primitive Methodist Minister, in 1865 'commenced a mission of his own at Checkley, where he had long recognised the wretchedly neglected character of the place from a spiritual point of view; "I don't believe anyone ever spoke a word of religion or dropped a tract in that district from one year's end to another" said Mr Ford, "and drink was indulged in to a terrible extent."<sup>2</sup>

It is tempting to simply bracket these 'outsiders' comments with the exaggerated opinions held by witnesses at the 1844 Inquiry, and yet it is interesting to find Jack Hodges, whose family lived at Durlow Common, recalling his father saying to him in reference to Checkley "you dont want to go over that hill, they were wildmen over there."<sup>3</sup>

The physical barrier was hardly insurmountable; the social barrier however was, and raises the interesting possibility that major differences existed between

1 T.H.Parker, A History of Stoke Edith and Tarrington, 1964, p.15.

2 Anon., In Memoriam. The Late Mr. Charles Griffiths: Mr John Ford, Founders of the Checkley, Durlow and Froome Mission Stations, 1913, p.7.

3 Interview with George and Jack Hodges of Longcroft, Tarrington, 8 July 1982.

the socio-economic and tenurial composition of commons settlements to the point where the inhabitants of one would 'look down' upon the inhabitants of another. We have already noted the Foley's increasing influence over Durlow and Tarrington Common both as landlord and employer, and the well-being of both commons was buttressed by the steady extension of estate paternalism through charitable works, educational provision, the cottage gardening society, even free milk from the Lays farm. Tarrington was, in every sense, a classic example of a 'closed' parish, passing even the litmus test that over half the parish should be owned by one landlord - the Foleys owned 53.9% of Tarrington's total acreage at the time of the tithe award.

It comes therefore perhaps as a surprise to find that Mordiford parish, in which Checkley Common was situated, was ostensibly an even better example of a 'closed' parish when judged on this basis, for Lord Hereford was sole owner of 76% of the land in the parish; every cottage in Mordiford village and all the surrounding farms belonged to him. Thus if we apply the same categorisation employed by Obelkevich<sup>4</sup> for all parishes hosting squatter settlements, both Mordiford and Tarrington are classed in the first category:

TABLE 37  
Parish Designations c.1840  
(Excluding Towns)

	'Squatter' Parishes		Other Parishes	
	Total	%	Total	%
Closed	24	30.4	64	46.0
Oligarchic	12	15.2	21	15.1
Divided	9	11.4	29	20.9
Open	34	43.0	25	18.0

Source: H.R.O., Tithe Maps

4 J.Obelkvich, Religion and Rural Society: South Lindsay 1825-1875, 1976, pp.12-13.

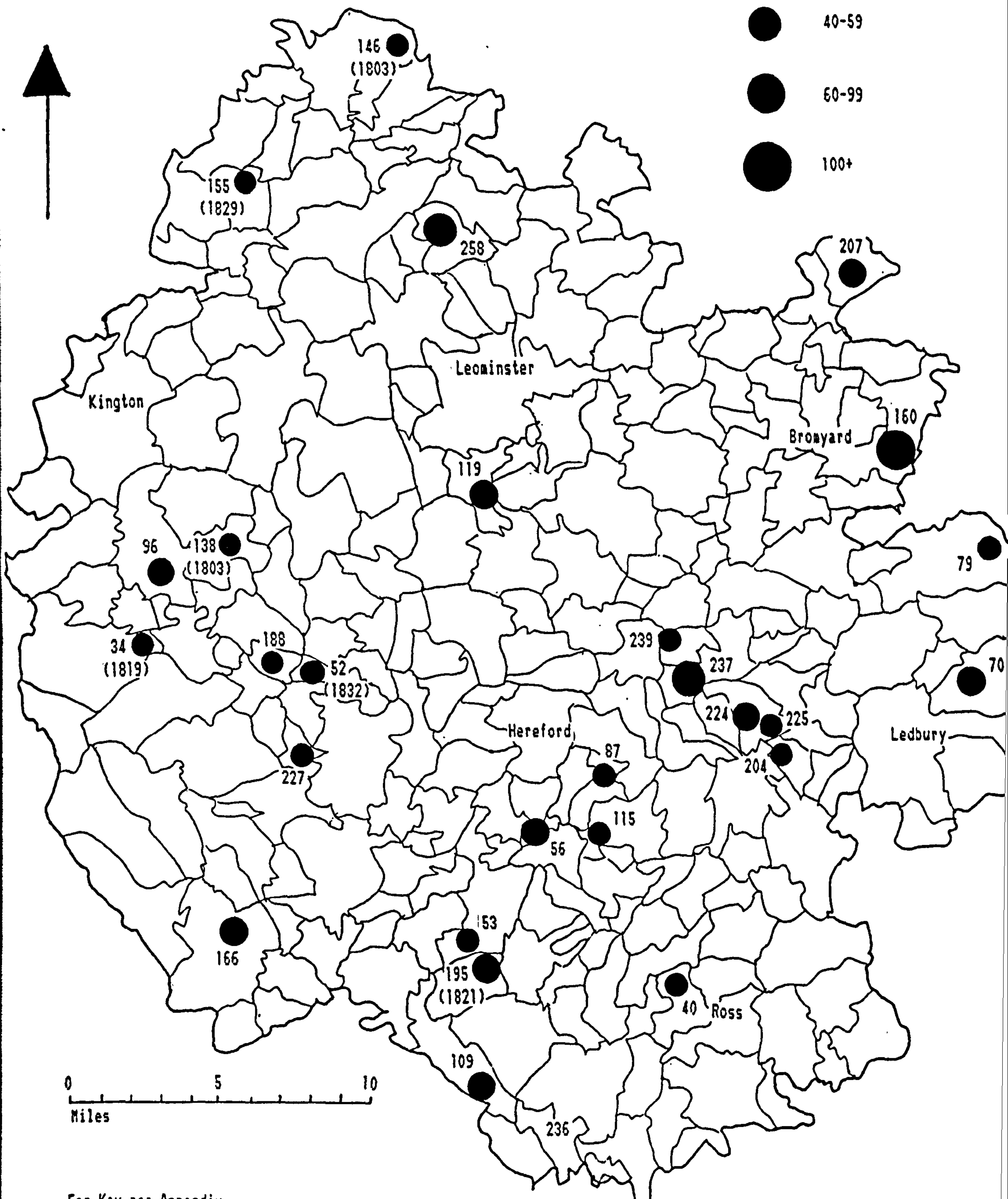
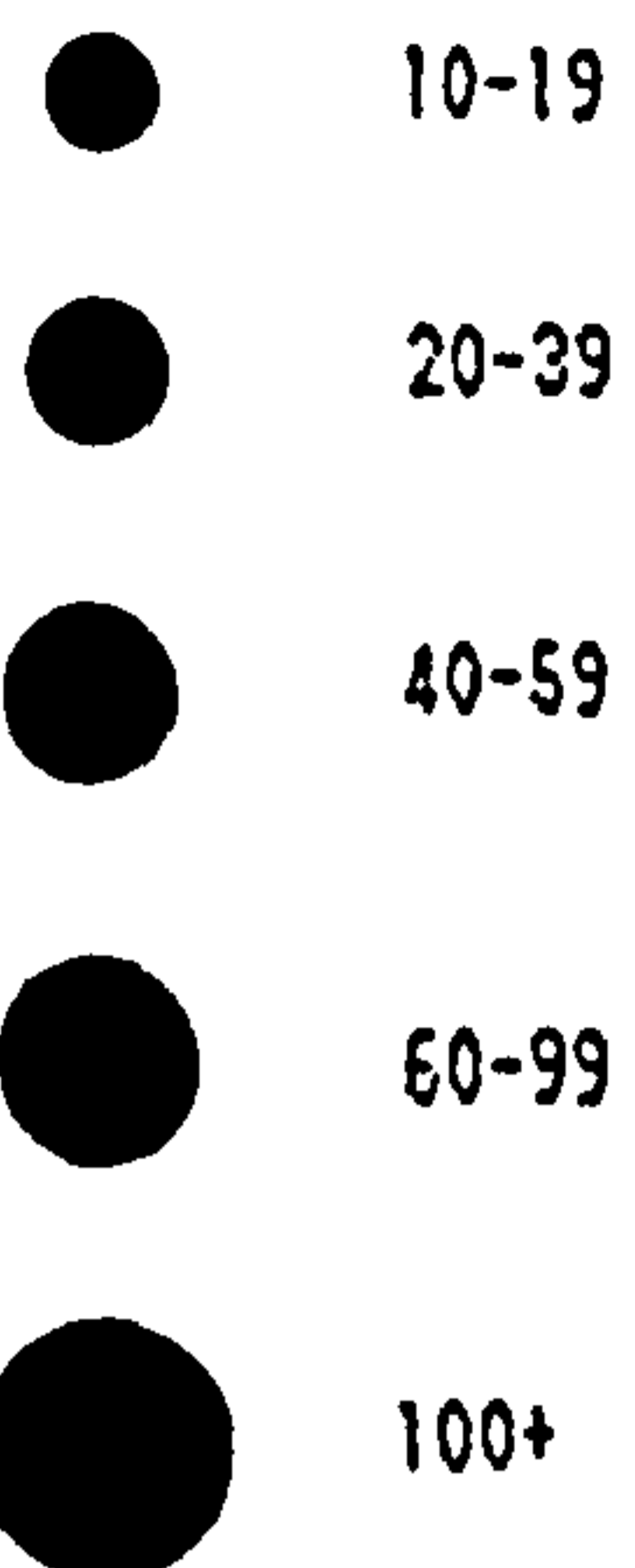
In the grouping together of two such diverse settlements, and in the liberal distribution of squatter parishes across the spectrum, the Table instantly reveals the shortcomings of this parochially-based approach; entirely concealed is the specific nature of landholding within the smaller units of settlement with which this thesis is concerned. For although both Tarrington and Mordiford were 'closed' parishes, the commons settlements contained within them differed radically in their tenorial composition. Thus, whereas in the 1840's 81.8% of the cottages at Durlow and 76.9% of those at Tarrington Common were in Foley ownership, at Checkley Common not a single one was owned by Lord Hereford; instead owner-occupiers and a hotch-potch of petty landlords, some resident, some absentee, jostled for ownership in roughly equal proportions.

#### 1) Estate Settlements

Cottage ownership can thus provide a good measure of the degree to which a local estate landowner's influence shaped the development of individual commons settlements in the county, and the most reliable source for producing a list of such 'estate' settlements must be the tithe map evidence of the 1840's. The qualifying criterion has been taken as a minimum ownership level for a single landlord of one third of the entire common's housing stock. This results in a total of 28 settlements being included under this umbrella, ranging in size from the smallest community of 10 cottages all owned by Sir Velters Cornwall at Monnington Common, to the sprawling settlement at Bringsty Common where John Barneby Esq. owned 36% of the 75 cottages. (It does not necessarily follow, however, that the smaller the settlement, the tighter the landlord's control; whereas 67.7% of all cottages in estate settlements ranging from 10-19 cottages were owned by single landlords, the percentage actually rises to 70.8% for similar settlements consisting of between 20-30 cottages.) The utterly

MAP 7A  
Estate Settlements c.1840

Number of Dwellings



For Key see Appendix

COMMONS SETTLEMENTS & PROPERTY HOLDING c.1840

Key to Map 7A: Estate Settlements

Settlement	Number of Cottages Owned By						Total
	Estate		Owner		Petty		
	Landlord		Occupiers		Rentiers		
	No	%	No	%	No	%	
Bircher Common (258)	16	34.0	16	34.0	15	31.9	47
Birtley (155)	8	72.7	1	9.1	2	18.2	11
Bringsty Common (160)	27	36.0	20	26.7	28	37.3	75
Buckcastle Hill (40)	7	41.2	0	0	10	58.8	17
Byford Common (52)	12	70.6	1	5.9	4	23.5	17
Colwall Green (70)	14	46.7	7	23.3	9	30.0	30
Crumphall Hill (79)	4	36.4	4	36.4	3	27.3	11
Deerfold (146)	10	100.0	0	0	0	0	10
Dinedor Hill (87)	13	100.0	0	0	0	0	13
Dinmore Hill (119)	19	90.5	0	0	2	9.5	21
Dodmarsh (239)	4	36.7	3	27.3	4	36.7	11
Durlow Common (225)	9	81.8	0	0	2	18.2	11
Garway Common (109)	8	38.1	5	23.8	8	38.1	21
Hurstway Common (96)	11	47.8	8	34.7	4	17.3	23
Lower Maescoed (166)	27	100.0	0	0	0	0	27
Meerbridge Common (34)	8	66.7	0	0	4	33.3	12
Monnington Common (188)	10	100.0	0	0	0	0	10
Newtown (115)	10	100.0	0	0	0	0	10
Orcop Hill (195)	21	87.5	1	4.2	2	8.3	24
Putley Common (204)	5	33.3	2	13.3	8	53.3	15
Saddlebow Common (83)	18	94.7	1	5.3	0	0	19
Upper Sapey Common (207)	16	66.6	3	12.5	5	20.8	24
Sallys Common (138)	4	40.0	3	30.0	3	30.0	10
Shucknell Hill (237)	22	44.0	13	26.0	15	30.0	50
Stockley Hill (227)	8	53.3	7	46.6	0	0	15
Tarrington Common (224)	20	76.9	5	19.2	1	3.8	26
Twyford Common (56)	22	81.5	4	14.8	1	3.7	27
Welsh Newton Common (236)			NO DATA				

Total: 587  
Average Size: 21.7

COMMONS SETTLEMENTS & PROPERTY HOLDING c.1840

Key to Map 7A: Estate Settlements

Settlement	Number of Cottages Owned By						Total
	Estate		Owner		Petty		
	Landlord		Occupiers		Rentiers		
	No	%	No	%	No	%	
Bircher Common (258)	16	34.0	16	34.0	15	31.9	47
Birtley (155)	8	72.7	1	9.1	2	18.2	11
Bringsty Common (160)	27	36.0	20	26.7	28	37.3	75
Buckcastle Hill (40)	7	41.2	0	0	10	58.8	17
Byford Common (52)	12	70.6	1	5.9	4	23.5	17
Colwall Green (70)	14	46.7	7	23.3	9	30.0	30
Crumphall Hill (79)	4	36.4	4	36.4	3	27.3	11
Deerfold (146)	10	100.0	0	0	0	0	10
Dinedor Hill (87)	13	100.0	0	0	0	0	13
Dinmore Hill (119)	19	90.5	0	0	2	9.5	21
Dodmarsh (239)	4	36.7	3	27.3	4	36.7	11
Durlow Common (225)	9	81.8	0	0	2	18.2	11
Garway Common (109)	8	38.1	5	23.8	8	38.1	21
Hurstway Common (96)	11	47.8	8	34.7	4	17.3	23
Lower Maescoed (166)	27	100.0	0	0	0	0	27
Meerbridge Common (34)	8	66.7	0	0	4	33.3	12
Monnington Common (188)	10	100.0	0	0	0	0	10
Newtown (115)	10	100.0	0	0	0	0	10
Orcop Hill (195)	21	87.5	1	4.2	2	8.3	24
Putley Common (204)	5	33.3	2	13.3	8	53.3	15
Saddlebow Common (83)	18	94.7	1	5.3	0	0	19
Upper Sapey Common (207)	16	66.6	3	12.5	5	20.8	24
Sallys Common (138)	4	40.0	3	30.0	3	30.0	10
Shucknell Hill (237)	22	44.0	13	26.0	15	30.0	50
Stockley Hill (227)	8	53.3	7	46.6	0	0	15
Tarrington Common (224)	20	76.9	5	19.2	1	3.8	26
Twyford Common (56)	22	81.5	4	14.8	1	3.7	27
Welsh Newton Common (236)			NO DATA				

Total: 587  
Average Size: 21.7

misleading adoption of 'open' or 'closed' parish classifications is exposed in the fact that only 11 of these 28 settlements were actually situated in parishes which can be strictly defined as 'closed.' Though the commons communities of Stockley Hill (Tibberton), Saddlebow Hill (Much Dewchurch) and Newtown Waste (Holme Lacy), were literally perched near the park walls of their respective estate mansions, others like Durlow Common or Lower Maescoed (Longtown) could equally be found at the very margins of the estate centres to which they were linked.

Size and physical siting are thus unreliable indices of the extent of a particular landowner's influence; nor does the simple statistical equation of cottage ownership with estate control reveal the variety of roles played by such settlements within the overall context of an estate system; at Tarrington, as we have seen, demographic growth and relative economic stability was closely linked to Stoke Edith's expanding programme of estate improvements, the commons supplying much of the labour to sustain the momentum of the Foley's ambitious schemes. Yet at Saddlebow Hill, where all but one of the nineteen cottages were owned by T.G. Symonds of the Mynde, five of the eighteen cottages were occupied in 1851 by paupers; their presence suggests that this commons settlement acted more as an overspill area for those who could no longer find a niche within the estate system owing to circumstances of old age, disability, illness and so on. The closer co-operation between landowners and parochial authorities that had emerged by the early nineteenth century has already been noted, and doubtless reflects the need for additional housing for those labourers who had been squeezed out of the estate system. Indeed, evidence of parochial ownership of cottages as late as the 1840's (i.e after the spate of sales following the

introduction of the New Poor Law) is evident in four of the six estate settlements where a single landlord owned less than 40% of the cottages.

The differences between the settlements at Saddlebow and Tarrington thus depended on the kind of continuing relationship between estate and commons settlement that was imposed by the manorial lord. T.G Symonds effectively acted as surrogate vestry in the difficult years of the early nineteenth century and 'suffered a large cottage population to establish itself on the waste at Saddlebow' between 1801 and 1811; and thereafter both his own tenurial interest in the settlement and its negative function as a 'repository' for the estate's displaced tenantry was maintained. By contrast, the Foley's expansive estate policies were slowly grafted onto the pre-existing commons settlements at Tarrington, transforming as we have seen their entire tenurial and socio-economic composition.

Underlying these differences, however, was the fundamental relationship which bound these settlements to their estate centres; as transforming, modernising sectors in the rural economy, it was precisely in these estate zones that a highly rigid agrarian class structure was being forged during the course of the nineteenth century; the ritualised, highly differentiated and specialised roles played by landlord, tenant and labourer are nicely encapsulated in the festivities held in celebration of Richard Arkwright's Coming of Age at Hampton Court (Hope-under-Dinmore). On the 2nd August 1854, a ball was held in the house for the 'elite of the neighbourhood'. On the 3rd, a dinner 'under a spacious marquee erected on the lawn in front of the mansion' was given for the

major tenantry on the Estate; and on the 4th, 500-700 labouring poor were  
'plentifully regaled with roast beef' on the same lawn but in the open air.

6

Included amongst the latter no doubt were the cottage occupants - all tenants of Arkwright - of Dinmore Hill, which nestled in the woods only half a mile from the mansion.

#### 11) Freehold Settlements

Yet only a decade earlier, the Arkwright's agent had recorded that he 'went to Westhope Hill (a common at the periphery of the estate) and found that the following persons (had) encroached on the hill and have not paid an

7

acknowledgment'. Fourteen persons were subsequently named. The reverse side of the estate settlement coin is therefore the number of commons communities which had apparently resisted any penetration by neighbouring large landowners; and by the 1840's these still formed the majority, with 68 commons settlements where either none or only a small percentage of cottages were owned by the manorial lord. However, it would be misleading to lump these together as an homogenous category, for the absence of a single proprietor in fact opened the door, in some settlements, to petty landlords who were not necessarily resident on the commons themselves. The distinction is represented well in the comparison of a settlement like Bearswood Common at Cradley, where 81.8% of the cottages were owner-occupied, and Brilley Green, where exactly the same percentage of cottages were rented from a large number of non-resident landlords. The remaining 68 settlements can thus be assigned to one of two categories, according to whether owner-occupiers or tenants of absentee landlords formed the majority in any one settlement.

6 Hereford Journal, 9 August 1854.

7 H.R.O., Hampton Court Estate Papers (uncat.), Memorandum Books, 1823-1849, f.193.

# MAP 7B

## Freehold Settlements c.1840

Number of Dwellings

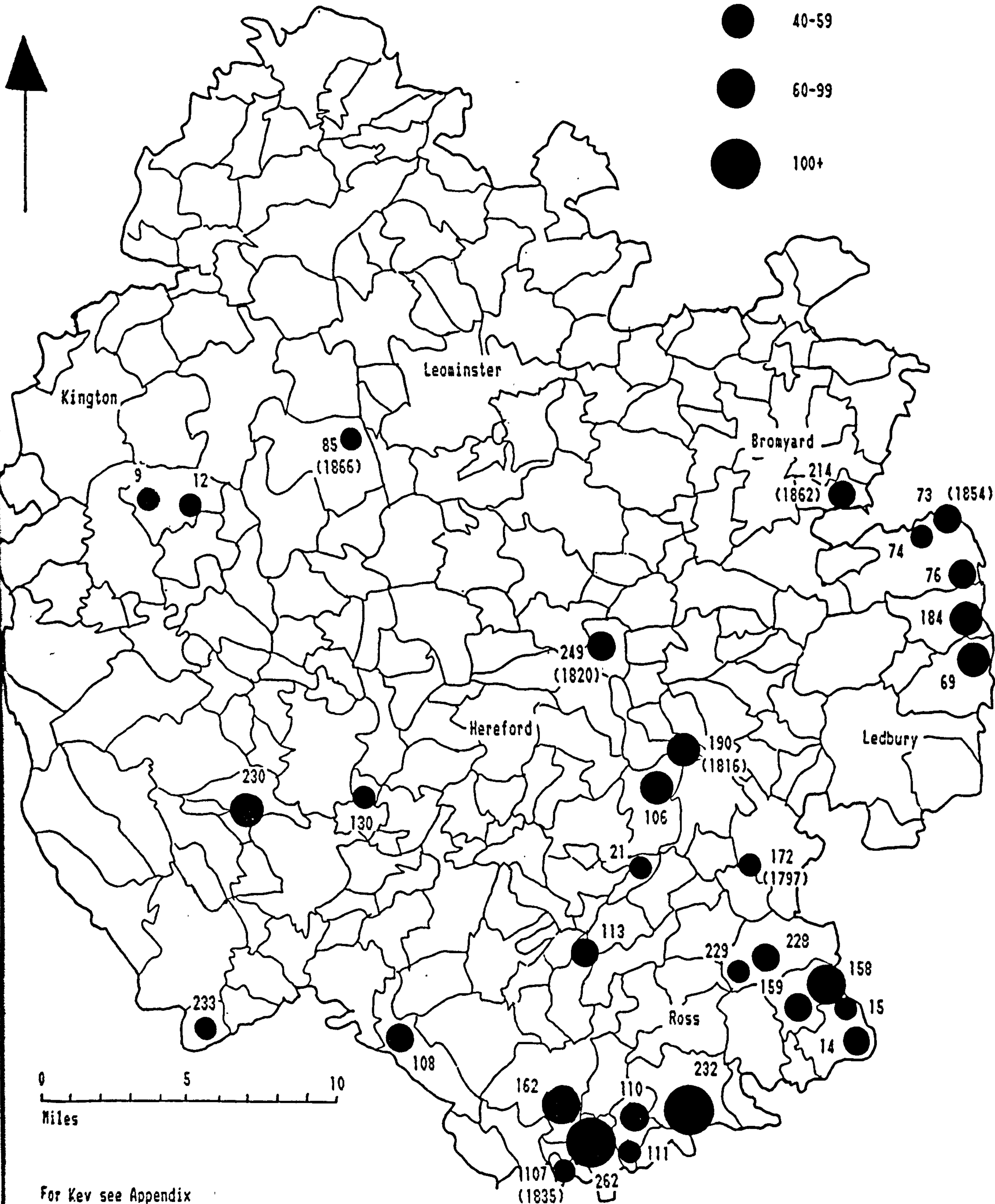
● 10-19

● 20-39

● 40-59

● 60-99

● 100+



For Key see Appendix

COMMONS SETTLEMENTS & PROPERTY HOLDING c 1840

Key to Map 7B: Freehold Settlements

Settlement	Number of Cottages Owned By						Total
	Estate		Owner		Petty		
	Landlord		Occupiers		Rentiers		
	No	%	No	%	No	%	
Bach Common (12)	3	25.0	6	50.0	3	25.0	12
Ballingham Hill (21)	0	0	14	77.7	4	22.2	18
Barrow Common (130)	0	0	11	78.5	3	21.4	14
Bearswood Common (74)	0	0	9	81.8	2	18.2	11
Birchwood Common (73)	0	0	13	73.2	7	35.0	20
Checkley Common (190)	0	0	25	56.6	20	44.4	45
Common Hill (106)	0	0	24	55.8	19	44.2	43
Coppet Wood Common (110)	1	3.2	24	77.4	6	19.3	31
Crow Hill (228)	6	24.0	11	44.0	8	32.0	25
Dilwyn Common (85)	0	0	9	52.9	8	47.1	17
Great Doward (242)	0	0	117	70.9	48	29.1	165
Little Doward (107)	2	15.4	9	69.2	2	15.4	13
Focle Green (229)	0	0	6	54.5	5	45.4	11
Garway Hill (108)	5	16.1	15	48.4	11	35.5	31
Gorsley Common (158)	0	0	58	61.1	37	38.9	95
Little Gorsley (15)	0	0	12	66.6	6	33.3	18
Huntsholme Hill (111)	0	0	12	80.0	3	20.0	15
Linton Hill (159)	0	0	18	66.6	9	33.3	27
Llangrove Common (162)	0	0	57	78.0	16	21.9	73
Malvern Hills (184)	0	0	27	54.0	23	46.0	50
May Hill (14)	0	0	16	66.7	8	33.3	24
Marcle Hill (172)	0	0	9	69.3	4	30.8	13
North Hill (76)	3	12.5	11	45.9	10	41.7	24
Red Rail (113)	0	0	27	72.9	10	27.0	37
Spearmarsh Common (9)	1	5.3	13	68.4	5	26.3	19
Vowchurch Common (230)	2	4.8	31	73.8	9	21.4	42
Walford (232)	6	3.0	130	65.3	63	31.7	199
Walterstone Common (233)	0	0	8	66.7	4	33.3	12
Withington Marsh (249)	0	0	12	60.0	8	40.0	20
Wooferwood Common (214)	0	0	15	65.2	8	34.8	23
The Wyche (69)	12	23.5	29	56.8	10	19.6	51

Total: 1198  
Average Size: 38.6

The 31 settlements dominated by owner-occupiers had retained their tenurial independence for a variety of reasons; plotted on the map, the distribution pattern indicates their geographical isolation, well away from the ancient established settlements, well away from the county and market towns, and in the majority of cases away from the major estate 'zones'. Nearly all these settlements were situated on wood-pasture commons, or near to large tracts of woodlands, and in this respect conform most closely to the model outlined in Chapter 2. Indeed, in so far as the seasonal rhythm of summer employment in the fields and winter work in the woodlands can be described as a dual economy, it is interesting to find a variation in this pattern in the one area - Malvern Chase - where woodland work was not so prominent; here, the outwork system of the glove-sewing industry had spilled over the county boundary into the parishes of Cradley, where there were 133 gloveresses in 1851, Colwall (25), Stanford Bishop (16), Whitbourne (15), Linton Township (8), Bosbury (38) and Bishops Frome (17). At Cradley, 11 of the 20 households on Birchwood Common in 1851 included gloveresses; at Bearswood Common, a gloveress was working in all but one of the eleven households.

The relationship of gloving work with the City of Worcester serves as a reminder that geographical isolation did not necessarily signify economic isolation, and indeed a commoner like William Gatfield of the Doward who kept 'a pack of asses to carry coal and coak from Dean Forest to Ledbury and other places for hire' was very much the lynch-pin between two specialist centres. Similarly, lime-burners at the Common Hill (Fownhope) and the Doward

(Whitchurch) also serviced the needs of intensive farmers seeking to improve soil fertility and yields.

The settlements characterized by high levels of owner-occupation thus lay at the interstices of zones devoted to intensive woodland management and timber production on the one hand, and on the other, the agriculturally advanced regions of the county; the prominent ring of by far the largest settlements encircling the rich, productive farms of the Ross region were themselves encircled by the heavily wooded areas of Dean to the south and east, the Woolhope Dome to the north-east, Aconbury Hill to the north-west and Mynde Wood to the west. Thus, if the intensification of agricultural production and the consequent pressure on land was responsible for pushing the initial settlers out onto the commons, they soon acquired economic independence through re-orientating their working rhythms along the lines explored in Chapter 2. Economic independence was itself bolstered by tenurial independence, and it is significant that none of the settlements within this category was situated in manors which yield continuous series of court proceedings. For example, though Vowchurch Common was one of the few technically situated in a 'closed' parish, the major landowner, Newton Dickenson Esq. had never claimed manorial rights; instead the cottagers capitalized on the confusion surrounding the manorial title:

About the year 1812 or 1813 Mr Roby the agent of Lady Boughton accompanied by several persons rode through Vowchurch Common asserting the right of Lady Boughton to the Common, and a year or two after the Revd. Mr Evans in right of his Prebend, of the Cathedral of Herefd, and of his Great tithes of Vowchurch, laid claim to the Manor of Vowchurch, & gave notices to all the occupiers of lands & tenements on the Common not to pay rent to any one but him.

The report adds 'These circumstances unsettled the minds of the Cottagers' - but they did not unsettle their freehold status, and in the 1840's 78% of the cottages on Vowchurch Common were still owner-occupied. Manorial control was particularly weak over the largest settlements sited on the eastern and southern county boundary; Malvern Chase in the east had been disafforested in the seventeenth century, heralding in a period of lax management owing to the fact that no strong manorial structure had replaced the former Forest Courts. The appointed guardians of Royal Forests were themselves notoriously inefficient in preventing abuses, and though the settlements on the southern county boundary lay just outside the perimeter of Dean Forest, their growth was functionally related to the collapse of the Free Miners monopoly and the accompanying influx of 'foreign' competitors which effectively doubled the number of marginal encroachments in the Forest itself between the 1770's and 1830's.

Lack of manorial control not only encouraged new settlement, but also allowed the established inhabitants to continue to expand their holdings. The nudging forward of boundaries was integrally related to the family life-cycle; in its purest form, each addition to the family complemented each addition to the holding. John Lewis, of Llangrove Common, labourer, who died in 1857 bequeathed 'the two cottages joining each other together with the land attached being about half an acre and eight perches to my wife Sarah Lewis and on her death to be divided amongst my children - George to have the larger cottage and garden

9 H.R.O., C99/111/212.

10 C. Fisher, Custom, Work and Market Capitalism, 1981.

ground and a perch of ground adjoining it, James the remainder of the Ground down the road, Michael to have the ground on the lower side of the path together with the Stabling, and Thomas to have the smaller Thatched cottage with the ground attached.' John Walby of Doward, labourer, in 1835 bequeathed to his daughter Margaret 'a Langett of Ground near the path leading to the house;' his son Daniel received a 'square piece of ground adjoining his house up to the wall'; Edward, another son, was left the 'House I now live in and the old Patch Orchard and half the Burnt Wood Patch and all the Ground above the House except that part for Daniel', while the remainder of the Burnt Wood Patch went to his son John. Thomas received one shilling, a sure indication that he had<sup>11</sup> already received his portion.

This last bequest represents the stumbling block for all testamentary analysis, for we can never be certain that the provisions of a will embrace all members of a family, or whether it simply caters for those children not already provided for in the testator's lifetime. Thus, even a simple distinction between wills which specify only a single heir and those which indicate that at least two children receive a share in the holding can be misleading - is the single heir an only child in any case, or have other children already received their legacies? But, having omitted the 160 commoners' wills which can be labelled 'eccentric' because they relate to unmarried persons or childless couples, or simply bequeath everything to a spouse, it is worth noting that of the remaining 304 wills covering the period 1780-1881, 61.2% specified equal or near equal division between the named offspring. The relationship between the

11 H.R.O., AA20/69 f.535, Copy Will of John Lewis of Llangrove, 1857;  
H.R.O., AA20/60 f.149, Copy Will of John Walby of Doward, 1835.

continued availability of land on the commons and the persistence of a strong tradition of partible inheritance is thus an interesting one. The irony was, of course, that partible inheritance was the very agent of its own undoing, because there were geographical limits to the process of expansion, and without expansion, the effects of repeated sub-division would clearly render the system unworkable. This is precisely what occurred in many of the settlements characterized by high owner-occupation; Ballingham Hill, the Doward, Gorsley Common, Llangrove Common, Linton Hill, Vowchurch Common, Checkley Common, Focle Green, Crow Hill, all were in effect totally engulfed in the nineteenth century as a result of this process - independent of any Parliamentary Enclosure Award.

The conflicting pressures of the desire to accommodate all one's offspring and the growing restrictions on space are nicely encapsulated in the will of William Read of Buckcastle Hill, proved in 1834:

It was my wish that my house at Buckcastle should be divided between John Read and William Llewelling (son and son-in-law) but as I think it too small for two Familys to Live Comfortable in Therefore I leave it entirely to Whally Armitrage Esq. and as my sons John and James and William Llewelling do hold the Land between them at present I therefore leave this also to W. Armitrage Esq. to do as he thinks proper reposing that confidence in him that he will do nothing but what is right.

12

One solution to the problem was to specify a sale and equal division of the proceeds, thus effectively alienating the property from one's posterity for ever. The number of wills opting for this solution steadily rose, until by the end of our period it represented the most usual course of action:

12 H.R.O., AA20/59 f.185, Copy Will of William Read of Buckcastle, 1834.

TABLE 38  
Inheritance Strategies of Commoners 1780-1881

	Single Heir		Equal Division Without Sale		Equal Division After Sale	
	No.	%	No.	%	No.	%
1780-1799	4	40.0	6	60.0	0	0
1800-1819	22	50.0	18	40.9	4	9.1
1820-1839	31	37.3	36	43.4	16	19.3
1840-1859	38	40.0	38	40.0	19	20.0
1860-1881	23	31.9	21	29.2	28	38.8

Source: H.R.O., AA20/41-69, Diocesan Copy Wills, 1781-1858; AA20/D 8-13, Deanery Copy Wills, 1781-1851; N.L.W., Hereford Diocesan Copy Wills, 1859-1881; Hereford Deanery Wills, 1859-1881; Archdeaconry of Brecon Copy Wills, 1786-1851

In the previous Chapter, it was seen how the customary framework of inheritance was steadily transformed in the case of an estate settlement; one witnesses through the evidence of wills a similar transition occurring for owner-occupied properties under the twin pressures of worsening economic conditions and declining availability of land.

In addition, the nineteenth century revival of interest in resurrecting manorial courts did play its part in curbing the expansion of the remaining settlements in this category which had not already been overrun; in Chapter 1 we saw how at Mathon a Hayward was appointed by the court in 1833 whose job was to 'remove all incroachments' made by squatters on the Malvern Hills. Two Haywards were appointed in 1857 to check abuses on May Hill in Aston Ingham. A similar tendency towards increased protection was noted at Garway.

One would have thought this more aggressive protectionist policy would be bound to clash with the equally defensive claims of fiercely independent commoners; and in 1836, for example, four squatters from the Malvern Hills were hauled before the County Court for riotous behaviour:

Mr Clive, for the plaintiff, said the case arose out of encroachments made upon Malvern Hill, which, if they were allowed to continue, would wholly pass from its legal owners, and the parish be burthened with poor. The Lord of the Manor and the freeholders had therefore very properly taken out proceedings against four persons with the view of putting a stop to those encroachments. These proceedings were commenced so far back as the year 1833, and had been delayed in the hope of inducing the encroachers to acknowledge that they were but tenants. All remonstrance, however, failed and it was determined to put the law into vigorous exercise, and warrants were put into the hands of the sherriff-officer for execution. On the 7th of December they accordingly proceeded to do so, and it was then a riot was committed.

Mr Clive observed that if the jury failed to find a verdict against the rioters 'it would be necessary ... to call in the military.' The sheriff responsible for delivering the warrants (Mr Matthey) then gave evidence that:

Beard's house was the only one into which an entrance could be obtained, the doors of the others being locked against the visitors. Cartwright (one of the sheriff's assistants) was left in possession of that ... Mr Matthey in proceeding from one house to another, was most violently assaulted, had his head cut open and received other injuries from about 30 or 40 persons who had collected around him and rolled him down a bank. On regaining his feet, he pulled out a pair of pistols and threatened to shoot any one who again touched him; they only laughed at him and he therefore pulled the trigger, but the pistol did not go off. Cartwright however appeared to have fared the worst, as a considerable number of cottagers entered the dwelling where he was in possession, and notwithstanding his explanation that he was only doing his duty, they beat him unmercifully, and threw him over some paling where they left him; his collar bone was broken, and he still wears his arm in a sling. The cottagers were armed with staves and pales, and all the officers were insulted or injured.

13

The above case is quoted at some length not because it is representative, but because it is in fact the only example discovered of group resistance involving violence by squatters defending their 'rights' in the whole county and over the whole period 1780-1880. Two important points emerge from the case; first, the

actual degree of violence used (and probably some allowance for exaggeration must be made in the plaintiff's case) appears rather tame when compared to the potential havoc that could have been wreaked by the pistol-waving sheriff. Secondly, the squatters acted together only because they were threatened on this occasion by the group of warrant-bearers; the actual stimulus to the riot was in effect the defence of individual property rights, (their counsel lamented the way 'in which lords of the manor had come down upon poor persons and attempted to deprive them of their little property, with which were connected the most endearing recollections and upon which they had spent their labour...'); in no sense can the riot be compared to the kind of 'rituals of privation and protest' or 'movements of social protest' legitimized through customary modes of behaviour as explored by Bushaway.<sup>14</sup> Indeed, the complete absence of such cases in Herefordshire is wholly consistent with the squatter's non-reliance on the exercise of 'common rights' as explored in an earlier Chapter.

The lack of any cohesive spirit of opposition is borne out also in the evidence available for Parliamentary Enclosures in Herefordshire, in which little sign appears of squatter communities acting in unison, expressing their protests through popular forms of ritual or even overt acts of violence in the staunch defense of their rights. Given this situation, how was it that any of the commons in Herefordshire actually escaped obliteration under the signatures of Enclosure Commissioners?

14 B.Bushaway, By Rite: Custom, Ceremony and Community in England 1700-1800, 1982, Chapter 5.

There is, of course, no single answer, but two principal contributory factors can be isolated. Responsibility for the first lay in the squatter camp, and its form has already been indicated - namely the fact that many of the owner-occupied settlements had effectively enclosed themselves, extinguishing all former common land by piecemeal encroachments and thus rendering any recourse to an Enclosure Award ratified by Parliament ineffectual, if not meaningless. The second reason rests with the local freeholders and manorial lords, who in a number of cases failed to reach any satisfactory agreement - here, it was not because enclosure was never contemplated, but because persistently irreconcilable interests led to the eventual abandonment of any enclosure plans.

Actual failures of this kind rarely enter into discussions of the Enclosure movement, and yet evidence relating to them is surely critical for arriving at a balanced assessment of the total effect of enclosure on any class of individuals, whether that be the landlord, tenant, freeholder, labourer - or squatter with whom we are concerned here; constraining the arguments only to those cases where enclosure was carried out always remain in danger of presenting the evidence either way as if it had universal application to all classes in all areas. Whereas Enclosure Awards tend to have survived in large numbers and readily lend themselves to analysis and comparative study, the failure to reach an agreement may simply rest in an abortive meeting, for which no documentary evidence survives; or even in an unrecorded conversation in which the topic was aired but never pursued. We shall, then, never

know the full extent to which commons settlements may have narrowly escaped enclosure, but it can be shown, by collating disparate sources, that it was by no means an irregular occurrence.

In 1813, for example, notice was given of a meeting 'of Persons Intitled to Right of Common on the Commons and Waste Lands in the Townships and Parishes of Bircher, Yarpole and Orleton to be held on 6th Sept' to consider the possibility of applying for an Enclosure Act. Seven years later, a farm in Bircher was advertised for sale 'with a valuable Right of Common extending over 550 acres of excellent Common Land. In case of an Inclosure, the Allotment will be extensive, the parish being small.' While an Award for Orleton Common was finally made in 1819, Bircher  
15  
Common remains unenclosed to this day.

In 1812, a similar sale advertisement of a farm near Bromyard referred to its enjoying 'unlimited Rights of Common on Bromyard Down, which if enclosed may be of great advantage.' Only 3 months later, an invitation was extended to 'The several persons who claim to be entitled on the several Commons or Waste lands called Bromyard Down, Bringsty Common, Badley Wood and Wooferwood Common to attend 1st Dec. at the Falcon Inn to consider the propriety of a Petition to Parliament for leave to bring in a bill' to inclose the same. Twenty-four years later the notice was repeated, and it would be a further 26 years before an Award affecting only Wooferwood Common was made - the three larger commons again remain

15 Hereford Journal, 1 September 1813; 10 May 1820; H.R.O., Q/R1/38.

16  
unenclosed.

Also in 1813 'The Rt. Hon. Lord Somers took the chair at the meeting of freeholders ... convened by advertisement to deliberate on the fitness of inclosing Malvern Chase ... This waste land consists of at least 6,000 acres and when cultivated is likely to be extremely productive.' Though a petition was signed by all present sanctioning the proposal, it was too late to present it to the ensuing session of Parliament; another meeting was therefore held the following year, and again 'it was the unanimous opinion that the Inclosure would be of advantage not only to the several most immediately interested in it but also to the Public in general.' In this case, we actually glimpse the reasons for the ultimate failure of this scheme: 'But as the land was so considerable and the interest and class of promoters so numerous, it was judged expedient to suspend further prosecution of the designs for another year.' The following year, of course, the hostilities with France came to an end, the price of corn began to fall, and five of the commons settlements characterized by a high degree of owner-occupation in  
17  
Cradley, Mathon and Colwall were let off the hook.

The noticeable feature of all three cases was that enclosure was never rejected as a possibility - and the attempts failed largely because they

16 Hereford Journal, 26 August 1812; 25 November 1812; 20 July 1836; H.R.O., Q/R1/49.

17 Hereford Journal, 20 October 1813; 19 October 1814. Only the squatters on Birchwood Common were ultimately affected by a much less ambitious scheme of 1854, H.R.O., Q/R1/11.

were over-ambitious, entailing complexities which one suspects would have been readily overcome if the commons had been subjected to individual treatment - Orleton, Wooferwood and Birchwood Commons all eventually succumbed through horizons being narrowed.

Perhaps the best documented example of this kind of 'compromise' is the case of Goodrich Manor, which incorporated the settlements of Coppet Wood, Huntsholme Hill, Great and Little Doward, and Llangrove Common - all good examples of owner-occupied settlements. In 1800, the Hereford Journal published the 'notice of application to Parliament for an Act to ... enclose certain commons and waste lands called Great Doward and Little Doward, parishes of Whitchurch and Ganarew, and also certain Commons and Waste Lands called Long Grove and Old Grove, parishes of Llangarren and Whitchurch.' Sixteen years later the same notice re-appeared; and finally in 1832 a notice relating to Little Doward only was entered. The outline is the same as in previous cases, but here we<sup>18</sup> can add a good deal more flesh to the bones.

The case was even more drawn out than the newspaper entries suggest; indeed, we must go back a whole century to discover the source of the problem. The Doward, the largest of the commons involved, is the key to understanding the case, for it was here in the early years of the

18 Hereford Journal, 17 September 1800; 11 September 1816; 14 November 1832. The following account is based on H.R.O., Q/R1/18, Ganarew Inclosure Award; AB 78/1, Meese Tenants' Book; AC75/26, Ganarew Vestry Book; AC76/34, Whitchurch Vestry Book; 068 and G38, Goodrich Manorial Records; 095, Ganarew Inclosure Papers.

eighteenth century that the then Lord of the Manor, the Duke of Kent, began to complain of the actions of men like 'Robert Gardyne of Whitchurch, Blacksmith, (who) hath before this time cutt wood and Comitted other Trespasses in the woods and woodground of his Grace ... Lord of the Manor called Great and Little Doward.' The Duke dropped the suit against Gardyne only when the latter agreed to forfeit his right of common, which he had been entitled to as one of almost 50 'Meese' Tenants in the manor. The other tenants, however, refused to negotiate on these terms, and it was not until 1718 that an agreement was reached, whereby Great Doward was divided into two parts, the Lord to have exclusive rights over the 450 acres known as the Lords Wood, the Meese tenants receiving similar rights ('free from all Claime and Demande of the sayd Duke..) to the remaining 650 acres; in addition, the tenants were to enjoy the commons of Little Doward, Long Grove and Old Grove (in all about 1200 acres) as 'Separate and Distinct Freeholds from the sd Duke of Kents sayd share' on Doward. The Lord retained full manorial rights to the remaining commons in the manor. The agreement made additional provision that the Meese Tenants would be at liberty to prosecute, in the name of the Duke, any person pretending to claim rights of common over any part of their share, and in 1721 they accordingly appointed an attorney to prosecute any such claims.

The agreement appears clear enough, and yet its shortcomings steadily revealed themselves in the course of the century. Prior to the agreement, the manorial court had been active in presenting encroachments; in 1703, in addition to the presentments relating to the

commons in the manor not affected by the agreement, 35 individuals were presented for cottages and encroachments on Great and Little Doward, Old Grove and Long Grove, while a further 14 were presented for incroachments only. In the immediate aftermath of the agreement, the Meese Tenants assiduously re-presented the same persons in 1719 and again in 1721 for continuing their cottages and encroachments on the 'lands belonging to the Meese Tenants called Meese holders of that part of the said mannor, ultra Garron.' There was then a lull until 1739 and 1740, when only 4 persons were presented for encroachments on the Meese Tenants' lands, and then between 1746 and 1755, when annual courts were held, all but two of the courts failed to present any encroachments whatsoever. In 1755, the manor was finally sold by the Dukes of Kent to Admiral Griffin, who found 'many Incroachments of Cottagers having Inclosed part of the Common Lands without any Grant from the Duke of Kent or his Ancestors, and that many of the Tenants who call themselves Meese Tenants have dug large Quantitys of Stone on the waste of Little Doward Long Grove and Old Grove and cut the underwoods growing thereon to Burn the same into Lime which they dont make use of on their own lands but Sell the same and make great advantage thereof...' Griffin asked for Counsel's opinion on how to prevent any further abuses of this kind, for as he pointed out, the 1718 agreement did not in fact constitute an actual conveyance of the lands in question. Counsel proffered the opinion that the Meese Tenants were acting under their rights as prescribed under the 1718 Agreement, in spite of no conveyance having been made, and thought that they would be 'relieved in Equity against any Suit at Law.' Unable then at this stage to reassert full

manorial rights over the Meese Tenants' commons, Griffin nevertheless ensured that the manorial courts again became active, holding them biennially (bar 5 years) until 1782. However, the pattern followed between 1721 and 1755 under the Duke of Kent's lordship was repeated in Griffin's case, with an initial spate of presentments tailing off until by 1781 the Court was recording 'nothing to present'. A decade passed, the Court held in 1792 again did no business, and thereafter expired. The seeds of a separation of interests between the Meese Tenants and the manorial lord had in any case been sown in the 1718 Agreement and must certainly have been nurtured by Griffin's attempt in 1755 to recover some of the lord's rights to the Meese Tenants' share of the commons. The Tenants therefore steadily abandoned the manorial framework of control, and the vestry of Whitchurch was left to tackle the problem of continuing settlement on the Doward. Ironically, this had been the very agency in the eighteenth century responsible for the Doward's infestation; as Griffin pointed out in 1755, many of the cottages 'have been Inhabited by the poor of the parishes, and for that reason have been connived at by the Officers of the parishes where such Inclosures have been made.' With the alarming turn-of-the-century rise in the poor rate, however, pressure was exerted on the vestry, emanating in the 1800 proposal to enclose the Meese Tenants' commons. This clearly got no further than placing the notice in the Hereford Journal, for in 1807 at a parish meeting (n.b.) it was resolved (by only 9 inhabitants) that the present overseer should 'employ Mr. Williams Attorney to present all new incroachments on the said Common called Great Doward.' The Whitchurch vestry had thus taken on the function of the extinct manorial court, to

the point where the minutes record that 'William Dew and Thomas Groves forbid William Argayst(?) Building or taking in any land uppon Doward.' The vestry working alone clearly could make no impression on the problem, so that by 1814 the Meese Tenants were obliged to call a meeting (independent of the manorial court) 'for the purpose of taking into consideration the most effectual mode of removing the present and of preventing any future, Encroachments upon Great and Little Doward Hills, in the parishes of Whitchurch and Ganarew.' Thus in less than a century, the rights of the Meese Tenants which had once extended over the entire Manor of Goodrich, were now confined just to these two commons.

At the meeting, it was unanimously resolved to raise a subscription and appoint a Committee to fight the encroachers, ostensibly because 'the rights and priveleges of the said Meese Tenants, in and upon the said Hills, have been very considerably injured and diminished' but in reality because 'the poor rate of the said parishes of Whitchurch and Ganarew by reason of such erections and inclosures, have been alarmingly increased, to the great injury of the proprietors and occupiers of Lands within the said parish.' The Committee was soon disagreeing over the extent of its remit; finally, it was resolved that their campaign should only be to 'prevent farther incroachment on the Two Dowards, and to remove only such recent ones, as had not been cropped to the full extent of such inclosures.' Even by narrowing the brief in this way, notices had to be delivered to 38 individuals ordering them 'to take up the fences around the several inclosures made by them within the space of

three months.' The notices had no effect, and on November 14th, 1814, the Committee met at Crokers Ash and 'proceeded over Great Doward - and by opening the fences and riding through the inclosures, pointed out accurately to Mr Barnard what ground should be considered as the property of the present occupiers and what should be thrown open to the common.'

A month later, Barnard reported that 'Thomas Godwin, Thos Gunter, John Williams and John Watson in defiance of the notices given them have continued to grub and inclose on the common land.'

By the following April, it is clear that the Committee had been challenged on the question of its very legality, for Counsel's Opinion was sought by the members as to 'whether the parties who destroyed the fences of some of the inclosures ... are justified in so doing'; the brief again emphasised the weakness of the Meese Tenant's position as a result of the 1718 Agreement not having been ratified by a conveyance and 'The Meese places within the manor ... have, since the date of agreement been transferred so often and the boundaries of them so much varied that it would be difficult, if not impossible, now to ascertain where the Meese places are or who are Meese tenants of the manor.'

Counsel replied with the opinion that because of the lack of a conveyance, 'the soil and freehold of the ground intended to be conveyed appear to be now vested in the assigns of the Duke', and that if the parties who had thrown open the fences 'have been guilty of what the Law considers as a riot or forcible entry and should be indicted for it,

they will be without defence.' It concluded with the opinion that 'I suspect that nothing but an inclosure under an Act of Parl. will prevent the further continuance of similar encroachments.'

Not surprisingly, the Committee decided to act on this advice, and at the meeting called to consider the application to Parliament, 'it was agreed on all hands' that procuring an Act was the only solution for preventing further encroachments. The principle agreed, the end was surely in sight ...until the practicalities were explored, when 'numerous difficulties presented themselves, and apparently insurmountable as to the application to Parliament - first the certainty of the expence to be incurred and the apprehension that the small and undisturbed remainder of the waste not already inclosed would on its sale be insufficient to defray it - and that the private estates of the Meese tenants would therefore be rendered liable to be called upon to make up the deficiency - and secondly the impossibility of making any allotments upon Little Doward Hill that would not be so personally inconvenient and injurious to the Gentlemen whose property is locally situated in respect to that hill - viz. Mr Barnes, Mr Brown and Mr Blakemore as to render it impossible for those Gents to consent at all to the application.' Just as the 'meeting was on the eve of breaking up ... it was suggested by some Gentleman present that it should be proposed to Mr. Barnes. Mr. Brown, and Mr. Blakemore that on condition of their defraying the expense of the Act of Parliament Little Doward should be assigned to them as a joint property, the remr of the wastes being to be applicable for the Meese tenants and to the other purposes of the act.'

Not all agreed with this solution - as one of the tenants remarked 'Let these Gents. have L. Doward if they like it so much but let them pay what the Comrs says its worth'. Blakemore hastened to assure the public that he concurred with the meeting's proposals 'not from any motive of a mercenary nature, - that I do not wish to possess myself of one foot of the soil, except for the purpose of preventing its being converted, should it become the property of another, into a means of serious annoyance and injury to me, - and that I am desirous of paying the full value for whatever part ... I may lay claim to.' But the other two 'Gents.' got cold feet: 'Yesterday I recd a circular letter ... from which it appears that Messrs Barnes & Brown, so far from being chief Promoters of the Bill, as I expected they were, are quite hostile to it, and are determined to oppose it.'

Barnes and Brown in this letter dated December 19th 1816, complained of 'the very sudden and hasty arrangements' made at the meeting; they thought that 'the public can derive little or no advantage from the land being destroyed as wood, and attempted to be converted into tillage, and thus to have increased the consumeable produce of the country, as very few acres of them are capable, by nature, of such conversion.' They also considered that the destruction of woodland would inconvenience 'the numerous cottagers now finding the necessary article of fuel, from that resource, (who) will, if deprived of it, be compelled to resort to the parishes, for the means to provide it in some other way.' 'Moreover, we think, that these are not proper times to excite the discontents of the people, by depriving them of the means of obtaining their accustomed

fuel, at the moment when their feelings are sharpened by the want of the other necessities of life.' Were Barnes and Brown, then, the only characters who would champion the cause of the squatters? One suspects not: 'Mr. Barnes senr. is already afraid of the expense he is about to incur'. And Blakemore in fact dismissed as rumour the insinuations 'that threats have been held out by persons who now infringe upon the rights of the meese tenants', and in any case pompously assured himself 'that if such language has been used, it would be repelled with that manly feeling which a consciousness in the authority of our laws, and in the integrity of our magistrates, would instantly suggest.'

Yet, though he offered his support to furthering the Enclosure, the view of Barnes and Brown that 'at least it should be suspended at present', prevailed. Ten years later, the plans were briefly revived, an outline on how the Enclosure should be carried out, was drawn up, and then abandoned yet again. By 1832, Great Doward was clearly felt to be beyond consideration in any further plan, and indeed was held up as the prime example of what could happen if action was not taken - 'the Poor Rates have become almost intolerable ... the Rents and value of land much depreciated, added to which may be the fact this Hill has been for some time past ''harbour'' of bad characters and the farmers are constantly losing Sheep and Poultry.' But on Little Doward 'there are at present but few encroachments ... and it is with a view of preventing any future ones being made and thereby obviating the mischiefs which have befel the Parish of Whitchurch, that the Parishioners of Ganarew are desirous of obtaining an Inclosure Act.' Blakemore was by now

determined to see the Enclosure enforced, as he guaranteed to meet the difference if the land should sell for less than the expense of the Enclosure. The Bill again very nearly failed to materialise: Sir Hungerford Hoskins, who was 'elected' to present the bill to Parliament, declined to do so 'as he had before heard nothing of the subject ... and therefore did not know whether it would be a good or a bad thing for those Persons having rights who might be affected by the Bill.' The agents of the promoters circumvented this hitch by calling on 'Lord Granville Somerset' who promised to present the Petn.' Sir Hoskins reappeared with a Petition against the Bill, complaining of the expense and that no notice of it had been given in Llangarren parish. In the end, though, the consent given by the 4/5ths majority of the Meese Tenants carried the Bill through, though even this nearly proved a stumbling block as the Meese places could not be accurately determined. The Act materialised into an Award in 1835, and less than 200 acres of Little Doward - virtually all that remained of the 1200 acres granted to the Meese Tenants in 1718, was allotted; Blakemore himself acquiring 175 acres by buying out the claims of all but four of the 24 individuals entitled to a stake in the Enclosure.

The details of this whole extraordinary affair have been related at length precisely because at no point in the entire period between 1800 and 1833 did the squatters on the Doward and Llangrove Common themselves play any active role in the Enclosure drama; and yet it was only they who had prompted the curtain to open in the first place - and it was only their formidable - and ever-increasing - presence which stretched

each scene to its anticlimactic ending. Apart from the Little Doward inhabitants, all the squatters eventually gained freehold rights to their properties, independant of any Enclosure Act. Can there be many comparable instances in history where such a large number of the labouring poor achieved so much by doing so little, while their numerous opponents, including all the most powerful members of the local community, did so much but achieved so little?

For the Little Doward inhabitants, the immediate effects of the 1835 Enclosure were two-fold. On the one hand, any further expansion plans were nipped in the bud once and for all. On the other, the tenurial status of the 13 cottages and attached land had been clarified in one fell swoop. The terms of the award were as 'fair' as they could be in this respect given the Commissioner's problem of determining the legal status of the encroachments - he was to determine which encroachments 'had been made upon the sd common for the space of twenty years or upwards' and these were to be deemed the property of the person or persons who had made them. 'Any less than 20 years will be taken as part of the common to be inclosed', but nevertheless the sd Commissioner was to award them to the person(s) who had made them 'upon such person or persons paying to the sd Commissioner such sum or sums of money as he shall judge to be the value of such respective inclosures and encroachments in their original state, without regard to any erections buldings or improvements'. The Commissioner was then to 'divide the amount of such his original valuation into Twenty equal parts, and shall deduct or allow out of the amount of such his original

valuation as aforesaid one such twentieth part for each and every entire year during which such encroachment may have been made.'

Of the 13 cottages, a total of 10 were counted as 'old inclosures' and were therefore automatically assigned to their inhabitants. The other three cottages, erected on the waste in the period 1815-1835, were all purchased by their occupiers. No one, therefore, was evicted or dispossessed by the Award itself. The effect of the Enclosure, however, was immediate, for only five years later, when the tithe map was drawn up, one of the original occupiers had moved away and was subletting his cottage to a tenant, another had built a second cottage on his encroached land which was sublet, and another had sold up entirely to an outside purchaser who had again sublet it to a tenant.

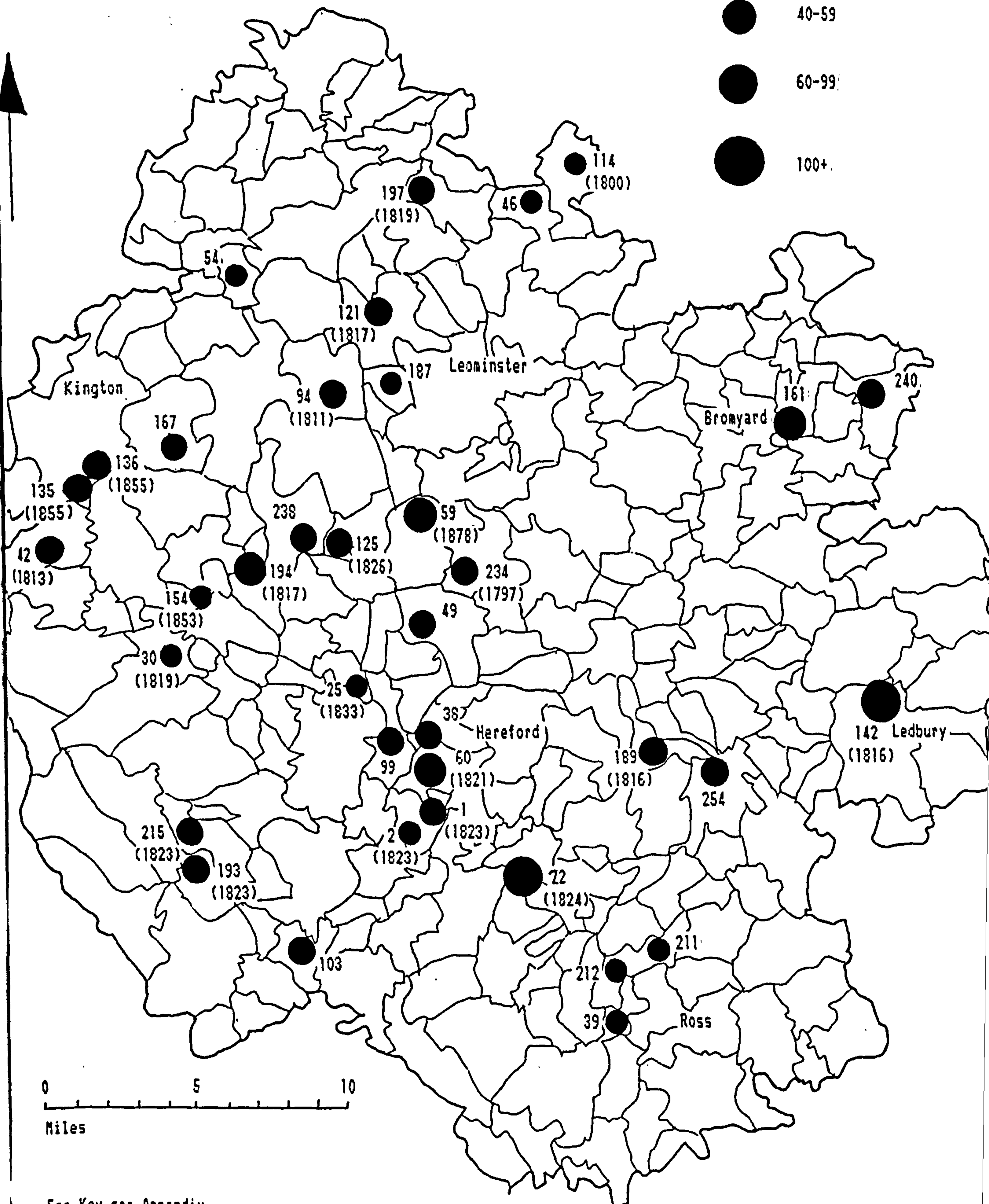
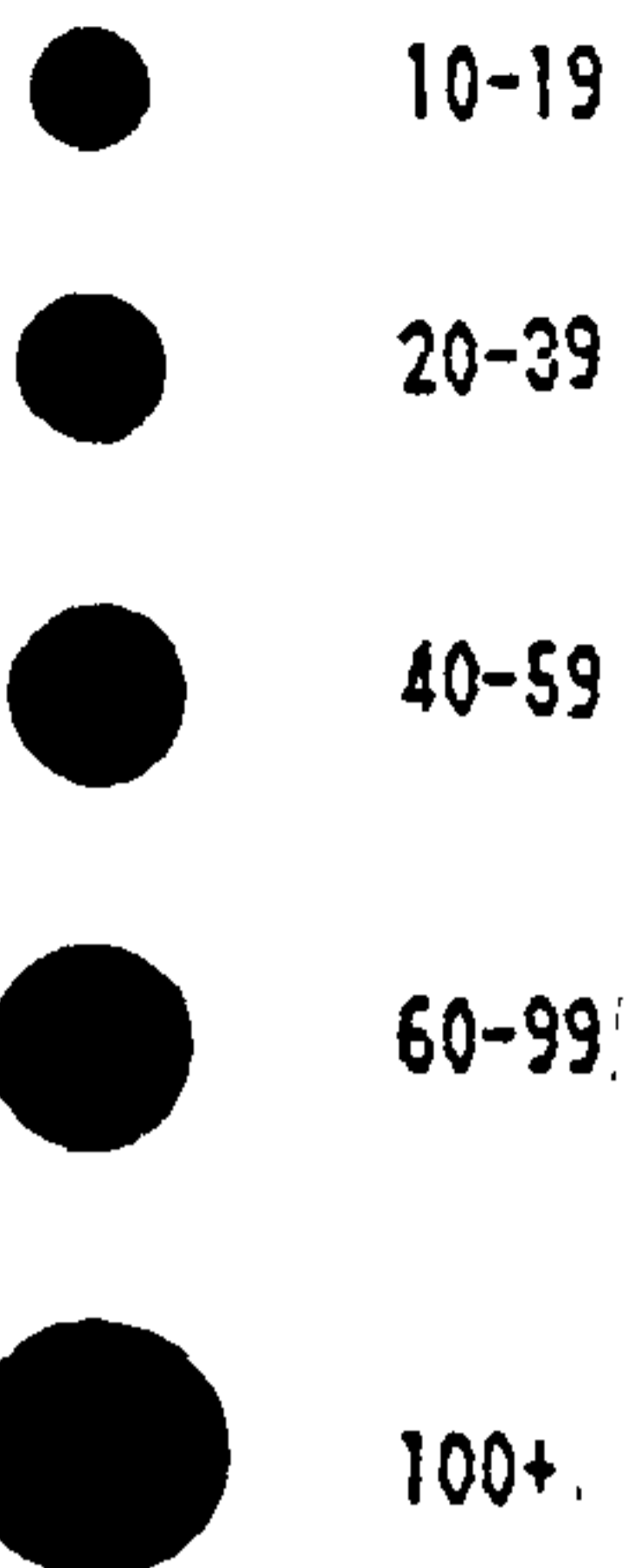
#### 111) Petty Rentier Settlements

The Enclosure of Little Doward occurred too near in time to the tithe award to alter its status as one of the 31 commons settlements characterized by a high level of owner-occupation. Yet the direction of change even in the short interim between the Enclosure and Tithe Awards provides one clue as to why the remaining 37 settlements were neither dominated by a single landlord, nor characterized by a high level of owner-occupation. Indeed, of these 37 settlements where small landlords owned the majority of cottages, 18 had been affected by Enclosure, and all the awards had been made prior to that of the Little Doward. The decadal incidence of the awards is as follows:

MAP 7C

Petty Rentier Settlements c.1840

Number of Dwellings



For Key see Appendix

COMMONS SETTLEMENTS & PROPERTY HOLDING c 1840  
Key to Map 7C: Petty Rentier Settlements

Settlement	Number of Cottages Owned By						Total
	Estate		Owner		Petty		
	Landlord		Occupiers		Rentiers		
	No	%	No	%	No	%	
Aconbury Hill (22)	6	6.7	38	42.7	45	50.6	89
Auberrow Common (234)	0	0	11	33.3	22	66.7	33
Backbury Hill (189)	1	3.6	13	46.4	14	50.0	28
Badley Wood (240)	0	0	7	31.8	15	68.2	22
Barewood (94)	0	0	8	26.6	22	73.3	30
Bishon Common (25)	0	0	5	50.0	5	50.0	10
Bleathwood Common (114)	0	0	0	0	13	100.0	13
Breinton Common (38)	0	0	10	38.5	16	61.5	26
Brick Kiln Common (135)	0	0	4	20.0	16	80.0	20
Brilley Green (42)	0	0	4	18.2	18	81.8	22
Brimfield Common (46)	0	0	7	46.7	8	53.3	15
Bromyard Downs (161)	10	21.7	16	34.8	20	43.5	46
Broadmoor Common (254)	1	2.7	12	32.4	24	64.9	37
Cobhall Common (1)	0	0	11	44.0	14	56.0	25
Crafta Webb (30)	0	0	5	45.5	6	54.5	11
Cwm Moor (54)	0	0	4	23.5	13	76.5	17
Ewyas Harold Common (103)	0	0	12	36.3	21	63.6	33
Gorsty Common (60)	0	0	21	35.6	38	64.4	59
Lower Grove Common (212)	0	0	4	26.6	11	73.3	15
Upper Grove Common (211)	0	0	6	31.6	13	68.4	19
Holmes Marsh (167)	3	11.1	10	37.0	14	51.8	27
Ledgemore Common (125)	7	20.6	13	38.3	14	41.2	34
Letton Common (154)	1	9.1	1	9.1	9	81.8	11
Middle Maescoed (193)	0	0	13	46.4	15	53.6	28
Upper Maescoed (215)	0	0	14	41.2	20	58.8	34
Monkland Common (187)	0	0	5	50.0	5	50.0	10
Moseley Mere (136)	0	0	6	21.5	22	78.6	28
Norton Common (194)	4	7.0	19	33.4	34	59.6	57
Orleton Common (197)	0	0	4	20.0	16	80.0	20
Peterstow Common (39)	1	10.0	2	20.0	7	70.0	10
Ruckhall Common (99)	0	0	17	43.6	22	56.4	39
Shirlheath (121)	0	0	10	41.7	14	58.3	24
Tillington Common (49)	1	5.0	9	45.0	10	50.0	20
Wellington Heath (142)	0	0	36	47.3	40	52.6	76
Weobley Marsh (238)	5	18.5	8	29.6	14	51.8	27
Westhope Hill (59)	7	11.9	22	37.2	30	50.8	59
Winnal Common (2)	0	0	5	41.6	7	58.3	12

Total: 1086  
Average Size: 29.3

TABLE 39  
Enclosure Awards Affecting Commons Settlements 1780-1840  
(By Decades)

	No. of Awards
1780-1789	0
1790-1799	1
1800-1809	1
1810-1819	8
1820-1829	8
1830-1839	1

Source: H.R.O., Q/R1 Enclosure Awards

The timing of the awards has already been commented upon, and it need only be re-iterated here that the awards themselves often make it plain that agricultural improvement schemes were not the prime motive in applications for Enclosure Bills but the desire to prevent further encroachments on the common. The pre-conditions for a 'successful' Enclosure were very different from those in the abortive Doward case. First, the settlements affected all had substantial areas of common land remaining at the time of the enclosure, perhaps the single most important factor when methods of defraying the expenses of the Act were considered. Secondly, the majority enclosed tended to be in reputed or 'non-active' manors, unlike those governing estate settlements, which tended to be strict regulatory bodies, and unlike those harbouring owner-occupied settlements, which on the whole tended to be active but too large and unwieldy to prevent disputes, abuses, encroachments. Thus, where a manorial lord possessed the title but little else, he stood to gain more by accepting his 1/16th share of the common than by seeing it remain unenclosed. None of the commons enclosed were renowned hunting haunts - an important consideration when the potential loss of game - and access to it - which would have been occasioned by an Enclosure Award is taken into account. The weakness of the manorial lord's position also highlights the fact that settlements

falling into the 'absentee landlord' category - not just those affected by Enclosure - were largely confined to areas dominated by small landowners, who themselves exploited the potential of the commons as a source of secondary income through petty speculative ventures. In 1810, Edward Manwarlin, a warrener, bequeathed '3 messaues...at a certain place called by the name of Combs Moor in Byton in the several occupations of Sarah Stokes, Richard Preece and David Lewis', to his son John. Abraham Hughes of Monkland, yeoman, in 1816 left a 'freehold tenement, garden orchard and land situate at Lidgmoor Common' (Canon Pyon) to his brother Thomas. For the same settlement, John Walker of Wormsely in 1819 left 'the messuage and Freehold at the bottom of Lidgemoor' to his son William, and that 'at the top' to his son John. Thomas Haynes of Losemore, Whitbourne, farmer also owned a cottage at Badley Wood. Miles Tomkins 'of the New Inn Canon Pion but now of Norton Cannon Carpenter' left two cottages at Westhope Hill, besides his messuage called the New Inn, to his<sup>19</sup> nephew. While other examples could be quoted from testamentary evidence, there was of course no obligation on the testator to describe the whereabouts of even his or her main property, so that a complete list of examples of wills mentioning secondary properties situated on the commons would only represent a minute proportion owned in this way by absentee landlords.

It was also in these parishes populated by small landowners that the vestry tended to take the place of the manor as the institution regulating - or failing

- 19 H.R.O., AA20/49 f.128, Copy Will of Edward Manwarlin, 1810;  
H.R.O., AA20/50 f.336, Copy Will of Abraham Hughes of Monkland, 1816;  
H.R.O., AA20/52 f.42, Copy Will of John Walker of Wormesley, 1819;  
H.R.O., AA20/52 f.303, Copy Will of Thomas Haynes of Whitbourne, 1821;  
H.R.O., AA20/59 f.318, Copy Will of Miles Tomkins of Norton Canon, 1834.

to regulate - the growth and composition of commons settlements. Indeed, the role of the vestry was also critical in determining the high rate of absentee landlords in a number of the other settlements in this category which were not affected by enclosure. The importance of that role is reflected in the fact that in 8 of these 19 settlements the vestry actually retained some property on the common into the 1840's - well after the majority of parishes had sold off their housing stock to defray the expenses of the new Poor Law. At Breinton Common, for example, 8 of the 26 cottages recorded on the tithe map of 1844 were still in the hands of the overseers. However, the majority of parishes had taken advantage of the act and the 'absentee' landlords were not therefore the vestries themselves but the purchasers of this former parish property. The significance of the vestry's role in promoting the growth of these settlements extended well beyond the building of poor houses; the Lord of the Manor's complaint against the overseers' 'conniving' at the building of cottages on the Doward has already been noted. There was also the problem of maintaining a continuing control on the parish houses themselves; as early as 1715, for example, Richard Jones and his wife 'made a forcible Entry into a house standing on Ruchall Common wch belongs to the parish.' In 1847, an action of ejectment was brought 'by a labouring man residing at Brinksty (Bromyard) to recover a tenement of which he alledged he had been unlawfully deprived by the guardians and churchwardens of the parish.' The plaintiff was heir to a small cottage on the Common 'which had been built by his father in 1793 ... in which the old man had lived in uninterrupted possession for upwards of fifty years, until his death'. When the son inherited the cottage in 1843, the overseers claimed the cottage, resting their defence on an agreement signed in 1798 in

20 H.R.O., H25/11, Eaton Bishop Vestry Book.

which the father had agreed to pay a nominal annual rent of 1s. for the whole term of his life. An overseer who had served between 1820 and 1835 also produced the parish book in which it was recorded that the father had in fact 'frequently' received parish relief. Under cross-examination, even one of the plaintiff's witnesses stated 'he could not tell whether the guardians found the money to build the house with', but also added 'the deceased was a shoemaker,<sup>21</sup> and could not have built it himself.'

The case neatly illustrates how the vestry's role could slacken over time, and it was in those parishes in particular where this had occurred, where manorial control was weak, and where the small landowners most felt the pinch when the poor rate increased, that the sole preventative option to stop further increases lay precisely in an application to Parliament for an Enclosure Bill.

The fact that poor rates did increase rapidly in these parishes suggests that the vestry policy of re-housing paupers on the commons as a means of promoting self-sufficiency was not altogether successful in these cases, a reflection of the fact that neither the commons themselves which were enclosed nor the local employment opportunities yielded much of a livelihood for the commoners; one notices particularly the absence of large tracts of woodland in the vicinity of these commons (e.g. Auberrow Common, Cobhall Common, Bishon Common, the aptly named Barewood Common, Gorsty Common, Ledgemore Common, Shirlheath, Orleton Common) thus muting the importance of the dual seasonal economy explored in Chapter 2.

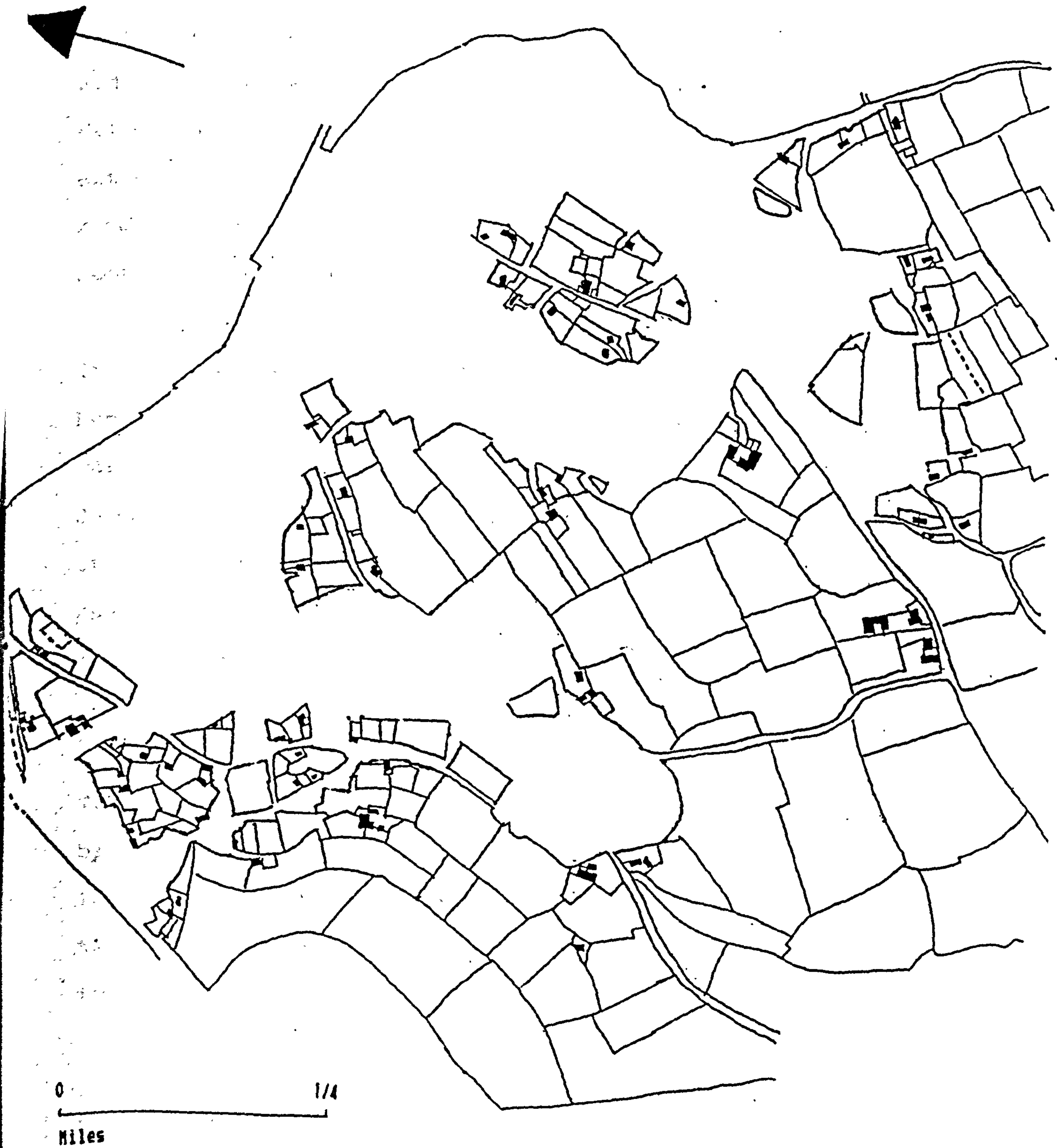
21 Hereford Journal, 7 April 1847.

This factor in particular raises the question of what effect the Enclosure might have on the commoners themselves. The absence of any references to riotous opposition may suggest that the prospect was not entirely unwelcome; that commoners did actively co-operate in the enclosure proceedings is revealed in the 1816 notice of sale of allotments at Cobhall Common, Allensmore for example, where William Macklin of Cobhall Common would show prospective

<sup>22</sup>  
purchasers the lots. The general effect of Enclosures in immediately conferring freehold status on encroachments has already been noted and may have been one of the attractions; but undoubtedly the major incentive was the immediate or short-term financial benefits to be derived from the allotments received under the award which could either be sold in the aftermath as building plots, or indeed built upon by the commoners themselves. The new cottages would either then yield an extra source of revenue in the form of rent, or again be sold to realize a more immediate income. The Little Doward case illustrated some of the short-term changes that could follow on from an Award; these can also be studied in the cases of Much and Little Birch, whose commons in fact formed one  
<sup>23</sup>  
large tract of open land on the slopes of Aconbury Hill. By 1824, some 173 acres still survived, despite being eaten into by piecemeal enclosure. Map 8A illustrates the islands of encroachments that had developed alongside the edgeland enclosures. The two parishes, consisting of 2254 acres, were both dominated by small farmers and freeholders, leading to a complex distribution of allotments under the Enclosure Award of 1824 between a total of 101

22 Hereford Journal, 25 September 1816.

23 The following account is based on a comparison of H.R.O. Q/R1/34, Much and Little Birch Enclosure Award, and the 1842 Tithe Maps and Awards for the two parishes.



individuals. Map 8B shows how the former commons were transformed into a patchwork of tiny enclosures as a result.

In all, 199 allotments were parcelled out, 11 of these being in lieu of manorial and rectorial claims totalling some 33 acres. Of the rest, 63 were sold to defray expenses. Only 25 of the remaining 96 individuals entitled to allotments actually chose to, or were in a position to purchase sale allotments, with the result that the remainder were snapped up by 21 other individuals who otherwise received nothing through the Award.

It should be stressed that not all these purchasers were 'outsiders'. John Kemeys, for example, purchased 1½ acres on Little Birch Common, and though he was not entitled to an ordinary share of the allotments, the sale allotment is described as being bounded on one side by an old enclosure belonging to him. It is clear, then, that as in the Little Doward case, some squatters already resident on the common, but not sufficiently established to claim prescriptive rights of common, could and did benefit from the Award from the purchase of sale allotments.

Nevertheless, it also appears that some of the sale allotments were purchased by petty speculators who regarded them as potential investments. As early as 1817, Mr Matthews, timber-merchant, was offering to sell the allotment of nearly two acres he had purchased, with facilities for payment by 'easy  
24  
installments'.

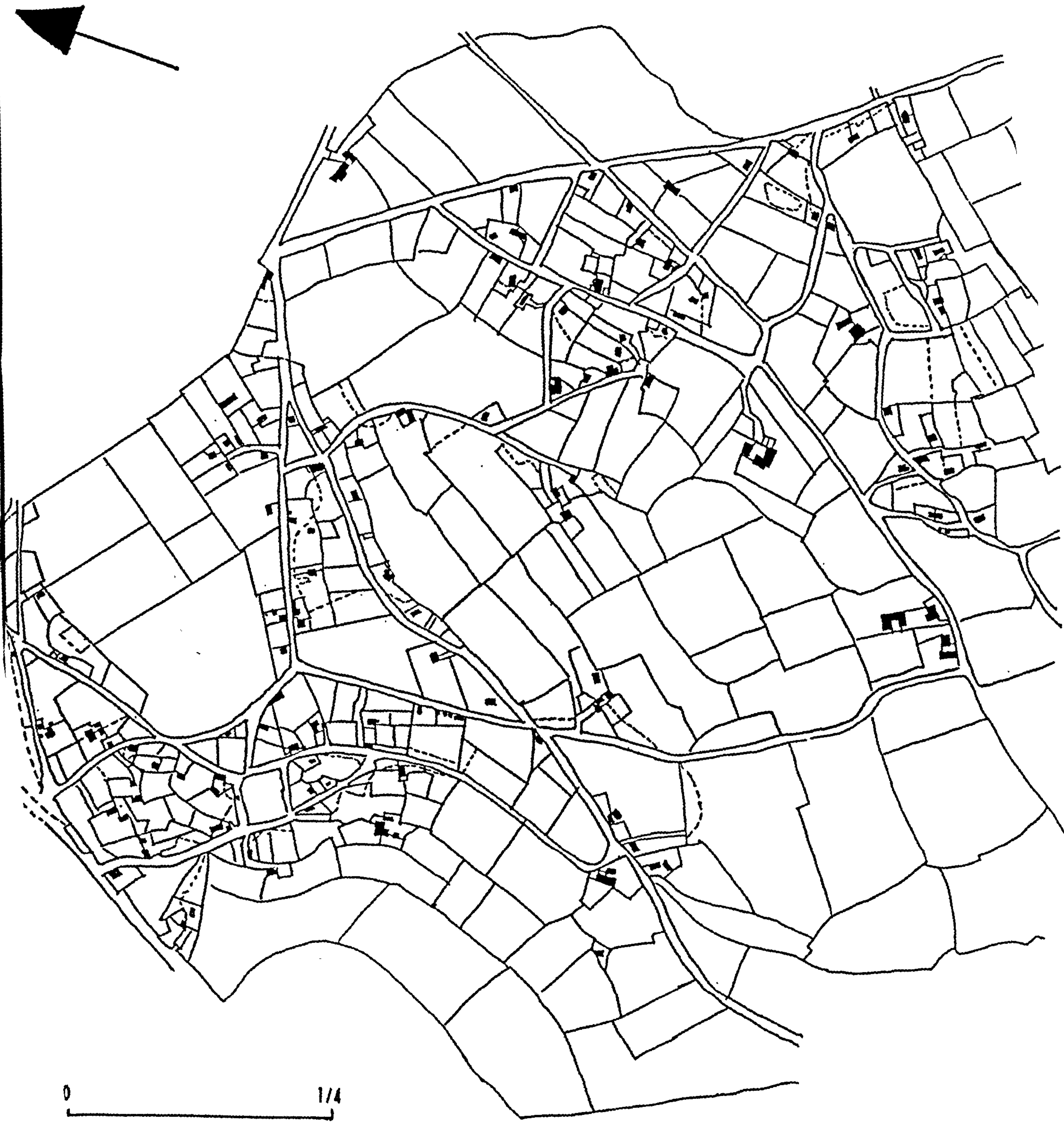
24 Hereford Journal, 3 February 1817.

Aconbury Hill, Much and Little Birch, 1824



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Aconbury Hill, Much and Little Birch, 1824

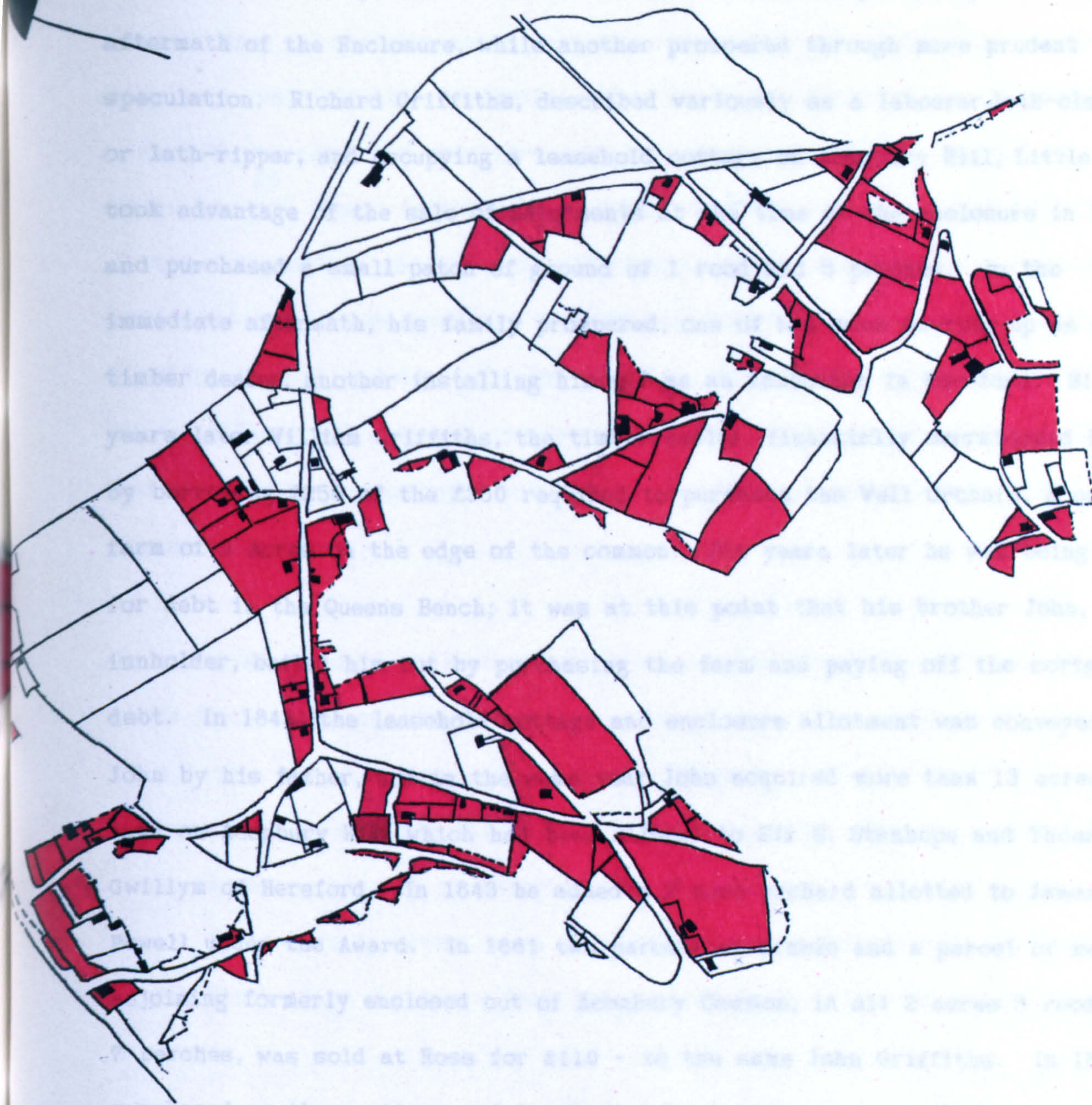


Thus, from a relatively clearcut tenorial situation prior to Enclosure where small freeholders and independent squatters occupied holdings on the common, the award of 1824 confirmed the complete transformation of the structure of landholding that had occurred as a result of the parcelling out of the allotments. Some 'squatters' had gained full freehold rights to their encroachments by purchasing a number of the sale allotments. Longer-established commoners consolidated and extended their holdings through their entitlement to allotments. Other freeholders in the two parishes, the principal farmers, the manorial lords and respective rectors of each parish also gained a foothold in the settlements as a result of their allocation. Some outsiders, finally, cashed in on the proceedings by purchasing sale allotments.

The so-called desire for rationalising land-holding that is usually isolated as both the cause and effect of enclosure in this case instead gave birth to a complex mosaic of tenorial patterns; tiny enclosures, some as small as only sixty square yards, now dominated the side of Aconbury Hill. Even more remarkable is the fact that, instead of prompting subsequent exchanges and amalgamation of allotments, eighteen years after the Award the number of individual owners of the original allotments still numbered one hundred - a drop of only one from the 1824 figure.

Yet it would be entirely wrong to suggest that the intervening years between the Enclosure and Tithe Awards had seen little change. In fact, numerous sales of land had taken place, and Map 8C illustrates which allotments had changed hands over the eighteen years. Of the 199 allotments, 118 had been sold in the intervening period, while a further 6 allotments had been sub-divided and

Aconbury Hill, Much and Little Birch.  
Exchanges of Land 1824-1842



0 1/4  
 Miles

= Land Exchanged

portions sold off. This hectic bartering of land extended well into the later nineteenth century, and its effect is particularly well illustrated in the case of the Griffiths family, one branch of which was financially destroyed in the aftermath of the Enclosure, while another prospered through more prudent speculation. Richard Griffiths, described variously as a labourer, lath-cleaver or lath-ripper, and occupying a leasehold cottage on Aconbury Hill, Little Birch took advantage of the sale of allotments at the time of the enclosure in 1824 and purchased a small patch of ground of 1 rood and 5 perches. In the immediate aftermath, his family prospered, one of his sons setting up as a timber dealer, another installing himself as an innholder in Hereford. Eight years later William Griffiths, the timber dealer, financially overstepped himself by borrowing £250 of the £350 required to purchase the Well Orchard, a small farm of 9 acres on the edge of the common. Six years later he was being sued for debt in the Queens Bench; it was at this point that his brother John, the innholder, bailed him out by purchasing the farm and paying off the mortgage debt. In 1841, the leasehold cottage and enclosure allotment was conveyed to John by his father, and in the same year John acquired more than 13 acres of land on Aconbury Hill which had been allotted to Sir E. Stanhope and Thomas Gwillym of Hereford. In 1843 he added a 2 acre orchard allotted to James Powell under the Award. In 1861 two parcels of arable and a parcel of meadow adjoining formerly enclosed out of Aconbury Common, in all 2 acres 3 roods and 7 perches, was sold at Ross for £110 - to the same John Griffiths. In 1863 he purchased another cottage and 6 acres of land (two acres of which had been enclosed from Aconbury Hill) for £310. In 1870, his widow bought one final piece, also a former allotment, of just over 1 acre for £70.

The fortunes of John and William Griffiths, the two sons of an Aconbury Hill commoner, thus neatly encapsulate both the rich pickings and the pitfalls that could befall petty entrepreneurs in the speculative aftermath of an Enclosure Award.<sup>26</sup> Many of the allotments were advertised for sale temptingly stating that they were 'well situated for building', 'a desirable situation for the erection of a genteel residence', 'a desirable spot to build upon within 10 yards of a good stone quarry'. Other individuals who had benefited from the award built the cottages themselves and then offered them for sale. Whereas in the period 1800-1824 only seven dwellings in Much and Little Birch were advertised in the Hereford Journal, between 1824 and 1842, the figure had leapt to thirty-five. These included two cottages 'newly-erected' by Joseph Gunter, a stonemason, who had financially over-stepped himself in this boom period and had ended up in the debtor's court.<sup>27</sup>

In all, over an eighteen year period a total of 66 new cottages were erected on these new enclosures, transforming a small commons settlement of 23 cottages in 1824 into a sizeable community of 89 dwellings by 1842. Of the 66 new cottages, 21 were still owner-occupied in 1842. Enclosure, then, did not wipe out freeholds as a category of ownership on the commons - in simple numerical terms, there were in effect more owner-occupiers in the parishes of Much and Little Birch after the Award than had existed before the commons had been enclosed.

26 Hereford Journal, 5 January 1820; 12 December 1825; 18 November 1829.

27 Hereford Journal, 10 June 1835.

What Enclosure did do, however, was alter the balance in favour of tenanted cottages, for the remaining 45 cottages built between 1824 and 1842 were all rented out by their owners, over half of whom were not resident in either of the parishes. Enclosure thus created a substantial tenant population who in some ways possessed less tenurial security, and certainly less tenurial independence, than the encroachers in pre-enclosure days had enjoyed. Yet this kind of qualitative change may have in part been compensated for by a relaxation of pressure on overcrowding of rural dwellings in this period of rapid population growth. The considerable rise in the number of new cottages in the parishes of Much and Little Birch eased the effect of population growth, with the result that the average household size remained constantly below the 1801 figure:

TABLE 40

Population Growth and Household Size: Much and Little Birch 1801-1881  
(By Decades)

	1801	1811	1821	1831	1841	1851	1861	1871	1881
Population	576	529	663	840	859	899	832	863	810
Inhab. Houses	106	116	140	169	196	197	188	198	184
H/hold Size	5.43	4.56	4.73	4.97	4.38	4.56	4.42	4.35	4.4

Source: Census Reports, 1801-1881

As we saw in Table 39, sixteen enclosures affecting commons settlements took place between 1810 and 1829, and thus we can compare the experiences of these parishes with the combined picture for 128 rural parishes in the county which did not host commons settlements:

TABLE 41  
Population Growth and Household Size: Selected Parishes 1801-1881  
(By Decades)

	1801	1811	1821	1831	1841	1851	1861	1871	1881
<u>Enclosed Commons</u>									
Population	6407	6749	7464	8001	8202	8452	8466	8367	7506
Inhab. Houses	1314	1419	1589	1699	1903	1909	1930	1957	1858
H/hold Size	4.87	4.76	4.70	4.71	4.30	4.43	4.39	4.27	4.04

Rural Parishes Without Commons Settlements

Population	30282	31176	33231	34999	35480	35506	37222	37798	35856
Inhab. Houses	5812	6143	6561	6985	7489	7553	7692	8068	8167
H/hold Size	5.21	5.07	5.06	5.01	4.73	4.70	4.84	4.68	4.39

Source: Census Reports, 1801-1881

The average household size is consistently lower in parishes with enclosed commons when compared to rural parishes without commons settlements, and this was maintained despite a 24.2% growth in population in the former compared to only a 14.7% increase in the latter between 1801 and 1851. Enclosed commons thus acted as sponges for absorbing a growing rural population, without necessarily creating undue pressures of overcrowding. In this respect, the proximity of the enclosed commons to market centres in the county should be noted, together with the tentative suggestion that the absorptive capacity of these settlements may have acted as an important brake on the drift of the rural population to the towns in the county, and hence may provide some explanation as to why Herefordshire experienced very little urban industrialisation in the nineteenth century.

Yet it would be wrong to suggest that this lack of rural-urban mobility also implied an absence of economic links between commons and market centres.

Indeed, just as the commons settlements dominated by a single landlord enjoyed

a particular relationship with the estate zones, and the owner-occupied settlements were found to relate both to the advanced agricultural areas and the centres of intensive timber production, so too did the commons settlements in the vicinity of the market centres enjoy a particular relationship with these specialist exchange centres, which had similarly developed into class-orientated cradles where administrative, cultural and economic activities converged. As transforming, modernising sectors within the broader framework of society, a certain correlation is again to be found between specialization at the centre and squatter settlements at the periphery. Thus, cottages were perched on Wellington Heath on the outskirts of Ledbury, Bringsty Common and the Downs hosted sizeable settlements outside Bromyard, while similar clusters had mushroomed on Weobley Marsh (Weobley), Brickiln Common and Moseley Mere (Kington), Barewood (Pembridge) Peterstow, Upper Grove and Lower Grove Commons (Ross). The County Town itself was virtually encircled by commons settlements at Breinton, Eaton Bishop, Tillington Common, Gorsty Common, Twyford Common, Dinedor Hill, Backbury Hill and Withington Marsh.

Although he plays down these links to accentuate the isolationist outlook of the inhabitants, Raphael Samuel's study of Headington Quarry nevertheless illustrates particularly vividly the ad hoc economic relationships enjoyed between the 'Quarry Roughs' of Headington and the City of Oxford. Brickmakers, quarrymen, haggie-cart owners, laundresses and even the poachers all relied to an extent on the demands thrown up by the city's inhabitants. In Herefordshire, the relationship between market centres and peripheral commons settlements also

28 R.Samuel, 'Quarry Roughs: Life and Labour in Headington Quarry, 1860-1920, An Essay in Oral History', in R.Samuel, ed., Village Life and Labour, 1975.

appears to have been largely a one-way economic process, with squatters giving more in terms of labour or produce, than taking away in regular wages or supplies. Only a glimpse can be caught of this bias from a few scattered references. Edward Moreton of Checkley Common (Mordiford) was 'summoned for defrauding the keeper of St Owens Gate (Hereford) by taking a horse from a cart, with which, with two others, he was bringing faggots to Hereford, instead of bringing it through the gate.' Thomas Baggot of Durlow Common was indicted for stealing 8 fowls which he 'sold for 13s said to be a fair market price, in the open street at Ledbury, to Mr. Weston, who supplied the Cheltenham Market.' Eliza Yeomans, of Gorsty Common, who pleaded guilty to the theft of a purse in Hereford, sold water-cress in the City streets. Mrs Owens, living on Barewood (Pembrige) died on 'her way to market with a donkey and cart having for the last seven years attended Kington market as a higler.'

Surplus produce from the garden or smallholding was also disposed of in the market towns, some of the settlements gaining reputations for particular specialities. Wellington Heath was 'noted for its good gardens' and in particular 'for its roses, some of the best roses being grown here by Dickson & Co., under the superintendence of Mr. Walter Drew, a native of the place'.

Likewise Shucknall Hill (Weston Beggard) was celebrated for its fruit-growing. 'In the garden of Mrs Pulling, at Shecknell-Hill is now growing a stock grafted only in March last, the new graft of which is already bearing very fine fruit, an apple called the Cherry Pearman' and in the Cottagers and Artizans section

29 Hereford Journal, 28 April 1852; 2 August 1843; 24 April 1844; 14 April 1852.

30 T.W.N.E.C., 1908-1911, p.243.

at the Hereford Horticultural Show in 1861, Shucknall Hill growers took away prizes in the strawberry, blackcurrant, potato, green peas and carrot sections.<sup>31</sup>

The towns 'fed' off the commons in other ways. An additional source of income for mothers in commons households was to be gained through the nursing of children born to employed servants, particularly those working in the towns. There were three 'nurse' children on Ruckhall Common (Eaton Bishop) in 1861. In the neighbouring parish of Clehonger, the vicar recorded in 1868 that he 'Buryed the body of Grace Baylis a little girl (illegitimate daughter of Martha Baylis living in Hereford) who died at the house of James Whitman, Gorsty Common.' Similarly, in the same year he 'Baptized a poor little child who was sent to be nursed by Harriet Matthews of Gorsemoor Cottages the illegitimate son of Annie Vale in service at Malvern.'<sup>32</sup>

All such links depended on good communications, and show that squatter households kept their eyes and ears open to the opportunities thrown up by the towns. Hezekiah Davies of Ruckhall Common, kept donkeys and 'at one time had as many as 27 there ... the donkeys were used for all kind of hauling and general work ... they were also used to take things into Hereford as eggs, poultry, pigs, sheep or anything that was too heavy to carry.'<sup>33</sup> Again, we find commoners acting as mediators in the economic relationships between town and country.

31 Hereford Journal, 23 July 1845; 26 June 1861.

32 H.R.O., AJ47, Clehonger Diary Transcript.

33 Eaton Bishop Womens' Institute, 'Eaton Bishop: Its History 1855-1955', 1955, p.6. Typescript in H.C.L., Local Collection.

The relationships between commons and market centres, as the references above indicate, were not wholly confined to those settlements in the immediate vicinity of the market towns; it was the degree of proximity which clearly had an effect - as in the case of 'Donkey' Davies - on the scale of enterprise that could be sustained by such links.

It was this degree of involvement in the cash nexus which helps to explain why the tenurial composition of settlements in the vicinity of towns tended to be characterized by a high level of absentee landlords in spite of no enclosure having taken place. In the first place, the dialogue between these settlements and the towns made mortgage facilities more accessible, which in the long run usually operated against the commoner, necessitating the sale of property to pay off the mortgage debt.

In a similar vein, increased contact with the towns opened the doors to urban speculators seeking useful investments in the cheap housing market on the commons. John Griffiths' accumulation of property on Aconbury Hill was a case in point, but one can also quote the examples of John Evans of Leominster, who in 1814 left a cottage and land at Westhope Hill, then in the occupation of his sister, to his wife Mary. George Thomas, baker, of Bromyard, owned two cottages on Bromyard Downs, while William Milton, a remarkably prolific and successful builder, left a 'newly-erected messuage ... which I purchased from Mr. Richard Price situate at Flaggoners Green ... also two cottages lately purchased by me of Wm. Beavan at Flaggoners Green ... To my son John Milton a newly erected Dwelling house situate at Bromyard Downs and now in his own occupation ... to my friends James Eckley of Bromyard, gent. and Wm. Phillips of the same

town, grocer all that my Capital messuage etc. situate at Bromyard Downs now in my own occupation and all that my cottage ... at Bromyard Downs now in the occupation of Thos. Oseman also that newly erected house ... situate at Bromyard Downs and all that cottage purchased by me from John and Margaret Booth ... also a cottage and parcel of land purchased by me from Richard Beavan at Bromyard Downs ...<sup>34</sup>

We have already noted that Bromyard Downs narrowly escaped enclosure in 1816, and again in 1836. There were also 6 cottages on the Downs still designated as parish houses in the 1840's. The factors affecting this category of settlement - enclosure, degree of vestry control, reputed manorial status, proximity to market centres, speculation by small landowners both rural and urban - were thus diffuse and not necessarily present in every case. The element binding all these settlements together into the one category, however, was the progressive dilution of their tenurial composition as a result of the increasing intrusion of petty landlords into the property-holding market.

iv) The Model Applied: Nonconformity in Commons Settlements

The three categories of estate, owner-occupied and petty rentier settlements are thus not just useful tools for illustrating the structural diversity of squatter communities at one point in their history, at exactly the time in fact when outsiders were branding them all 'as worlds unto themselves.' Beyond this, the differing tenurial composition of each category also points to the changing economic and institutional forces which shaped the settlements embraced by that category, and in this respect also reflect the differing historical development

34 H.R.O., AA20/50 f.184, Copy Will of John Evans of Leominster, 1811;  
H.R.O., AA20/62 f.307, Copy Will of George Thomas of Bromyard, 1839;  
H.R.O., AA20/62 f.160, Copy Will of William Milton of Bromyard, 1839.

of each type of settlement. In the final section of this Chapter, I want to suggest that classification along these lines can be extended yet further to explore differing manifestations in the one institutional form of expression usually associated with squatter settlements - nonconformity.

Historical studies associating the spread of rural non-conformity with the kind of marginal settlement explored in this thesis have been numerous, to the point where the relationship has been established as almost a creed, leaving little room, apparently, for further comment.<sup>35</sup> This thesis opened with the description of the Baptist Minister John Hall commencing his highly successful mission in the 'Heathens' Heath' of Gorsley Common in 1831, and the Herefordshire evidence convincingly bears out the connection perceived in other areas. Yet there would appear to be three related aspects of the argument which require refinement. First, an approach based on geographical determinism or the general adoption of 'open' and 'closed' categories actually tends to blur the reasons why certain settlements opted for particular nonconformist sects; secondly, the same argument tends to be atemporal in its approach, ignoring the considerable variations in the timing of the origins, growth, and even demise of nonconformity within

35 See, for example, Obelkevich, op. cit., pp12-13; D.R.Mills, 'English Villages in the Eighteenth and Nineteenth Centuries: A Sociological Approach', Amateur Historian, VI, 1965, pp.271-278; B.A.Holderness, ' "Open" and "Close" Parishes in England in the Eighteenth and Nineteenth Centuries', Agricultural History Review, XX, 1972; A.Everitt, The Pattern of Rural Dissent: The Nineteenth Century, University of Leicester, Department of English Local History Occasional Papers, 2nd ser., 4, 1972.

settlements. And finally, little account is usually taken of the proportion of people within 'nonconformist' communities who actually had nothing to do with nonconformity; instead, its blanket association with marginal settlements has rather misleadingly conveyed the impression that marginal dweller = nonconformist.

Definitive answers to all three aspects would require a more embracing study of nonconformity in Herefordshire than can be attempted in an analysis restricted to one type of settlement affected by its spreading influence in the nineteenth century. On the final point, for example, one can only note the evidence of the very real presence of the Established Church in many of the commons settlements, a presence which manifested itself in two ways. On the one hand, the Anglican Church continued to fulfil its 'traditional' functions as provider of charity and as focus for the performance of rites of passage. Commoners were very much at the receiving end of charitable doles. At Tarrington, sacrament money was distributed every year to poor widows in the parish; in 1831, for example, all the widows living on Tarrington and Durlow  
36  
Common received their share. William Vaughan of Broadmoor Common receiving doles of bread along with others in receipt of poor relief  
37  
after the morning service at Woolhope Church, and indeed the overlap between vestry and church responsibilities may well have increased the incentive to attend church services for fear of losing entitlement.

36 H.R.O., K14/72, Tarrington Vestry Book.

37 Hereford Journal, 7 October 1846.

The position of the parish church as the central focus for the performance of rites of passage also exercised a particularly strong influence in the lives of commoners. The marriage of every female born in the parish and afterwards resident on Tarrington or Durlow Common was conducted in the parish church. Similarly, the baptisms of all children listed in the census as being born in Tarrington are recorded in the parish registers. The importance attached to this rite in particular is captured in a case of 1829, when Betty Price of Harewoods End Common brought her grandchild to the vicar of Hentland to be baptised. When the vicar's wife

'asked Betty what was her reason for being so particular about having the child baptized and asked her whether the child had been or was then unwell ... Betty Price answered 'no it had not and was not' and replied she had a daughter who was married and confirmed and who intended to keep the child three weeks before it was baptized and that the child died in the mother's arms three days before it was three weeks old unbaptized and made such an impression upon her Betty Price that she could not feel easy until the child was Baptized.'

The vicar then 'desired Betty Price to walk into the little sitting-room  
38  
where the child was then baptized by him.' On the 3rd November 1845,

'at Mordiford Churchyard, near the north-door of the edifice, was found a box containing the dead body of a newly-born female infant. Philip Goode the husband of the mother of the child, stated that it was still-born, and that he and another man interred it on the north-side of the church.'

39

The Goodes resided at Checkley Common.

38 H.R.O., Diocesan Court Cause Papers, Box 478, Jones & Stone v. Griffiths; Deposition of Hannah Gilbert of Hentland, 1830.

39 Hereford Journal, 12 November 1845.

Commoners' wills often simply specify that the testator desired a 'decent Christian Burial', while Henry Pritchard of Little Doward in 1829 left £1 each to his daughter-in-law and granddaughter to buy their 'mourning.' Robert Price in 1858 asked his executors 'to erect a plain headstone to my memory'; the wishes of Luke Troll of Tillington Common in 1864 were that 'Thomas Watkins shall make my coffin and that there shall be a piece of beef bread and a sufficient quantity of good Cider purchased and provided for those who attend my funeral, and also that there shall be eight bearers and that they shall each have a pair of gloves and one shilling and sixpence each.' The bearers are subsequently named - and were not just residents of Tillington Common. Or as further proof that the Church brought commoners into contact with 'outsiders': Margaret Southall of Luston, specified in 1842 'I do hereby order and direct that I may be buried in a neat and respectable manner in the tomb at Eye where my husband was buried and that Richard Godwin of Birchers Common mason be employed to open and close the vault for my  
40  
interment.'

Yet, if the influence of the Established Church exerted itself most strongly in these areas, acting as a kind of envelope to the lives of the commoners, the message it contained failed to supply their requisite needs; commoners ignored the importance of the service, sacrament and sermon as the central trinity of the Anglican Church, while it in turn

40 H.R.O., AA20/56 f.1, Copy Will of Henry Pritchard of Ganarew, 1829; N.L.W., Herefordshire Wills, Vol. 6, f.408, Copy Will of Luke Troll of Tillington 1864; H.R.O., AA20/64 f.239, Copy Will of Margaret Southall of Luston, 1842.

ignored their desire for a more spontaneous, personal religion which promised the possibility of individual salvation.

The new message preached by nonconformists on the commons and elsewhere did not, then, fall on 'heathen' ears deaf to any religion; rather it invested the central act of worship with the same kind of power or authority already ascribed by commoners to the rites of passage conducted by the Established Church; in this respect, the two were complementary, and may help to explain why attendance at church did not  
41  
preclude chapel membership, or vice versa.

Nor should the efforts of the Established Church to reinstate and re-interpret its role in the nineteenth century be ignored. The establishment of harvest festivals, the assault on wakes, the provision of more services, the revitalisation of Sunday Schools and the clergy's involvement in the new National Schools, affected the lives of every parishioner to some extent, including those resident on the commons. The latter, however, were a particular target in the revival of emphasis on pastoral care; Kilvert's diary often describes visits to Crafta Webb, the enclosed commons settlement in his parish of Bredwardine; cottage services were being regularly held at Gorsty Common during the winter months in the late 1860's, while even the notorious Checkley Common residents attended cottage services in the 1840's held there by the

41 For example, H.R.O., AJ47, Clehonger Diary Transcript, 4 April 1869: 'Baptized Wm Henry Prosser conditionally having been privately baptized by a dissenting minister his parents wished him to be received into the church. I acted thus by direction of the Lord Bishop of Hereford.'

visiting Mordiford Rector. Wellington Heath, enclosed in 1814, was designated a separate ecclesiastical parish and a church constructed in 1840-1; Llangrove Common, completely overrun by encroachments by the 1830's, followed in 1856, the church being built at a cost of £1500; the buildings stand as symbols of the more muscular approach adopted by the Anglicans in the nineteenth century to counteract the influence of

nonconformity in these isolated areas.

Llangrove Common, for example already boasted a Wesleyan Chapel and a non-denominational (later Congregational) Preaching-room, but interestingly spared no room for a Primitive Methodist Chapel; not even a cottage congregation was recorded there in the 1851 Religious Census. Llangrove fell into the category of settlements characterized by a high level of owner-occupation. Was there, then, a particular attraction for this independent community to the non-denominational preaching of the Rev. John Jones, who in c.1840 built the preaching room adjacent to his residence at Llangrove Cottage? And did the Wesleyans gain a foothold in this relatively prosperous community of independent smallholders, because the sect, in common with the older established denominations,

42 See, for example, H.R.O., Foley Collection, (uncat.), Tarrington Boxes, Lady Foley to Rev. John Garland, 2 January 1855: 'There is no Church or School at Checkley, and Mr Bird (the Rector) has had a service there on Sunday evenings latterly in a cottage'. See also above, Chap. 2, n.70, for comparable cottage lectures held at Gorsty Common (Clelonger) and Crafta Webb (Bredwardine). For another terse, but evocative description of the latter, see W. Plomer, ed., Kilvert's Diary, 1960 edn, Vol.3, p.364.

43 Littlebury's Directory and Gazeteer of Herefordshire 1876-7, pp.396-7, 482.

still relied on ministerial authority and acquired a level of respectability never achieved by the Primitive Methodists? That a powerful connection existed between sect and settlement is demonstrated in the following Table, which illustrates the distribution of nonconformist congregations (worshipping in chapels or private houses) on the commons in 1851:

TABLE 42

Nonconformity in Commons Settlements, 1851  
(Number of Congregations by sect and settlement type)

Total Settlements	Freehold 31	Estate 28	Petty Rentier 37
Baptist	2	0	0
Independent	2	0	0
Wesleyan	4	1	0
Prim. Methodist	2	6	9
Calv. Methodist	0	0	1
'Dissenters'	1	0	0
Lady Southampton's Chapel	0	0	1
	---	---	---
	11	7	11

Source: P.R.O., H.O. 129, Religious Census, 1851

The preference for the more 'self-contained', minister-led sects by the independent owner-occupied settlements is unmistakeable. All except one of the congregations were housed in chapels; and significantly, the most recently erected (in 1841) was the Primitive Methodist Chapel at the Doward, where there was also an Independent Chapel erected in 1817. The only worshippers not housed were the other group of Primitive Methodists at Red Rail, Hentland, the return stating that preaching had begun here only in 1844; the sect never prospered, and no chapel was ever built on the common.

Of the estate settlements, the not insignificant nonconformist presence again reflects the misleading nature of the term 'closed', despite the influence of a single landlord in these settlements. On the other hand, the only Wesleyan congregation, at Tarrington Common, was to decline slowly as the Foley influence grew, and preaching was abandoned there in 1873. Only two of the congregations were housed in chapels, erected as recently as 1841 and 1850, yet it should be noted that the average size of congregation of 46 on the last Sunday in March, 1851, was slightly higher than that for congregations in petty rentier settlements (average = 45), despite the fact that a higher proportion of the latter (7 of the 11) were meeting in chapels rather than cottages. Neither compared in size, however, to the average of 72 souls attending services in the freehold settlements.

Worshippers in petty rentier and estate settlements, therefore, were almost exclusively Primitive Methodists, while the owner-occupied settlements hosted a greater diversity of sects, the denominational organizations reflecting the greater independence and slightly more affluent composition of the settlements themselves. In 1851, moreover, the nonconformist tradition in these freehold settlements was comfortably established - The Independent Chapel on the Doward had been erected in 1817 - indeed, it was arguably at its peak by this time; Primitive Methodism on the other hand was still in its most creative, expansive stage of initial growth:

TABLE 43

Chapel Foundations in the Commons Settlements of Herefordshire 1780-1881  
(By Decades)

	Primitive Methodists	Wesleyan	Other
1780-1799	0	0	0
1800-1819	0	0	1
1820-1839	3	1	4
1840-1859	9	2	2
1860-1881	6	1	3

Source: Cassey's Directory of Herefordshire, 1858; Littlebury's Directory 1876-7; H.R.O., Nonconformist Records

That growth, however, continued to be channelled along the lines established in the period up to 1851; whereas freehold settlements largely continued to resist the influence of Primitive Methodism, settlements dominated by absentee landlords were still actively participating in its expansion into rural areas.

We have already noted the proximity of many of these settlements to market centres, and Primitive Methodism of all the sects depended for its organizational success on good communications between town and country. The late persistence of vestry control of parish housing has also been touched on; again Primitive Methodism appealed to the poorest section of the commons community. The effect of enclosure on the financial status of many commoners no doubt fostered a similar response amongst the dispossessed. Yet participation by the laity was also the cornerstone of Primitive Methodism, to the extent where it encouraged the emergence of elites within the local societies. And the most noticeable trend within the petty rentier settlements was the widening socio-economic gulf between the haves and the have-nots - at

precisely the time that Primitive Methodism was establishing its foothold. In these settlements, I would suggest, the organizational structure of the sect reproduced, on a smaller canvas, the emerging structural differentiation between sectors of the population within the commons community itself.

It would thus seem fair to conclude that the tenurial composition of a commons settlement (itself arising out of a complex bundle of factors explored earlier in this Chapter) provides a convincing index for analysing change and continuity in such a seemingly detached sphere as religious behaviour, choice, organisation. Beyond this differentiation, however, the fundamental similarities between commons settlements of whichever tenurial type and whatever nonconformist leaning should not be overlooked; each category of settlement was responsive to nonconformist teaching, an indication of the opening up of commons settlements to external influences, again at precisely the time when they were being branded as 'worlds unto themselves'. The nature and level of response to nonconformity, however, was entirely dependent on conditions within each separate community, and in this respect it is difficult to accept the interpretation that nonconformity represented but one facet of the 'class struggle', if by that is meant the increasing polarization of society around the Established Church, gentry, clergy, wealthy farmers on the one hand, and Chapel Society, the labouring poor, craftsmen, independent smallholders, small farmers on the other. Nonconformity took root in commons settlements precisely because they lay at the

margins of this emerging, class-bound, society. Only in the later nineteenth century did notions of class and class relations characteristic of a fully capitalist agrarian economy slowly seep into the commons communities; at this point, rural nonconformity began to die its slow and lingering death.

## CONCLUSION

Two opposing views have been put forward recently regarding squatter settlements in modern developing countries. On the one hand, there are those who see such settlements in a positive light, stressing their importance as communities responding to the opportunities thrown up by the expanding modern sector; while, on the other hand, an alternative model dismisses this view as myth and stresses the exclusion of the squatter population from productive employment, or its involvement in labour-absorptive activities which do not have much of a function of any kind for the system as a whole.<sup>1</sup>

On a general level, the two arguments nevertheless agree that squatter settlement formation and growth are an inevitable spin-off of nascent capitalism in countries undergoing rapid economic and social change. In this respect, these arguments are equally relevant to the experience of Herefordshire's commons settlements in the period 1780-1880. For though such communities may have clustered on the margins of capitalist, specialised zones, this in no way precludes the fact that the external pressures of social and economic change were responsible for both the growth and decline of squatting activity in nineteenth century Herefordshire. Indeed, at the core of every argument pursued in this thesis has been the belief that the nature and diversity of squatter settlement can only be explained by exploring their dynamic interrelationships with the specialised zones, zones as diverse as

1 See, for example, Alistair White, Squatter Settlement, Politics and Class Conflict, Institute of Latin American Studies Occasional Papers, 17, 1975, and A.A.Laquian, 'Slums and Squatters in South and South-East Asia', in L.Jakobson and V.Prakash, eds., Urbanization and National Development, pp.183-204.

large landed estates, urban market or rural industrial centres, but all fulfilling the same role as transforming, modernising sectors within the wider framework of society.

Understanding the differing nature of these interrelationships helps to explain the diversity of commons settlements encountered in the region. Again, though, the underlying structures unifying all three of the categories explored are perhaps the most striking. For whatever the exact link between settlement and neighbouring specialised zone, the squatter's own form of participation in that economy was always decidedly non-specialised. While a significant craft element was present in each category, the crafts actually practised were all of a traditional nature involving hand-tools rather than heavy machinery. In the woodcraft sector, the contingent of sawyers and woodmen were engaged in the felling of timber in the estate woodlands which would then pass to the specialist finishing centres. Again, the activities not revealed by any occupational table such as apple-picking, hop-picking, estate fencing, draining and roadmaking, faggotting and bark-stripping, witnessed the passage of commoners into the specialised regions for seasonal work requiring considerable manual dexterity but a minimum of technical expertise. Haulliers were at the core of communications linking all three types of specialised zones. Limeburners provided fertilizer for the agriculturally progressive farmers - who placed their orders at inns in the market towns. Even in those settlements closely associated with rural industries - those bordering on Dean Forest, for example, the squatters got their living not from mining itself but from its associated activities such as timber-felling, hauling coal and timber, working the Wye barges and so on. Likewise, glove-sewing was confined to females,

their work supplementing, rather than dominating family income, while Worcester itself acted as the market for specialised production, finishing and exchange.

In all respects, the typical Herefordshire squatter recalls Levi-Strauss' <sup>2</sup>  
'bricoleur' - the jack-of-all-trades. In short, the squatters' relationships with the specialized zones can best be described as 'for the most part multiplex; <sup>3</sup>  
that is, they are not specialized to deal with a single activity.'

This flexibility was a recipe for growth and stability for commons settlements in the early nineteenth century. Capitalism and class relations were not just imposed lock, stock and barrel on the 'traditional' community; Gesellschaft did not instantly replace Gemeinschaft. Instead, the increased demands thrown up by the specialist zones, for more labour in particular, but also for raw products such as timber and bark, and to an extent for consumable goods such as cider, eggs, fruit, all created new opportunities for those still operating in the 'traditional', manual sector.

Yet the inevitable logic of capitalism demanded progress, increased efficiency, labour- and money-saving machinery. Timber production and dealing passed into

2 C.Levi-Strauss, The Savage Mind, 1976 edn., pp.16-17. For an excellent Herefordshire example, see Hereford Journal, 7 April 1852, describing the occupational standing of Thomas Morgan and James Weaver of Checkley Common, Mordiford: 'Both parties termed themselves labourers, but it was evident the term is one of very wide application, defendant being the owner of several horses, carts, and land and premises. The complainant also possesses horses and vehicles and keeps a man or two in his employ. They are likewise both haulliers, and occasionally contract jointly to execute work, and hence a system of borrowing and lending appears to have subsisted between them.'

3 F.G.Bailey, 'The Peasant View of the Bad Life', in T.Shannin, ed., Peasants and Peasant Societies, 1979 edn., p.304.

the hands of specialist contractors. Agricultural machinery whittled down farm labour requirements. New fertilizers closed the lime-kilns. Railways 'improved' communications at the expense of the old haulage teams. Mining in Dean forest on the old 'butty' system dwindled because the South Wales and North Midlands coalfields produced cheaper fuel. New consumer tastes demanded beer rather than 'yokel's' cider. Patents were registered that took glove-sewing out of the cottage and into the factory. Expansion in the traditional sector was overtaken by the single-stranded specialist requirements of the new technological age.

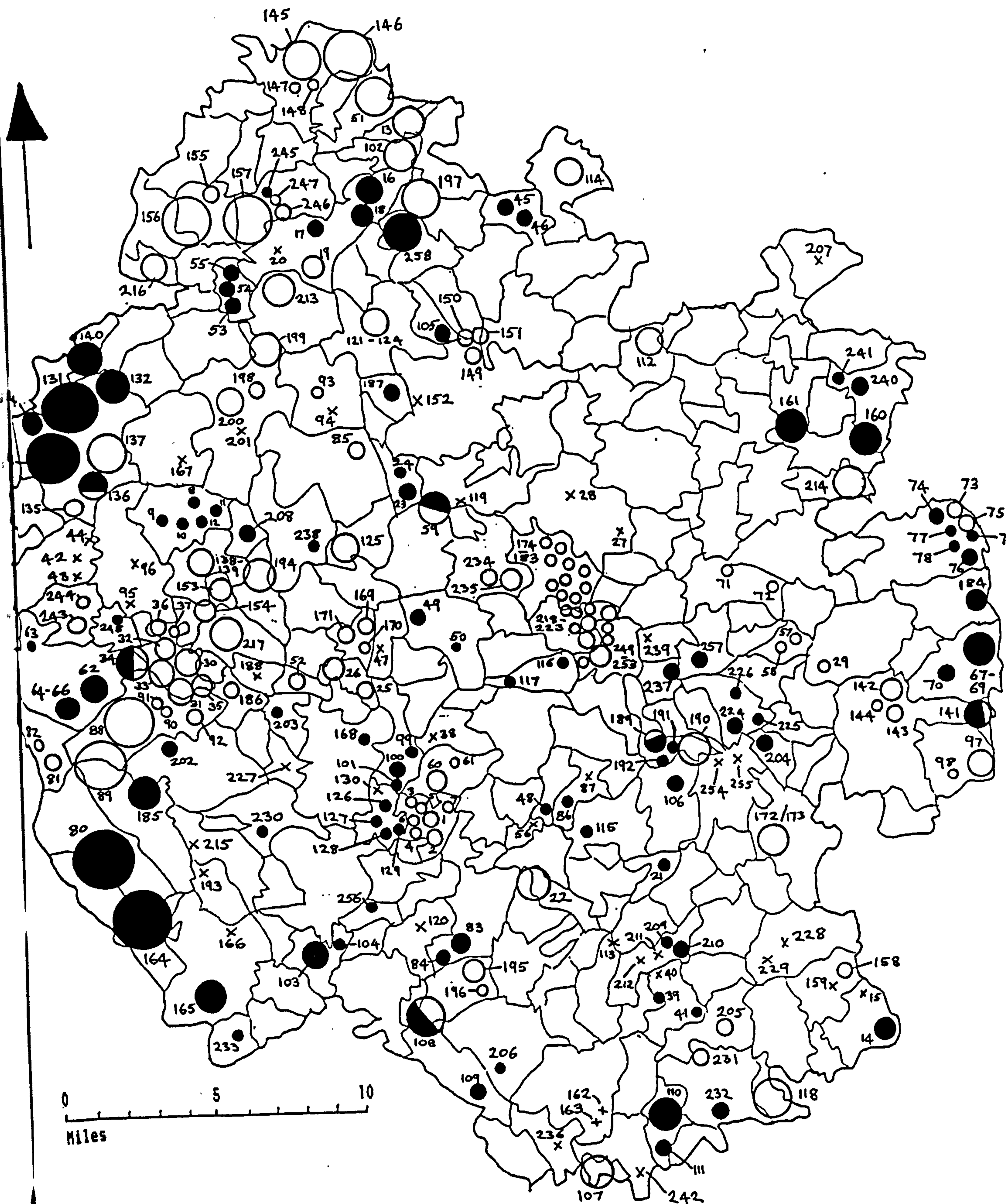
This second phase of capitalist expansion also swept away the now 'archaic' structures of 'control', the vestry and the manor, both of which in fact assisted in, and to an extent adapted themselves to, the first phase of squatter settlement growth. In particular, anomalies in property 'ownership' were ironed out by the single-interest dictates of landlord-tenant relationships, which demanded clarity in the definition of boundaries for contractual purposes.

The two arguments concerning the positive and negative sides of squatter settlements are not, I would suggest, therefore irreconcilable but in fact two aspects of a single reality, when seen in terms of a chronological continuum, with the positive aspects of growth and integration in the first phase being superseded by the disintegration of opportunities in the traditional sector and the increasing social, economic and tenurial isolation of commons communities in the second. The terrible irony was that, whereas contemporaries mistakenly judged these settlements to be 'worlds unto themselves' in the first phase, in the second phase the increasingly isolated commons of Herefordshire were being

'discovered' by tourists, ramblers, archaeologists, commons  
preservationists, political theorists, folklorists, geologists, botanists, even  
4  
trade unionists - and at the end of the queue, the historian.

- 4 Mr A.Dark of the Trade and Labour Council addressed the villagers of Fownhope in 1930 on the hypocrisy of the Government in wanting to enclose the Poor Acre in the parish 'for the purpose of murder as they wanted it in order to grow larch for aeroplanes to be used in war'. Mr Amos of Mordiford declared 'this was part of the class war' and that 'people had been debarred from gathering fuel and picking primroses'. House of Lords Record Office, Forest & C.F.P.S., 2nd Deposit, Box 38, File 273.

Herefordshire Commons c.1840  
Key Map to Appendix



### Appendix: List of Herefordshire Commons 1780-1880

The following list attempts to provide a comprehensive gazetteer of all Herefordshire's Commons larger than one acre as identified from nineteenth century sources. The majority of acreages were culled from the tithe maps and apportionments, and therefore the overall picture relates to the 1840's. Where commons had been enclosed prior to this, the Enclosure Awards were used where they survived. Where the awards fail to state the sum total of lands to be inclosed, the acreages have been arrived at by totalling all the allotments awarded; as the area occupied by roads is rarely given, the acreages given tend to fall slightly short of the full area enclosed, but this method still gives a more accurate picture than trusting to the figures sometimes given in the acts. In some cases, no data are available for one of the following reasons:

- a) Where Enclosure took place prior to a tithe award, no acreage is given in the Act where the Award does not survive.
- b) The tithe map does not adequately distinguish between e.g. 'roads and waste'.
- c) No Tithe nor Enclosure Award was ever made.
- d) The common had already been overrun by encroachments prior to the Tithe Award.

The final column includes all settlements of 10 or more dwellings, as identified from the tithe maps.

#### Notes on Parishes

In this list, and for all county tables and figures presented in this work, certain small townships of ambivalent status on the county's borders, or parishes straddling the county boundary have been excluded. These comprise: Acton Beauchamp, Fwddog, Lea, Lower Harpton, Rodd, Nash and Little Brampton, Combe, Kinsham, Welsh Bicknor, Hampton Charles, Richards Castle, Buckton & Coxall.

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Allensmore</u>				
1. <u>Cobhall Common</u>				25
2. <u>Winnal Common</u>				12
3. Mawfield Common				
4. Little Common	(75 0 0)	H.L.R.O Comm.		
5. Butt Common		11.4.11 &	1811 ?	
6. Small Brook Common		H.J. 25.6.23		
7. Goose Pool Common				
<u>Almely</u>				
8. Hopley Green	3 1 30	Tithe		
9. <u>Spearmarsh Common</u>	4 3 10	Tithe		19
10. Logaston Common	4 1 12	Tithe		
11. Meer Common	2 2 5	Tithe		
12. <u>Bach Common</u>	3 1 23	Tithe		12

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlements (Dwellings)
<u>Aston</u>				
13. Aston Common	(297 2 30)	Q/R1/26	1799 1803	
<u>Aston Ingham</u>				
14. May Hill	82 2 31	Tithe		24
15. Little Gorsley	N.D.			18
<u>Aymestrey</u>				
16. Leinthall Common	145 2 10	Tithe		
17. Ballsgate Common	18 2 35	Tithe		
18. Yatton Common	92 2 36	Tithe		
19. Beachen Bank	(73 2 20)	Q/R1/48	1809 1829	
20. Waste at Shirley, Upper Ley, Lower Ley & Covenhope			1814 1817	
		Q/R1/1 & H.R.O. G39/63		
Act states 200 acres, Award 302 acres but this includes open fields				
<u>Ballingham</u>				
21. Ballingham Hill	7 3 17	Tithe		18
<u>Little Birch</u>				
22. Aconbury Hill(pt)	(173 0 0)	Q/R1/34	1812 1824	89
<u>Much Birch</u>				
Aconbury Hill(pt)		Q/R1/34	1812 1824	
<u>Birley</u>				
23. Birley Hill	24 3 31	Tithe		
24. Knapton Common	2 2 38	Tithe		
<u>Bishopstone</u>				
25. Bishon Common	(11 0 34)	Q/R1/3	1809 1833	10
26. Bishopstone Hill	(57 1 4)	Q/R1/3	1809 1833	
<u>Bodenham</u>				
27. Upper Maund Common	N.D.		1802 1813	
28. Bodenham Moor?	N.D.			
Tate states 2000 acres were enclosed in 1802, but this includes open fields. c.15 acres of Maund Common remain unenclosed.				
<u>Bosbury</u>				
29. Swinmore Common	(8 0 0)	Tithe	1850 1865	
<u>Bredwardine</u>				
30. Bredwardine Hill	(139 3 3)	Q/R1/6		11
31. Dorstone Hill(pt)	(106 3 9)	Q/R1/6		
32. Middlewood Waste	(87 0 0)	Q/R1/6		
33. Arthurstone Hill(pt)	(81 1 37)	Q/R1/6	1809 1819	
34. Meerbridge Hill(pt)	(58 1 0)	Q/R1/6		
35. Kyntons Hill(pt)	(50 2 8)	Q/R1/6		
36. Westons Hill	(18 0 14)	Q/R1/6		
37. Bredwardine Dingle	(8 0 9)	Q/R1/6		
See also Dorstone & Clifford				
<u>Breinton</u>				
38. Breinton Common	N.D.			26
<u>Bridstow</u>				
39. Peterstow Common(pt)	2 2 25	Tithe		
40. Buckcastle Hill	N.D.			17
41. Wilton Bridge Common	4 1 6	Tithe		
See also Peterstow				

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Brilley</u>				
42. <u>Brilley Green</u>	N.D.			22
43. <u>Brilley Wood</u>	N.D.		1811 ?	
44. <u>Brilley Mountain(pt)</u>	N.D.			
See also Eardisley				
<u>Brimfield</u>				
45. <u>Wyson Common</u>	45 0 27	Tithe		
46. <u>Brimfield Common</u>	31 3 10	Tithe		15
<u>Brinsop</u>				
47. <u>Brinsop Common</u>	N.D.			
<u>Lower Bullingham</u>				
48. <u>Ridge Hill</u>	3 2 30	Tithe		
<u>Burghill</u>				
49. <u>Tillington Common</u>	11 0 5	Tithe		20
50. <u>Whitmore Common</u>	1 1 11	Tithe		
<u>Burrington</u>				
51. <u>Burrington Common</u>	(310 0 13)	Q/R1/26	1799 1803	
<u>Byford</u>				
52. <u>Byford Common</u>	(37 2 8)	Q/R1/7	1808 1832	17
<u>Byton</u>				
53. <u>Cwms Hill</u>	24 0 9	Tithe		
54. <u>Cwms Moor</u>	23 1 5	Tithe		17
55. <u>Byton Hill</u>	22 3 25	Tithe		
<u>Callow</u>				
56. <u>Twyford Common</u>	N.D.			27
<u>Canon Frome</u>				
57. <u>Summer Pole Hill</u>				
58. <u>Juniper Hill</u>	(10 0 0)	Q/R1/9	1801 1806	
<u>Canon Pyon</u>				
59. <u>Westhope Hill(pt)</u>	(85 2 11)	Tithe	1863 1878	59
See also Hope-under-Dinmore				
<u>Clehonger</u>				
60. <u>Gorsty Common</u>	(50 1 16)	Q/R1/10	1813 1821	59
61. <u>Perry Hill Common</u>	(6 3 36)	Q/R1/10	1813 1821	
<u>Clifford</u>				
<u>Meerbridge Hill(pt)</u>	168 2 26	Tithe		12
62. <u>Little Mountain</u>	128 1 20	Tithe		
63. <u>Priory Wood</u>	4 1 0	Tithe		
64. <u>Bullens Bank</u>				
65. <u>Clifford Common</u>	63 1 3	Tithe		
66. <u>Alt Common</u>				
See also Dorstone & Bredwardine				
<u>Colwall</u>				
67. <u>Beacon</u>				
68. <u>Purlieu</u>	194 3 1	Tithe		
69. <u>Wyche</u>				51
70. <u>Colwall Green</u>	14 1 12	Tithe		30
<u>Much Cowarne</u>				
71. <u>Panks Bridge Common</u>	( 3 3 30)	Q/R1/35	1813 1826	
72. <u>Collow Marsh Common</u>				

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Cradley</u>				
73. <u>Birchwood</u>	(28 2 1)	Tithe	1849 1854	20
74. <u>Bearswood</u>	26 3 5	Tithe		11
75. <u>Merryhill</u>	(11 0 35)	Tithe	1849 1854	
76. <u>Northill</u>	10 2 6	Tithe		24
77. <u>Eastbury Hill</u>	4 0 26	Tithe		
78. <u>Coney Cut</u>	3 2 3	Tithe		
79. <u>Crumphall Hill</u>	0 1 29	Tithe		11
<u>Craswall</u>				
80. <u>Black Mountains</u>	1296 0 14	Tithe		
<u>Cusop</u>				
81. <u>Cusop Hill</u>	(45 3 25)	Tithe	1854 1858	
82. <u>Scudamore Common</u>	(9 0 1)	Tithe	1854 1858	
<u>Much Dewchurch</u>				
83. <u>Saddlebow Common</u>	76 0 0	Tithe		19
84. <u>Coedmore Common</u>	18 1 34	Tithe		
<u>Dilwyn</u>				
85. <u>Dilwyn Common</u>	(46 3 31)	Tithe	1861 1866	17
<u>Dinedor</u>				
86. <u>Dinedor Cross</u>	1 1 6	Tithe		
87. <u>Dinedor Hill</u>	N.D.			13
<u>Dorstone</u>				
88. <u>Vowmine Hill</u>	(519 2 23)	Tithe	1860 1868	
89. <u>Vagar Hill(pt)</u>	(442 0 9)	Q/R1/6		
<u>Arthurstone Hill(pt)</u>	(60 2 13)	Q/R1/6		
<u>Dorstone Hill(pt)</u>	(27 0 6)	Q/R1/6		
<u>Kyntons Hill(pt)</u>	(3 1 22)	Q/R1/6	1809 1819	
90. <u>Common Bach</u>	(1 2 35)	Q/R1/6		
91. <u>Penlan</u>	(1 3 20)	Q/R1/6		
92. <u>Unnamed Waste</u>	(48 3 5)	Q/R1/6		
<u>Meerbridge Hill(pt)</u>	(72 1 2)	Q/R1/14	1871	
<u>(or Maerbach)</u>				
See also Bredwardine, Clifford & Michaelchurch Eskley				
<u>Eardisland</u>				
93. <u>Pigsmore Common</u>	4 3 38	Tithe		
94. <u>Barewood Common</u>	N.D.		1811 ?	30
<u>Eardisley</u>				
95. <u>Willersley Common</u>	N.D.	H.J 19.2.12	1811 ?	
<u>Brilley Mountain(pt)</u>	N.D.		1811 ?	
96. <u>Hurstway Common</u>	N.D.	Tithe		23
See also Brilley				
<u>Eastnor</u>				
97. <u>Malvern Hills</u>	(129 2 28)	Q/R1/17	1813 1816	
98. <u>Howlers Heath</u>	(1 2 0)	Q/R1/17	1813 1816	
<u>Eaton Bishop</u>				
99. <u>Ruckhall Common</u>	9 3 24	Tithe		39
100. <u>Honeymoor Common</u>	32 3 12	Tithe		
101. <u>Little Marsh Common</u>	5 1 35	Tithe		

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Elton</u>				
102. Elton Common	(200 1 25)	Q/R1/26	1799 1803	
<u>Ewyas Harold</u>				
103. E. Harold Common	115 1 0	Tithe		33
104. Elm Green	2 3 23	Tithe		
<u>Eyton</u>				
105. Eyton Common	16 3 32	Tithe		
<u>Fownhope</u>				
106. Common Hill	10 2 1	Tithe		43
<u>Ganarew</u>				
107. Little Doward	(192 1 4)	Q/R1/18	1833 1835	13
<u>Garway</u>				
108. Garway Hill(pt)	211 1 10	Tithe		31
109. Garway Common	24 3 34	Tithe		21
See also Orcop				
<u>Goodrich</u>				
110. Coppet Wood	243 1 9	Tithe		31
111. Huntsham Hill	34 3 15	Tithe		15
<u>Hatfield &amp; Hampton Charles</u>				
112. Lockley Heath	(140 0 34)			
Enclosed by Private Agreement in 1813. H.R.O L13/10 & H.J. 23.12.12; 20.8.14.				
<u>Hentland</u>				
113. Red Rail(pt)	N.D.			37
See also Kings Caple				
<u>Little Hereford</u>				
114. Bleathwood Common	(107 1 8)	Q/R1/30	1798 1800	13
<u>Holme Lacy</u>				
115. Newton	7 3 8	Tithe		10
<u>Holmer</u>				
116. Shelwick Green	4 2 2	Tithe		
117. Widemarsh Common	8 3 2	Tithe		
<u>Hope Mansell</u>				
118. Purlieu	(390 2 27)	Q/R1/20	1807 1808	
<u>Hope-under-Dinmore</u>				
Westhope Hill(pt)	84 0 35	Tithe		
119. Dinmore Hill	N.D.			21
See also Canon Pyon				
<u>Kilpeck</u>				
120. Pentwyn Common	N.D.			
<u>Kings Caple</u>				
Red Rail (pt)	1 1 31	Tithe		
See also Hentland				
<u>Kingsland</u>				
121. Shirlheath				24
122. Arrow Green				
123. Lawton Marsh	(143 3 19)	Q/R1/1	1814 1817	
124. Calves Marsh				
And see H.R.O. G39/63 Aymestrey and Kingsland Inclosure Minutes				
<u>King Pyon</u>				
125. Ledgemoor Common	(101 2 15)	Q/R1/22	1806 1826	34

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Kingstone</u>				
126. Coldstone Common	4 0 21	Tithe		
127. Foxmoor Common	1 0 0	Tithe		
128. Mill Common	1 1 5	Tithe		
129. Arkstone Common	4 0 20	Tithe		
130. <u>Barrow Common</u>	N.D.			14
<u>Kington</u>				
131. Bradnor Hill	512 0 29			
132. Rushock Hill	200 0 0	H.R.O. G50/111/6		
133. Hergest Ridge	992 3 8	(1865)		
134. Haywood Common	57 3 24			
135. <u>Brickkiln Common</u>	15 0 0	(8 1 9)		20
136. <u>Moseley Mere</u>	106 0 39	(21 2 36)	1851 1856	28
137. Kingswood Common	430 2 12	(467 0 1)		
Tithe Award gives total of all wastes as 1830 acres.				
135, 136, 137: enclosed acreages on brackets under Award Q/R1/24.				
<u>Kinnersley</u>				
138. <u>Sallys Common</u>				10
139. Greenmoor Common	(100 0 0)	Tate	1801 1803	
<u>Knill</u>				
140. Garraway Common	177 2 15	Tithe		
<u>Ledbury</u>				
141. Malvern Hill	92 1 32	Tithe		
" "	(34 3 18)	Q/R1/25		
142. <u>Wellington Heath</u>	(63 1 38)	Q/R1/25	1813 1816	76
143. Bradlow Common	(29 3 20)	Q/R1/25		
144. Dogberry	(1 1 39)	Q/R1/25		
<u>Leintwardine</u>				
145. Marlow Common	(403 1 11)	Q/R1/26		
146. <u>Mocktree</u>	(678 1 25)	Q/R1/26		10
147. Leintwardine Green	(9 2 6)	Q/R1/26	1799 1803	
148. Merchants Hill	(6 0 0)	Q/R1/26		
<u>Leominster</u>				
149. Etnam Street Broad & Eaton Broad	(43 1 15)	Q/R1/27		
150. Marsh Broad(pt)	(14 0 35)	Q/R1/27	1808 1811	
151. Portmans Moor(pt)	(11 0 26)	Q/R1/27		
152. Ivington Common	N.D.			
See also Luston				
<u>Letton</u>				
153. Hurstley Common	[87 0 22]	Tithe	1860 1862	
154. <u>Letton Common</u>	[67 2 30]	Tithe	1851 1853	11
<u>Lingen</u>				
155. <u>Burtley</u>	(33 1 12)	Q/R1/48		11
156. Harleys Mountain(pt)	(407 2 36)	Q/R1/48	1809 1829	
157. Deerfold(pt)	(92 0 23)	Q/R1/48		
See also Wigmore & Willey				

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Linton</u>				
158. <u>Gorsley Common</u>	10 0 0	Tithe		95
159. <u>Linton Hill</u>	N.D.			27
<u>Linton(Bromyard)</u>				
160. <u>Bringsty Common(pt)</u>	123 1 13	Tithe		
161. <u>Bromyard Down(pt)</u>	121 3 16	Tithe		46
See also Norton(Bromyard) & Whitbourne				
<u>Llangarren</u>				
162. <u>Llangrove Common</u>	N.D.			73
163. <u>Old Grove</u>	N.D.			
<u>Llanveynoe</u>				
164. <u>Black Mountains)</u>	1279 0 0	Tithe		
<u>Longtown</u>				
165. <u>Longtown Common</u>	231 3 34	Tithe		
166. <u>Lower Maescoed</u>	N.D.			27
<u>Luston</u>				
Portmans Moor(pt)	(3 2 30)	Q/R1/27	1808 1811	
Marsh Broad(pt)	(1 1 0)	Q/R1/27		
See also Leominster				
<u>Lyonshall</u>				
167. <u>Holmes Marsh</u>	N.D.			27
<u>Madley</u>				
168. <u>Swinmore</u>	1 0 19	Tithe		
<u>Mansell Lacy</u>				
169. <u>Mansell Common</u>	(21 1 10)	Q/R1/3		
170. <u>Lower Mansell Common</u>	(7 0 25)	Q/R1/3	1809 1833	
171. <u>Westmoor Common</u>	(13 0 0)	Q/R1/3		
<u>Much Marcle</u>				
172. <u>Marcle Hill</u>				13
173. <u>Oldbury Hill</u>	(179 0 1)	Q/R1/36	1795 1797	
<u>Marden</u>				
174. <u>Burmarsh</u>	(2 1 39)			
175. <u>Drakely</u>	(2 0 16)			
176. <u>Venns Green</u>	(4 3 38)			
177. <u>Vaulds Marsh</u>	(7 1 30)			
178. <u>Litt Marsh</u>	(3 0 2)	H.R.O D5/1,2	1808 1820	
179. <u>Monmarsh</u>	(1 2 12)			
180. <u>Urdimarsh</u>	(4 2 0)			
181. <u>Hawthorn Hill</u>	(2 0 12)			
182. <u>Fern Common</u>	(7 0 28)			
183. <u>Laisters Bridge Common</u>	(1 2 0).			
<u>Mathon</u>				
184. <u>Malvern Hill Common</u>	56 3 34	Tithe		50

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Michaelchurch Eskley</u>				
Vagar Hill(pt)	308 2 4	Tithe		
185. Urishay Common(pt)	195 0 10	Tithe	1852 1856	
See also Dorstone & Peterchurch				
<u>Moccas</u>				
186. Moccas Common	(44 1 21)			
Enclosed by Private Agreement in 1798. H.R.O. J56/111/85,86.				
<u>Monkland</u>				
187. Monkland Common	13 0 17	Tithe		10
<u>Monnington</u>				
188. Monnington Common	N.D.			10
<u>Mordiford</u>				
189. Backberry Hill	58 1 14	Tithe		28
" "	(13 0 9)	Q/R1/33		
190. Checkley Common	8 0 15	Tithe		45
" "	(177 3 30)	Q/R1/33		
191. Swillgrove Common	7 1 31	Tithe		
192. Fernhope Common	1 2 29	Tithe		
<u>Newton</u>				
193. Middle Maescoed	N.D		1816 1823	28
<u>Norton(Bromyard)</u>				
Bromyard Downs	100 0 0 (est.)	Tithe		
See also Linton(Bromyard)				
<u>Norton Canon</u>				
194. Norton Wood	(150 0 0)	H.L.R.O Comm. 20.4.14	1814 ?	57
<u>Orcop</u>				
195. Orcop Hill	(70 3 24)	Q/R1/37		24
Garway Hill(pt)	(201 0 34)	Q/R1/37	1814 1826	
196. Little Hill	(3 0 7)	Q/R1/37		
<u>Orleton</u>				
197. Orleton Common	(418 1 27)	Q/R1/38	1817 1819	20
<u>Pembridge</u>				
198. Moseley Common	(48 0 6)	Tithe	1845 1863	
199. Northwood Common	(172 2 39)	Q/R1/39	1780 1783	
200. Marston Common	(119 3 19)	Q/R1/40	1811 1813	
201. Gorsty Common	N.D.			
<u>Peterchurch</u>				
202. Westlawn Common	43 3 6	Tithe		
Urishay Common(pt)	23 3 27	Tithe		
See also Michaelchurch Eskley				
<u>Peterstow</u>				
Peterstow Common(pt)				10
	1 3 30	Tithe		
See also Bridstow)				
<u>Preston-on-Wye</u>				
203. Ploughfield Green	2 1 27	Tithe		
<u>Putley</u>				
204. Putley Common	10 2 18	Tithe		15

	Size A R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Ross</u>				
205. Aylmarsh	126 1 51	Q/R1/47	1858 1861	
<u>St. Weonards</u>				
206. Penrose Green	1 0 17	Tithe		
<u>Upper Sapey</u>				
207. Sapey Common	N.D.			24
<u>Sarnesfield</u>				
208. Hacklyt Common	20 3 20	Tithe		
<u>Sellack</u>				
209. Sellack Marsh	2 1 0	Tithe		
210. Backney Common	18 1 0	Tithe		
211. <u>Upper Grove Common</u>	N.D.			19
212. <u>Lower Grove Common</u>	N.D.			15
<u>Shobdon</u>				
213. Downwood	(168 1 22)	Q/R1/48	1809 1829	
<u>Stanford Bishop</u>				
214. <u>Wooferwoods Common</u>	(215 0 14)	Tithe	1858 1862	23
<u>St. Margarets</u>				
215. <u>Upper Maescoed</u>	N.D.		1816 ?	34
<u>Stapleton</u>				
216. Stapleton Hill	(123 1 13)	Q/R1/46	1810 1824	
<u>Staunton-on-Wye</u>				
217. Staunton Common	(289 1 9)	Q/R1/50	1783 1784	
<u>The Suttons</u>				
218. Suttons Marsh	(48 3 0)			
219. The Pike of the Hamms	(13 3 22)			
220. Wyats Common	(9 1 29)	H.R.O D5/1,2	1808 1820	
221. The Breadth of the Marsh	(3 0 0)			
222. Great Lakes	(7 0 7)			
223. Tumpy Lakes	(2 0 34)			
<u>Tarrington</u>				
224. Tarrington Common	17 2 11	Tithe		26
225. <u>Durlow Common</u>	2 2 37	Tithe		11
226. Little Tarrington Common	1 1 22	Tithe		
<u>Tibberton</u>				
227. <u>Stockley Hill</u>	N.D.			15
<u>Upton Bishop</u>				
228. <u>Crow Hill</u>	N.D.			25
229. <u>Focle Green</u>	N.D.			11
<u>Vowchurch</u>				
230. <u>Vowchurch Common</u>	2 0 31	Tithe		42
<u>Walford</u>				
231. Coughton Marsh	(31 3 37)	Tithe	1858 1861	
232. <u>Lords Wood etc.</u>	15 2 12	Tithe		199
<u>Walterstone</u>				
233. <u>Walterstone Common</u>	N.D.			12

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Wellington</u>				
234. <u>Auberrow Common</u>	(20 2 32)	Q/R1/55	1794 1797	33
235. <u>Wellington Marsh</u>	(51 1 1)	Q/R1/55		
<u>Welsh Newton</u>				
236. <u>Welsh Newton Common</u>	N.D.			N.D.
<u>Weston Beggard</u>				
237. <u>Shucknall Hill(pt)</u>	10 0 10	Tithe		50
See also Yarkhill				
<u>Weobley</u>				
238. <u>Weobley Marsh</u>	8 1 34	Tithe		27
<u>Westhide</u>				
239. <u>Dodmarsh</u>	N.D.			11
<u>Whitbourne</u>				
<u>Bringsty Common</u>	115 2 0	Tithe		75
240. <u>Badley Wood Common</u>	44 1 27	Tithe		22
241. <u>Newton Common</u>	1 3 9	Tithe		
See also Linton(Bromyard)				
<u>Whitchurch</u>				
242. <u>Great Doward</u>	N.D.			165
<u>Whitney</u>				
243. <u>Whitney Common</u>	(33 1 11)	Q/R1/56	1813 1823	
244. <u>Millhalf Common</u>	(4 3 36)	Q/R1/56		
<u>Wigmore</u>				
245. <u>Barnet Common</u>	2 2 9	Tithe		
<u>Deerfold(pt)</u>	(713 3 31)	Q/R1/58		
246. <u>Tumpy Norville</u>	(21 0 5)	Q/R1/58	1810 1828	
247. <u>Knuckless</u>	(3 2 0)	Q/R1/58		
Woodwood, Barnet Wood, Oakley Wood and Wignore Moor enclosed 1772.				
See also Lingen				
<u>Villey</u>				
<u>Harleys Mountain(pt)</u>	(105 3 23)	Q/R1/45	1817 1819	
See also Lingen				
<u>Winforton</u>				
248. <u>Nicholas Common</u>	8 2 16	Tithe		
<u>Withington</u>				
249. <u>Withington Marsh</u>	(54 2 22)			20
250. <u>The Builts</u>	(2 2 0)			
251. <u>Withington Lakes</u>	(8 3 17)	H.R.O. D5/1,2	1808 1820	
252. <u>The Old Grove</u>	(7 0 0)			
253. <u>Preston Marsh</u>	(38 0 39)			
<u>Woolhope</u>				
254. <u>Broadmoor Common</u>	N.D.			37
255. <u>Hyde Common</u>	N.D.			
<u>Wormbridge</u>				
256. <u>Wormbridge Common</u>	0 3 30	Tithe		

	Size A. R. P.	Source	Enclosure Act Award	Commons Settlement (Dwellings)
<u>Yarkhill</u>				
257. Yarkhill Common	13 0 38	Tithe		
Shucknall Hill(pt)	2 0 28	Tithe		
See also Weston Beggard				
<u>Yarpole</u>				
258. <u>Bircher Common</u>	399 0 5	Tithe		47

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H25/11,	Eaton Bishop Vestry Book, 1707-1866
AA26/1V/3	Extracts from Mathon Vestry Book, 1804-1846
AC75/26,	Ganarew Vestry Book, 1832-1834
K14/21,	Tarrington Confirmation Book, 1834-1869
K14/42,	Tarrington Churchwardens Accounts, 1831-1929
K14/72,	Tarrington Vestry Book, 1792-1872
AE35/2-7	Registers of Births, Marriages & Deaths, 1739-1939, Tarrington Parish
K14/80,	'An Account of the Population...in Tarrington', 1831
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G96/1,	Brimfield, 1867-1880
L75/1,	Byford, 1873-1880
D73/1,	Byton, 1877-1880
J17/1,	Croft & Yarpole, 1867-1880
AA97/1,	Eaton Bishop, 1863-1880
J15/1,	Vowchurch, 1874-1880

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AH24/1-95,	Griffiths Family Deeds, Little Birch, 1623-1933
M24/1-51,	Deeds relating to Properties in Burghill
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