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THE  
FIRST REPORT  
FROM THE  
SELECT COMMITTEE  
OF THE HONOURABLE THE  
HOUSE OF COMMONS,  
Appointed to take into Consideration the Means of promoting the  
CULTIVATION AND IMPROVEMENT  
OF THE  
WASTE, UNINCLOSED, AND UNPRODUCTIVE  
LANDS *of the* KINGDOM:

S H E W I N G,

The Circumstances which anciently occasioned WASTE LANDS :—  
The PRESIDENT'S Address on their Cultivation and Improve-  
ment ; the Advantages to be derived from their Division : — Suc-  
cessful Experiments on the Culture of POTATOES in Waste and  
Boggy Lands : —Extracts from the County Agricultural Reports,  
pointing out the great Advantages of a General Inclosure Bill ; the  
different Rights of Commons ; Laws for their Division ; and,  
the Resolutions of the BOARD OF AGRICULTURE for their  
speedy Inclosure and Cultivation.

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L O N D O N :

PRINTED FOR JOHN STOCKDALE, IN PICCADILLY.

*1<sup>st</sup> January 1796.*

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P R I C E O N E S H I L L I N G.

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## FIRST REPORT

From the SELECT COMMITTEE appointed to take into Consideration the Means of promoting the Cultivation and Improvement of the WASTE, UNINCLOSED, and UNPRODUCTIVE LANDS of the Kingdom:

*Ordered to be printed 23d December 1795.*

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THE SELECT COMMITTEE appointed to take into Consideration the Means of promoting the Cultivation and Improvement of the Waste, Uninclosed, and Unproductive Lands of the Kingdom; and to report the same, from time to time, as it shall appear to them, together with their Opinion thereupon, to the House;

HAVING proceeded to that important enquiry, had, in the first place, laid before them a copy of the Resolutions of the Board of Agriculture, on the subject of cultivating the Waste Lands and Commons of the kingdom (see Appendix, A.) together with various other communications from that Board; in particular an Address from its President, on which the Resolutions above-mentioned were founded (Appendix, B.); and also extracts from the printed Reports

of the different surveyors employed by the Board, in furnishing accounts of the present agricultural state of the various counties in these kingdoms, and the means of their improvement (Appendix, C.) From the consideration of which, your Committee are deeply impressed with an opinion, that a general system of facilitating the division of Waste Lands and Commons, is an object not only anxiously to be wished for, as the means of removing a material obstacle to improvement, and of promoting the prosperity and general interests of the kingdom, but more particularly as being one of the most effectual measures that can possibly be suggested, for preventing any risk of suffering under the pressure of scarcity in future.

Your Committee would, however, have deferred making any Report on this subject, till they had endeavoured, in so far as their means of information permitted, to ascertain the extent of those Waste Lands, and the probable advantages to be derived by the public from their improvement; and to investigate the many important particulars connected with the consideration of any general plan to be adopted for that purpose;—but as there is reason to believe, that by taking early measures for promoting such improvements, those lands might not only be speedily brought into a state of cultivation, but might be improved in such a manner, as to yield a considerable addition to the stock of provisions for the sustenance of the people, in the course both of the next and of the succeeding year, and more particularly to furnish a very large additional supply of potatoes, when such aid is peculiarly

liarily desirable, namely, before the produce of the ensuing harvest can be ready for consumption,—your Committee thought it necessary, to lose no time, in submitting to the consideration of the House, the general information to which they have already referred, together with the opinion they have been led to form thereupon.

In considering the important subject before them, it occurred to your Committee, that it was material for the House to determine, as early as possible, whether it would be expedient or not, in a period of scarcity like the present, to grant any extraordinary encouragement to the culture of potatoes, more especially if raised in the Waste Lands of the kingdom, whether such Waste Lands be already divided and allotted, or not. It appears from a Paper laid before your Committee, (Appendix, D.) that such Lands are peculiarly calculated for the production of that article; and it is evident, that such encouragement does not interfere with the usual cultivation and produce of the kingdom. If the House thought it adviseable to come early to a determination in favour of that proposition, the previous arrangements, for purchasing proper sets or plants, and for procuring information respecting the best mode of culture, might be taken by those, who were inclined to engage in that branch of husbandry. Premiums, amounting to a sum not exceeding £. 60,000, might be amply sufficient for that purpose; and by the proper distribution of which, two objects might be obtained at the same time; namely, that of securing a great additional stock of subsistence at an early period of the sea-

son, and also that of promoting the improvement of extensive Wastes, now unproductive. Urged by so great an encouragement (which your Committee have been led to recommend from the present scarcity of provisions, and the extraordinary expence to which persons who undertake to cultivate Wastes next year will be liable, in consequence of the shortness of the notice to prepare for the same) there is every reason to hope, that such exertions will be made by the proprietors and farmers, in cultivating considerable tracts, and by the smaller commoners, in improving that portion of the Waste which may be allotted to them, that any distress we may now experience, will soon give way, to future seasons of abundance.

Any encouragement, however, to promote the cultivation of Wastes still remaining in common, will be of little avail, unless some means are taken to facilitate their division; and as a general system cannot well be formed, without previously examining a large proportion of the numerous private acts which have already passed (for which purpose some steps have been already taken by your Committee; for, in their opinion, from the various regulations therein contained, a general plan can best be drawn up); and as a measure of such extent and importance must demand their minutest and most careful enquiry; your Committee are inclined to think, that it would require a considerable space of time, before a Bill on this important and extensive subject could be prepared, and put in such a shape, as might be likely to receive the approbation of the House. But, your Committee conceive, that in  
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the mean time a Bill for facilitating divisions of Commons, by agreement among the parties interested, and for removing legal disabilities for that purpose, would be attended with much public benefit, and in its principle could not be well objected to. It certainly would not require the same length of time for receiving the necessary consideration of Parliament, as a plan of a more extensive nature, which they propose afterwards to bring forward.

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Your Committee have therefore come to the following  
RESOLUTIONS:

*Resolved,* That it is the opinion of this Committee, That the cultivation and improvement of the Waste Lands and Commons of the kingdom, is one of the most important objects to which the attention of Parliament can possibly be directed.

*Resolved,* That it is the opinion of this Committee, That the granting of a bounty to encourage the cultivation of potatoes, in lands at present lying waste, uncultivated or unproductive, would not only be the means of augmenting, in a considerable degree, that valuable article of food, but might also be the means of promoting the improvement of extensive tracts of land, at present of little value.

*Resolved*, That it is the opinion of this Committee, That the Chairman do move the House for leave to bring in a Bill, for facilitating the division and inclosure of Waste Lands and Commons, by agreement among the parties interested therein, or a certain proportion thereof; and for removing certain legal disabilities that might otherwise stand in the way of such agreement.

APPENDIX.

Appendix A.

*RESOLUTIONS of the Board of Agriculture on the Subject of the Waste Lands and Commons of Great Britain, November 20th, 1795.*

- Resolved*,
1. **T**HAT it appears to this Board, from the returns made of the state of agriculture in the different counties, that a very considerable proportion of the territory of the united kingdom still remains waste and unproductive, though capable of great improvement; and it is the opinion of the Board, that the present scarcity and high price of provisions, call most forcibly for every possible encouragement that can be the means of bringing such extensive tracts of valuable land into a state of cultivation.
  2. That the improvement of these lands would be greatly facilitated, by a general law, to render the division and drainage thereof less troublesome and expensive; the necessity of applying for private acts being the chief obstacle, and amounting, in many instances, to a prohibition of so essential an improvement.
  3. That it is expedient, that application be made to Parliament, to take under its consideration the best mode of encouraging the improvement of such lands, as one of the most effectual means of providing for an increased population, giving employment to the industrious and labouring poor, and preventing future scarcity.
  4. That in the opinion of this Board, such an application has become peculiarly necessary at this time, as the lands now in cultivation have been found, on the average of several years past, inadequate to the consumption of the kingdom;

kingdom; and that such an encouragement of Agriculture as is here recommended might not only be the means of raising a sufficient quantity of bread corn for the home consumption, but also of providing a surplus, and preventing the precarious situation, of depending on foreign countries for the national subsistence.

5. That the President be requested to move, in the House of Commons, for the appointment of a Committee, to take the above important subject into consideration; and that the Board do lay before any Committee that may be appointed for that purpose, all the information that it has been able to collect in regard to the Waste and Unproductive Lands of the kingdom.

John Sinclair, President.

Memorandum respecting the Third Resolution.

The increased population alluded to in the preceding Third Resolution, in so far at least as regards the metropolis, appears sufficiently evident from the following account of the number of black or neat cattle and sheep annually brought for sale to Smithfield Market, from the year 1732 to 1794, both inclusive.

Years.	Cattle.	Sheep.
1732	76,210	514,700
1733	80,169	555,050
1734	78,810	566,910
1735	83,894	590,970
1736	87,606	587,420
1737	89,862	607,330
1738	87,010	589,470
1739	86,787	568,980
1740	84,810	501,020
1741	77,714	536,180

Years.	Cattle.	Sheep.
1742	79,601	503,260
1743	76,475	468,120
1744	76,648	490,620
1745	74,188	563,990
1746	71,582	620,790
1747	71,150	621,780
1748	67,681	610,060
1749	72,706	624,220
1750	70,765	656,340
1751	69,589	631,890
1752	73,708	642,100
1753	75,252	648,440
1754	70,437	631,350
1755	74,290	647,100
1756	77,257	624,710
1757	82,612	574,960
1758	84,252	550,930
1759	86,439	582,260
1760	88,594	622,210
1761	82,514	666,010
1762	102,831	772,160
1763	80,851	653,110
1764	75,168	556,360
1765	81,630	537,000
1766	75,534	574,790
1767	77,324	574,050
1768	79,660	626,170
1769	82,131	642,910
1770	86,890	649,090
1771	93,573	631,860
1772	89,503	609,540
1773	90,133	609,740
1774	90,419	585,290
1775	93,581	623,950
1776	98,372	671,700
1777	93,714	714,870
1778	97,360	658,540
1779	97,352	676,540
1780	102,383	706,850
1781	102,543	743,330

Years.	Cattle.	Sheep.
1782	101,176	728,970
1783	101,840	701,610
1784	98,143	616,110
1785	99,047	641,470
1786	92,270	665,910
1787	94,946	668,570
1788	92,829	679,100
1789	93,269	693,700
1790	103,708	729,660
1791	99,838	729,800
1792	107,263	752,569
1793	116,488	729,810
1794	109,064	717,990

It is to be observed also, that the size and weight both of cattle and sheep, have probably increased at least one-fourth since 1732; according to which rate, the consumption of meat, *per* pound, has augmented, besides the addition in point of number.

The increase every ten years, since 1732, is as follows :

	Cattle.	Sheep.
Consumption in 1794	109,064	717,990
Increase, compared with the Consumption		
in 1784 (10 Years)	10,921	101,880
D <sup>o</sup> in 1774 (20 Years)	18,645	132,700
D <sup>o</sup> in 1764 (30 Years)	33,896	161,630
D <sup>o</sup> in 1754 (40 Years)	34,774	86,640
D <sup>o</sup> in 1744 (50 Years)	32,416	227,370
D <sup>o</sup> in 1732 (62 Years)	32,854	203,290

Consequently the total increase, in 62 years, amounts to the enormous number of 32,854 head of cattle, and 203,290 sheep, for the metropolis alone.

Appendix

Appendix B.

*Address to the Members of the Board of Agriculture, on the Cultivation and Improvement of the Waste Lands of Great Britain: By the President.*

INTRODUCTION.

AT the conclusion of the last session, I had the honour of stating to the Board, my intention of laying before it, some observations on the cultivation and improvement of the Waste Lands of the kingdom, a subject at all times of great importance, but peculiarly so at the present moment, when the nation is under the necessity of looking to foreign countries for a part of its subsistence. Fortunately, however, we have resources in our power, if properly called forth, more than sufficient, to prevent the necessity of depending in future upon other countries, for any of the necessaries of life. To point out the means of bringing such resources into action, and to explain the advantages to be derived from them, is the object of this address.

For the purpose of stating the subject with the greater perspicuity, I shall consider it under the following heads:

- I. The circumstances which occasioned, in ancient times, the existence of such an extent of Waste Lands and Commons in the kingdom, including those which have hitherto retarded their improvement,
- II. An estimate of the extent of those Waste Lands, in so far as the same can be ascertained, and the probable resources to be derived from their cultivation and improvement.
- III. The different kinds of rights of common, which exist in the kingdom, and are known in law.
- IV. The law, as it now stands, for the division of Wastes and Commons; and such alterations as have been

been suggested, for the purpose of facilitating such divisions.

V. The law and practice of North Britain, in regard to the division of such lands, where a general act for inclosing commons has long been established; with the improvements which can be made therein.

VI. Some general observations on the many public advantages, and the many private benefits, to be derived from the division and improvement of such lands.

*SECT. I.—On the Circumstances which anciently occasioned such an Extent of Waste Lands and Commons, and those which have hitherto retarded their Improvement.*

IN tracing the circumstances which anciently occasioned such an extent of Waste Lands and Commons in the kingdom, and those which have hitherto retarded their improvement, the enquiries for that purpose were much facilitated, by the information found, not only in the Reports transmitted to the Board on the agricultural state of the kingdom\*, but also in the writings of several intelligent authors who have incidentally treated of that subject †. It would thence appear, that England was anciently divided into districts, the extent and value of which varied extremely. Certain portions of these districts, under the name of demesne lands, reserved to the lords and barons of the several divisions, were possessed by the proprietors themselves, and cultivated for their use and behoof by their servants and vassals, the latter of whom had frequently lands granted to them in severalty, subject to the above, and to other services of a feudal nature. In

\* See, in particular, the Agricultural Account of Wilts, p. 15.  
† Blackstone's Commentaries, Vol. II. p. 90.—Marshal's Rural Economy of Yorkshire, Vol. I. p. 48.—Remarks upon the History of the Landed and Commercial Policy of England, Vol. I. p. 133.—and the Elements of Commerce and Theory of Taxes, by Dean Tucker; a work which the author printed and distributed among his friends, but never published, though a most valuable performance.

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process of time, as population increased, other portions of land were granted by the lord, which the tenants of the manor occupied as common fields and meadows, part of which was kept in grass, for pasturage, or for hay, to secure winter provision for their cattle, and the remainder was cultivated for grain. The residue was called the lord's waste, and being considered of little value, the tenants of the manor were permitted to take from it, turf for fuel, wood for the purpose of building or repairing their houses, constructing their instruments of husbandry, &c.; and on the herbage, the cattle, sheep, and horses, both of the lord and of his tenants, found the scanty means of subsistence. The first portion was held in severalty, and at an early period was inclosed, to prevent the encroachments of the farmers in the neighbourhood. The second, whilst the crop was upon the ground, whether meadow, grass, or grain, belonged exclusively to the persons to whom it was granted, and by whom it was respectively occupied in severalty; but no sooner was the crop secure, than it reverted into a state of commonage, among all the persons who had grants of lands in such common fields. The third division always remained in common, subject to a variety of regulations, according to the customs established in the different manors, whether the common was stinted or unstinted, or whether more than one manor or township happened to be interested in the same Waste. Such were the circumstances, joined to the scanty population and defective agriculture of the country at that time, to which the great extent of Waste Lands in the kingdom are to be attributed: in addition to which it may be observed, that in various parts of the kingdom, vast tracts were appropriated to the use of the sovereign, under the general name of forests or chases, for the purpose of enabling him to enjoy the great source of amusement in those days, the diversion of hunting and hawking, without molestation or encroachment.

The idea of having lands in common, it has been justly remarked, is to be derived from that barbarous state of society,



ciety \*, when men were strangers to any higher occupation than those of hunters or shepherds, or had only just tasted the advantages to be reaped from the cultivation of the earth. But when once such a mode of occupancy, however disadvantageous, is established by long custom, it is extremely difficult to bring about an alteration, more especially if there are any circumstances, which lead any number of individuals of the society to imagine, that it is for their own private interest to support the existence of such a custom; or if any obstacles render the means of altering that system, either troublesome or expensive.

This leads me briefly to state the objections which have been made to the improvement of Waste Lands, and the obstacles which have hitherto prevented their cultivation.

In the first place it has been urged, that the improvement of Wastes, has a tendency to depopulate the country, by diminishing the number of cottagers, who reside in their neighbourhood; and who, in a great measure, exist, as it is supposed, by the miserable profits derived from them. Such an idea, however, is as little justified by experience, as it is evidently contrary to reason and common sense. It is impossible to suppose that the poor should be injured by that circumstance, which secures to them a good market for their labour (in which the real riches of a cottager consists) which will furnish them with the means of constant employment, and by which the farmer will be enabled to pay them better wages than before. If a General Bill for the improvement of Waste Lands were to be passed, every possible attention to the rights of the commoners would necessarily be paid; and as inclosures, it is to be hoped, will, in future, be conducted on less expensive principles than heretofore,

\* It is remarked in the County Reports, that those who live in the neighbourhood of great wastes, are still an idle and lawless set of people. Brecknock Report, p. 40 & 42; Radnor Report, p. 16. That such commons are the frequent resort of thieves and other depredators on the public; Lincolnshire Report, p. 23.—And are on that account, but particularly near the capital, a public nuisance; Foote's Middlesex, p. 39.

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fore, the poor evidently stand a better chance than ever of having their full share undiminished. Some regulations also must be inserted in the Bill, to secure the accommodations they may have occasion for, by enlarging, where circumstances will admit it, the gardens annexed to their respective cottages, giving them a decided preference with respect to locality over the larger rights, throwing the burden of ring-fences upon the larger commoners, and allotting, where it is necessary, a certain portion of the common for the special purpose of providing them with fuel; and thus the smallest proprietor will in one respect be obviously benefited, for any portion of ground, however inconsiderable, planted with furze or quick growing wood, and dedicated to that purpose solely, would, under proper regulations, be as productive of fuel, as ten times the space where no order or regularity is observed. If by such means the interests of the cottagers are properly attended to, if their rights are preserved, or an ample compensation given for them, if their situation is in every respect to be ameliorated, it is hoped that the Legislature will judge it proper and expedient, to take such measures as may be the best calculated, for bringing into culture, so large a portion of its territory, though it may not accord with the prejudices of any particular description of persons, whose objections evidently originate from the apprehension, rather than the certainty of injury, and who will consider it as the greatest favour that can be conferred upon them, when the measure is thoroughly understood\*.

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\* The advantages which not only the public but the cottagers derive, from the inclosing of Wastes, under a proper system, is happily exemplified in one of the Reports laid before the Board, from which the following particulars are extracted:

“ The commonable land belonging to a parish in Worcester-shire, which is situated very near to Tewksbury, in Gloucestershire, was inclosed about twenty-two years ago; and there was an allotment, containing twenty-five acres, set out for the use of such of the poor, as rented less than ten pounds a year, to be stocked in common. At that time there were about sixteen people on the parish books, some of whom had families. Previous to the inclosure, there were some few

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In the second place, it is said, that Commons are an excellent nursery for rearing young cattle, and consequently ought to be preserved. No idea however can possibly be more absurd. If any person will take the trouble of comparing the stock on any Common, with those to be found in the neighbouring inclosures, they will soon be satisfied of the contrary. That Commons are well calculated for stunting the growth, or rather starving animals of every description, those who pasture their stock upon them, have in general experienced.—Where the right of common is unlimited, as Dean Tucker justly observes, the ground is so overstocked with numbers, that no large sized or generous animal can be bred upon it; and even where the right is limited, frauds

“ few cottages that had land let with them, to the amount of six pounds or seven pounds a year each. The occupiers of these cottages, with land annexed to them, were remarkable for bringing up their families in a more neat and decent manner than those whose cottages were without land; and it was this circumstance which induced the lord of the manor (to whom almost the whole of the parish belonged) to lay out a plot of land (besides the common before mentioned) to other of the cottages, and to add a small building, sufficient to contain a horse or a cow, and likewise grafting stocks to raise orchards. In some instances, small sums of money were lent to these cottagers, for the purchase of a cow, a mare, or a pig.

“ The following good effects have been the consequence of this proceeding. It has not, in one instance, failed of giving an industrious turn, even to some of those who were before idle and profligate. Their attention in nursing up the young trees has been so much beyond what a farmer, intent upon greater objects, can or will bestow, that the value of the orchards is increased to forty shillings per acre, in land which was of less than half the value in its former state. And the poors rates have, from this cause, fallen to four pence in the pound or less, there being only two (and those very old) people on the books at this time, whilst the adjoining parishes are assessed from two shillings and six pence to five shillings in the pound. These are labourers, and good ones; their little concerns are managed by their wives and children, with their own assistance, after their day's work. Their stock consists of a cow, a yearling heifer, or a mare to breed (from which a colt half a year old will fetch from £. 3 to £. 5) a sow, and 30 or 40 geese. This, therefore, has been the means of bringing a supply of poultry and fruit to the market, of increasing population, and making land produce double the rent a farmer can afford to give.” Davis's Oxford Report, p. 34.

Who would not wish to see every Waste in the kingdom improved on such principles? and how much will not the situation of every cottager be ameliorated, if such a system were to be adopted?

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may be committed, and the stint is in general so large, that in unfavourable seasons, the Commons, though under limitation, are of little use. In regard to feeding lambs, colts, or calves, it is apprehended, that grounds free from disease, and inclosures properly watered and sheltered, can afford grass better and more plentiful, and rear them on the whole to more advantage, than wild barren Commons, over-run with heath, furze, fern, or brush-wood\*.

The only remaining objections, entitled to consideration, are, the heavy charges and other difficulties attending the division of Commons, and, even after they are divided, the expence necessary for their improvement, which does not always repay the proprietor the charges which it costs him.

These are, in fact, the only obstacles, which prevent the public from speedily receiving all the extensive and various benefits which may be expected from the cultivation of our Waste Lands; and, fortunately, these are obstacles, which it is to be hoped will be speedily removed by the exertions of the Board of Agriculture. In regard to the expence and difficulty attending the division of Commons, which are so great, that where the Common is small, the expence of obtaining an act, particularly if contested, would do more than improve the land in question, there can be little doubt, that the Legislature will remove every obstacle of that nature, when once the many important advantages, to be derived from facilitating the division of Wastes, are pointed out; and as to the expence of improvement, it is to be observed, that as the proprietors of such Wastes will, in future, have

\* The difference between the size of cattle and sheep now, and in the reign of Queen Anne, when half the stock of the kingdom were fed on Commons, is hardly to be credited. In 1710, the cattle and sheep sold at Smithfield market weighed, at an average, as follows:—Beeves 370 lb. calves 50 lb. sheep 28 lb. lambs 18 lb. Now it may be stated, beeves 800 lb. calves 148 lb. sheep 80 lb. and lambs 50 lb. The increase is principally, if not solely, to be attributed to the improvements which have been effected within these last 60 years, and the feeding of our young stock, in good inclosed pastures, instead of Wastes and Commons.

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their share allotted to them at a very inconsiderable expence, the money they are able to lay out, instead of being exhausted in procuring a division, will be expended on the improvement of the soil, and in many cases will be sufficient for that purpose. There will then be but little risk of the proprietor wanting a sufficient return for the capital expended. Besides, when the Board of Agriculture shall have collected into one focus, the result of the experience of the whole kingdom, in regard to the best mode of rendering Waste Lands productive, such improvements will be no longer a matter of doubt, nor the means of effecting them uncertain. The proprietors of such Wastes will no longer be under the necessity of discovering, by means of expensive experiments, the best means of improving their property; but they will at once be able to determine, how to render any portion of the waste allotted to them productive and valuable.

At present a right of common is seldom of much advantage to those who enjoy it. From the Westmoreland Report it appears, on the most unquestionable authority, that the liberty of keeping ten sheep, for a whole year, may be hired for six pence; and as it is supposed to require six acres to maintain that number of sheep, the rent of such land, therefore, is only a penny an acre, and the price of the fee simple of it, at twenty-four years purchase, two shillings\*. In Wales, where the Commons are probably better, four pence *per head per annum*, is the rate of keeping a sheep on such ground, and other cattle in proportion †. In many parts of the kingdom, however, it would appear from several of the Reports transmitted to the Board, that many decline availing themselves of such a privilege, finding that it does not, on a fair calculation, pay even common interest for the capital

\* See the Bishop of Landaff's Preliminary Observations to the Westmoreland Report, p. 8. The learned and respectable prelate justly adds, "That whilst there is an acre of such waste improveable land in Great Britain, it may be hoped, that when the Legislature shall turn its attention to the subject, no inhabitant of this island will be driven, by distress, to seek a subsistence in Africa or America."

† North Wales Survey, county of Flint, p. 3.

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employed\*. The following case puts, in the strongest point of view, how that even a loss may be sustained by commonage. Let one man, having a right to do so for nothing, put a cow of any value upon the generality of Commons, any time in spring, and let another give a farmer 1 s. 6 d. a week for the keep of his cow in an inclosure, both being of the same value when first turned out; if both are driven to market at Michaelmas, the difference of price will do more than repay the expence of the keep, without making any allowance for the additional quantity of milk which the cow, kept in an inclosure, must yield †. In regard to sheep, if they are of a valuable sort, the profit of hiring land, instead of putting them on a Common for nothing, is still greater ‡. And the enormous losses sustained by that species of stock, when the rot, or any infectious disorder, gets into a neglected flock, can hardly be calculated. Can there then be stronger arguments, in favour of giving every possible assistance and facility to the improvement of our Waste Lands, which at present are, in many cases, a real loss to the community, and a prejudice to those who might be supposed to derive some benefit from them, but which, if improved, might add millions to the national wealth, and furnish the means of occupation and subsistence to millions of additional subjects?

\* See Devon Report, p. 52 and 53. Lincoln Report, p. 28. Baird's Middlesex, p. 23. and particularly Radnor Report, p. 25. and Wilts Report, p. 136.

† By some it is asserted, that if a cottager purchases a cow in spring, and keeps it upon a Common during the best season of the year, and afterwards sells it at Michaelmas, that the difference of the price runs away with all the profit that could be got from the milk, &c. Even in stinted pastures, which are likely to be the most profitable, the advantages are very inconsiderable, and nothing in comparison to those which the same lands would produce under a proper system of cultivation. A cow turned on a Common may get her own living for three months, which is as much as she will be able to do, without some assistance from the garden, bran, &c. and such a cow, being obliged to be on foot all the day, and perhaps at night too, gives but a very scanty meal when milked. Foote's Middlesex.

‡ See Leicester Report, p. 57.

Sect. 2.—On the Extent and Value of the Waste Lands in the Kingdom.

IT would certainly have been extremely desirable, to have been able exactly to ascertain the extent of Waste Land in the kingdom; but that could not be effected, without an expence to which the funds of the Board were totally inadequate. It is a subject, however, which may be well entitled to the consideration of Parliament, whether a survey of them ought not to be made, either at the public expence, or at the charge of those, to whom the property of such Wastes principally belong? In the interim, the following rough estimate of their magnitude and extent, partly founded on the reports transmitted to the Board by its different surveyors; partly on calculations made from the county maps, where they have distinguished the waste from the cultivated land; and partly, where both these sources of information failed, from such other means of calculating, as it was possible to have access to; will give some idea of the extent of the kingdom, and the proportion of the waste and uninclosed, to the cultivated part of it.

General view of the extent of the island of Great Britain, and the proportion between the waste and uninclosed, and the cultivated part thereof.

		A C R E S.		
		Uncultivated.	Cultivated.	Total Extent.
England and Wales		7,888,777	39,027,156	46,915,933
Scotland - - -		14,218,224	12,151,471	26,369,695
		22,107,001	51,178,627	73,285,628
Uncultivated -		22,107,001		
Total - - -			73,285,628	

The

The above estimate will give some general idea of the magnitude of this great source of future national wealth. From it, there is too much reason to believe, that no less a quantity than twenty-two millions remains uninclosed and uncultivated. What a difference would it not make in the state and prosperity of this island, were only one half of those extensive Wastes, in the words of one of the Reports \*, "to wave with luxuriant crops of grain—be covered with innumerable herds and flocks, or clothed with stately timber †!"

Of the value of these Wastes, were they improved in the manner of which they are capable, it is difficult to form any adequate idea. At the same time it may be of service to submit some data, as the basis of future calculation. On the supposition, therefore, that there are twenty-two millions of acres of Waste and Uninclosed Lands in the kingdom, the

\* Westmoreland Survey, p. 53.

† There is a circumstance also, of which it may not be improper to take notice in this place. The Waste Lands above enumerated are not only uncultivated themselves, but they have a tendency to make the farmers in the neighbourhood neglect the improvement of the lands they enjoy in severalty (a). The dung of the stock kept on the waste, unless where the system of sheep-folding is adopted, is evidently lost; and when once a person learns to become careless of one article, the same spirit of inattention soon spreads, to others of perhaps greater importance: And so infinitely superior does land appear, when cultivated even in the most slovenly manner, compared to the adjoining waste or common, that there is but little call for exertion. After making such a comparison, the husbandman is too apt to sit down completely satisfied with the wonderful progress he has already made, though he has reached, perhaps, only the first stage of improvement. Besides, there is here every encouragement to idleness. A farmer, thus situated, naturally depends upon the imaginary profits to be derived from the adjoining commons, for the summer sustenance of his stock, an advantage which he enjoys gratis, and thence he flatters himself that he can subsist without the drudgery of hard labour, to which the proper cultivation of his farm would unavoidably subject him. Such circumstances as these, operating in a greater or lesser degree along the margins of all our Wastes, and affecting the cultivation of the inclosed land in their neighbourhood, must, on the whole, be productive of very considerable national loss.

(a) Brecon Rep. p. 39.

whole may be divided, according to the various qualities of the soil and surface, in the following manner:

	N <sup>o</sup> of Acres.
Lands incapable of all improvement	- 1,000,000
Lands fit to be planted	- - - 3,000,000
Lands fit for upland pasture	- - - 14,000,000
Lands fit for tillage	- - - 3,000,000
Lands capable of being converted into meadow, or water meadow	- - - 1,000,000
Total	- - - <u>22,000,000</u>

The million of acres, stated as being incapable of cultivation, must be estimated as of no annual value.

The three millions of acres, supposed to be fit for plantation, according to the ingenious calculation of the Bishop of Llandaff, may be worth eight shillings per acre, or, in all £. 1,200,000 per annum\*. This, however, is the value of the annual produce, and not rent.

The fourteen millions of acres of upland pasture, when improved, cannot be calculated at less than 5 s. per acre of rent, or £. 3,500,000 per annum.

The three millions of acres, supposed to be convertible into arable land, would certainly, when inclosed, be worth, at an average, 10 s. per acre, or £. 1,500,000 per annum.

The million of acres, supposed to be converted into meadow,

\* See Preliminary Observations to the Survey of Westmoreland, p. 10. The Bishop calculates, that a barren estate, consisting of 1,000 acres, though placed in a high and bleak situation, may be improved by plantation, from £. 4. 3 s. 4 d. to £. 400 per annum, or 8 s. per acre, reckoning the value of a reversion as a present certainty, and stating the interest of money only at £. 4 per cent. In other places, however, more favourable to the growth of trees, the profit is estimated much higher. In the Hampshire Report in particular, p. 30, it is stated by two very experienced nursery-men, that even poor land, when planted, will produce per acre, at the end of 25 years, at least £. 100 of value in timber and firewood.—In Scotland, Dr. Robertson states the profit at 6 s. per acre; Perth Report, p. 107. The Bishop seems to have hit on a just and proper medium, applicable as an average to the whole kingdom.

dow,

dow, or water meadow, cannot be calculated at less than £. 1. 10 s. per acre, or £. 1,500,000 in all.

The account may then be thus stated:

Rent of the upland pasture	- £. 3,500,000
Rent of the arable land	- - - 1,500,000
Rent of the meadows	- - - 1,500,000
	<u>6,500,000</u>

This must be multiplied by 3, in order }  
to give the annual produce - - } 3

19,500,000

Add the annual produce of the three millions of acres, supposed to be planted, amounting to - - - 1,200,000

Total - £. 20,700,000

It has been already stated, that in many instances Waste Lands and Commons are let even for 1 d. per acre; and in others, that persons do not think it worth their while to avail themselves of the privilege of sending stock to pasture on them; and that it is a right often attended with loss, instead of benefit. At the same time these Wastes must produce something. Having calculated, however, the improved produce under 20 s. per acre, it is impossible to estimate the present value at above one-tenth of that sum, or 2 s. per acre, as the average of the whole kingdom: This, amounting in all to £. 2,100,000, for twenty-one millions of acres, it is probably as high as that produce is really worth, more especially collected as it is from extensive and uncultivated Wastes, under every possible disadvantage.

These calculations, however imperfect, will, it is hoped, furnish the Board with some idea of the magnitude of this object, in a national point of view; and when to that is to be added, the great advantages to be derived from the improvement



ment of land, at present under a defective system of cultivation, it is difficult to hazard the naming of any sum, for the total additional income, which the people of this island may derive from agricultural improvements, without being suspected of exaggeration, at least by those, who, unaccustomed to trace the effects of industry and exertion, except in small districts, cannot at once enter into the spirit and justness of calculations, which include in them all the possible improvements of which an extensive kingdom is capable.

It certainly, however, would be in the highest degree imprudent, to act as if the resources above stated, were already in our possession, or immediately within our reach. Such an addition to the annual income of the people, as the sum above hinted at, to be obtained even from our Wastes alone, cannot be secured, without great industry, considerable exertion, some time, and much expence \*. It is, at the same time, some consolation, to have the prospect of such an addition to the national capital and income opened to our view, as, in process of time, it must necessarily tend to alleviate the burden of those debts and taxes, to which this country is already, or may in future, be subject.

*Sec. 3.—Of the different Sorts of Rights of Common, known to, or acknowledged by, the Laws of England.*

IT seems unnecessary to enter much at length into a definition of the different rights of common, at present known to, or acknowledged by, the laws of England; because I trust and hope, that by a division of all Wastes and Commons, every right of that description will be extinguished. At the same time it may not be improper, shortly to state the nature of such a right in general, and the various distinctions of which it has been found susceptible.

\* The expence of improving these Wastes must be considerable, but at the same time does not properly come within the purview of this Address, as that expence is defrayed, not by the public, but by individuals, who dedicate their labour and capital to that object. As well might we deduct, in estimating the value of foreign commerce, the expence of the ships, provisions, &c. and even of the fleets necessary for its protection.

A right of common is, in general, understood to be, “ a profit which one person hath in another’s land, without having any property in the soil.” It is an incorporeal right, originating in some real or supposed agreement between lords and tenants, incident to some tenure for valuable purposes, or founded on long possession.

This right of common is divided according to the subject matter :

1. Into Common of Pasture; which is a right of taking the produce of land by the mouths of the cattle.
2. Common of Turbary; or the right of cutting turves (turf) for fuel.
3. Common of Estovers; or the right of cutting wood, for fuel, for the repairs of the house, implements of husbandry, for making fences. And,
4. Common of Piscary; or the liberty of fishing in another’s water.—The consideration of this last seems to be foreign to the object of our present enquiries \*.

The material variation between the different rights above stated, consists in the subject matter—Common of Pasture, being a right of feeding on the verdure and herbage of the soil; but, Common of Turbary, conveys a right of carrying away the very soil, or the produce of the soil itself: in other respects they resemble each other; so that it seems necessary to be particular only in illustrating the Right of Common of Pasture.

Common of Pasture is divided, technically, as follows;

1. Common Appendant.
2. Common Appurtenant.
3. Common in Gros. And,
4. Common because of Vicinage.

\* In some parts of England also there is a common of fowling, or a privilege of killing wild fowl; and a right of falcage, by which is meant the right of cutting hay in a common meadow, according to the custom of the manor.

Common Appendant, is incident of common right to all who hold land parcel of a manor, and is a right to depasture their commonable cattle (such as horses, oxen, cows, and sheep) which are necessary either for the cultivation or manurance of their lands, and levant and couchant thereon, upon the Wastes of the manor.

It must have had its origin before time of legal memory, for at this day no such right can be created: as where the lord of a manor, before the statute of *Quia Emptores*, enfeoffed another of lands parcel of the manor, the feoffee became entitled to common, for his commonable cattle, levant and couchant, on the lands granted, within the Wastes of the lord, as incident to the feoffment.

The soil of the land subject to this species of right, is in the lord of the manor; and thus the lord and his tenant have a mixt enjoyment of the property; and it is laid down to have originally belonged to arable land only, though now it may be claimed as belonging to meadow or pasture.

Common Appurtenant, is a right belonging and appertaining to land, but not incident to any tenure. It must have its commencement by grant, and therefore may be erected at this day. As where a man sells land to another, and grants therewith a right of common over certain of the seller's lands, this right shall be held as appurtenant to the lands sold.

From the nature of its origin it may extend to every species of cattle, such as swine, and also to geese. It may be limited to a certain number of cattle; or it may extend to all cattle *sans nombre*: but it is apprehended, that such a right cannot be extended beyond that number which the land to which the common is appurtenant can maintain throughout the year; or, in other words, they must be levant and couchant thereon.

Common in Gros, is where common appurtenant to lands has been alienated, and is held separate from the lands to which the common was appurtenant, and differs not from common appurtenant in any other particular, than by what necessarily

necessarily attends such disannexation; viz. in its descendible quality through the same invariable line of descent from ancestor to heir, and not as an accessory to land. And from hence arises the distinction in the mode of claiming common appurtenant or in gros; the former claimant, stating his title to arise from an immemorial usage by all antecedent owners and tenants of the land to which the common is appurtenant; and the latter claiming an usage by himself and his ancestors for time immemorial.

Common because of Vicinage, is not properly a right, but is merely an excuse for a trespass; and is where two or more towns have common in the fields within their townships, which are open to the fields of the neighbouring townships. The cattle put to use their common, have been immemorially used to escape into the fields of the neighbouring towns, and therefore by inclosure of the fields of one or more townships, the common, because of vicinage, may be extinguished.

All these species of rights of common, except where a particular grant can be shewn, must be prescribed for and proved by long and immemorial usage, and uninterrupted enjoyment, and the mode of enjoyment must point out the nature of the prescription: for they must agree with each other: as, if the common has been used for other than commonable cattle, the claim must be of common appurtenant, and so of the rest.

Whatever difficulties may occur in considering these different rights, they evidently have arisen from the necessity of holding out an inducement to the cultivators of land in ancient times, before the use of artificial pastures was known, to continue their land in an arable state, by annexing to such land a sufficiency of common for the support of their cattle. For this purpose, the policy of the common law, annexed this right to all grants of lands by a lord of a manor, as incident to such grant; and the same policy might have prevailed

vailed in the grants of private persons, as the most effectual security for the payment of the reserved rent, and due cultivation of their lands.

The only other distinction which it seems necessary to take notice of, is, where the right of common is either stinted, or where it is unlimited. In the one case, the right only extends to the power of putting certain numbers of horses and other commonable cattle, at certain fixed times of the year, into such common pasture, under the denomination of cattle-gaits; every cow or ox being held equal to one cattle-gait, every five sheep to one cattle-gait, and every horse to one cattle-gait and a half; the proportion, however, sometimes varying according to the ancient usages of particular districts. In many of these stinted commons the commoners are owners of the soil, which distinguishes their rights materially from those above-mentioned.

The foregoing distinctions appear to be all that are necessary for the purpose of elucidating the nature of the several rights of common, now existing in the southern part of the united kingdom; and, aided by the general history of the country, they lead to this probable conclusion, that those rights could only have arisen in the infancy of agriculture, and of the arts therewith connected, which might render the existence of such rights necessary. But whatever circumstances might have occasioned such tracts of valuable territory to remain unoccupied and in common, at a time when land, from want of population and skill, was little in demand; yet in this age of extended population, of increased wealth, and of diffused knowledge in agriculture and its attendant arts, any intermixture of property in the same land, as being a great, and in many cases an unsurmountable bar to all improvement, is an evil of such magnitude, that to a Legislature, distinguished for its attention to promote the public interest, it need only be pointed out, in order to have it remedied.

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*Sec. 4.—Of the Laws now in being for the Division of Commons; and the Alterations which might be made therein, for the Purpose of facilitating such Division.*

IT may not be improper, previous to submitting any new regulations for facilitating the Division of Commons, in the first place to enquire into the nature of any proceedings for that purpose that already exist, whether founded on common or statute law, or in equity; since it would be extremely desirable, that any alteration which might be thought necessary, should be as nearly accordant to the laws in being as possible, varying perhaps in the mode, yet agreeing in principle, so as to be the more easily and effectually carried into execution.

In regard to the common law, it appears, that writs of partition and admeasurement, for the division of property, have existed at common law, from time of earliest memory and record; and such were the ideas which at all times were entertained, of the advantages to be derived by the public, from the enjoyment of property in severalty, that there have been cases, where such proceedings have taken place in very ancient periods, and inclosures made and supported, in a manner the most favourable to promote such partitions, divisions, and inclosures\*.

Of the statutes which have passed in aid of the common law, there are only two which require to be particularly noticed. The first is the statute of Merton †, which, according to Coke, was only an affirmance of the common law. By this statute, such lords of manors as reserved sufficient pasture to their tenants, were empowered to improve the residue. By another act ‡, all doubts were re-

\* In the paper written by John Robinson, Esq; on Waste Lands and Commons (printed by order of the Board), from fol. 8 to fol. 18, both inclusive, may be found a full and accurate statement of the decisions of the courts, founded on the principles of the common law.

† 2 Stat. Merton. 20. Hen. III. cap. 4.

‡ Stat. West. 2. 13. Edw. I. cap. 4. 6.

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( 32 )

moved whether the lord of a waste could approve (give evidence of the sufficiency of common, for such as were entitled thereto, that the remainder might be inclosed and cultivated) against his neighbours as well as tenants. These are the only statutes which have any important reference to the subject in question. It is hardly necessary to remark how insufficient they were, for bringing any considerable portion of Waste Lands into a state of cultivation. It was seldom that any Common was sufficiently extensive, to afford a surplus of any moment, after the claims of those who had right of common on it were satisfied. It was hardly possible indeed, in many cases, to ascertain, what was a sufficiency of pasture; and where a common of turbary or estovers existed, the lord could not improve any part of that Waste. The more opulent and powerful also the commoners of the kingdom grew, the more opposition they made, and the greater difficulty there was found in carrying on this proceeding; infomuch, that in modern times there is scarce an instance of an improvement, as it is technically called, having taken place.

Besides these proceedings, founded on the common and statute law, various determinations appear heretofore to have been made in the court of chancery. But from the difficulties and expence attending such proceedings, they have been long disused; and no other general means of obtaining a division of Commons having been sanctioned by law, the parties have been compelled, where an unanimous consent could not be procured, and the Common divided by arbitration, to apply to the Legislature for special acts, in order to divide, and to put into a state of severalty, lands, that otherwise would have remained waste, common, and uncultivated.

It is surely unnecessary for me to trouble the Board with any observation on the insurmountable bars which must lie in the way of improving, by far the greater proportion of such Wastes as remain in common, if some less troublesome and less expensive mode of procuring a division, is not established.

( 33 )

established. The practice of applying to Parliament, is already decreasing, and must soon come to a stand, in consequence of the heavy charges attending such a mode of proceeding, which are particularly severe when the Common is of small extent. Many difficulties also arise in obtaining consents adequate to the rule at present laid down by Parliament, in consequence of the obstinacy and perverseness of those, who, by the number of their votes, can defeat such a bill in the outset, though probably they are but little interested in the ultimate division. Other objections also to this mode of dividing Commons may be adduced: The time of the Legislature, it may be observed, may thus be taken up, and diverted from objects of more general importance than the division of any particular Common can possibly be. The expence of employing solicitors in town; of sending agents and witnesses from the country; the charge of counsel, if any dispute arises; and the fees on passing of the bill;—all these, when joined together, furnish such a prospect of uncertainty, difficulty, and expence, as must soon put an end to all hopes of any farther improvement of our Wastes, at least to any great amount, unless some means are speedily adopted for the purpose of facilitating their division.

There are certain leading principles, however, on which any alteration in the system of dividing Commons ought to be founded; and these I shall endeavour shortly to explain.

1. It occurs to me as a matter particularly desirable, to encourage the division of Commons by the parties themselves interested therein; and if they choose to nominate commissioners, that such commissioners shall be authorized, under the provisions of the act, to proceed to the appropriation or allotment of the land in question; and that no legal disability, if the parties are willing, shall stand in the way of such division.

2. If the parties are not all willing to consent to the division, that any two or more of them may apply to the sheriff, the grand jury, the quarter sessions, the judge of assize, or the court of chancery (for all these various descriptions

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( 34 )

of persons have been mentioned; and which ought to be preferred, Parliament alone can determine) either for a jury, or for the appointment of commissioners, with powers similar to those in common bills of inclosure, to have their share allotted, upon being at the whole expence of the division, reserving a claim against the other parties interested, for a proportionable share of the expence, when their allotments are taken up, on the same principles as in the case of party-walls. And here it may be proper to observe, as a fair and equitable principle, that if two or more persons, interested in a Common, are willing to improve it for their own and the general benefit, it is hard on individuals, and impolitic in regard to the public, if any set of men should have it in their power to prevent them. Persons having a right of common, are in effect, though not in law, like parceners or joint tenants (any one of whom can legally enforce a division of the property they hold in common); and if those who do not wish for a division of the Waste, are not compelled to inclose and improve the portion reserved for them (which, however, they will soon find it their interest to do) nor to be at any expence until they take up their allotments; in that case, it does not occur how they can have any just cause for complaint, because others are permitted to cultivate their share of the land in question.

3. Where parishes in different counties intercommon, that the application be made to the court of chancery, to appoint commissioners for the purpose of dividing the same into parochial commons, on the petition of any one of the parishes interested therein.

4. Lastly, many complaints having been made of the remissness with which the commissioners sometimes proceed, and the exorbitant charges which they sometimes make, or expences which they occasion, that provision be made in the Bill for the purpose of preventing such proceedings, or of furnishing the parties injured with the means of redress.

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( 35 )

Such are the general outlines of the plan, which I beg leave to recommend to the attention of the Board; in the formation of which, two great objects have been kept in view, namely,

i. "That all the proceedings connected with the division (unless where the Common is situated in different counties, in which case the court of chancery must be applied to) shall take place near to the spot where the Common lies." And, 2dly, "that the form of proceedings should be attended with as little trouble and expence as possible."

I am ready to acknowledge, that no plan can be formed at once, on so vast and comprehensive a subject; that may not be liable to some objections; but as the cultivation and improvement of so great a portion of the territory of the public is at stake, I trust that the measures above proposed, with such alterations and improvements as may render them as little exceptionable as possible, will be adopted; that the division of Commons may no longer be attended with any important difficulty; any inconveniencies attending the measures suggested, as they are discovered in practice, may be amended by future regulation; and ultimately the great object will be attained, that of giving every legal facility to the exertions of those, who are desirous of augmenting the industry, the produce, and the cultivation of their country.

*Sect. 5.—On the Law and Practice of North Britain, in regard to the Division of Commons, and the Alterations which might be made therein.*

IF any person entertains an idea, that a General-Inclosing Bill is an impracticable measure, his doubts will probably be removed, when he is informed that such an act was passed about a century ago in Scotland, and has been found to answer the purpose thereby intended. As that act is distinguished by its simplicity and conciseness, it may not be improper to give it a place in this Address.

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( 36 )

“ Act concerning the dividing of commonities,  
 “ passed in the Parliament of Scotland, 17th  
 “ July 1695.

“ Our sovereign lord, with advice and consent of the  
 “ estates of parliament, for preventing the discords that arise  
 “ about commonities, and for the more easie and expedit de-  
 “ ciding thereof, in time coming, statutes and ordains, that  
 “ all commonities, excepting the commonities belonging to  
 “ the king and royal burrows in burgage, may be divided at  
 “ the instance of any having interest, by summons raised  
 “ against all persons concerned before the lords of session,  
 “ who are hereby empowered to discuss the relevancy; and  
 “ to determine upon the rights and interests of all parties  
 “ concerned, and to value and divide the same, according  
 “ to the value of the rights and interests of the several par-  
 “ ties concerned, and to grant commissions to sheriffs,  
 “ stewarts, baillies of regalie and their deputies, or justices  
 “ of peace, or others, for perambulating and taking all other  
 “ necessary probation, which commissions shall be reported  
 “ to the said lords, and the said procesles ultimately deter-  
 “ mined by them; and where mosses shall happen to be in  
 “ the said commonities, with power to the said lords to divide  
 “ the said mosses amongst the several parties having interest  
 “ therein in manner foresaid; or in case it be instructed to  
 “ the said lords, that the said mosses cannot be conveniently  
 “ divided, his majesty, with consent foresaid, statutes and  
 “ declares, that the said mosses shall remain common, with  
 “ free ish and entry thereto, whether divided or not; de-  
 “ claring also, that the interest of the heretors, having right  
 “ in the said commonities, shall be estimat according to the  
 “ valuation of their respective lands or properties, and which  
 “ divisions are appointed to be made of that part of the com-  
 “ monty that is next adjacent to each heretor's property.”

From this act it appears, how simple the regulations are,  
 which a century ago were thought sufficient in a part of the  
 kingdom, not distinguished for the scarcity of its Wastes;  
 and

( 37. )

and under the provisions of that act, many extensive com-  
 mons have been divided, in a manner that has given satisfac-  
 tion to the parties interested therein. By this law, it is  
 proper to observe, that a division may be procured at the in-  
 stance of any one having interest: but the expence of ob-  
 taining that division, though instituted at the suit of one, is  
 defrayed by the whole parties concerned, in proportion to  
 their respective shares.

However excellent this law is justly accounted, and how-  
 ever useful it has proved, yet there are two alterations in it,  
 which might render it still more effectual than at present.—  
 The first is, that of taking away the exception ingrossed in  
 the statute, by which no common can be divided in which  
 either the crown or any royal borough is interested. For  
 this exception no good reason can be assigned, and it proba-  
 bly originated from a jealousy, which might naturally occur  
 at the formation of a new system, but which the experience  
 of almost a century ought before this time to have totally re-  
 moved.—The second alteration might be adopted with great  
 advantage from the practice of England. By the Scotch  
 act, the court of session is empowered to grant commissions  
 to sheriffs, justices of peace, or others, for perambulating  
 and taking all other necessary probation, or in other words,  
 ascertaining the extent of the common, &c. and the result  
 of the investigation is directed to be reported to the court  
 of session, to be finally determined on by them. Questions  
 however respecting the rights of parties, &c. are heard  
 before the court of session alone. Where the common is of  
 great extent, this is attended with great expence and much  
 delay. The number of questions which may arise is more  
 than a court of law, having a great load of other business to  
 go through, can always attend to. It would be infinitely  
 better, therefore, were either the sheriff of the county, or  
 the court of session, to nominate commissioners, not less  
 than three or more than five, who should be entrusted with  
 the same extensive powers which are given to the com-  
 missioners in England, when appointed by private acts of  
 parliament.

parliament. They ought not only to have the power of nominating surveyors, &c. but all questions arising in course of the proceeding ought in the first instance to be heard before, and decided by them. After they have given their award, it may then be brought under the cognizance either of the sheriff or of the court of session with effect; and all parties conceiving themselves injured may then have an opportunity of complaining, and of having their case fairly considered, more especially if there be any room to suspect either falsehood or corruption in the commissioners. Every one must see, how much easier it is to determine any litigated point, after it has been once decided upon, than if it had never received any former judgment. The parties would in many cases probably acquiesce in the decision of the commissioners, and at any rate the great object would be attained, of having the business effectually done, and the common speedily divided, every delay in which must be attended with considerable loss both to the parties interested and to the public.

It is impossible on this occasion not to remark the very essential benefits which may often be obtained, by comparing the codes of England and Scotland, and ascertaining the advantages of which they are respectively possessed. It may often happen, that the combining the principles of the two codes may be as useful to the laws, as an union of the two legislatures has proved advantageous to the strength, the security, and the happiness of both kingdoms; and there cannot be a doubt, that it would be at least desirable, to establish the same system of agricultural legislation and police, over the whole island.

*CONCLUSION.—On the Advantages to be derived, both by Individuals and the Public, from the Division and Improvement of the Waste and Commons in the Kingdom.*

Whoever has taken the trouble of perusing the preceding observations, will not be surprized to find, that in the Reports transmitted

transmitted to the Board by its different surveyors, the passing of a General Inclosing Bill, should be uniformly mentioned, as the first and most essential means of promoting the general improvement of the country; and the importance of that measure, has not as yet, perhaps, been so distinctly stated as it deserves. In general, those who make any observations on the improvement of land, reckon alone on the advantages which the landlord reaps from an increased income; whereas, in a national point of view, it is not the addition to the rent, but to the produce of the country, that is to be taken into consideration. It is for want of attending to this important distinction, that people are so insensible of the wonderful prosperity that must be the certain result of domestic improvement.—They look at the rental merely, which, like the hide, is of little value, compared to the carcase that was inclosed in it. Besides, the produce is not the only circumstance to be considered—that produce, by the art of the manufacturer, may be made infinitely more valuable than it originally was. For instance: if Great Britain, by improving its wool, either in respect to quantity or quality, could add a million to the rent-rolls of the proprietors of the country, that, according to the common ideas upon the subject, is all the advantage that would be derived from the improvement: but that is far from being all—the additional income to the landlord could only arise from at least twice the additional produce to the farmer; consequently, the total value of the wool could not be estimated at less than two millions: and as the manufacturer by his art would treble the value of the raw material, the nation would be ultimately benefited in the amount of six millions *per annum*. It is thus that internal improvements are so infinitely superior, in point of solid profit, to that which foreign commerce produces. In the one case, lists of numerous vessels loaded with foreign commodities, and the splendid accounts transmitted from the custom-house, dazzle and perplex the understanding; whereas, in the other case, the operation goes on slowly but surely. The nation finds itself rich and

happy; and too often attributes that wealth and prosperity to foreign commerce and distant possessions, which properly ought to be placed to the account of internal industry and exertion. It is not meant by these observations to go the length that some might contend for; namely, to give any check to foreign commerce, from which so much public benefit is derived, but it surely is desirable that internal improvement should at least be considered as an object fully as much entitled to attention, as distant speculations, and when they come into competition, evidently to be preferred.

There are some, however, who, although they are ready to acknowledge that the improvement of the soil is the best source of national wealth, yet have formed an idea, that very little of the extensive Wastes in the island are worth the cultivating, who are too apt to imagine that the climate in which they are situated is hostile to improvement; and, were it better, that the nature and quality of the soil are obstacles not to be surmounted.

In regard to the climate of such Wastes, it is evidently worse in consequence of the want of cultivation.—At the same time, from the insular situation of Great Britain, the climate is infinitely milder and better than in any part of the continent of the same latitude. It is stated in one of the Reports, on the most respectable authority \*, that very fine barley and oats ripen in due season, on the summit of a hill in Forfarshire, elevated 700 feet above the level of the sea; and that in Invernesshire, at an elevation of 900 feet above the same level, wheat of a good quality has been grown.—Hence it may be inferred, that grain, and other articles of a similar nature, may be raised to such a height upon the sides and summits of all the hills in the island; and, in regard to grass, it is well known, that luxuriant crops of hay are obtained at the lead hills in Lanarkshire, elevated 1,500 feet above the sea. The climate of this country, therefore, can hardly

\* See Preliminary Observations to the Report of Forfarshire, by George Dempster, Esq; p. 6.

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be urged as an objection to the improvement of the greater part of our Wastes, either for grain or grass; as to trees, it is not to be questioned, that the larch grows in Italy on higher mountains than any we have in this island\*.

In regard to the soil, though the greater part of the Wastes, having never received any advantage from the labour of man, are at present of little value, yet the portion is not very considerable, that ought to be accounted totally barren and unprofitable, or incapable of yielding some useful and valuable production: 1-22d of the whole, or one million of acres, is certainly an adequate allowance.

This leads me shortly to state the various purposes, to which the remainder of such Wastes may be appropriated.

1. The higher situated and the most sterile parts, ought undoubtedly to be devoted to plantations.—There is scarcely any spot, however rocky, or any soil, however unproductive, that will not yield valuable timber—an article which at present we are under the necessity of importing, at a great expence, from foreign countries. At first sight it may seem surprising, that a spot that would not produce a single blade of corn, will yet support the stately pine, or the spreading oak. But trees draw their nourishment from sources beyond the reach of smaller vegetable productions, and by their leaves are also supposed to derive additional sustenance from the air that surrounds them, or the water they imbibe. By plantations also, even barren spots may in process of time be rendered fertile. The poorest soils, if covered with wood, from the leaves which fall, and the shelter they receive, improve every year in fertility, and when the trees are ready for the axe, become, in process of time, fit for cultivation.

2. Many of the higher Wastes in the island might easily be rendered perfectly dry, and soon converted into excellent upland pasture. There that valuable article, fine clothing wool, might be grown in perfection. The loftier the situation, and the shorter the herbage, the more valuable it would

\* See Westmoreland Report, Preliminary Observations, p. 9.

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be; and the price which the article bears, joined to the profit of the carcase on which it grew, would amply compensate for all the expence of the improvement.

3. A much greater proportion of the Wastes of this country, than is commonly imagined, might be employed in tillage.—The surface may appear barren and unproductive, but stratum may be found below, which, if incorporated with the soil above, may render it sufficiently fertile. This is a practice in husbandry, which has not yet been carried, in any degree, to the extent of which it is capable. It is an art pretty much in its infancy, which when brought to perfection, must be productive of the most important consequences. As such, it will naturally call for the particular attention of the Board of Agriculture, to ascertain the principles on which it can best be conducted\*.

4. A considerable proportion of the Wastes of Great Britain, consists of land of a wet and boggy nature, which it has been yet supposed was the most difficult to improve and cultivate. Fortunately, however, discoveries have been made in the art of draining such bogs, by Mr. Joseph Elkington, a farmer of the county of Warwick, as renders the improvement of swampy land a matter of much less difficulty or expence than formerly. It is only necessary to add under this head, that Mr. Elkington has communicated his system of draining to those Members of the Board, who were appointed to meet with him upon the subject,—that he has undertaken to teach such persons as may be appointed by the Board for that purpose; and that there is reason to imagine, that the practice of his useful art will be extended, in the course of the ensuing summer, from one end of the island to the other.—Bogs drained on Mr. Elkington's principles soon become of very great value as meadows, and in many cases may be converted into arable land.

Lastly, at least a million of acres of the Waste Lands in the kingdom may certainly be brought to an astonishing

\* Mr. Kirwan, in his Treatise on Manures, to be found in the Irish Philosophical Transactions, vol. v. has thrown much light on this important subject.

height

height of produce by watering or irrigation.—This great means of improvement, though long established in some parts of the kingdom, yet in others has been unaccountably neglected. But when once that art is extended as it deserves, the advantages thence to be derived cannot easily be calculated,—for by it land is not only rendered perpetually fertile without manure, but the luxuriant crops which it raises, produces manure for enriching other fields; and the manure obtained from that produce, is another source of national wealth, that could not otherwise be looked for.

Thus there is every reason to believe, that the Wastes of this kingdom, if planted—or appropriated for pasture lands—or cultivated for the production of grain—or converted into meadow—or improved by means of irrigation; must necessarily be the source of infinite wealth and benefit to this country.

And if there is a possibility of improving our Wastes, the means for that purpose are more abundantly in our power, than perhaps in that of any other country in the universe. Without entering much at length into so wide a field, it may be sufficient to remark, that there is none with such a capital capable of being devoted to so useful and profitable an object;—none where such a spirit of exertion exists, were all obstacles to the improvement of our Wastes removed;—none where there is such a mass of knowledge on agricultural subjects;—none where such abundance of manures are to be found, particularly those of a fossil and mineral nature, without the aid of which it would be impossible to bring great quantities of Waste Lands rapidly into cultivation;—and lastly, none, where by means of a series of excellent roads, and canals every where rapidly extending, such manures can be so easily and cheaply conveyed to the lands they are calculated to fertilize. These are advantages for improving Wastes, which no other country enjoys in equal perfection, and which would soon be the means of cultivation of a very large proportion indeed of our at present useless territory, if full scope were given to the industry and exertions of the people.

people.—Nor ought the wealth to be derived from the improvement of our Wastes to be alone taken into consideration. The increase of population, and above all, of that description of persons who are justly acknowledged to be the most valuable subjects that any government can boast of, merits to be particularly mentioned. His mind must indeed be callous, who feels himself uninterested in measures, by which not only the barren Waste is made to smile, but of which the object is, to fill the desert with a hardy, laborious, and respectable race of inhabitants, the real strength of a country; being the fruitful nursery, not only of our husbandmen, but also of the fleets, the armies, and the artists of the nation. The additional number of inhabitants, who might thus receive occupation and subsistence, cannot easily be ascertained; but if the present population of Great Britain amounts to about ten millions, these Wastes and Commons, properly improved, might be the means of adding, at least, from two to three millions;—a number, it may be proper to observe, equal to that possessed by the United States of America, when they first erected the standard of independence against the Mother Country. The evils were then felt from the creation of such an extent of population at a distance: but from such an increase of people at home, instead of similar consequences being to be apprehended, additional strength and prosperity of every description may be looked for with certainty.

There is another point of view in which this subject ought also to be considered.—The improvement of Wastes not only adds to the wealth and population of a state, but also renders it more defensible. An inclosed country is, perhaps, the strongest of any. Every hedge and ditch becomes a rampart, through which an enemy cannot easily penetrate, and which there is little difficulty in defending. Were this kingdom completely inclosed, and no opportunity afforded of fighting any pitched battle (the only thing to be dreaded in the event of an invasion) we should have little reason to apprehend the landing of any body of men, however numerous,

numerous, or however well disciplined. They might do some mischief on the coast, but could never penetrate into the interior of an inclosed country. The best defence the capital can have, is not to suffer a spot of uninclosed ground to remain between it and the coasts in its neighbourhood.

Before concluding this Address, it is necessary to take notice of one important circumstance. For some years past, this kingdom has been under the necessity of importing grain from other countries; and the importation seeming to increase, rather than otherwise, it was seriously apprehended that the agriculture of this island could not furnish grain sufficient for the use of its inhabitants.—Many reasons may be assigned for the scarcity of grain; the seasons, since 1754, have certainly been in general unfavourable. We have seldom had two successive good seasons, but often two successive bad ones. To this natural cause may be added the increased population, consumption, and luxury of the people, and the greater attention that of late has been paid to the improvement of stock, in consequence of which considerable tracts of arable land have been converted into pasture. This, instead of being a public loss, was undoubtedly a national benefit. Land that for ages had been kept in tillage, and produced but scanty crops of grain, required rest, and was usefully appropriated for pasture.—But to complete the policy of this system, at the same time that arable land was converted into pasture, pasture land ought to have been rendered arable, and every acre of Waste Land fit for that purpose, that had remained untilled, perhaps since the creation, would have soon repaid the labours of the husbandman, by whom it was brought into culture.

Nor is the quantity of land, the cultivation of which would prevent the necessity of importing foreign grain, so considerable as is commonly imagined. The importation from foreign countries, for eighteen years, ending 5th January 1789, amounted only to 767,841 quarters of wheat, and 5,097,166 quarters of oats, rye, beans, &c. which is at the rate of 42,657 quarters of wheat, and 283,175 quarters of  
oats,

oats, &c. *per annum*.—The extent of ground which it would require to raise that quantity of grain, cannot be calculated at more than 100,000 acres \*. Let us then only convert that quantity of land from pasture into tillage, or indeed devote only  $\frac{1}{180}$ th part of our Waste Lands for that purpose, and the business, in so far as respects the existing population in the kingdom, is effected.

When it is considered the high prices which grain and other articles of provision bear at present, which have been rather increasing than otherwise for some years past, and the consequences which might arise, were these articles to become still scarcer and more expensive, it surely cannot require any additional arguments to prove the necessity of not losing an instant, in taking such measures as may be thought most advisable, for the purpose of acquiring from extensive tracts, situated in the very bosom of our country, the certain means of national subsistence and prosperity.

*John Sinclair, President.*

Appendix C.

*Extracts from the Reports, printed by the Board of Agriculture; pointing out the Advantages of a General Inclosing Bill.*

*County of Norfolk.*—THE arguments for the continuance of commons in their present state, are, in general, fallacious; and, though specious, are grounded

\* The ground necessary to produce this quantity of grain may thus be calculated :

	Acres.
42,657 of wheat, at the rate of 3 quarters per acre, would require	14,219
283,175 of oats, rye, beans, and peas, at 4 quarters per acre, would require	70,793
Total acres	85,012

It may be said, that no allowance is made for seed or fallow. Admitting that 15,000 acres more may be required on that account, the whole cannot be stated at more than 100,000 acres.

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on mistaken principles of humanity. The advantages they would be of to society, if properly cultivated, would be very great; and the attention of the new Board will, I trust, soon be fixed upon this important object, so as to find the means of removing the impediments which prevent their inclosure; upon which I shall have to observe under the head of common fields.

*Ditto, p. 23.*—If we properly consider the benefits resulting to population from inclosing (though that, as well as the advantages which might be derived from inclosing commons, has been superficially questioned) it will strike us with astonishment. Let the population of England be compared with what it was fifty years since, and I presume it will be found increased nearly a third. If I were asked the cause, I should say, that I believe it is chiefly from inclosing; and my reasons for it are, that in all places where my observation has come, it carries full proof. I have seen many effects in many parts of England; but I shall subjoin one striking instance in this county. The parish of Felbrigg, belonging to Mr. Windham, consists of about 1,300 acres of land, and till the year 1771 remained, time out of mind, in the following state, 400 acres of inclosed, 100 of wood land, 400 of common field, and 400 of common or heath. By authentic registers at different periods it appeared, that the number of souls had never been known to exceed 124, which was the number in 1745; in 1777 they were only 121; at this time they amount to 174. This rapid increase I attribute chiefly to the recent improvements made in the parish, by inclosing all the common field land, and by converting most of the common into arable land and plantations. The parish has no particular connection with any other, and therefore its own increase of labour and produce must be the principal cause at least of this striking alteration.—The parish of Wyburn, which remains uninclosed in this neighbourhood, belonging to Lord Walpole, who possesses in a very eminent degree the three great characteristics of a country gentleman, a good magistrate, a good neighbour, and a good



good landlord, is the most like what Felbrigg was before its inclosure, consisting of about the same quantity of common and common fields; but I do not find that the population there has increased of late, which is a corroborating proof of inclosures being in favour of population.

If then inclosing be found so beneficial, every obstruction to it ought to be removed.—In the first place, were there one general act of parliament formed, under which any parish that could agree in itself should be able to take shelter, or even any two or more persons agreeing upon any exchange of land, or a separation of a mixed interest, whereby the inclosing of such land was the result, should, upon the payment of a small consideration, receive the sanction of a short summary law to bind their agreement—this would infensibly lead to a vast field of improvement.

*Suffolk*, p. 18.—No person who has reflected seriously on the state of the soil of England, but must be well convinced, that there want few inclosures to cultivate Wastes, but the power to do it, without those very expensive applications to Parliament, which are at present necessary even for the smallest objects. If the Board of Agriculture be able to accomplish this desideratum, it will merit greatly, and the national interests find themselves advanced in a degree which no other event whatever could secure.

*Middlesex*, p. 43. 1 Rep.—Hardly any thing farther seems material to add to the observations already made on the improvement of the Waste Lands. To that great object the attention of the Board of Agriculture will naturally be directed; and a happy circumstance it will be, if, under their auspices, every acre in this, and every other county in Great Britain, is brought under some useful and profitable mode of occupation. On this head, however, it is impossible to omit mentioning the very important observation made by Dr. Wilkinson, of Enfield, who thinks a general mandatory Inclosure Bill absolutely necessary.

*Middlesex*, by Foote, p. 31.—Indeed it seems an opinion almost unanimous among those who have thought upon this subject, that One General Act of Parliament to empower the division and inclosure of all the Waste and Commonable Lands in the kingdom would be thankfully received by every individual, and prove an equal benefit to them and to the public.

*Huntingdon*, p. 19.—A well-digested General Bill for the inclosure of commons, common fields, and waste lands, would wonderfully operate towards the success of inclosures, as it would be a means of saving a very considerable expence in the outset of the business.

*Dorset*, p. 23.—In these cases, if a general exchange were to take place, and each individual were to be accommodated with his allotment of land equivalent to the value of his common right, laid together as much as situation and circumstances would admit, the commonable land inclosed, and each man's right specifically divided, the most must then be necessarily made of the property in each person's possession, and the number of small occupiers of land would still continue, which would be a great advantage to population, and the community at large. To effect this separation or division of the rights of individuals in a parish, something is wanting less expensive than an act of parliament for an inclosure, which oftentimes defeats the improvements, by the heavy charge incurred, seldom less than £. 300 or £. 400, besides the risk of not succeeding. In parishes where all parties are agreed, if this sort of business were to be done by commissioners, composed of intelligent farmers, or gentlemen's stewards, under good regulations, many improvements would take place, which are now not objects of sufficient consequence to apply to parliament for.

*Essex*, by Griggs, p. 9.—Our Waste Lands, including the forests, may be estimated at full fifteen thousand acres; the  
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greater part of which is as capable of producing corn, after a certain time for necessary improvements, as the adjoining lands, and would in most instances, it is presumed, be made profitable to the community, could some method, such for instance as passing a General Act of Parliament to ascertain the rights of the lords of the manors, tythe owners, and the several tenants, which it is thought might be done by proportioning the tenant's claim to the nature and extent, or annual value of his tenements, held of the manor to which the Wastes belong, and then enable the lord, who is most frequently more enlightened, and better able to advance the various expences of inclosing and other necessary improvements, to purchase these rights as a jury should value them, and thus make it worth his while to erect farm houses and other conveniences; as without some such power of purchasing, the Wastes would be found in most places too small to admit of as many divisions as there would be claims given in, or the ground would be allotted to people unable, from want of experience or property, to render their little portions of much service to the public or to themselves.

*Surrey*, p. 25.—And that brings us to consider the impediments that are thrown in the way of inclosures of common field land, and indeed it may apply to inclosures in general. It is a known fact, that no common field land, or commonable land, can be inclosed without an express act of parliament, unless indeed by the consent of all persons interested; but from the nature and disposition of mankind, such a consent is difficult to be obtained, and particularly where some of the parties are minors, abroad, or labour under any legal disqualification. It is indeed almost impossible to procure such consent. With interests so clashing, and difficulties so various, Parliament becomes the only resource; but what with the expence in carrying the bills through both Houses of Parliament (and which, for aught we know, may be extremely proper) together with the much greater expence of bringing the parties to London, there to wait the unavoidable delays

delays occasioned by other more important concerns of Parliament, until decision shall take place upon the subject, operate in many cases as a powerful discouragement to undertakings of this nature, and not unfrequently to an entire exclusion from the attempt.

With all due submission, therefore, something like the following plan may be adopted:—To pass a General Act of Parliament for inclosures of every description, empowering the magistrates at their quarter sessions to receive proposals from the parties interested in any inclosure to have power to appoint two or more commissioners, and two able and respectable land surveyors, who should on oath make a plan of the intended inclosure, and take a view of the soil and situation thereof, to have full authority to make all exchanges of land, and to settle every difference that may arise from the present admixture of property. These commissioners, having local knowledge of the premises, and acting under the eye of the magistrates, would proceed with that caution and circumspection so essential to the due administration of justice, and their decision or award might be legalized either by the Board of Agriculture, or by the magistrates at a subsequent sessions, as to the wisdom of parliament shall seem meet. It is presumed that from some such plan very important benefits to the country would arise; it would awaken a laudable emulation among the gentlemen and farmers, by rendering that secure which in its present state is exposed and insecure; and, that emulation once set afloat, who can calculate the advantages?

*Berks*, p. 49.—The advantage resulting from inclosing, or at least severalling, common fields, is so obvious, and has of late years proved so beneficial, that it requires no observation from me to record its good effects. Some sound and well digested measures are however much wanting, to accelerate this great benefit to the community. The difficulty and expence of procuring legal authority to effect this desirable improvement,

( 52 )

ment, act at present very materially against its extension.

*Lincoln*, p. 20.—The expence of an application to Parliament, and obtaining acts for apportioning and dividing the commons belonging to 47 parishes, and the after-division of such apportionments, amongst the commoners of each respective parish, might probably involve the proprietors of the whole in the enormous expence of 47 acts of parliament—a very sufficient reason for the proprietors dreading the expence of the measure of inclosing the fens, and no indifferent proof of the necessity for a General Act to promote the inclosure of all commons, common fields, common meadows, and waste lands in the united kingdoms, under such regulations and restrictions as the wisdom of Parliament may devise.

*N. B.*—The General Act for dividing 47 commons, by the usage of the House, would be charged as 47 acts, and pay the sum accordingly.

*Somerset*, p. 43.—When the inclosing system is appreciated by its obvious tendency to increase the produce of land and the demand for labour, to augment the rate of wages to the husbandman, and to lessen the amount of the poor's rate, it is subject of regret and astonishment that so few means have been devised by the legislature either to facilitate or extend its progress.—How much is to be done this way, a General Inclosure Act, unfettered by tedious and expensive formalities, would speedily manifest. From the very great number of private acts which have passed within the last twenty years, such general principles might be selected for its basis, as to implicate almost every possible variety of claim, interest, and property. An act thus instituted might, without hazard or injury, be entrusted to a given number of justices at the quarter sessions, to dispense its powers, and controul its execution; and such justices I should conceive perfectly competent

( 53 )

petent to determine on the propriety or impropriety of any proposed inclosure.

Thus a total extinction of parliamentary expence would encourage inclosing on the smallest scale, and, with advantages not to be despised, would accommodate the most extensive.

This measure, however consonant to the principles of individual benefit and national policy, would notwithstanding have a host of adversaries to encounter.

*Carmarthen*, p. 22.—The opinions of proprietors of estates in this county seem to be unanimous, that nothing acts so strongly in preventing the improvement of Waste Lands as the great expence attending the present mode of obtaining authority to divide and inclose them, by applying for an act of parliament on every occasion of that sort. People of small fortune dread the expence of these applications so much, that they will rather permit their interests in Waste Lands to lie dormant, than subject themselves to the greater inconvenience of an expence they are not always able to bear.

To remove this difficulty, would perhaps be one of the most popular and beneficial undertakings in which the Honourable Board of Agriculture could engage.—Some of the most intelligent persons I have talked with on this subject are of opinion that an act should be passed to empower the custos of each county, with the magistrates assembled at the Michaelmas quarter sessions, to appoint commissioners to divide and inclose any Waste, upon the application of the majority of proprietors in value, under their hands and seals. Such commissioners to be persons nowise interested in the Waste proposed to be inclosed, and having been previously chosen by a majority of votes, at a public meeting of the proprietors, held within the manor or parish in which the Waste lies, by notice given on the church-door of such parish for three successive Sundays (during divine service) next previous to the day of meeting.

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Such powers as may be found necessary to invest commissioners with, and proper instructions and regulations as to the making the allotments and paying the expences, may be enacted, so as to answer (it is presumed) all the purposes to be obtained by separate acts. It is generally believed in this country, that such an act of parliament would be the means of inclosing every acre of Waste Land in South Wales (capable of cultivation) in a very few years.

*West Riding of York*, p. 55.—The common fields in the West Riding afford greater scope for practical improvements than any other department of its husbandry, and are generally under most wretched management. This the proprietors must be sensible of, but the expence of a particular act of division intimidates many from applying to parliament for its interposition. It would therefore be of great utility that a General Bill was passed for that purpose, as is already the case in Scotland, leaving it to the judge ordinary of the bounds to put it in execution, when application for that purpose was made by any of the proprietors.

*North Riding of York*, p. 107.—The principal obstacle to the improvement of the moors is the great expence of obtaining acts of parliament for the inclosures, and the difficulty of settling with the tythe-owners, and lords of the manors.

An instance occurs in a township on the verge of the eastern moorlands, where two-thirds of the number of freeholders, and considerably more in value, desirous of an inclosure of their commons, amounting to about 800 acres of fine sward land, and about 12,000 acres of high moors, 4,000 of which are capable of very great improvement, had agreed with the tythe-owner, and signed a petition to parliament; but the lord of the manor, who possessed very little other property there, was determined to oppose it; so that from an apprehension of the expence and trouble attending an opposition in Parliament, the business was dropped.

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An inclosure of open fields, amounting only to about 250 acres, in a township near to the above, was made a few years since; the expence of obtaining the act alone, and without any opposition, cost the proprietors £. 370.

*Par. 20.*—Though this riding possesses some extensive open arable fields; yet, upon the whole, the quantity is not large; and they are in some degree annually lessening by inclosures under acts of parliament, and would still more rapidly, but for the great expence of obtaining those acts.

*Bedford*, p. 61.—A well-digested General Bill for the inclosure of commons, common fields, and waste lands, would wonderfully operate towards the success of inclosures, as it would be a means of saving a very considerable expence in the outset of the business.

*Hants*, p. 29.—We cannot take this subject into consideration without expressing our astonishment, that century after century should be suffered to elapse without some efficient measures being taken to cultivate the waste lands of this kingdom, particularly those belonging to the crown; when it is a very clear case, that if they were properly managed, they would produce sufficient to pay a very considerable part of the interest of the national debt.

A General Act of Parliament, empowering commissioners to adjust the rights of individuals, and make allotments accordingly, as in common inclosure bills, the whole management of which might be under the commissioners of the land revenue, who are fully competent to the subject, having already surveys and reports upon most, if not all, the crown lands and forests in the kingdom. As soon as private claims are adjusted, the remainder, of course, will belong to government; and it requires very little arguments to prove, that it will produce an immense income to the nation, for there is scarce an acre but will produce something considerable.

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*Stafford,*

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*Stafford*, p. 74.—A general inclosure and improvement by cultivation of all the waste lands in the kingdom, would, by greatly increasing the national capital, have a proportionable effect upon the revenue; and it is astonishing that the colonization of distant countries should have been so much encouraged, while the cultivation of our own country remains so far from being finished or perfected.

*Worcester*, p. 16.—Considerable inclosures have been made of late, some by the authority of parliament, others by mutual consent of the parties interested in them; more would certainly take place, were it not for the expence which attends the procuring acts of parliament for that purpose. A division of some of the common fields and meadows is under consideration.

*Hertford*, p. 55.—As it is a matter of indifference to this honourable Board, and to the public, whether such commons are cultivated by *A.* and *B.* provided they are cultivated, the interests of all parties may be concentrated by a public act, warranting the inclosure thereof, with the approbation of three-fourths of the land-owners, including the lord of the manor, rector, or vicar, and the overseer for the time being; to let the commons for 21 years to the highest bidders, or for the best rent that can be got for the same, giving a preference to industrious cottagers with families; the rents to be applied in the first place towards the discharge of the expences incurred by the inclosure, and for ever afterwards one twentieth part thereof to the lord of the manor, one tenth to the officiating clergyman, provided his stipend is less than £. 100 per annum, and the residue in discharge of the poor rates, or land tax; in case of a surplus, future leases to be granted by the same parties, or their successors, and the surplus of rent to be received and accounted for by the overseer for the time being.

Appeals may be made to the justices at the quarter sessions; who should in these small matters be the dernier resort, and

( 57 )

and the consent of the parties, inclosure, &c. be certified by them, and enrolled in chancery *in perpetuum rei testimonium.*

*Northampton*, p. 61.—One great obstacle to the inclosing of parishes, seems to be the very great expence to which the proprietors are subjected in procuring the act of parliament, and carrying it into execution. As this complaint is general all over the kingdom, it is to be hoped, that some plan will be devised by the Legislature for obviating this difficulty, and for enabling proprietors to effectuate this great improvement with more facility, and at less expence.—There is not perhaps any one circumstance regarding the agriculture of England, that deserves the serious attention of the Board of Agriculture more than this.

*Denbigh*, p. 11.—There are several commons of very considerable extent, at present depastured by the cattle and sheep belonging to the adjoining tenants. It is needless to observe that they are overstocked and uninclosed. From the best authority, and my own observations, I can aver, that if a division were to take place, a great part might be converted into arable land; and, where water can be applied, into rich meadows. No advantages accrue from the present mode of commonage; on the contrary, the balance is very commonly on the wrong side of the ledger.

#### Appendix D.

*On the Culture of POTATOES in Waste and Boggy Lands; from the Publications of the Board of Agriculture, and other Authorities.*

OLD pastures have always been considered extremely favourable to the culture of potatoes, and even upon bogs partially or wholly drained, and upon such rough soils as are difficult to plough, this method has been successfully adopted; —pare



pare and burn the surface: add lime to the ashes: strike the lands into straight beds, six feet wide, with intervals of two feet, and two and a half. Lay the sets twelve inches square on the beds, and cover them two or three inches deep, with spades from the intervals: when the plants appear, cover them again in the same manner, one and a half or two inches more. Keep them clean by one hand-hoeing, and successive weeding. They may be taken up with the plough; by splitting the beds, and filling the former intervals; converting the open furrows, left in the center of the former beds, into drains, deep enough to leave the land dry in winter.

In Dumbaronshire, the potatoe culture for improving waste and mossy soils, univerversally acknowledged to be of great advantage. Cutting down brush-wood, and removing great stones, is the whole preparation, previous to planting.

In West Lothian, it is observed, that the upland parts of the county produce larger crops, than the more cultivated and low situations.

In East Lothian, in the high district, the crops more productive than in the low part of the county. Sixty bolls, barley measure, is not reckoned a great crop; but in the low district, rarely more than forty or fifty.

Sir W. Stirling, in Perthshire, has often raised forty bolls of potatoes on an acre of light moor, not worth 1 s.—Rent at 5 s. only: here are two hundred rents.

In Roxburghshire, Baron Rutherford has found them the best means of bringing Waste Lands into culture.

In Dumbaronshire, Sir James Colquhoun improved a peat moss, by planting potatoes in the lazy bed way; sowed after them, meadow soft grass, with the oats, which is excellently adapted to mossy soils, as it spreads quickly. This was mown every year; the bog, being ten or twelve feet deep, could not be pastured.

In

In the highlands of Scotland, the fairest and largest potatoes are produced upon the spongy mosses, planted in lazy beds.

They find in Perthshire, that mosses, when drained, are a favourable soil for potatoes.

OTHER AUTHORITIES.

Three acres, cleared of goss and broom, produced 900 bushels without manure.

Bogs, well drained, make great returns. No soil will produce a larger quantity than black moss, or peat mixed with earth.

At Charleville, they find that potatoes on bogs escape the frost, when they are killed in the highlands.

Mr. Leslie, in Ireland, reclaimed bogs, by draining and then dunging for potatoes; the crop 320 bushels per English acre; afterwards excellent meadow.

At Mercer, in Ireland, the greatest crops are gained from bogs; fifty bushels per acre more than from grass land. Much the best way of improving bogs; but they must have a little dung.

Mr. Irwin, in Ireland, tried if paring and burning would do to improve a boggy moory mountain. It answered greatly and yielded the best potatoes in the country.

Mr. Browne, of Ireland, improved 20 acres of dry heath moor, which would not yield any rent, to 15 s. an acre. He marled with white marle, from under a bog, 150 barrels an acre; spread and left a year; this killed the heath;—ploughed twice, and took two successive crops of potatoes without dung; the first an extraordinary one, the second not bad; then three crops of corn, and let it.

Lord Altamont, in Ireland, manured a mountain moor with limestone gravel, at 40 s. an acre, left it two years, and then

†

( 60 )

then let it at 40 s. to the poor to plant potatoes: After three noble crops of oats, then grass, let at 16 s. an acre. On another considerable piece of poor moor, manured with limestone gravel, and shelly sand, at £. 1. 2 s. 9 d. an acre, ploughed and burned it, and sowed turnips, a very noble crop. Then planted potatoes, without other manure, the crop much the greatest he ever saw in his life; from one stalk had 143 roots. Three good crops of oats; sowed white clover, and then worth 20 s. an acre. On another piece, worth 5 s. an acre, limestone gravel, at £. 1. 2 s. 9 d. an acre, left three years, and let to the poor at £. 3. 10 s. for potatoes; then thrice oats; left for meadow, and worth 30 s. an acre.

At Moniva, in Ireland, they plant potatoes in bogs, and get fine crops, draining, and adding a little limestone gravel or dung.

Mr. French, at Woodlawn, in Ireland, in various interesting experiments, on a large scale, on improving bogs, by planting potatoes, after draining and manuring, met with great success; the crops £. 12 per acre.

Mr. Bland, of Ireland, has improved much boggy land by liming, dunging, and planting potatoes; two crops great, and equally good.

Mr. Shanley, in Ireland, on a bad red bog, four feet deep, had 1,200 stone of potatoes per acre; after draining, manured with limestone gravel, at the expence of £. 3. an acre; also a common dunging; then sowed barley twice, and laying it to grass, became immediately worth 40 s. an acre.

At Swinton, in Yorkshire, on black moory soil, 4 s. 6 d. an acre, 120 bushels an acre to 158.

Mr. Sturt, at Brownsea, on a black peat moor, at 4½ d. an acre, gained 600 bushels an acre.

*Observation.*—The authorities that tend to elucidate this part of the subject, are, upon the whole, very satisfactory and

( 61 )

and important; and leave no reason to doubt, that the culture of potatoes may be pursued on these lands, with every rational hope of success.

#### POTATOES on WOODLANDS.

Mr. Abdy, of Essex, an honorary member of the Board, grubbed a wood, dunged it with twenty waggon-loads an acre, and planted potatoes: produce 563 bushels per acre; expence £. 16. 13 s. 6 d.

*Observation.*—This single experiment may be of use to those who grub up woods, as it may probably be found that no other crop is better adapted to be first had recourse to on such occasions.—It merits a trial to discover whether dung is necessary in such cases.

#### In YOUNG PLANTATIONS.

In Shropshire, Lord Clive finds it an excellent practice to permit the planting of potatoes in his young plantations, the season after the young trees are put in the ground. The neighbouring cottagers are allowed to plant them, and if it is new or maiden ground no manure is put in for the first two years. The potatoes are not continued above three years, and are of great use to the young trees.

Mr. Coke, of Holkham, Norfolk, permits the poor people to plant potatoes in his young plantations, and finds the cultivation beneficial to the trees.

*Observation.*—In all cases where the benefit to the planter and to the poor seems to be reciprocal, as in this practice, it is much to be wished that the same system may be adopted. Merely to offer such a hint to the public, will doubtless have good effects. As the culture of potatoes is an excellent preparation for planting, why may not those who have plantations in view inclose in terms of the act 29 Geo. II. Cap. 36, and endeavour to make planting of trees and potatoes go together?

Improvement

Improvement of Waste, by TURNIPS and POTATOES.

The following practice seems to be well entitled to particular attention, as an excellent mode of improving Waste Lands. First burn the surface of the coarse grounds, such as the outskirts of bogs, and lands over-run with furze, heath, fern, &c. in the months either of March or April, or even May, and spread the ashes about the beginning of July. Then plough and harrow the land, and sow it with turnips, the crop from which will probably pay the rent and expences. In the Spring following plough and harrow the land, and without any farther manure plant the potatoes with a small plough. The crop from new ground treated in this way is very great: Sometimes a second crop of potatoes is taken, but in general the sooner new land can be laid down in pasture, the better, until it has acquired strength sufficient to yield crops of grain in regular rotations. According to the nature of the soil, it may be laid down with grass-seeds, either with barley, if the land is light, or with oats, if it is strong or heavy.

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2. Map of Lancashire,
3. Cheshire,
4. Derbyshire,
5. Yorkshire, (West-Riding)
6. Staffordshire,
7. Environs of Mottram,
8. Plan of the Canal from Manchester to Run-corn,
9. the Trent to the Mersey,
10. Leeds and Liverpool Canal,
11. Rochdale Canal,
12. Huddersfield Canal to Ashton.
13. Lancafter Canal,
14. Ellesmere Canal,
15. a Lock for a Canal,
16. an Aqueduct for a Canal,
17. a Bridge for a Canal,
18. an Accommodation Bridge,
19. Melandra Castle,
20. Castle Croft,
21. Castle Steads,
22. Buxton Castle,
23. Castle Shawe,
24. Liverpool,
25. Chester,
26. View of the Grand Aqueduct at Barton Bridge,
27. Christ Church, Manchester,
28. Ancoat's Hall,
29. Harthead Pike,
30. Manchester,
31. Jailor's Chapel,
32. Two Supposed Dungeons,
33. Old Hall,
34. Ashton,
35. Staley Bridge,
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37. Scout Mill,
38. View of Fairfield,
39. Heaton House,
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54. Bridge,
55. Lodge,
56. Mottram Church,
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58. Cottage at Roc Cross,
59. Mottram,
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The Publisher is not in the habit of quoting or extracting the opinions of Reviewers, however just or flattering they may be, in doing justice to Authors for whom he has the honour to publish; but as the present Work may be considered much out of the course of Booksellers undertakings, he thinks it may not be improper to give the following Extracts from the Analytical Review of November, 1795, for the better information of those who have not had an opportunity of seeing the Work, which has cost him upwards of £.3,500, exclusive of his own time and labour in collecting a very considerable part of the materials from his own personal knowledge of the country described.

“ WHATEVER gloomy reflections the retrospect of the political and moral state of this country try, during the century now drawing towards a close, may suggest to the enlightened philanthropist, there is at least one point of view, in which its history assumes an enlivening aspect; and cheers the spectator with bright images and fair prospects. Whether Great Britain have, since the revolution, been progressive, or retrograde, in its civil and ecclesiastical movements, may be problematical; but, that it has been making advances in many branches of science, and still more in the useful and the fine arts, is a fact which can admit of no dispute. In that knowledge of nature, which enlarges the powers of man, and consequently extends his field of action and enjoyment;—in those practical applications of physical science, which contribute to the improvement of agriculture, manufacture, and commerce, and in those exertions of genius and taste, which produce magnificence, elegance, and beauty, in an endless variety of forms, the present age, unquestionably, far surpasses the former.

“ The union of taste and science, which has of late appeared in many valuable and splendid productions of the press, may be particularly regarded as a proof and illustration of the preceding remarks. Such works as that which is here presented to the public might have been in vain sought for at the beginning of the present century. The writer and the artist have vied with each other to render this description of Manchester and the country round it one of the most finished topographic works, which the English press has produced. The publisher has spared no expense in the embellishment of the work; and the writer has exercised his well-known accurate judgment and elegant taste in the arrangement and composition of the materials. Dr. Aikin's good sense has led him to make choice of the simple, unornamented style, as, in general, the proper clothing of such details as must form the bulk of a work of this kind; yet, wherever a proper opportunity has presented itself, he has given his pen a freer and bolder scope. The language is, throughout, correct, neat, and perspicuous, and, where the subject would permit, rises into elegance.

“ The town of Manchester is, with great advantage, made the centre of a tour of observation on the state of manufactures and commerce in this island. Manchester is the stock of that vast tree, which has lately grown with such wonderful rapidity, and spread its branches through so large an extent of country, the cotton manufacture. Within the limits of this description are also included the woollen manufacture, which fills the bleak and sterile tract of the West-Riding of Yorkshire with population and opulence; the cutlery, and other hardware of Sheffield; the mines of Derbyshire; the potteries of Staffordshire; the silk-spinning, and the salt-works of Cheshire; the sail-cloth, iron, and glass manufactures of Lancashire; and the great commercial port of Liverpool, the second for extent of business in the kingdom. It will, of course, be expected, that the description of such a country should be chiefly occupied with subjects relative to trade and commerce. Many other topics of information and amusement, however, find a subordinate place in this work, as will more fully appear in tracing the plan which the writer has followed.

“ Dr. A. begins with breaking the large space, which he has undertaken to describe, into its geographical divisions. An entire general description is given of Lancashire and Cheshire, in which their limits, divisions, face of country, soil, climate, course of rivers, agriculture, and productions, are treated of in a summary way, and every circumstance of importance by which they are characterized, is noticed. A similar general description is also added of Derbyshire, comprehending an account of its mines and minerals; of the West-Riding of Yorkshire; and of the northern extremity of Staffordshire. These territorial descriptions are terminated by a particular account of the whole system of canal and river navigation, which extends through, and mutually connects these districts. The several trunks, and communicating branches, of the artificial canals are traced from county to county, with details concerning their rise, progress, and uses. This account closes with the following judicious reflections.”—[Extracts from pages 136, &c. of the work are here inserted, after which the Reviewer proceeds:]

“ The introductory part is accompanied with Maps, Plans of Canals, and a beautiful View of the singularly striking Aqueduct, where the Duke of Bridgewater's canal passes over the navigable river Irwell at Barton-bridge.

“ The main body of the work consists of descriptions of particular places. Beginning with Manchester, Dr. A. proceeds through all the principal towns and villages, giving details respecting population, government, institutions, trade, manufactures, and whatever else is important in the present state of a place, not without an occasional retrospect of past times.

“ In the account of Manchester, its ancient state and gradual increase are described; and very curious, and, we have no doubt, accurate details are given of its trade from the beginning of the sixteenth

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“ sixteenth century, when its principal manufacture was woollens, through the whole course of the rapid progress of its cotton manufacture. This account being too extensive to be copied, and not admitting of abridgement, we must be contented with mentioning it in general terms, as one of the most valuable parts of the present work. To these particulars respecting the trade of Manchester are subjoined some articles of curious and amusing information, respecting the former condition and manners of the inhabitants, and their gradual advances in opulence and luxury, with other circumstances of their domestic history. From this interesting chapter we shall make the following extracts:—[The parts alluded to are taken from pages 181, &c. after which the writer of the critique continues]—

“ Particulars respecting the internal government, buildings, institutions, &c. of Manchester, close this part of the work.

“ The author next proceeds to take notice of several old mansions in the neighbourhood of Manchester, and adds a biographical memoir of the poet Byrom, a Manchester man. This part of the Description is embellished with several plates, among which is a View of Manchester, taken from Kersal-Moor, at the distance of about three miles; a situation which afforded a pleasing landscape for the foreground, enlivened by the beautiful windings of the Irwell, but which, however, leaves the view of the town imperfect and indistinct.

“ Next follow accounts of various towns and villages in Lancashire. In the description of the parish of Rochdale is introduced an amusing account of John Collier, a man who possessed a considerable portion of native humour, which gave birth to a piece of low drollery, well known in this part of England, under the title of ‘The Adventures of Tim Bobbin,’ a Lancashire clown. This piece exhibits the genuine Lancashire dialect, ‘a variety of the English tongue, which,’ says Dr. A. ‘though uncouth to the ear, and widely different in words and grammar from cultivated language, is yet possessed of much force of expression.’ We could have wished that the reader had been gratified with a small specimen of this curious production.—Particular attention is, in these descriptions of places, paid to the state of population, and to the progress and present state of manufactures; they are accompanied with several Views, some of which are very beautiful.

“ The town of Liverpool has a share of attention allotted it proportioned to its importance. In this part of the work the writer has availed himself of the materials collected in Dr. Enfield’s Essay towards an History of Liverpool, but not without large additions, chiefly relative to its improvements since the year 1772. Tables are given of the dock-duties, and of the number and tonnage of shipping, from 1752 to 1794. A Plan of Liverpool is annexed; also two Views, which, however, convey but a very incomplete idea of the place.—An interesting account is given of the drainage and improvement of Chat and Trafford Mosses, now carrying on by two Liverpool gentlemen. Concerning this very useful undertaking, we shall present our readers with a few particulars.—[The Review then contains quotations from pages 381, &c. and concludes its account of the work with the following paragraphs]—

“ Dr. A. now passes across the Mersey into Cheshire. To a brief abstract of the history of the ancient city of Chester, he adds a topographical description of that singular town, with an account of its government and institutions. After a short excursion to Wrexham, he passes through the county of Cheshire, as before that of Lancashire. A curious account is given of the salt-pits at Northwich, which we should with pleasure copy, were we not apprehensive of extending this article to an immoderate length. A minute description is given of the town and environs of Mottram in Longdendale, with which the publisher is personally connected, and to which it was his original intention to confine his plan. Some of the Views of this place are among the most beautiful embellishments of the work. Curious memoirs are added of two of the inhabitants of Mottram—Mr. Lee, who, from a poor run-a-way, became an eminent stock-broker at the Royal Exchange—and Laurence Earnshaw, a very ingenious mechanic.

“ Among the many elegant plates with which the publisher has embellished the description of Cheshire, beside those already noticed, may be particularly mentioned, Views of Macclesfield, and of Hyde Hall, and a fine Portrait of the Rev. Benj. La Trobe, a respectable teacher among the Moravians.

“ Of the description of Derbyshire the more interesting parts are, the accounts of Buxton, of the Peak, of Dove Dale, and of Matlock. In the description of Staffordshire is introduced an account of the rise, progress, and present state of the potteries, ‘drawn up by a person of great chemical knowledge, and thoroughly acquainted with the subject.’ A character of Mr. Josiah Wedgwood, the great improver of the art of pottery, is copied from the obituary of the Gentleman’s Magazine. In Yorkshire, the manufactures and increasing population of the towns of Sheffield, Huddersfield, Halifax, Leeds, and Wakefield, are distinctly described. These parts of the work are embellished with several Views; and to the whole are added a beautiful two-sheet Map of the country forty miles round Manchester, and, of the same size, a plan of Manchester.

“ Whilst in our proper capacity, as literary journalists, we express our unqualified approbation of the literary part of this work, it will not be stepping out of our way to inform our readers that it is well printed, and that the plates are executed with taste and elegance.”

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