

# ‘Before the breaking of the day, in a riotous manner and with great shouts and outcries’: Disputes over Common Land in Shropshire in the Sixteenth and Seventeenth Centuries

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**Abstract:** Enclosure disputes have long attracted attention given their perceived political motivations, the importance of custom and customary practices in legitimising action and various forms of protest. Based on research undertaken at local and national record offices and the study of both written records and maps, this paper explores a series of disputes over common land in the wood-pasture countryside of Shropshire, placing them within the wider historiography concerning enclosure riots and popular protest. It complements the existing body of local and regional studies which have provided insight into the national historical context of the enclosure process. Historians need to examine economic and social developments at a local level to ascertain the causation of enclosure protest and the motivation of those involved. This evidence suggests that disputes arose between lords and tenants over the loss of customary rights and also neighbouring manorial lords as a result of ownership or boundary disputes.

## I. Popular protest and Shropshire common land

The word ‘riot’ is emotive, implying the disturbance of the peace by a crowd, often involving the use of force.<sup>1</sup> Its definition is, however, the subject of controversy and debate. Precise issues of causation are complex, arising from distinctly local origins. Study of disputes over common land illuminates a series of issues concerning the social and political negotiation of authority and power in early modern England. Previous studies have focused on the Cambridgeshire and Lincolnshire Fenlands, the Somerset Levels, former royal forest areas, and parts of the country where arable sheep-corn husbandry prevailed such as the Yorkshire Wolds.<sup>2</sup> It has been observed that in lowland, fielden and mixed farming areas, enclosure of common often resulted in depopulation and distress as a consequence of widespread conversion to sheep pasture, given the relative profitability of high wool prices and the low price of grain, marking a dramatic disjuncture in a community’s rural economy. In Northamptonshire, Leicestershire and Warwickshire

arable land was converted to pasture by lords, resulting in unrest which culminated in the failed uprising of 1596 and, in 1607 the Midland Rising which initiated further enclosure riots in Lincolnshire, Oxfordshire, Bedfordshire, Derbyshire and Worcestershire.<sup>3</sup> Moreover, with the exception of upland hill, moorland and mountain areas, in other parts of the country the extinction of waste, often in the form of small heathland or woodland commons, was a concern for rural communities.

It is important to bring to prominence the uniqueness of the common lands of Shropshire given the overwhelming focus in agrarian historiography on the open fields and wastes of lowland Midland southern England and the large upland commons of the north and west, mirroring the lowland and highland division of Britain.<sup>4</sup> Comparatively few studies have examined wood-pasture regions such as Cheshire, Shropshire or Staffordshire where the 'ancient countryside' constituted a mixture of pasture, woods, arable and heaths, extensive commons providing a wide range of resources for commoners engaged in predominantly pastoral farming.<sup>5</sup> In Shropshire, a primarily lowland 'wood-pasture' or alternatively a 'pastoral vale' region, the impact of early enclosure was much less pronounced as generally sufficient waste remained despite enclosure.<sup>6</sup> The effect on the county's rural economy was, therefore, less profound than in other Midland counties.<sup>7</sup> Given Shropshire's peripheral geographical location and the gradual transformation of the rural landscape, it might be expected that little opposition to enclosure of common arable and waste took place. Whilst Shropshire did not experience the scale of protest witnessed in other parts of the Midlands, this paper will demonstrate that disputes over common land occurred for various reasons, across a range of landscape types.

The historiography surrounding rural riots and popular protest has generated a well-established model, forming a backdrop to any examination of the subject. Manning highlighted the prevalence of so-called 'village revolts' and pointed out the tendency for riots to take place in the West Midlands and Welsh Borders which experienced an influx of rural artisans and landless labourers with the development of rural, proto-industries, resulting, it could be suggested, in a different form of enclosure dispute compared to the Midlands.<sup>8</sup> These developments placed unprecedented demand on agricultural land and resources. Consequently, Manning observed, 'As good agricultural land grew more scarce, it was only natural that manorial lords and prospective tenants would be tempted to encroach upon wastes to meet the growing demand for corn, fodder, and pasturage'.<sup>9</sup> Sharp, Lindley, Manning and others have examined the extent of the political motivation of rioters embroiled in either anti-enclosure or food riots in specific regional contexts and highlighted how prevailing economic and social characteristics of these geographically diverse environments resulted in different enclosure experiences.<sup>10</sup>

Some studies have, however, played down the influence of national developments in providing the stimulus for opposition, instead putting forward the need for a greater appreciation of what social historians conceive as popular politics, which had evolved over time and was based on the legitimising action of custom and a prevailing sense of entitlement.<sup>11</sup> Local studies of enclosure riots have highlighted the apparent complexities of enclosure protest and sought to utilise evidence in order to reconstruct events.<sup>12</sup> For instance, in his study of the Caddington Common enclosure dispute, Hindle demonstrated the ways in which a 'particular reading of riot might illuminate the negotiation of social

and political authority', with it being suggested that the economic and political subtleties of such disputes require careful attention.<sup>13</sup> Given their local nature, Falvey has asserted 'it is hardly surprising that few directly challenged central authority: their politics were those of the parish, not of the nation'.<sup>14</sup> Healey, drawing on the body of literature concerning the character of early modern political culture, has put forward the notion of the 'politics of the commons', characterised by the significance attached to landscape features in delineating commons, the tendency for political tactics to have an immediate rationale deriving from everyday concerns, the affirmation of common rights, whether legal or customary by usage, the exclusion of individuals from commons access, the value attached to oral testimony in the form of depositions and the significance of people's actions.<sup>15</sup> It has also been observed that physical violence was limited, with the emphasis placed on riotous behaviour reflecting a deliberate attempt to regard local disorders as insurrections, ritual associated with commons appears to have been of minimal importance, and lastly, that the formalisation of this political culture saw the withdrawal of elites and middling sorts who increasingly relied on central and higher law courts to resolve disputes.<sup>16</sup>

The emergence of a new rural history in the study of demography and poverty, welfare and life-cycle has produced a range of detailed micro-studies exploring the experiences of the poor in relation to the appropriation and exploitation of common land and common rights as an informal component in a philanthropic 'mixed economy of welfare', and these have come to dominate the historiography.<sup>17</sup> For instance, in a study of three Northamptonshire parishes, Hindle highlighted the difficulties in estimating the value of common rights due to the diverse and overlapping range of natural resources available to those seeking relief in forest and woodland *pays*.<sup>18</sup> Whilst the exploitation of common rights has been viewed in terms of an 'economy of makeshifts', based on the invention of tradition and manipulation of custom, it has been suggested that such an approach fails to consider 'the highly diversified economies of those parts of England which failed to conform to the arable regime of sheep-corn country which has become the standard point of reference in most discussions of poverty'.<sup>19</sup> Hence it has been suggested an 'economy of diversified resources' is more appropriate.<sup>20</sup> Shropshire is an example of a county outside the champion or feldon landscapes of the 'Central Province' and the variety of contrasting landscape types, or *pays*, is reflected in the nature of its common land and resources, making it suitable for study.<sup>21</sup>

This paper builds on such findings, offering a local and regional perspective on disputes, putting forward a new model of the enclosure of common land, conceptualising an intermediate, wood-pasture alternative to that which has dominated historical literature. Focusing on the pre-parliamentary enclosure period before 1750, it will suggest that the local character of disputes over common land and enclosure riots which occurred in Shropshire indicate that national concerns were rarely the motivation of enclosure rioters. In order to understand the underlying causes of riots, it is necessary to question: the identity of those assembling; the reasons why those people assembled on that particular day; whether the meeting was planned or spontaneous and, if planned, who carried out the planning; the identity of the leaders or instigators, and followers; their aims and objectives and whether they achieved them, either at the time, or subsequently through

legal means. The following discussion will, therefore, describe a series of disputes, including several alleged riots, over commons of contrasting landscape type and will analyse their nature, significance and outcome. Finally, it concludes that whilst the Shropshire riots are contemporaneous with each other and with those in other parts of England, the causes are different in every case. What distinguishes them from the popular protest model is that what lies behind them is generally more about ownership or boundary disputes between manorial lords, rather than the loss of customary rights.

## II. Enclosure in Shropshire, 1500–1700

By the sixteenth century, Shropshire was in a partly cleared state, assarting having been carried out from the mid to late fourteenth century, in response to population expansion and the desire of lords to increase incomes from their estates.<sup>22</sup> The county boasted extensive areas of heathland and woodland commons which were extremely attractive to cottagers who took advantage of areas of common, corresponding with findings for other woodland areas.<sup>23</sup> Population increase has been identified as ‘one potential cause of social unrest’, a factor which will be considered.<sup>24</sup> Nevertheless, despite these developments, the county remained wooded in character, profoundly influencing its settlement and agrarian history. The pace of enclosure quickened as land continued to be colonised in response to rising population.<sup>25</sup> Tenants had begun to encroach and improve areas of Prees Higher and Lower Heaths.<sup>26</sup> These areas, as well as the more open pastoral and moorland districts, offered extensive areas of pasture, suiting livestock production with grazing often being unstinted. In the Severn lowland village of Alberbury, nine miles north-west of Shrewsbury, cottagers were allowed unstinted pasture rights for cattle and pigs.<sup>27</sup> Wrightson argues that this resulted in the ‘blurring of conventional social categories’, husbandmen, labourers and cottagers benefiting from the opportunity of customary common rights. In the south east of the county the unenclosed waste of Brown Clee Hill similarly provided valuable grazing for commoners from surrounding settlements who drove their livestock along identifiable straker routes or outracks.<sup>28</sup> In contrast to the majority of Shropshire manors, where an adequate amount of waste remained until the sixteenth and seventeenth centuries, in High Ercall manor, nine miles west of the market town of Newport on the edge of the Weald Moors, medieval assarting had reduced the extent of the waste ‘to a minimum’, although open fields survived until 1700.<sup>29</sup>

Thirsk labelled Shropshire a county of open pasture, characterised by rearing and fattening with dairying in the north.<sup>30</sup> At a deeper micro-level, further distinctions have been made with a range of sub-regions or *pays* evident, the characteristics accorded to them being more closely aligned with local societies and everyday realities on the ground.<sup>31</sup> Although not recognised as an area of open field farming, most villages had a form of open field system, although they tended to form a subsidiary element in the pastoral farming system, which relied not only on waste but also on early enclosed pasture closes.<sup>32</sup> Hence traditionally the county has been viewed as an area of ‘old enclosure’, Wordie having estimated that by 1600 seventy-five per cent of the county was enclosed.<sup>33</sup> Farms

were generally small in size and worked by families employed in maintaining a thriving domestic agrarian economy, with tenancies being handed down from one generation to the next.

In a parliamentary debate concerning the bill for tillage on 17<sup>th</sup> December 1597, Sir Thomas Coningsby retorted that the 'Countrie doth Consist wholie of Woodland, bredde of Oxen & Dairies wch if they were pulled downe, it would breed a great scarcitie amongst the people there, then the scarcitie of Corne nowe is'.<sup>34</sup> When Leland toured the county, he noted the variation in open field arable, pasture and woodland and in 1652, Blith described Shropshire along with Warwickshire, Staffordshire, Derbyshire, Yorkshire and 'all the Countries thereabouts' as 'woodland', which until enclosure 'were wonnt to be releevd by the Fieldon with Corne of all sorts'.<sup>35</sup>

The seventeenth century was a formative phase in the development of agriculture which became more commercially oriented with much change taking place, leading to divergence and intensification in farming systems as agrarian specialisms emerged.<sup>36</sup> Hence farmers began to rely on enclosed pasture closes rather than areas of waste for the pasturing of livestock. It was during the sixteenth and seventeenth centuries that the enclosure of open fields and improvement of heath and fenland took place as the pace of agrarian change accelerated, reflecting wider structural changes in economy and society.<sup>37</sup> Factors including demographic change, variation in living standards, increased competition for resources and attempts at commercial exploitation resulted in the more intensive utilisation of commons resources. Contemporaries saw waste as something that should be improved and brought into usage for the benefit of the common good, especially arable cultivation, hence efforts were made to enclose and improve waste throughout England.<sup>38</sup> This often provoked dispute and opposition from tenants who, identifying with a salient 'moral economy', strived to preserve their common rights.<sup>39</sup> For instance, in 1602 Norden advocated the enclosure of commons in Oswestry lordship, writing that 'The most profit of these wastes may be inclosed to the greate benefit of the contrey and profit of your lordship', but, he recognised possible objections remarking that 'there are some pervers people that will hinder the best course of common good'.<sup>40</sup>

Gough's description of the wastes of Myddle is indicative of their importance in the parish's rural economy.<sup>41</sup> He noted their use as grazing for sheep and cattle, the availability of valuable stone and, in the case of Myddlewood, its piecemeal enclosure, and cutting and burning in order to enable the cultivation of corn and barley during times of dearth.<sup>42</sup> Likewise, Garbet, writing around 1750, outlined the importance of waste noting that Cotton Wood, one of the five woods in Wem lordship, feeds 'great numbers of sheep and other cattle' and 'affords turf in its moors, and fish in two pools'.<sup>43</sup> Furthermore he recalled that 'the inhabitants of the neighbouring villages get turf for fuel' from Wem Heath, which was 'about a mile in compass'.<sup>44</sup> These contemporary accounts testify that commons were not solely used for livestock pasturing, but also that a wide range of the resources that were exploited were claimed on a legal or customary basis. Thus, it could be argued that whilst waste has been viewed as being less productive compared to open arable fields, it nevertheless remained a valuable asset for rural communities. Studies have highlighted the value of common land and the resources which it provided, particularly for the poor. Hey argued that in pastoral farming areas, common rights were 'essential to

any woodland community where the supply of farming land was limited and the economy geared towards the raising of livestock for the market towns'.<sup>45</sup>

### III. Resistance to enclosure of common arable

Despite Shropshire not being a classic area of open field farming, tenants did, nevertheless, protest over the extinction of common rights over arable land. For instance, in 1515–18, Thomas Harrington of Bishton complained against Richard Asteley, lord of Patshull manor, in a case in the Court of Chancery over the enclosure of arable land in Patshull, near the village of Pattingham, through which he lost housebote, heybote, pannage and common pasture.<sup>46</sup> Being east of the River Severn and close to the Staffordshire border, the light and thin soils of the eastern sandstone plain were conducive to arable farming, allowing for the inclusion of both extensive open field cultivation and large heaths and commons within husbandry practices. The loss of these common rights in this example, which is suggestive of a dispute between neighbouring lords, supports Hindle's view that the sixteenth and seventeenth centuries marked the 'transition from the regulation to the restriction, and ultimately to the extinction, of popular rights of access to communal resources'.<sup>47</sup>

Similarly, at a manor court held on 5<sup>th</sup> November 1579 for Cound, a village located on the western bank of the River Severn about seven miles south-east of Shrewsbury, a pain was imposed that no tenant, nor his servants, were allowed to collect any 'spicas' of grain in the fields.<sup>48</sup> This was an attempt to end the customary practice of gleaning, whereby commoners and the landless poor were entitled, on the basis of ancient common right enjoined in the laws of God, to gather fallen grains immediately after harvest.<sup>49</sup> During the sixteenth and seventeenth centuries, restrictions were tightened on the exercising of common rights, such as the imposing of stinting agreements, and the informal exploitation of resources of both common arable and waste.<sup>50</sup> The exploitation of common resources was a contentious means of subsistence and informal relief, access to which was contested and frequently disputed. The significance of the manor courts' regulation of resources through the laying of orders and by-laws has been debated. Interpretations have diverged over whether communal regulation had the effect of favouring the rural poor, who claimed access on the basis of custom, or whether manorial regulation aimed to exclude those without formal legal common right.<sup>51</sup> These examples are not indicative of popular protest, but rather suggest that there were disputes over the loss of access to common arable land as it was enclosed and brought into more intensive use, with regulation seeking to exclude those who previously had common rights.

### IV. Resistance to wasteland enclosure

Wasteland enclosure involved a greater number of people than the enclosure of arable. Often extensive grazing, valuable fuel and a wide range of other resources attracted cottagers who exploited commons on the basis of custom and inhabitancy rather than formal legal common right. This was despite Gateward's 1607 case which ruled against rights by inhabitancy at common law.<sup>52</sup> In general, the enclosure and improvement

of waste benefited landlords and larger tenant farmers who could afford subsequently to lease newly enclosed land, to the detriment of those who previously had common rights. In 1637 the Earl of Bridgewater sought to maximise his income through the releasing of the Ellesmere Estates, the enclosure of Kenwick Park and the ambitious reclamation and enclosure of Tetchill Moor. The latter effectively transformed the moor from unproductive 'moss and moor to fertile farmland', although its enclosure and leasing had implications in terms of the regulation of common resources, especially turbarry.<sup>53</sup> At Highley in the Severn Valley, the enclosing of Highley Wood and the loss of common pasture rights was detrimental to smaller landholders who found themselves impoverished and destitute, whereas freeholders gained by acquiring a piece of valuable pasture.<sup>54</sup> Given that farms in Shropshire were generally small, enclosure allowed for the expansion of holdings through engrossment, although clearly this was less beneficial for smallholders and cottagers. Just as the operation of the open field system fostered the relative egalitarianism of social relations, the governance and management of waste required cooperation.

Conversely a range of local and regional studies have demonstrated how wealthier tenants in rural communities sought to exclude outsiders and the economically marginal from access to the resources of commons, woods and wastes.<sup>55</sup> At the same time, there often existed a 'culture of local xenophobia', reflecting the actions and attitudes of the poor.<sup>56</sup> It should not however, be assumed that the humblest in rural communities, the lowly commoners and the poor, lacked power. On the contrary, works which have emerged from post-revisionist social history have suggested that evolving notions of entitlement, played out in the form of social and political tension at a local level, demonstrate a more salient expression of inequality than the more fundamental economic realities which have traditionally preoccupied historians of popular protest.<sup>57</sup>

In Prees manor, north Shropshire, the enclosure of Dogmore in 1539 caused upset within the community.<sup>58</sup> A case ensued in the Council of the Marches, the administrative and judicial body responsible for the principality of Wales and the Welsh Marches, when Sir Richard Brereton of Cheshire bought 200 acres and proceeded to enclose. The tenants of Prees, considering the land as common, angrily protested, making an affray on a servant of Brereton and were subsequently imprisoned at Montgomery Castle. The wives of those imprisoned later complained to Bishop Roland Lee of Coventry and Lichfield seeking leniency.<sup>59</sup> As president of the Council of the Marches, he listened to their protestations, although this took place following the referral of the case to the manor court which ordered Dogmore to be 'meted and bounded'.<sup>60</sup> Despite this, Brereton reclaimed and enclosed Dogmore, raising its rental value from twelve pence to forty marks, although a riot broke out when tenants objected to the construction of dwellings and the establishment of tenements.<sup>61</sup>

This led to a case of forcible ousting and assault heard in the Court of Star Chamber brought by plaintiff Reynold Bingham of Cound, who recounted that persons had assembled at Prees and, armed with 'staves, clubs, bills, daggers, knives and other weapons', took possession of the newly established tenements, throwing them down.<sup>62</sup> Consequently, Brereton gave in to the pressure of the tenants who let the pasture.<sup>63</sup> This was later followed by a case in the Court of Star Chamber on 7<sup>th</sup> November 1554 which conversely

sided with Brereton, the land being subsequently enclosed.<sup>64</sup> Depositions taken as part of the case outline the importance of Dogmore in the local economy providing, according to Richard Jenkin, a husbandman of Prees, 'pasture at all times and seasons of the year for all manner of cattle', and 'firewood and fuel of all manner of wood and also plough and roof timbers'.<sup>65</sup> Prior to its enclosure and improvement, Dogmore had been 200 acres of 'typical waste'.<sup>66</sup> During this period other such areas were reclaimed and improved. Both Wem Moss and Brown Moss were drained in the sixteenth century, peat stripping beginning about 1560 and 1572 respectively.<sup>67</sup>

A seventeenth-century description of the commons and wastes of Whitchurch manor, written by the Duke of Bridgewater's agent, provides insight into its state and alludes to its potential future uses.<sup>68</sup> He wrote that the copyholders and other tenants of Whitchurch should 'have licence granted in the court to plough or till some part of the waste for increase of corn or for sowing flax or hemp', and a further possible use was for rabbit breeding with the enlargement of the warren.<sup>69</sup> Recalling the earlier improvement or enclosure of part of the waste called Dogmore by Earl George, the agent wrote that, whilst before the waste 'did not yield 6d . . . now being enclosed the former pays 3s 4d the acre and maintains well a family'.<sup>70</sup> As the example of Dogmore and the description of the commons of Whitchurch imply, manorial lords were looking to increase their income from areas of waste. Contemporaries described that, in England, newly enclosed lowland commons became arable rather than pasture. Given Shropshire's pastoral farming system, however, I would suggest that much wasteland enclosure in this county was for pasture rather than arable cultivation. It has been observed that relatively few enclosure riots occurred in Shropshire, in comparison to other parts of England, probably as a consequence of the availability of sufficient common. Nevertheless, it has been shown that commoners sought to prevent complete enclosure and protect their common rights.<sup>71</sup>

Just as in the example of Dogmore, the outbreak of a riot with the intention of returning land enclosed to common pasture occurred elsewhere in Shropshire, namely at Adbrighton Heath, Cathercot, Childs Ercall, Claverley which abutted Morfe Forest and Horton Wood.<sup>72</sup> The motivation for anti-enclosure disturbances is not always clear, although one pervasive factor is the challenge to custom. Whilst it might be assumed that there was sufficient waste, it is possible that there were in fact shortages.<sup>73</sup> Yet much waste remained to be enclosed compared to other parts of England. County maps such as those of Rocque and Greenwood give the impression that there was no lack of common pasture, indicating the land use and the progress of agrarian improvement and the enclosure of commons and wastes during the intervening period.<sup>74</sup> Indeed, as in the example of the disputed enclosure of Dogmore in the sixteenth century, extensive commons survived in Prees manor until a parliamentary enclosure act in 1795. The award was made in 1801 and totalled 1463 acres 37 perches.<sup>75</sup> Similarly, 3,600 acres of the 7,069 acres of forest and waste surveyed in Oswestry lordship in 1602 were still unenclosed in 1786 and likewise, at Myddle, 236½ acres of waste remained until the enclosure award of 1813.<sup>76</sup>

Analysis of the economic and social composition of protesting groups highlights that those involved in rioting in Shropshire did not come from a specific social background,<sup>77</sup> and local gentry and landowners also participated. Contrary to Manning's argument, the so-called 'middling sorts', the yeomen and husbandmen, made up the majority of



rioters even when gentry involvement can be ascertained.<sup>78</sup> William Leighton enclosed and subdivided 100 acres from Holt Preen Wood, 500 acres of woodland in Cardington parish in south Shropshire.<sup>79</sup> Around 1610 a dispute broke out between rival lords as to rights of ownership, with Francis Wolryche, who had recently purchased Hughley manor, encouraging his tenants to pull down Leighton's fences claiming that the wood had previously been commoned by Hughley. The wood had been formerly intercommoned by Hughley and Kenley. In 1639 Leighton enclosed a further fifty-five of the remaining 272 acres and again enclosures were broken, although a law suit formally established Leighton's rights.<sup>80</sup>

In contrast, the riots at Adbrighton Heath and Ercall Heath were in response to the enclosure and conversion of waste to arable cultivation, revealing the social status of the opponents to enclosure. Adbrighton Heath at Adbrighton (or Albrighton), three miles north of Shrewsbury, had been enclosed by Thomas Ireland four years earlier, 'for the raising of more store of corn and grain for the good of the commonwealth', enclosing twenty acres called the 'New Heath Leasow'.<sup>81</sup> The timing of this enclosure corresponds with changing attitudes towards the enclosure process.<sup>82</sup> The area had been fenced at the expense of Ireland who subsequently ploughed and manured the ground, growing three crops of corn and grain.<sup>83</sup> However, Ireland's complaint to the Council of the Marches was that on 13<sup>th</sup> October 1618 Richard Yardley and Robert Mather, servants of Humphrey Lee of Langley, Justice of the Peace and Deputy Lieutenant of Shropshire, had 'unlawfully assembled' and having 'long pike staves, bills and axes entered the area enclosed from the heath and cut down the doubled railed fences', depasturing their cattle.<sup>84</sup>

They claimed the area was common, insisting that if the fences were reinstated they would cut them down again.<sup>85</sup> Furthermore, Ireland complained that the following day, Mather had entered the parcel, cutting down one of the gates and tried to pasture cattle there. Later that evening Yardley and Peter Trevor, another of Lee's servants, went to the 'New Heath Leasow' and with axes cut down four posts and five perches of the fence.<sup>86</sup> Servants of Ireland, who were there mending gates and fixing fences, prevented them from doing more damage.<sup>87</sup> On 23<sup>rd</sup> October, Mather, William Davies, Thomas Maunsell and Thomas Vicars with 'bills and axes', assembled again at the 'New Heath Leasow', destroying numerous gates and fences.<sup>88</sup> John Evans, one of Ireland's servants, tried to prevent the destruction and in doing so was assaulted by Vicars who threatened him.<sup>89</sup> The dispute continued, as on 4<sup>th</sup> February 1619 Trevor, Mather, Yardley and Davies assembled, this time with three or four others with weapons and cut down fifteen lengths of double rails and posts and spoilt a great part of the ditches and quicksets which had been planted for three or four years, although the gates were still down so cattle could go in.<sup>90</sup> The outcome of the dispute is unknown, yet it provides a case in point: a dispute arising in response to the conversion and enclosure of common heath to arable cultivation by Ireland, the lord of the manor, corresponding with a wider national effort to increase arable output. Significantly, the description of the dispute indicates not only its form but also the economic and social motives of those involved.

A similar dispute arose at Ercall Heath in Great Bolas between Leonard Earles and Richard Bishop, the servants or under tenants of the complainant Richard Corbet,

and George Bostock, Thomas Sayer, Reynold Turner, Reynold Farthing and John Hubbard.<sup>91</sup> Despite being 'poor men', who previously had common rights over the waste to 'provide for relief of them, their wives and families which this defendant did grant', they were forbidden to cast down the enclosures and ditches bounding an area of corn recently sown on part of the waste by Earles and Bishop.<sup>92</sup> In this instance, manorial resources in the form of waste were being used for sustaining the poor.<sup>93</sup> The character of community was changing in the early modern period. Economic change was one causal factor but ideals of custom and neighbourliness were also being negotiated at a local level, giving rise to political and state intervention. For example the development of poor relief went alongside the tradition of entitlement, obligation and mutual aid. With the loss of commons access, the rural poor sought to defend and restore what they believed to be morally and sometimes legally valid common rights. The depositions reveal the complexity of the dispute and that the defendants, armed with 'weapons, long staves and pitchforks . . . at the dawning of the day cast down the ditches and enclosures' in order to allow for the pasturing of large numbers of cattle and sheep.<sup>94</sup> They show awareness of the economic and social inequalities that existed within local societies and thus implied perceptions of power, and also the informal relief granted to the poor, whose tenuous situation would have been exacerbated by wasteland enclosure. Consideration of enclosure and disputes over the impact of the loss of commons access must, therefore, be viewed in the context of historiographical debates regarding poverty, welfare and lifecycle.<sup>95</sup>

Protests concerning enclosure and common rights were not confined to lowland Shropshire, but can also be identified in upland wood-pasture areas, where waste was converted to pasture closes as the pastoral economy intensified and livestock production was pursued more rigorously. At Bishops Castle in the hilly south-west of the county, on Friday 20<sup>th</sup> August 1586, Lewis Reynolds and Robert ap John Lloyd 'with diverse lewd persons' unknown to the plaintiff Richard Colebatch, 'unlawfully assembled themselves in the night time of the same day with bills, axes and hatches' and riotously entered with their 'weapons and other irons, cutting down hedges, quicksets and enclosures' which encompassed a total of 300 perches and, by doing so, allowed 'all the cattle thereabouts to eat and consume the plaintiffs herbage to the damage of £20'.<sup>96</sup> The dispute was over an area of former common pasture called 'Smith Plock', part of Colebatch manor which had recently been enclosed by the lord of the manor. The defendants, Reynolds and John Lloyd, claimed that they had common pasture and estovers 'time out of mind', holding messuages in the manor, implying that common rights were appurtenant to property and, as Colebatch township had been a parcel of Bishops Castle manor, the pasture had been 'a great waste and not within the memory of man enclosed'.<sup>97</sup> It was recorded that the previous April or May the plaintiff, Colebatch, had enclosed 'out of the wild waste or mountain' and 'made a new hedge and ditch where none was ever before'.<sup>98</sup> In asserting that the land in dispute had been part of Bishops Castle manor and that they had common right of pasture and estovers since time immemorial, the defendants were invoking custom in order to legitimise their actions. Moreover, this dispute appears to have been concerned not only with enclosure, but significantly, with the legal status of waste and property rights. It seems that in this case the attempt by a lord to separate part

of the common as private pasture was met with resistance by tenants who, believing their rights were being infringed, sought to restore the newly enclosed pasture close to open common.

There is further evidence that protest concerning common rights took place in other upland parts of Shropshire. For instance, a dispute occurred over common rights on the Long Mynd in 1610 when tenants and freeholders of Church Stretton took action independently of the lord of the manor, although they were aided by Richard Jones, a minor gentleman of the neighbouring village of Leebotwood.<sup>99</sup> Elsewhere in Shropshire, disputes arose over enclosure for more intensive pasture usage. Enclosure had the effect of improving grassland which was beneficial for livestock husbandry. Hedges were destroyed and damage was done to cattle and fences in Clun manor, and in Harley and Kenley manors, near to Wenlock Edge, hedges were similarly burned.<sup>100</sup> Likewise, a case in Star Chamber enquired into the destruction of hedges in Cressage Wood erected under an agreement concerning pasture.<sup>101</sup> As the examples suggest, there was considerable hostility towards the physical process of enclosure and attempts to restrict common rights, even when there was supposed agreement and one form of popular protest was hedge breaking which required much effort and often took place over several days.<sup>102</sup>

It is evident that disputes over waste also occurred in forest or woodland countryside within Shropshire. In the case of Claverley, close to the Staffordshire border, a series of disputes arose in the early seventeenth century over 'the Bind', an area of common which was enclosed from Morfe Forest and shown on contemporary maps (Figure 1).<sup>103</sup> First, there was a case in 1616–17, between William Whitmore of Apley Castle and Thomas Wolrich, over the right to hold the twenty-five acres from the Crown. Wolrich was successful, producing a deed which showed that his father, Sir Francis Wolrich, was granted the land prior to Whitmore.<sup>104</sup> However, 'the Bind' was further disputed when part of it was broken into, hedges torn down and ditches filled in. Thomas Wolrich had leased it to William Booth and others for a period of seven years, but various tenants disputed the legality of the enclosure of the common. An enclosure riot ensued on 4<sup>th</sup> May 1652 over 'the Bind'.<sup>105</sup> A series of legal papers document the disputes which happened over pasture rights in this former royal forest over which numerous surrounding settlements had common pasture rights.<sup>106</sup> At an inquisition for the keepers of the liberties of England held at the market town of Bridgnorth on 15<sup>th</sup> May 1652 regarding a disturbance of the peace, it was recorded that on 4<sup>th</sup> May:

Ten persons riotously, brutishly and unlawfully assembled between the hours of twelve of the clock and four of the clock in a warlike manner and with force and arms, that is with staves, pike bills, dung hooks, spades, bills and other arms at Claverley in a place called the Bind in Morfe.<sup>107</sup>

It was claimed that Farmer, Dovey, Fregleton, Perks and Jellicoe, all substantial members of the community and local officeholders, had combined and confederated to defeat the judgment 'taking advantage of the late trouble and distractions in the kingdom', claiming that James I had never made a grant of twenty-five acres, and consequently they broke down fences and 'did procure certain lawless persons on 26<sup>th</sup> October'.<sup>108</sup> Whilst the dispute seems to have its origins in the enclosure of the common, the question remains



enclosure was the greatest offence that could be done in the forest.<sup>111</sup> It is striking that opposition to enclosure appears to have come from local inhabitants and that the Crown had, in fact, sanctioned enclosure, granting Wolrich the right to enclose the disputed twenty-five acres. During the sixteenth century the Crown sought to intensify the exploitation of their forests and woods, selling wood and timber and leasing assarts.<sup>112</sup> The timing of the riot can be seen to correspond with the end of winter when the pasture was at its most depleted or at the start of the summer grazing period, when livestock would be put out on the common again. Despite the riot being concerned with a local issue and there being no evidence of physical violence, the references to national political developments reflects the deliberate attempt to regard such local disorders as insurrections which challenged the authority of the state amounting, in effect, to legal fiction. Such tactics were employed in the suppression of rioters in other forest areas of Western England.<sup>113</sup> If this was the case, the supposed riot was probably not a riot at all, but rather simply reflected the efforts of a number of men with economic motives in mind, taking direct action against a lord who had enclosed and leased part of the common, with the weapons listed being merely the tools necessary to destroy the enclosure. In the case of this incident over Sir Thomas Wolrich's twenty-five acre enclosure, the farmers of Claverley, who seem from probate inventories to be a group of yeoman graziers, whilst acknowledging the availability of hundreds of acres of common, nevertheless argued that the area was chiefly covered in gorse, and furthermore that the soil was so sandy that there was insufficient grass for their sheep during the summer.<sup>114</sup> Given that Morfe Forest was widely grazed by surrounding communities, it is possible that there was, in fact, a shortage of pasture.

Regarding the character of riots in Shropshire, it has been pointed out that some cases which, at the outset, appear to be simply disputes over the loss of common rights of pasture or pannage, are instead suggestive of a deeper predicament: that of disputed 'manorial jurisdiction' over common resources.<sup>115</sup> In addition to pasture, resources of waste included valuable minerals although these were usually the lords' prerogative. Contrary to the longstanding view that wastes were economically marginal given their unsuitability for arable cultivation, a view discredited by a large body of work especially on the uplands, the picture which emerges is that wastes whether upland or lowland, provided not only pasture but also a range of valuable agricultural and non-agricultural resources.<sup>116</sup> Generally speaking, the landowner owned the soil, its minerals and often its timber and game, whilst the land was subject to commoners' right, reflecting the complex status of common land, having an owner as well as separate rights holders.<sup>117</sup> This is particularly relevant in the case of Shropshire as the mixed settlement pattern composed of nucleated villages and dispersed rural hamlets and farmsteads resulted in the emergence of a complex structure of manorial and parochial organisation.<sup>118</sup> In Shropshire, manors were not necessarily conterminous with parishes, as was usually the case in Midland southern England. Townships were often small and not geographically distinct, there being a tendency for manorial jurisdiction to extend over multiple villages and townships. In this sense, whilst sharing similarities with the pastoral uplands of Northern England where a system of over lordship has been identified, Shropshire differed from the discrete manors of the open field, nucleated villages where the manor, the administrative and

legal structure governing the village community, frequently coincided with the economic patterns of everyday life.<sup>119</sup>

A series of documents relating to Willaston township, which was part of Prees manor but had become separated, demonstrate the confusion which could arise as to claims of lordship and commons access.<sup>120</sup> The manorial boundary was recorded probably either in the mid to late sixteenth or seventeenth centuries, however, depositions were sought to establish whether rights of common over Willaston Wood could be claimed by Prees or whether the inhabitants of Willaston had an exclusive right.<sup>121</sup> A similar legal dispute arose concerning nearby Moreton Wood close to Bletchley and Moreton Say where the Honourable Robert Clive, lord of Moreton Say manor, claimed to have 'common of pasture for all commonable cattle, hogs and geese'.<sup>122</sup> There is also widespread evidence that disputes arose over waste that was intercommoned. For instance, on 16<sup>th</sup> July 1581 a dispute arose over Edgebolton Heath between Richard Corbett, plaintiff and Andrew Charlton, defendant as to whether the common belonged to Moreton Corbet manor or formed a parcel of Great Wytheford lordship, a court subsequently settling the matter in favour of Corbett.<sup>123</sup> Thus disputes arose over the precise definition of boundaries. Perambulations describe the bounds of manors and settlements, and accordingly property rights which were defined by topographical features such as merestones, ancient trees and ditches. Despite division, conflict nevertheless took place in some instances, with boundaries being disputed and scrutinised. Maps of the Weald Moors, an area of low-lying wetland, fen, marsh and moor upon which intercommoning communities pastured their livestock, a practice described by Plaxton, give an impression of the complex situation which evolved as overlapping claims to access resulted in formal dispute, as in the case of Cherrington and Meeson.<sup>124</sup> Studies emerging from social history have emphasised the importance of notions of custom and memory in how communities understood their surrounding landscape, in particular the way that enclosure and the loss of common rights was decisive, marking a shift in perceptions as property rights became increasingly defined at the expense of ancient custom and tradition.<sup>125</sup>

Sherrifhales manor, like the Weald Moors manors, was under the lordship of the Leveson family, and in 1667 an agreement was made setting out the boundary over the common between Weston-under-Lizard and Sherrifhales manor, close to the Shropshire/Staffordshire border. It had been decided that a boundary ditch should be dug to avoid future disputes.<sup>126</sup> A mid seventeenth-century map of Sherrifhales shows field boundaries, the state of cultivation and 'the common in question', 'The Hide' or Burlawton Common (Figure 2).<sup>127</sup> The agreement followed a succession of legal disputes heard in the Courts of Star Chamber, Wards, Requests and the Assize Court, the local common law court, regarding the casting down of enclosures and trespass between 1619 and 1626, following the enclosing of 'the Hide' for the 'good purpose and benefit of the commonwealth by the increase of tillage and breeding of connies'.<sup>128</sup> As in the example of Adbrighton Heath, the dispute was in response to the enclosure of part of the common for conversion to arable cultivation and more intensive rabbit breeding.<sup>129</sup> The right to take rabbits was also controversial. A case in Quarter Session between the lords of the two manors sought to clarify the situation. Rabbits provided valuable meat and fur, sharing areas of permanent pasture with sheep and cattle and, in general, were the prerogative of



Figure 2. A mid-seventeenth century map of Sherrifhales showing field boundaries, the state of cultivation and ‘the common in question’ (A) marked on the map and called ‘The Hide’ or Burlawton Common. Also depicted are the warren, the warrener’s lodge and rabbits or ‘connies’ (B). Source: Shropshire Archives, Shrewsbury 972/7/1/33.

manorial lords who retained the right of free warren. More intensive rabbit grazing could reduce the availability of pasture for livestock and rabbits could spread onto nearby arable land. In that sense, the deliberate creation of rabbit warrens by lords can be interpreted as a response to their failure to enclose common and to convert it to tillage. Warrens have been identified in heathland and upland areas in Shropshire, corresponding with studies of comparable landscape types in England such as the light heath soils of the Norfolk Brecklands and upland areas.<sup>130</sup> What emerges is that the seventeenth century saw attempts by lords to obtain direct revenue from wastes, whether through enclosure and improvement or the exploitation of minerals, timber and game.<sup>131</sup>

The lack of physical boundaries dividing commons meant that wandering livestock, unaware of divisions, often strayed across manorial boundaries. Cattle and sheep belonging to freeholders of the adjacent settlement of Kerry, Montgomeryshire, would stray into Clun Forest. Legal clarification was sought in 1576, depositions being taken as part of an inquisition as to the boundary between Clun and Kerry manors.<sup>132</sup> An agreement was subsequently made whereby so-called 'Kerry escape money' was paid to the lord of Clun. This practice of 'overleap' only ceased in 1797 when the commons of Kerry were enclosed by parliamentary act.<sup>133</sup> Disputes over common in Shropshire reflected complex patterns of lordship and the contesting of boundaries. Thus, the riots and enclosure protests examined so far appear to take the form of disputes between lords and tenants and rival lords arguing about the boundaries of unenclosed waste. However, consideration should be given to industrial development as another source of dispute.

## V. Industrial development and disputes over wasteland

Despite the range of studies of enclosure disputes now available, much can be gained from further local study. The examples discussed above are indicative of resistance to wasteland enclosure and, in particular, the loss of common rights. There were also disputes caused by disagreement between landowners over industrial resources. This is especially the case in Shropshire where, with the development of early industry in the sixteenth and seventeenth centuries, mineral rights on areas of common were frequently contested. Overlapping patterns of lordship often meant that rights to valuable mineral resources were divided. As a consequence, in 1697 Richard Corbett, Thomas Sandford, Thomas Hill, John Gardner and Jonathan Browne signed an agreement that they would share the costs and profits of any metals or ores discovered in Weston-under-Redcastle and Whixall in north Shropshire.<sup>134</sup> Similarly, manorial lords made lease agreements concerning mineral rights at Cardington, Myddle and Tasley near Bridgnorth.<sup>135</sup> Relatively little attention has been given to mineral rights within those studies which have explored this subject from the perspective of estate management and the character of industrialising society.<sup>136</sup>

The most notable riots which occurred in Shropshire during the period under study were the Broseley riots of 1605–7, when colliers brought in by James Clifford, lord of Broseley manor, dwelling in cottages upon the unenclosed common and wastes, were attacked by freeholders and substantial tenants who were aggrieved by their loss of common rights.<sup>137</sup> Lords who required labour for mining and industrial enterprises actively encouraged cottage settlement, resulting in distinctive landscapes with the mushrooming



of cottages and irregular wasteland enclosure. Again, it has been suggested that lordship was a major influence on events, with Roland Lacon of Willey, a prominent landowner who claimed to have a share in the lordship, instigating the attack on the cottages.<sup>138</sup> In this instance, dramatic population increase appears to have provided the impetus for dispute, the cause of which seems to have been the result of industrial development and the growth of cottages on commons, there being tension between the incoming colliers and the settled rural community. It has been estimated that between 1570 and 1700, Broseley's population increased eighteen times to nearly 2,000, to the point that the commons were 'in greatest measure built up and enclosed by poor people'.<sup>139</sup> However, elsewhere in rural Shropshire there seems to have been little agitation directed towards cottagers who were widely accepted, implying that there was no shortage of common.<sup>140</sup> Cottagers would have been responsible for much enclosure in localities where there was an abundance of waste through encroachment and piecemeal enclosure.

An enclosure riot connected with industrial development occurred near the market town of Wellington between 7<sup>th</sup> and 9<sup>th</sup> October 1616. A case was heard in the Court of Star Chamber between the plaintiff Phillip Eyton esquire and Andrew Charlton esquire, his son Francis and other defendants, over an alleged assault and trespass by Charlton and fifty persons who 'riotously assembled' in Horton Wood.<sup>141</sup> This lay within a small pastoral region characterised by 'subsistence corn with cattle rearing, dairying, and/or grazing' and 'subsistence corn with stock and industries', following the emergence of industry in the Severn Gorge and eastern coalfield.<sup>142</sup> Disputes over custom, common right and enclosure rather than simply disputes between landlords and tenants were increasingly brought to central and higher courts by tenants of intercommoning communities.<sup>143</sup> The plaintiff, Philip Eyton, the lord of Eyton upon the Weald Moors manor, had lordship over Horton Wood which was 'replenished with great store of timber trees'.<sup>144</sup> It was recorded that the plaintiff and his ancestors had maintained quickset hedges which were growing about the wood around the mansion house at Eyton and, that his ancestors had enjoyed common pannage and pasture in Horton Wood for three hundred years.<sup>145</sup> Significantly, the rioters were abetted by Andrew Charlton and his son Francis of the nearby Apley Castle Estate, the economy of which included not only agricultural activities but also industrial enterprises.<sup>146</sup> Whilst Eyton claimed to have sole lordship over Horton Wood, Charlton claimed that he and the Corbetts of Morton Corbett also had a share of lordship. It has been suggested that the occurrence of this dispute did not reflect Charlton's concern regarding the loss of pannage rights, but instead derived from rights to valuable minerals.<sup>147</sup>

Depositions reveal not only the various forms of protest, some of which are suggestive of violence, but also the influence of landowners in actively directing popular protest. Furthermore, the role of local landowners is significant because it provides an example of how what appears to be simply a dispute over the right of pannage can alternatively be interpreted as a dispute over boundaries and the right to valuable minerals which could be extracted from Horton Wood. Moreover, the example serves as an illustration of how agricultural practice, namely the pasturing of swine, functioned as a means of asserting private ownership of land and common rights.<sup>148</sup> Depositions provide insight into the character of the riot and suggest possible motivations, referring to the building of cottages

in the wood 'both ancient and new', the destruction of gates and hedges and, as an account of the progress of the riot describes, the driving of swine from Horton Wood into the nearby corn fields, with some being killed in the process.<sup>149</sup> It appears that tenants were encouraged to riot, abetted by Andrew and Francis Charlton, who subsequently provided bread and cheese for a picnic which took place in an adjoining field.<sup>150</sup>

## VI. Conclusion

As the preceding discussion has highlighted, disputes over both arable and waste common land occurred in the wood-pasture countryside of Shropshire despite it being peripheral to the main areas of rural protest studied by historians. While it might be expected that sufficient waste remained in Shropshire, wasteland enclosure appears to have been an important cause of disputes and riots, and this process occurred in parallel with the early enclosure of the open fields. As contemporary accounts suggest, the exploitation of commons, whether for pasture, fuel or other resources, was of great importance for rural communities whose survival relied on access to commons. Disputes and enclosure protests were not restricted to a particular farming region but were widely identified throughout Shropshire. Yet, the actual enclosure process seems to have rarely acted as the catalyst for dispute and the evidence examined also suggests that in wood-pasture areas such as Shropshire, enclosure did not change the rural economy as dramatically as in other parts of England. Rather, disputes arose over the loss of valuable common rights rather than enclosure *per se*, with the loss of commons access and in particular, the insufficiency of pasture provoking dispute.

This article has shown that, far from being simply the result of conflict between lords and tenants, the disputes had complex causes. They reflected not only past agrarian practice, the enclosure of waste for arable cultivation or more intensive pasture closes, and the breeding of rabbits as part of a deliberate effort to increase income from commons, but also overlapping patterns of lordship and rivalry between communities as a result of intercommoning and increasing competition for minerals and industrial resources. Thus popular politics is about resources: entitlement, uses, rights and ownership and the legitimising action of custom. Moreover, the early modern period witnessed the growth of individual private property rights, marking a transition from complex multiple use-rights to individual forms of ownership.<sup>151</sup> It appears that disputes came about as a result of emerging pressures on commons, namely the increasing numbers of livestock being pastured, frequently without legal common right, cottage building and the rising demand for resources. This suggests that in general disputes were motivated by local everyday concerns rather than national politics.

Analysis of numerous supposed riots reveals the superficial legal connotations which initially attracted historians to study such events. Indeed, the examples discussed in this paper support Shannon's assertion, based on evidence concerning the wastes of lowland Lancashire, that 'most 'riots' alleged . . . were no such thing, but merely a necessary device used by the plaintiff to secure a hearing for his bill . . . these riots were not 'popular' disturbances at all, let alone revolts', but rather were 'part and parcel of the manorial system and its associated power bases and relationships'.<sup>152</sup> It also corresponds with

Whyte's argument that 'Competition over resources was not . . . just a contest between neighbouring parishes, but also between the tenants and lords of neighbouring manors'.<sup>153</sup> Issues of ownership seem to have been a further cause of disputes over waste, particularly claims to rights of lordship and disputes over manorial boundaries, the importance of which cannot be overstated given their role in delineating access to resources.<sup>154</sup> The wider significance of this examination of disputes is that it supports work which has emphasised the localised nature of rural politics and sheds light on the social status of those who instigated, led and actively participated in riots. Furthermore, the evidence, approached through close attention to individuals' circumstances and particular local landscapes, economies and societies, lends support to the conceived 'politics of the commons', and raises some interesting comparisons with the traditional historiography of enclosure riots and popular protest.<sup>155</sup> Consequently, historians need to focus on events at a local level in order to understand the causes and motives of enclosure disputes, and consider those regions which have been neglected in order to build up a national picture of disputes over common land. It is only once we have far more local studies, viewed in relation to the larger historiographical context, that historians will be able to address the question of why, when the proximate causes were so different, there was contemporaneity in protest throughout England.

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### Notes

1. Recognising the problems of defining what constituted a riot, Edward Coke wrote: 'There is a diversity between levying of war and committing of a great riot, a rout, or an unlawfull assembly. For example, as if three, or foure, or more, doe rise to burn, or put down an inclosure in Dale, which the lord of the manor of Dale hath made there in that particular place; this or the like is a Riot, or Rout, or an unlawfull Assembly, and no Treason. But if they has risen of purpose to alter religion established within the realme, or laws, or to go from town to town generally, and to cast downe inclosures, this is a levying of war (though there be no great number of conspirators) within the purview of this statute, because the pretence is publick and general, and not private in particular'. E. Coke, *The Third Part of the Institutes of the Laws of England Concerning High Treason, and Other Pleas of the Crown, and Criminnal Cases* (London, 1648), p. 9.
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  6. J. Thirsk, *Agricultural Regions and Agrarian History in England, 1500–1750* (Basingstoke, 1987), p. 42. The Statute of Merton stated that a landlord’s free tenants were to have sufficient pasture ‘as much as pertains to their tenements’, however, provided that tenants had ‘sufficient pasture with free entry and exit, as aforesaid’, lords were allowed to ‘lawfully and freely make their profit from the residue’. Statute of Merton (20 Hen. III).
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125. N. Whyte, *Inhabiting the Landscape: Place, Custom and Memory, 1500–1800* (Oxford, 2009), pp. 91–124.
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130. For example, Eyton referred to a series of royal charters which granted the right of free warren in Prees. The first is dated 1259 when Henry II granted to Roger, Bishop of Lichfield and Coventry 'the privilege of free warren in Prees'. Secondly, a charter of 28<sup>th</sup> January 1307 granted the right 'to exercise free warren' in the manor. At Myddle, Lord Egerton acquired a charter for a free warren on 'Haremeare Heath, Holloway Hills, and the rocky grounds, (where the plow cannot goe) in those pieces called the Hill Leasows, which lye between Holloway Hills, and Myddle Hill'. When, on 19<sup>th</sup> October 1699, Sir Robert Corbett wanted to enclose part of Stoke Heath, near Market Drayton an agreement was reached with the freeholders of Stoke upon Tern and Wistanswick that he should 'keep down' or 'destroy the rabbits' in exchange for the enclosed parcel. This was presumably a result of the pressure which rabbits

- put upon the common, reducing the availability of pasture for livestock. An ancient warren and warrener's lodge are depicted on an early seventeenth-century map of Rudge Heath, a large area of unproductive common waste. Warrens were located in other upland parts of the county, namely the Long Mynd, Brown Clee and Morfe and Longnor and Frodesley Parks. R. W. Eyton, *Antiquities of Shropshire*, 9 (London, 1859), pp. 245–6; Gough, *Myddle*, pp. 60–1; SA 327/5/9/1/1; SA 327/5/9/1/2; SA 330/13; Plymley, *General View*, p. 268; J. Sheail, *Rabbits and their History* (Newton Abbot, 1971); J. Sheail, 'Rabbits and Agriculture in Post-Medieval England', *Journal of Historical Geography*, 4:4 (1978), 343–55. For studies of the exploitation of rabbits see: M. Bailey, 'The Rabbit and the Medieval East Anglian Economy', *Agricultural History Review*, 36:1 (1988), 1–20; Bailey, *Marginal Economy?*, pp. 128–35, 251–6; C. Linehan, 'Deserted Sites and Rabbit Warrens on Dartmoor', *Medieval Archaeology*, 10 (1966), 113–47; A. Harris and D. Spratt, 'The Rabbit Warrens of the Tabular Hills, North Yorkshire', *Yorkshire Archaeological Journal*, 63 (1991), 177–206.
131. For example, in his seventeenth-century description of the commons and wastes of the manor of Whitchurch the agent of the Duke of Bridgewater wrote, 'Seeing that Prees Heath and Whitchurch Heath be large common it seems that the game of rabbits might be easily increased and the warren much enlarged to the value of £50 per annum': SA 212/60.
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  134. SA 322/12/165 (14<sup>th</sup> October 1697).
  135. SA D3651/B/6/5/36/5 (24<sup>th</sup> June 1764); Hey, *English Rural Community*, p. 37; Staffordshire Record Office, Stafford (hereafter SRO): D641/2/D/2/3 (1674).
  136. B. S. Osborne, 'Common Lands, Mineral Rights and Industry: Changing Evaluations in an Industrializing Society', *Journal of Historical Geography*, 4:3 (1978), 231–49; J. O. Martin, 'Private Enterprise v Manorial Rights – Mineral Property Disputes in Eighteenth Century Glamorgan', *Welsh History Review*, 9 (1979), 155–75; Wood, *Riot, Rebellion and Popular Politics*.
  137. TNA STAC 8/86/18; TNA STAC 8/195/8. *Victoria County History: Shropshire*, Volume 10, pp. 257–93.
  138. Wanklyn, 'Rural Riots', pp. 11–13; J. U. Nef, *The Rise of the British Coal Industry* (London, 1966), p. 208.
  139. J. Hatcher, *The History of the British Coal Industry, Volume I Before 1700* (Oxford, 1993), pp. 147–8; For the parish of Broseley: in 1670, 180 were exempt; in 1671–2, 188 were exempt; in 1672–3, 179 were exempt; and in 1673–4, 179 were exempt. TNA E179/342. I am grateful to Dr S. Watts who made the hearth tax data available.
  140. Trinder, *Industrial Revolution*, pp. 186–201. It is important to note that the statute regulating cottage building did not apply to labourers in any mineral works, coal mines and quarries. Act against the erecting and maintaining of cottages, 31 Elizabeth I (1589). In the case of Myddle, Gough noted that despite the waves of immigration and the felling of much woodland, there was 'sufficient left for timber and fire bot for most tenements'. Gough, *Myddle*, p. 175.
  141. SA 665/256; TNA STAC 8/135/7.
  142. J. Thirsk, ed., *Agrarian History of England and Wales*, Volume 5: 1640–1750. Part 1. Regional Farming Systems (Cambridge, 1984), p. 131.
  143. W. Shannon, 'Approvement and Improvement in Early-Modern England: Enclosure in the Lowland Wastes of Lancashire c. 1500–11700' (unpublished doctoral thesis, Lancaster University, 2010); C. W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge,

2010), p. 275; S. Hindle, *The State and Social Change in Early Modern England, 1550–1640* (Basingstoke, 2002), pp. 80–81.

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147. Wanklyn 'Rural Riots', p. 10.
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149. SA 665/256.
150. SA 665/256.
151. McDonagh, 'Subverting', 206.
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153. Whyte, *Inhabiting*, p. 87.
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155. Healey, 'Political Culture', 266–87.