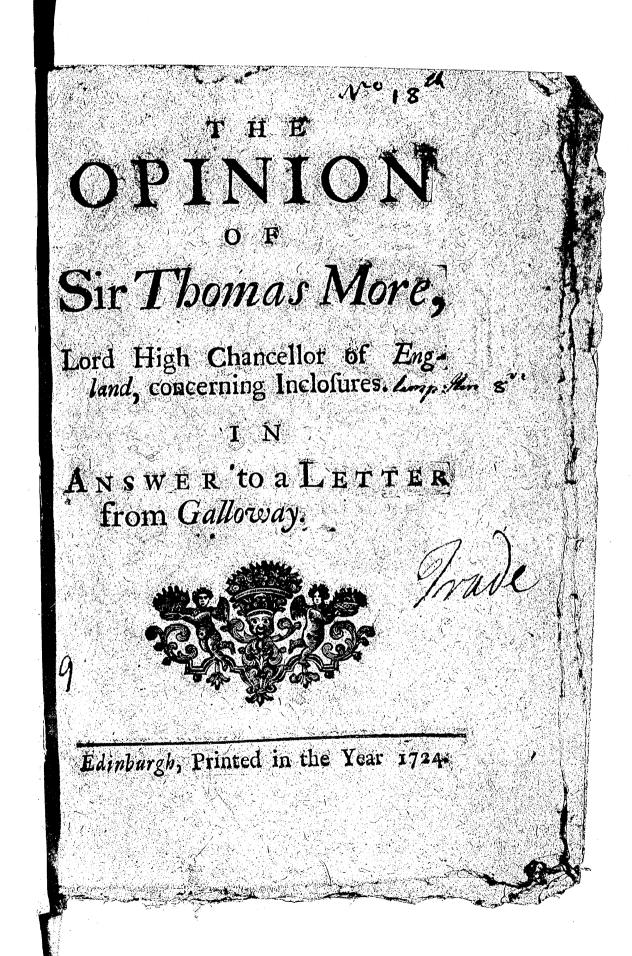
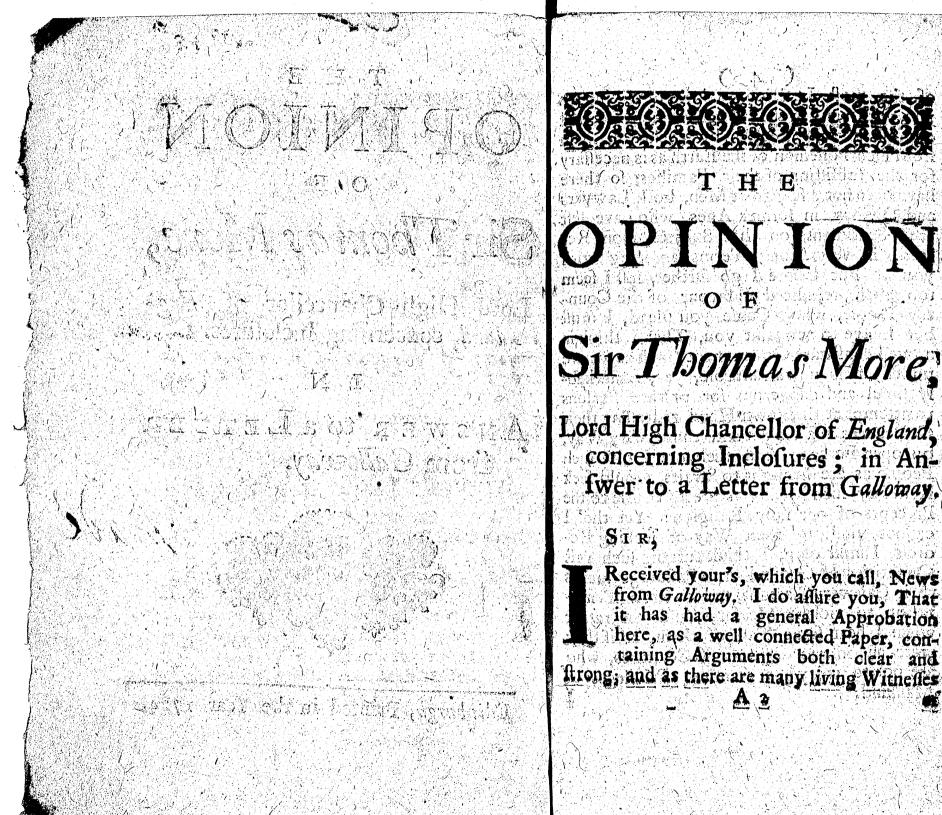
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THE

Sir Thomas More;

Lord High Chancellor of England, concerning Inclosures; in Antwer to a Letter from Galloway.

Str,

Received your's, which you call, News from Galloway. I do affure you, That it has had a general Approbation here, as a well connected Paper, containing Arguments both clear and strong; and as there are many living Witnesses

of the most Judicious, who are willing to join with you, in bearing Testimony against oppressing poor People by excluding them from fuch Possession of the Earth as is necessary for the subsisting of their Families; so there have been not a few great Men, both Lawyers and Divines in former Ages, who have left their Septiments on that Subject upon Record, in very strong Terms agreeing with vours. But before I go further, lest I seem too much prejudiced in favour of the Country People, whose Cause you plead, I must beg Leave to acquaint you, That I think in a well constitute Government (such as we are under) it is unwarrantable, yea, remarkably finful and dangerous for private Persons to attempt at their own Hand redressing their Grievances in a violent and tumultuary Way, by open Force: And therefore I wish such People as are brought to Straits, would feek Relief by luch Means as are agreeable to the Precepts of our holy Religion: Yet tho' I cannot vindicate their Way of seeking Redreis, I must own, I think turning such vast Quantities of Ground into Pasturage makes their Case very Clamant, and is a strong Temptation to violent Measures, and the rather when I hear some Talk of them, as if they were an inferior Species of Creatures, who are not to enjoy the common Privileges of

in I have been very much fur prifed to hear some Arguments used, which would unhinge not only some of the chief Duties of Christianity, but even of Humanity it self. They say, Landlords, who have a Property in their Estates, as others have in their own Goods. may dispose of them to the best Advantage: sperefore they may turn out all their moveable Tenants, and dispose of their Ground for Pasturage, if they can reap more Profit thereby. I own the Antecedent, but deny the Connection as inferring a Train of Confequences incompatible with that Compassion, Love, Charity and mutual Support which Christians owe to one another, by the express Laws of Heaven, and opening a Door to fuch barbarous Inhumanity as should make a Christian blush Bar the Absurdity being so obvious. I need not infift; especially feing you have handled this Argument to such Satisfaction alzei volomi bes abab vill ready.

Only I shall add to what you have said, the Judgment of an English Lawyer, viz. Robert Powel of Wells, one of the Society of New-Inne, who in the Year 1636, wrote a Book intituled, Depopulation arraigned, convicted and condemned by the Laws of God and Man; Take it in his own Words, as you will see it in Page 42. Oc. That Devil Ceverousness the Mother of all these Mischiefs, bath ever some Argument

and Justice. In this Case it will with a high Hand, Umbonibus junctis, press a double Argument by Way of Question, 1mo. A Propriod 2do. Ab Utili.

do what I lift with my own, to pull or let down my own Houses, or alter the Property of my own Soil. &?

chase as much as I am able to pay for? and shall I not make the most of my own?

They are general Questions; and one general Maxim will serve to answer both, Interest Ripublica ne quis Re sua male utatur; The Interest of the Common-weal hath such a Power over the Actions and Estates of Men, that no Man must abuse or mis-imploy the Talent of his Means; and by the Rules of Contraries, Every Man must well and rightfully order and imploy it.

It agrees with the Rule of Law and Reafon, Prohibetur no quis factat in suo quod nocere possit alieno: It sie utere tuo, ut alienum
non ladas. No Man must do that in his own
Property or Possession as may hurt another
Man's: And we must so use our own that
we may not offend our Neighbour: This
Rule may seem to reseet upon particular Nusances to the Discommodity of Viewinge and
Neigh-

Neighbourhood, which are to be remedied by Actions at the common Law, whereof many particular Cases might be plentifully unged: If in such Cases the Law provides a Remedy, Contra Vicinum & Privatum Nocumentum, against a private Annoyance, a fortiori against Commune Nocumentum; that Nusance which offends many, which the Wisdom of the Law meets with by Indictments, Presentments, and otherwise in several Courts of Justice. But a multo fortiori against Generale Nocumentum, that which displeaseth and offendeth not one alone, or many, but all God and Man, Men of all Sorts from the highest to the lowest.

It is an undoubted Principle, Omne Bonume oft sui diffusioum, all Goodness doth communicate it self to others; he that racketh and tentereth his Bona Fortuna, his Fortune and Means, to improve his private, and impare the publick Good, hath no Participation of this Goodness; and as little hath he of that Cardinal and all crowning Vertue, Charity, the Groundsell of Religion, without which nothing availeth; sine Charitate nihil prodest, quia Fundamentum Religionis Charitate of. Charity, saith St. Paul, 1 Cor. xiii. 5. Non quarit qua sua sunt, it seeketh not her own, it prefers the good of others before it's own private. In a sormer Chapter, Chap. x. ver. 24. Let no

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Man feek his own, but every Man droper's Wealth: The Words, either in the literal Acticeptation, or taken according to the Apostle's Meaning, do infinuate, that no Man must so use his own as thereby to offend his Neighbour.

Non nobis nati sumus, we are not born for our selves, but partly for our Friends, and partly for our Country: It is a Vulgar Country Proverb, Every Man for himself, and God for us all; but a reverend Divine thus inverted it, Where every Man is for himself, non Deus fed Diabolus, the Devil is for all. The rich Man's Barn is full of Corn, it is his own, Jure Proprietatis: But he must not hide and hoard it up to inhance the Price, he must expose it to publick Sale, and at reasonable Prices propter Commune Bonum, or elle a Va qui abscondit is denounced against him. He that received but one Talent committed to him by his Lord, wherein he had but a fiduciary Interest, and hid it, and did not rightly use it, was cast into utter Darkness, and had his Talent taken from him; Matth. xxv. 15. We are all but Trustees of this Worldly Estate or Earthly Talent: As we must not hide, but use it; so must we use it, not for our felves only, but for the common Utility of the Weal-publick. Thus far heo:

The Question is not whether a Proprietor

of Land can remove insolvent Tenants, and put fuch in their Places as are able and willing to pay their Rent; no Body disputes that; nor is it whether or not a Proprietor can improve by Pasturage such a Proportion of his Estate, as cannot be prejudicial to the Body of the common People; that is not doubted either: But the Question is, If all Proprietors have a Power to turn their Grounds into Pasturage, to the Exclusion or Oppression of the Body of Moveable Tenants, who have a Claim by the Law of God and Nature, to be subsisted by the Product of the Earth? One would think that both Religion and Reason might afford a plain and ready Answer to this, without producing Authorities from Divines or Lawyers: But if the Opinion of a great Man be wanting. I offer the Judgment of Sir Thomas More, who was one of the greatest Men in England, and Lord high Chancellor in the Time of King Henry the VIII. on a parallel Cafe. This great Man observing some Things in the Laws, and a great many Things in the Policy and Manners of the People of England, wanting Reformation, to this End writes a Book called Utopia, the main Scope of which is to relieve the common People of some Hardships they were under from their Superiors. The Book was originally wrote in Latin, and

so much esteemed, that it has been since transstated into several Languages: Among others, there are two different Translations into Evench, and also two into English; the latter whereof is done by Bishop Burnet. This great Author complains of the Severities of the Law in punishing Thest by Death, and condescends on several Reasons of the poor Peoples being under strong Temptations to seal: He brings in two Gentlemen arguing upon this Subject at Cardinal Morton his Table: He who impugns the Severity of the Law, after giving several Causes of Thest,

told he had yet another. What is that, said the Cardinal? The Encrease of Pasture, said I, by which your Sheep, that are naturally mild, and eafily kept in Order, may be said now to devour Men, and unpeople, not only Villages, but Towns: For wherever it is found, that the Sheep of any Soil, yield a foster and richer Wool than ordinary, there the Nobility and Gentry, and even those holy Men the Abbots not contented with the old Rents which their Farms yielded, nor thinking it enough that they living at their Ease, do no Good to the Publick, resolve to do it Hurt, instead of Good. They stop the Course of Agriculture, inclose Grounds, and destroy Houses and Towns, referring only the Churches, that they

they may lodge their Sheep in them: And as if Forrests and Parks had swallowed up too little Soil, those worthy Country-men turn the best inhabited Places into Solitudes : For when any unsatiable Wretch, who is a Plague to his Country, resolves to inclose many thousand Acres of Ground, the Owners, as well as Tenants, are turned out of their Possessions by Tricks, or by main Force, or being wearied out by ill Usage, they are forced to sell them. So those miserable People, both Men and Women, married, unmarried, old and young, with their poor, but numerous Families (since Country-business requires many Hands) are all forced to change their Seats, not knowing whither to go; and they must sell for almost Nothing, their Houshold-stuff, which could not bring them much Money, even the' they might stay for a Buyer: When that little Money is at an End, for it will be soon spent; What is left for them to do, but either to steal, and so to be hang'd (God knows how justly) or to go about and beg? And if they do this, they are put in Prison as idle Vagabonds; whereas, they would willingly work, but can find none that will hire them; for there is no more Occasion for Country Labour, to which they have been bred, when there is no arable Ground left. One Shepherd can look after a Flock, which will stock

an Extent of Ground, that would require many Hands, if it were to be ploughed and reaped. This likewise raises the Price of Corn in many Places. The Price of Wool is alfo so risen, that the poor People who were wont to make Cloth, are no more able to buy it; and this likewise makes many of them idle: For fince the Increase of Pasture, God has punished the Avarice of the Owners, by a Rot among the Sheep, which has destroyed vast Numbers of them, but had been more justly laid upon the Owners themselves. But suppose the Sheep should encrease ever so much, their Price is not like to fall; fince tho' they cannot be called a Monoply, because they are not engrossed by one Person, yet they are in so few Hands, and these are so rich, that as they are not press'd to sell them sooner than they have a Mind to it; so they never do it, till they have raised the Price as high as is possible. And on the same Account it is, that the other Kinds of Cattle are so dear, and so much the more, because that many Villages being pulled down, and all the Country Labour being much neglected, there are none that look atter the Breeding of them. The Rich do not breed Cattle as they do Sheep, but buy them lean, and at low Prices; and after they have fatned them on their Grounds, they sell them again at high Rares.

And I do not think that all the Inconveniencies that this will produce, are yet observed: For, as they sell the Cattle dear, so if they are confumed faster than the breeding Countries, from which they are brought, can afford them, then the Stock must decrease, and this must needs end in a great Scarcity: And by these Means, this your Island, that seem'd. as to this Particular, the happiest in the World, will luffer much by the curfed Avarice of a few Persons: Besides that, the rising of Corn makes all People lessen their Families, as much as they can: And what can these who are dismissed by them do, but either beg or rob? And to this last a Man of a great Mind is much sooner drawn than to the former. Luxury likewise breaks in apace upon you, to let forward your Poverty and Misery: There is an excessive Vanity in Apparel, and great Cost in Diet; and that not only in Noblemens Families, but even among Tradesmen, and among the Farmers themselves, and among all Ranks of Persons. You have also many infamous Houses, and besides those that are known, the Taverns and Alehouses are no better: Add to thele, Dice, Cards, Tables, Footballs, Tennis, and Coits, in which Money runs fast away; and those that are initiated into them, must, in Conclusion, betake themselves to robbing for a Supply. Banish those Plagues,

(14) and give Order that these who have dispeopled the Manufacture of the Wool be regulated. Thieves at last. If you do not find a Reme-Crimes to which their first Education disposed Country Neighbours. them; What else is to be concluded from this, but that you first make Thieves, and then punish them?

Thus you fee what was this Gentleman's Opinion, in a like Case with the present: and I doubt not, but all fuch as know his Learning and Character, will allow it to be of felves affert, are, by the Selfishness of their considerable Weight. Suffer me to make only Landlords, reduced to such Circumstances, as a few Remarks upon it.

And, in the first Place, you may observe fo much Soil, may either rebuild the Villages the very great Affinity that is between the that they have pulled down, or let out their Case he speaks of, and yours now: For in Grounds to such as will do it: Restrain those both we see a turning out of the Tenants, Engrossings of the Rich, that are as bad al- and other Inhabitants, and putting Cattle in most as Monopolies; leave fewer Occasions to their Places, so that they may be very well Idleness; let Agriculture be set up again, and said to devour Men, and to unpeople, not only Villages, but Towns: For when all the adjacent that so there may be Work sound for these Country about a Town is depopulate, and Companies of idle People, who want Forces consequently their Trade (which consisted in to be Thieves, or who now being idle Vaga- lupplying the Country People with such Goods bonds, or useless Servants will certainly grow as they wanted) is ruined; what can we suppose will be the Consequence of this, but that dy to these Evils, it is a vain Thing to boast the Inhabitants finding that they cannot gain of your Severity of punishing Theft; which, a Livelihood in that Place, must of Necessis tho it may have the Appearance of Justice, ty go, and set up anew in another, and so vet in it self it is neither just nor convenient : leave the Town uninhabited; and those, who For if you suffer your People to be ill educa- by Reason of their small Stocks (who are by ted, and their Manners to be corrupted from far the greatest Number) cannot get this done, their Infancy, and then punish them for those must be reduced to as great Milery, as their

The fecond Thing observable is, The Course fuch as are thus turned out, do take. In the Case now instanced, it was Thest and Robbery; and in the present a Practice, which can by no Means be allowed as right and warrantable. The People, as they themthat they have no Prospect of living but in Poverty, Beggery and Misery, and thereby so

exasperated, that they take unlawful Measures, if possible, to prevent this. I leave you to judge, Whether or not the Gentlemen have a remote Hand in what unlawful Courfes the People take? But, Thirdly, The present Practice of some of your Landlords, if what is alledged be true, feems worse than that in the Case cited : For here we have no Word of bringing Cattle from other Kingdoms, contrary to Law (to the Dilcouragement of breeding up those of our own Country) to possess the Places of the Tenants! Not do we find that any not fatisfied with inclosing what Ground belonged to himself, took Tenements of Land from others, for this Purpose: No Doubt, if this Practice had in Sir Thomas More's Days, been attended with these and fuch like aggravating Circumstances, he would have taken particular Notice of them; fo that if there was Reason then to complain of this Practice, there is much more now.

Fourthly, 'Tis to be observed, that this great Man is very compassionate towards the poor People in this pitiful Case; he neither proposes sending them to Hell, nor driving them to the Sea, as a proper Way of disposing of them; but desires they may have their Possessions restored: And it were to be wished, that one of a publick Spirit, and such a Character as his, whose Opinion would have some Weight with the Gentle-

ineh would flow the Danger, Unreasonable nels, and Iniquity of your Inclosures and Depopulations at this Time.

Sir, At the same Time that I received yours, I had half a Sheet of Paper put in my Hand, entituled, An Account of the Reasons of some People in Galloway, their Meetings anent Publick Grievances through Inclosures.

I shall not dispute all the Assertions there. I am afraid from the common Clamour. that there may be Ground for some Things faid concerning the People's Straits. But I must at the same Time own, bthat I observe in it a Piece of provoking Indiscretions I mean, the exposing of Gentlemens Names in Print: I wish this do not proceed from too much of a revengeful Spirit. Further I observe it asserted that some Families were lying at Dyke-fides, the Truth whereof I very much question givea, I believe tis false: because I have discoursed with some People who have their Refidence, and were upon the Place where this should have happened. at the Time mentioned, who retule it. a.s.

While I was finishing my Letter to you, a good Friend of mine, to whom I had communicated the Contents, told me, he apprehended some Inconveniency in sending such a Letter, and idesired me, rather to sorbear it, and urg'd his Advice from the Con-

Confideration of a certain Emergency lated ly at Kirkeudbright, which for Brevitie's lake I omit repeating. He was so full of Kirkeudbright, and urged his Opinion so strongly, that for near a Minute, an unusual Cloud sclipfed my Judgment and Memory, fo that I imagined, I was there in some Hazard: but presently recovering my self. I considered I was in Edinburgh, where I found I was fafe. I told him I could not find myself tied up to conceal my Compassion to, and Sympathy with my Fellow-Christians when I apprehended them in Distress, and I resolved not to be of such a Cowardly Spirit as to be dared from giving Vent to my Thoughts in Words and Actions confistent with Religion and Prudence, when Objects of pity should offer to me. But, says he, if you will not be disswaded from sending this Letter, take my Advice, and fend it to the Post-Office by the blind Cady, who by an extraordinary Sagacity knows all the Town; for you do not know how far you may be traced in this Affair. I turn'd in such a Passion at my good Friend, that I had almost bann'd: What, said I, if I were to fend More's Utopia, Powle's depopulation arraign'd, Mr. Bolton's Sermons against the unlawful Inclosures in his Time, or the Opinion of the West-Minister Assembly, or other valuable Authors I could Name, must these be sent by a blind Boy

in Order to conceal my fending them? by no Means; we are not here overawed in o such an unreasonable and slavish Fear. I told him further, that I believed not a few Superiors were Oppressors of their Inferiors, and to make that good, I need not go to one Corner or County as if it were only there, that some of the Rich and Wealthy oppressed the lower and weaker Sort of the People; nor is that unchristian and unjust Practice to be attributed only to some Inclofers of Ground; for I see wherever I cast my Eyes, many who suffer under Oppresfion, which may be divided into a great many different Branches; and it is not easy to exhaust this copious Subject by speaking or writing upon it. However, in my epissolary Correspondence with my Friend, I refolve to give him my thoughts now and then as I have Occasion upon some of the more principal Branches of it; and to that End, I resolve in my next to consider how Merchants and Retailers have their Accompres payed, and how some Gentlemen pay their Annualrents. What, said he? you seem resolved to infift on something that may be provoking, and bring you under the Resentment of some that may think themselves touched. Said I, This is not at all my Aim to provoke any, but to induce them to E-

quity and Compatition. And to make good some Points I am to handle, our Shop keepers here tell me. I shall be welcome to take a View of their Books when I please; I will divert my Correspondent from fixing alwise upon the Affairs of Galloway: But so soon as I get a Geographical Description of that Country with Respect to Parks, so as to fee what Proportion of each Parish is inclosed, that I may see undenyably the Proportion betwixt what is inhabited by Men and by Bealts, I will perhaps fend a Letter or two upon that Subject: But I promise you that I shall guard against any. Thing that may have a native Tendency to foment factious and illegal Tumults. This is the Substance of what paffed betwixt my Friend and me at this Time. Now Sir, I hope, as you promised you will

In Now Sir, I hope, as you promited you will fend me an impartial Account of the Proportions of your Parishes possessed by Tenants and by Cattle contained in Inclosures, as also more particularly what Numbers of Famlies are without and within Parks in each Parish, and I shall with all Freedom give my Judgment upon the Subject.

I thought I had got rid of my importunate Friend, but he comes and addresses me yet again, by several Questions and Advices to obviate Difficulties; particularly he ask'd mer If I had discoursed any Lawyers upon this Subject? I told him. That I thought the Opinion of the eminent Lawyers above cited might be sufficient to obviate all his Difficulties. I added further, That I had discoursed upon that Subject with Lawvers of eminent Note, whose Judgments exactly correspond to those of the English Gentlemen named. He ask'd me if ever I knew of any Decisions upon the Case of Depopulation ? I told him, I knew leveral Gentlemen of Learning, that upon this new Emergency had turned their Enquiries that Way, and to that Effect were fearthing Histories; and to fatisfy his Anxiety for the present, I informed him of one Decision, the Substance whereof is related by the faid Mr. Powel, in his forecited

Book Page 84, Cc. which is as follows. In Michaelmas Term 10. Car. upon an Information exhibited by his Majesty's Attorney General against a Gentleman of Note and Worth, for Depopulation, converting great Quantities of Land into Palture, which formerly for the Space of about 40 Years had been Arable, used to Tillage, and occupied as belonging to several Farm Houses, or Houses of Husbandry; and suffering the Farm Houses with their Out-Houses, to be ruined and uninhabited, and a Water-Grift Mill to decay and go to Ruin; for that it appeared to the Court upon evident Proof, that there were many Servants, and People kept upon these Farms when they were used in Tillage, and the same were furnish-

ed with sufficient Houses, Barns, and Out Houses? necessary for Farmers to dwell in: And many Ouarters of Wheat and other Grain out of each Farm, were yearly fold and vented to London, and ellewhere; and many poor Men and Women were then there let on Work, and about twenty Persons fit for Wars were maintained in, and upon the said Farms; as also several Carts, ready and fit to do His Majesty Service, both in carrying Timber for Repair of his Navy, and otherwise: And for that the Defendant had then of late Years, taken into his own Occupation all the faid Farms, and converted all the Lands formerly used for Tillage into Pasture, and had also depopulated, and pulled down three of the faid Farm Houses, and suffered the other two to runto Ruin, and to lie uninhabited; and one of the faid Farms which was before a great Defence and Succour for Travellers, who passed that Way, since the Depopulation thereof, hath been a Harbour for Thieves, and many Robberies have been thereabouts committed, and Monies recovered by the robbed Persons from the Hundred; which together with the Wants of those Ploughs there formerly kept had been a great Burden to that Part of the Country : And for that also the Defendant, to the great Inconvenience and Prejudice of a Town near adjoining, had pulled down and suffered to go to decay, not habitable, one Water-Corn Mill which thentofore did grind good Store of Corn Weekly.

Upon grave and deliberate Confideration, the Court did with a joint Consent, and Opinion declare, That the Defendant was clearly guilty of the faid Depopulation, and Conversion of Arable, into Pasture before expressed; and that the same Offences were punishable, even by the common Law of this Kingdom, and fit to be severely punished, and the rather, for that it was a growing Evil, and had already spread it self into very many Parts of this Kingdom, and might in Time

(if it were not met withal, and prevented by the just Consure of that Court) grow very prejudicial and dangerous to the State and Common-wealth, and therefore their Lordships did think fit, order, adjudge and decree, . I. That the Defendant should stand, and be com-

mitted to the Prifn of the Fleet.

II. That he should pay a Fine of Four thousand Pounds

to His Majesty's Use.

III. That he should at the next Assiges to be holden for that County, in open Court (the Judges and Justices there sitting) acknowlede his said Offences: And for the better Manifestation of the Offence to the Country; and to the End, that others seeing his Punishment, might be thereby after warned to forbear the committing of the like: It was ordered, that their Lordships Sentence and Decree should be then at the faid Affizes publickly read.

And further, The Court further considering and commending the Pains, Care, and Travel, taken by the Relator, in bringing that Cause to Judgment : And being satisfied upon the hearing of the Cause, that the Poor of the Parish, and the Minister there, had been severally damnified by the Defendant; their Lordships

did further order and decree,

IV. That the Said Defendant should pay unto the faid Relator One bundred Pounds for Recompence of his Travel, besides his Cost of Suit.

V. That be should pay unto the Minister of the Pariff,

One bundred Pounds.

VI. That he should pay unto the Poor of the Paris One bundred Pounds, to be distributed to, and amongf them, at the Discretion of the Four next Justices of

Peace, adjoining to the faid Town.

VII. And, Lastly, The Curt did order, that the Defendant should within two Years after, repair and build again all the said Farm-houses, with their Out-buses, and the said Corn Mill, fit for Habitation and Use as formerly they were, and should restore the Lands formerly used and let, with the said Farms, unto the Farm-bouses again; and let and demise be sime several Forms, to jeveral Tenants, several mane. Rents, such as the Country would afford, and that all the jaid Lands should be again ploughed by, and used to Itilage, as formerly it had been

handsome Reflections upon it, which, said I, may be the subject of another Conversation betwist you and me: And if you be very curious to be further satiffied about the Verity of this Decision, you may cause any of your Friends at Lindon, extract it from the Records of the Privy-Council of England, in the Year 1035. And thus begging of my briend to allow me

to mail my Letter, he bad me farewel.

Sit, I hope what is faid, can have no native Influence to ferment the Humours of the Country People to any illegal. Practices; the Authors above-cited, had no such Design in what they wrote; neither have Lin repeating what they have aid. If there be such Hardinips among the People in some Places, as are talk'd of, let the poor People use the Sympathy and Concern of their Christian Neighbours, to support their finking Spirits under their Burders, but not to Air them up to do any Thing that's finful, in Order to their Relief: I with they may feek Direction from GOD how to carry. I hope also what is said, may show to fuch as drive too violently, that as there has been Pity and Sympathy expressed in such Cases; so there are Rill fome to follow that laudable Example, I should rather lay, obey GOD's express Commands to this Effect a Yea, I assure you, there are not a few of all Ranks in this Place, who are very much moved by the Accounts we hear.

Take care that what information you shall give me afterwards he true, and of Facts that are notour. I am in all Sincerity,

Sir,

Fdinburgh, Full 1. Your most humble Se

Edinburgh, July 1. Your most humble Servant,
1724. PHILADEL PHUS.

N.B. The Citation of Sir Thomas Vore's Utonia begins at the 21st rage of Bishop Burnet's Translation