

◆ The Broyle Enclosure, 1767–71

by John E. Kay

The enclosure of the Broyle, a large deer-park that also served as the main area of common land for the parishes of Ringmer, Glynde and South Malling, was brought about by a private Act of Parliament of 1767. This was the first Parliamentary Enclosure Act in the county of Sussex and one of the largest. The enclosure was hotly contested and an unusual amount of background information has survived, allowing insight into the exercise of power and influence in this 18th-century rural community and identification of the interest-groups promoting and opposing enclosure.

THE BROYLE

The Broyle has an area of about 2000 acres. It lies mainly in the north-east of the parish of Ringmer, though its northern section crosses the border into Framfield (Fig. 1). Its extent is indicated by the characteristic forty-foot-wide dead straight enclosure roads, evident on an O.S. map, and in several places its boundary bank also survives. Its precise boundaries can be determined from the pre- and post-enclosure maps of the Broyle and by the tithe-free status of the land formerly part of the Broyle in the Ringmer Tithe Award.¹ It is largely on the Weald Clay, with a strip of Lower Greensand and Gault Clay along its southern edge, and was originally part of the wealden forest within the Archbishop of Canterbury's giant manor of South Malling that stretched from the river Ouse at Lewes to the Kent border.

Initially the cultivated area of the manor was probably confined to a group of settlements along the river Ouse and around the Caburn chalk outcrop in the south-west of the manor, but medieval population increases led to progressive settlement within the Weald. By the second half of the 13th century further assarting in the southern part of the manor was restricted, and the remaining forest there was emparked. Three deer-parks (Plashett, Ringmer and Moor Parks) were reserved to the demesne but the Broyle, although also impaled and used as a deer-park, served in addition as the common for the tenants in the southern part of the manor. Its functions at this time, described in custumals of 1285 and 1331, included the provision of grazing for the tenants' cattle, beech mast and acorns for their pigs, timber and daub for their houses, firewood for their hearths and clay for their pottery

industry.² The tenants had to give the Lord a hen each year in return for their common rights and there were also small charges for pannage (the right to turn their pigs into the Lord's woods in autumn) and estovers (the right to take wood from common land for fuel and household repairs).

The Broyle of the 18th century (Fig. 2) was still much the same size as 500 years previously. There had been small 16th- and 17th-century assarts at Broyle Place, near the demolished mansion of Dunstalls (near Howells Bank), at Bentley in Framfield and near a kiln site at Harveys Gate, but together they accounted for less than 1 per cent of its area.³ It had, however, gone through an interesting cycle of changes in its appearance.

At the time of a 1601 survey the Broyle retained its dual function as deer-park and common.⁴ It was now managed by Thomas Sackville, Lord Buckhurst (created Earl of Dorset in 1604), whose family became Foresters of the Broyle shortly after Elizabeth I acquired the manor of South Malling by compulsory exchange with the archbishopric. There were reported to be 240 fallow deer and 6000 cords of underwood, but apparently very few mature timber trees. It is a matter of speculation whether this was the result of intensive grazing or of a management policy to maximize the production of underwood for estovers or to feed the Wealden iron industry. In 1649 there were estimated to be only 1400 cords of underwood and the two keepers could not produce any deer to show the parliamentary commissioners though there had been up to 700 within living memory.⁵ The keepers claimed there were still 100 and blamed the low numbers on the destruction of the woods and timber by the (royalist) Earl of Dorset and his ancestors, coupled with poaching during 'the late troubles'. The Broyle was surrounded in part

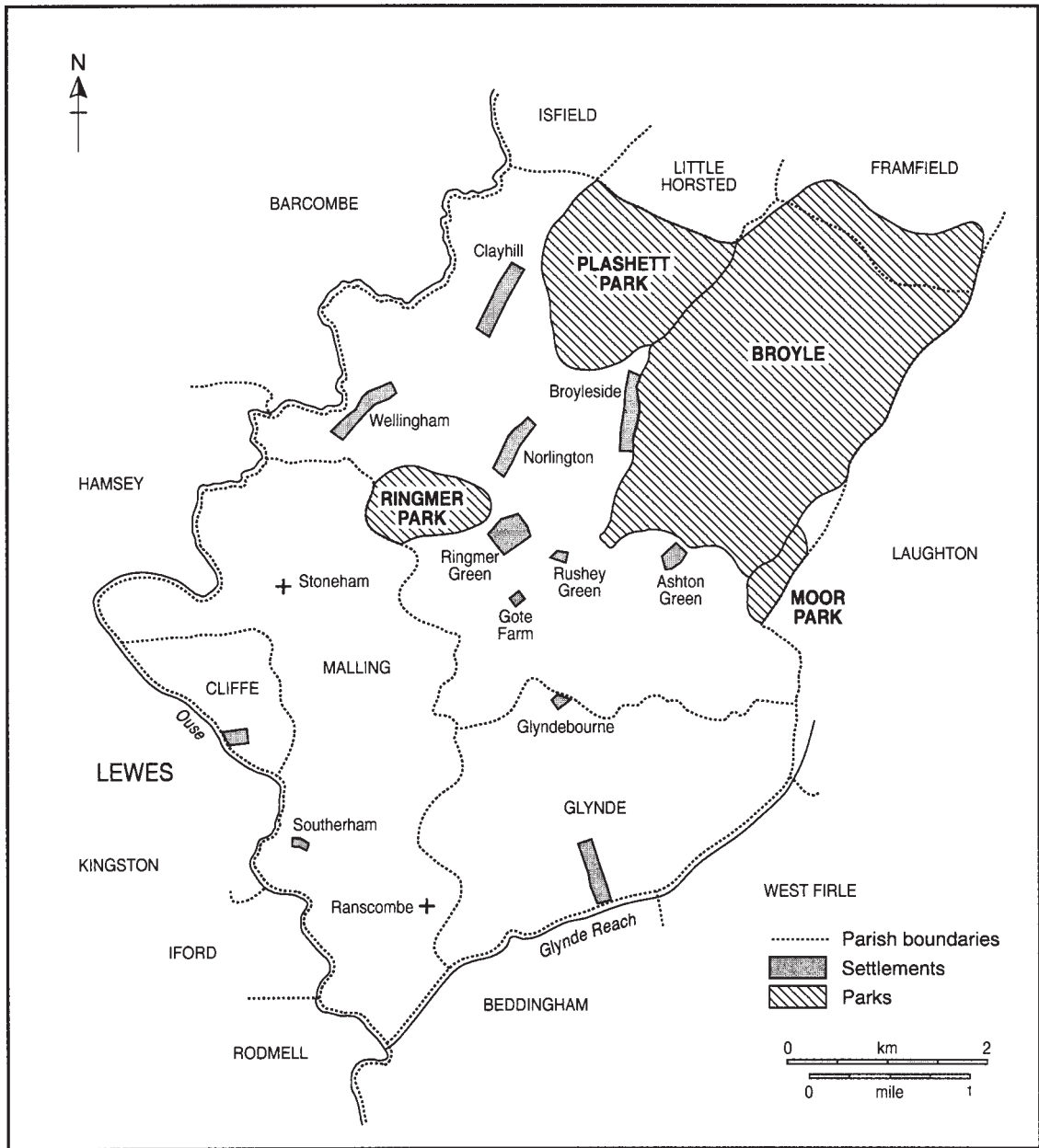


Fig. 1. The location of the Broyle. The section of the manor of South Malling 'without the wood' included the settlements of Wellingham (including Clayhill), Norlington (including the Broyleside), Gote and Middleham (including Ringmer Green and Rushey Green), Ashton (including Glyndebourne and Ashton Green), Glynde, Southerham, South Malling and the Cliffe; the demesne farms of Stoneham and Ranscombe (indicated by +); and the demesne parks of Plashett Park, Moor Park and Ringmer Park and the Broyle. It was divided between the parishes of Ringmer, Glynde, South Malling and Cliffe. The parishes of Isfield and Framfield were also part of the manor of South Malling, but 'within the wood'. The river Ouse formed the western boundary of the manor, and also of the Rape of Pevensey. Glynde Reach is the south-east boundary of the manor. The boundary between Ringmer and Laughton follows no major geographical feature but was established by the 9th century and remains today the boundary between Lewes and Wealden District Councils.

by a hedge and in part by pales.

In 1651 the Broyle was sold by the Commonwealth authorities to Col. John Hewson and Col. Daniel Axtell and, apparently for the first time, the tenants' rights were challenged. The colonels apparently intended to exploit the Broyle as commercial woodland, and the sale was revoked in 1654 because of the tenants' enforcement of their rights. The lawyer-antiquary John Elliot recorded in 1766 that the tenants experienced greater difficulties after the Restoration, when Charles II granted the Broyle, along with Ashdown Forest, for a term of years to his friend George Digby, 2nd Earl of Bristol.⁶ Lord Bristol intended to enclose and sell much of this common land and denied them even their right of common, but meeting opposition from the tenants surrendered his lease in 1664. The tenants recovered many of their privileges when in 1675 the Broyle was granted to the Earl of Dorset, but their right to estovers was never re-established. The consequence, according to oral evidence collected by Elliot, was that the underwood nursed up a prodigious quantity of young oak and beech timber, which in turn became tall and thick enough to destroy the underwood. He estimated that by the 1760s the Broyle contained about 12,000 tons of growing timber but no significant amount of cordwood. The deer seem also to have flourished, as in 1719 and 1720 there were enough to require 36 loads of hay to be purchased for their winter fodder at a cost of £72, accounting for more than half the 1st Duke of Dorset's total profits from the manor of Ringmer.⁷

Elliot, writing in October 1766, recorded that in the previous winter and spring the timber growing in the Broyle had been almost completely felled, and the remaining underwood destroyed so that there was little chance of another timber crop developing. He described the new aspect as that of a large waste or common, thinly scattered with shrubby oaks of little value. There were a few beech trees but little or no underwood. It must have been a very boggy common, with ponds from old clay diggings and in 1757 enough water to drown carpenter Thomas Crunden.⁸ Elliot reported the herbage in 1766 to be very thin, but predicted that it would soon improve enormously now that the shade of the trees had been removed. He commented that the Lord's great profit from the timber had been at the expense of the tenants' right of estovers, but thought that their right of common for their 600–700 horses and cattle would become much more

valuable as the herbage improved. Some of the wood cut at this time was burnt to charcoal — the accounts of the East Grinstead carrier Robert Knight record payments for seven journeys shipping loads of 'coal' from 'Braille, Lewes' to Woodcock Forge, north of East Grinstead, in April and May 1767.⁹

The 1285 custumal implies that the common was unstinted and in 1366 an extent of the property of the Dean and Canons of the College of South Malling notes that they have 'common for all their beasts without stint in the Broyle and in Suthmallyng like other tenants of the archbishop'.¹⁰ An early 17th-century Chancery case brought against the tenants by the Attorney General on behalf of the Crown emphasized the conflict between its dual uses as common and deer-park, and sought to regulate the use of the common. It was claimed that the Broyle was so heavily stocked with tenants' cattle that the Earl of Dorset had to purchase hay for the deer and nevertheless many had starved. Some tenants had brought in animals from outside the manor, people looking after the cattle had driven the deer away from the pasture, unringed hogs had been seen to attack and kill fawns and geese fouled the pasture.¹¹ By the 18th century the grazing was strictly stinted. A stocking scheme listing the numbers allowed to each holding survives from the early 1750s and shows that a sliding scale favouring the smaller tenants was used. In total the common had to accommodate 474 bullocks (271 allowed to 81 Ringmer tenants, 109 from 16 South Malling tenants and 94 from 18 Glynde and Cliffe holdings). The tenants had the option of commoning one horse in place of two bullocks. The amount of open land in the Broyle by this time was sufficient to allow games of cricket to be played there.¹²

The fringe of houses and cottages right round the edge of the Broyle, often within yards of the boundary-bank and looking out onto the common (Fig. 2), suggests it had other uses to its immediate neighbours. Woodcutting, maintenance of the park pale, supervision of commoning animals and hunting all provided economic opportunities. In 1754 the Bishop of Durham paid Thomas Ranger 1s. 3d. per load for 47 loads of sand dug in the Broyle for use in his improvements at Glynde.¹³ The tenants' right to dig clay for daub for their houses seems to have become interpreted as allowing them to take clay for brickmaking — the Courts Leet of the late 17th and early 18th centuries include regular lists of tenants 'fined' for taking clay to make bricks

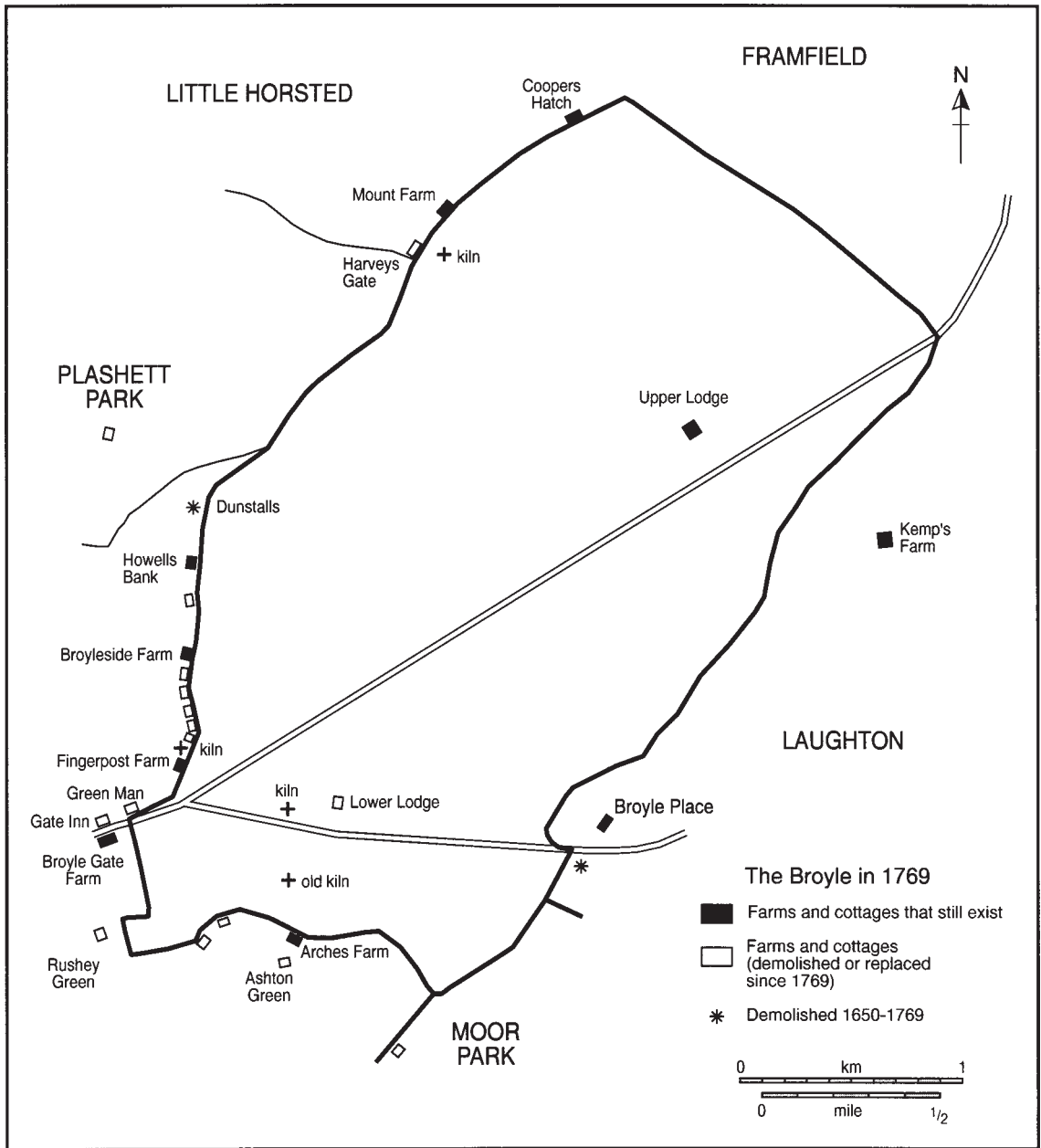


Fig. 2. The Broyle in 1769. A reconstructed detailed map based on ESRO GLY 3504 and ESRO AMS 5915/2 showing the farms and cottages round its edge, the turnpikes across it and kilns in and around it. The map shows houses that still survive (■); houses present in 1769 but since demolished or replaced (□); houses lost 1650-1769 (*) and brick kilns (+).

or tiles for sale.¹⁴ There are still signs of extensive clay-diggings in several places in the Broyle. A pre-enclosure map shows kilns near Old (Lower) Lodge and near Harveys Gate, and a kiln pond on the site

of the present sewage works. There is also a kiln on John Elphick's Broyleside property and Thomas Crowhurst the brickmaker leased the Broyleside Howells Bank Farm in 1767.¹⁵

The only official buildings in the Broyle were the Old (Lower) and New (Upper) Lodges, medieval in origin and occupied by the two keepers who looked after the deer.¹⁶ New Lodge provided both modest accommodation for a keeper and the much grander facilities of a 17th-century hunting lodge for the Dorsets and their friends (Fig. 3). There was probably a certain amount of unofficial squatting on the common too. The 1649 Parliamentary Survey records an unlicensed cottage, which the Commissioners recommended should be pulled down as a nursery of wickedness and destruction of the woods, and at the time of



Fig. 3. The Upper or New Lodge. This hunting lodge provided accommodation for the Dorset family when they visited the Broyle and also, to the rear, a residence for one of the two keepers. After enclosure this was used as a pesthouse and then as a farmhouse. Today it belongs to the Raystede animal sanctuary.

the enclosure a Ringmer blacksmith was said to own a cottage built in the Broyle.¹⁷ However, the most conspicuous artefacts at the time of the enclosure must have been the two brand new turnpikes cutting swathes across the Broyle from Broyle Gate to Broyle Place Gate (and thus to Horsebridge and Battle) and to Shortgate (and thus on to Heathfield), authorised by an Act of Parliament passed in 1766. The turnpikes replaced earlier more sinuous tracks and must have been a boon to travellers. The East Hoathly shopkeeper Thomas Turner records in his diary an incident in 1757 in which he and a friend walking home from Lewes lost themselves in the Broyle, eventually emerged on the same side as they started, re-fortified themselves in Will Dicker's Broyleside alehouse, and then wandered through it again for the best part of the night before eventually finding their way out on the correct side.¹⁸

THE 1767 BROYLE ENCLOSURE ACT

In 1663 Lord Bristol's attempt to enclose the Broyle along with Ashdown Forest against popular resistance included an Enclosure Bill that was passed by the House of Lords but defeated in the Commons.¹⁹ Indeed, the tenants' power at this time was sufficient to bring about a 'concordat' between the Ringmer tenants and the Earl of Dorset (as Lord of the manor) that effectively reduced the old manorial system to

little more than a legal fiction, the main purposes of which were the registration of land titles on one part and the exaction of certain customary payments such as quitrents, heriots and fines on the other.²⁰ It is probable that from this date on the stewards profited more from the manor than did their Lords.

However, in 1767 an Enclosure Act for the Broyle Park was passed and subsequently implemented.²¹ Such Acts were commonplace at this time — about 50 were passed in 1767 alone. There were, however, two features of note about the Broyle Park Act. It was the first successful Sussex enclosure by Act of Parliament²² and it was much more vehemently opposed than was usual.

A petition for leave to bring in the Enclosure Bill was first presented on behalf of Charles, Duke of Dorset on 27th January, just before the deadline, by three MPs namely Lord George Sackville, Mr Fuller and Mr Wedderburn.²³ The Bill received its first and second readings on 6th and 16th April and was sent to its committee stage for detailed consideration. The first sign of any departure from the normal smooth progress was on 28th April, when the committee was given powers to send for papers, persons and records, a sign that it had encountered some opposition.

On 4th May a petition against the Bill was read to the House, and referred to the committee, with the order that 'the petitioners be heard by their

Counsel if they thought fit'. The committee was also instructed to admit counsel in favour of the Bill at the same time, and it was ordered that 'All have voices who come to the said committee', which would have facilitated lobbying. On 15th May Mr Fuller reported back that the committee had heard counsel in favour of the Bill (he does not mention counsel against), and found it to be a true Bill, with tenants owning 90 per cent of the value of the manor consenting to enclosure. The committee had made unspecified amendments. The Bill received its third reading on 19th May, passed through all its stages in the Lords in eight days, and received the Royal Assent on 29th June.

Any records of the proceedings of the Commons committee were destroyed in the 1834 fire, but the House of Lords records do include the petition for leave to appear against the Bill signed by 42 people and presented on 20th May, and also the proceedings of the select committee on the Bill which met on 25th and 26th May.²⁴ On 25th May consideration of the Bill was adjourned until the following day, when Mr Kempe, counsel for the petitioners, withdrew the petition 'being by some Accident deprived of the Attendance of Mr Browne, his most material Evidence'. Thomas Davis then gave evidence that there were 86 proprietors whose property was £6307 p.a., whereof 47 whose property was £5668 p.a. consented to enclosure. Another 20 whose property was £240 p.a. were neuter, and the rest opposed. Charles, Duke of Dorset, Lord of the Manor, and one of the principal tenants, the Bishop of Durham, were present and consented. William Michell and William Hodgson presented the written consent of others involved, including the Archbishop of Canterbury, the Earl of Thanet, Colonel Hay, Mr Burrel, Mr Baynes, Mr Gadsby and Mr Read. The Bill was reported without amendment.

The opposition was thus ineffective, but it was distinctly unusual. Examination of a sample of 20 other Enclosure Bills introduced in the same session reveal none formally opposed in this way in either the Commons or the Lords. A detailed examination of this enclosure and of the forces and personalities behind it is therefore presented here.

THE DUKE, THE BISHOP AND THE MAN OF BUSINESS

The Lord of the Manor of Ringmer (and of many other manors in the Sussex Weald) in 1767 was

Charles Sackville, the 2nd Duke of Dorset.²⁵ Born in 1711, he seems almost a caricature 18th-century aristocrat. He was in his youth a dissolute and extravagant man of fashion and an undistinguished poet. He developed a consuming passion for directing opera which cost him a fortune even though the singers who worked for him sometimes had to take him to court to get their fees. He was a close friend of Frederick, Prince of Wales and like Frederick he quarrelled bitterly with his father. He had succeeded as Duke only in 1765 at the age of 54 and was known up to this time by his courtesy title, the Earl of Middlesex. First elected to Parliament for the Sackville-controlled borough of East Grinstead in his early twenties, in his thirties he had held a Treasury post in one of Henry Pelham's ministries but gave this up to become Master of the Prince's Horse. He had married an heiress described as very short, very plain, very yellow and very vain, and obtained for her a position as Mistress of the Robes to Prince Frederick where she became 'the object of the Prince's most devoted attention'.

By 1767 the Duke was aged 56, and old for his years. Both his wife and Frederick were dead, he had no children, and though he attended the Lords regularly he never spoke. He is described as a proud, melancholy, solitary man, whose conduct savoured to his contemporaries of madness. The 18th-century Dorsets had never displayed much interest in Ringmer, a peripheral manor with no unencumbered demesne and which normally contributed little to their income. Altogether he sounds a most unlikely man to have conceived and forced through this pioneering Sussex enclosure.

Dr Richard Trevor, Bishop of Durham (Fig. 4), was a very different type of aristocrat.²⁶ Born in 1707, he was the fourth son of a judge and attorney-general who became the first Lord Trevor, and under the rules of primogeniture he clearly had to make his own way in the world. The route he chose was the church. Educated at Oxford, at 20 he was a fellow of All Souls, at 24 a Doctor of Civil Law, at 25 he was presented with a living by his half-brother and at 27 he became a canon of Christ Church Oxford. At the age of 36 he inherited the substantial Glynde Place estate from his cousin's son, a sad young man of 27 who committed suicide. Dr Trevor had been looking after him, and the inheritance was challenged by the suicide's seven sisters who claimed he was insane when he made the will, but Dr Trevor kept the estate. He thus became one of the principal

tenants entitled to common in the Broyle. In 1744, the year after his inheritance of the Glynde estate, he was made Bishop of St Davids and in 1752 he was translated to Durham. This made him third in precedence in the church and gave him one of the richest sees in the country. His rapid climb clearly owed much to his undoubted energy and ability, but in an age of patronage was doubtless not hindered by his being related to the leading political family of the day, the all-powerful Pelhams.

The two Pelham brothers, Henry Pelham and the Duke of Newcastle, together with Robert Walpole dominated Parliament and the Whig governments of the reign of George II by an elaborate and all-pervading system of patronage. The Pelhams had extensive Sussex estates and their principal mansion here was Halland House in East Hoathly, less than three kilometres east of the Broyle. Locally they controlled the Parliamentary borough of Seaford and were the dominant force in Lewes, but Henry had died in 1754 and by the 1760s the Duke of Newcastle's political influence was in decline.²⁷ Many of the local gentry had devoted much of their energy to scrambling into their patronage net. Trevors sat as MPs for Lewes and Sussex in the Whig interest, and as their family tree seems to have produced more talented twigs than most, their rewards were correspondingly higher. Dr Richard Trevor was also a great favourite of George II. However, he never achieved his two highest ambitions. He narrowly failed to gain election as Chancellor of Oxford University, despite being ahead on the first ballot, and in 1758 he failed to gain the Archbishopric of Canterbury, though tipped to succeed by Horace Walpole.

Amongst his contemporaries he had a reputation for saintliness — perhaps less difficult to achieve in the 18th century than in more austere times. He was certainly a man of considerable scholarship, a munificent patron, and in his will he left large sums to charity. He found time for religious affairs, publishing some volumes of sermons, and unlike many Bishops of the period he actually resided in his see every summer, either in Durham or at his palace at Bishop Auckland. The rest of the year he divided between his London house in Hanover Square and Glynde Place.

He was a bachelor and an energetic believer in 'improvement'. He greatly improved the castle and park at Bishop Auckland. In London he was one of the most active members of the House of Lords —



Fig. 4. Dr Richard Trevor, Bishop of Durham. From a portrait at Glynde Place.

needless to say in the Pelham interest — and regularly sat on the committees dealing with Navigation, Turnpike and Enclosure Bills. Despite his limited residence, he had a tremendous impact on Glynde. He modernized Glynde Place, turning it back to front and adding the imposing stable block. He followed an aggressive policy of agricultural improvement and building up the estate, using modern financial management techniques, and he brought the famous Ellman family to Glynde Place Farm. He pulled down the medieval church and built a new one in what must have seemed to the inhabitants a startlingly modern style. He moved the road and the river to more convenient courses, built a new bridge across Glynde Reach, and played a major part in promoting the two new turnpikes across the Broyle. To such a man the 2000 acres of unimproved and over-grazed Broyle common must have seemed a waste in the literal as well as the manorial sense of the word. It seems quite clear that it was the Bishop rather than the Duke who was the driving force that ensured the Broyle Enclosure Bill was passed, the reactionary opposition brushed

aside, and the common improved to fertile farmland. Enclosure was doubtless just one aspect of improvement to him, and if he could see the Broyle today he would surely be proud of his achievement.

Of course, a man as busy as the Bishop could not attend to the details of the enclosure himself. His personal involvement was limited to the use of his name and his influence to gain the support of the more important of the local gentry and securing the Parliamentary passage of the Bill. The detailed organization was in the hands of his steward, William Hodgson. Mr Hodgson normally travelled with the Bishop, so Sussex affairs were delegated to a trio of locals namely William Michell, William Cornwell and the Rev. Thomas Davies. William Michell, born in 1708, was a leading Lewes attorney, as had been his father before him. He lived at 82 High Street, now Lloyds Bank. His clients included the Duke of Newcastle, for whom he acted as both political agent and steward of his Sussex manors and from whom he had received the sinecure of Treasurer in the Salt Office, and several other local members of the Whig aristocracy.²⁸ William Cornwell was Bishop Trevor's factotum at Glynde Place. The Rev. Thomas Davies, a Welshman in his late forties, was vicar of Glynde from 1750 to 1789, and combined his spiritual duties with a more consuming concern for the well-being and development of the Bishop's temporal estates. That we know so much about the process of this enclosure is due to this trio, as Hodgson in London carefully filed away both Michell's papers on the organization of the campaign and Cornwell's and Davies' regular letters keeping him fully informed of local events relevant to the estate. These papers survive in the Glynde Place archives, giving us a valuable insight into the structure of an 18th-century rural society and the way in which it reacted when faced with the prospect of change.

However, while it was the Glynde machine that drove the enclosure through, the original conception of the plan seems to have come from another man with little direct personal stake in the outcome. Letters that somehow came to be preserved in the Glyndebourne estate archives suggest the instigator was Abraham Baley, a young Lewes-based attorney.²⁹ In business in Lewes, perhaps as a protégé of William Michell, his clients included the Pelham family and their Whig associates, and in 1764 he was recruited to reorganize the Duke of Newcastle's chaotic

finances.³⁰ He was appointed to act as Newcastle's steward at Halland, where he took up residence in September 1764, and about the same date he also took over the management of the Duke's main revenue-producing asset, the Clare Market estate in London.

By this late stage in Newcastle's career this was a thankless task, but Abraham Baley plunged into it with energy and enthusiasm, paying attention to the smallest details and drawing up careful plans. He went rigorously through the expenditure, cutting out Newcastle's contribution to the school at Seaford, questioning his predecessor's disposal of the apples grown in the garden at Halland and abolishing the provision of charitable bread and beer to the elderly poor of Laughton and East Hoathly that had been made by the Duke and his ancestors for more than a century. Such economies did not win Baley many friends amongst the recipients of the Duke's largesse. Thomas Turner of East Hoathly, who acted as co-trustee with Baley in the bankruptcy of another villager, noted in his diary on 30th September 1764 'Now the Duke [has] lately put in a new steward who is famed for economy and frugality, though I should rather think it deserved the name of niggardliness and done to gain self-applause' before going on to record the steps taken by the parish to investigate whether the charitable donations to his parish poor that had been made for time immemorial, and were by then looked on as a right, were in fact legally enforceable.

As Abraham Baley travelled between Halland and Lewes his route took him through the Broyle, and he was evidently struck by its potential for improvement. The Duke of Newcastle's estate did not extend across the Laughton boundary into Ringmer, but perhaps Baley had future patronage in mind. He chose to present his ideas to the elderly Glynde estate steward, William Hodgson. In his letter to Hodgson dated 1st February 1766 and written from the Lewes Coffee House he says:

I have today dined with Mr Michell. In our common conversation the subject of the Broile made a part. I did not mention to him what had passed between you and I relating to my whim, but as I observed that he is likely to move very slowly in the forwarding that business, and is ill and talks of not being in town this fortnight, I thought it might not be amiss to hint it to you, that you may if you think it necessary spur him up a little for,

between us, if you leave him to himself I am afraid you must not expect any Bill this session. You are very backward already considering how far the season is advanced and no petition prepared, as I suppose the house will receive no petition after the middle of February. I shall be in town next Friday by 6 o'clock and if you are at leisure and will drink a dish of tea with me, I will tell you all I know of this matter. I thank you for your good opinion, but have no notion I deserve it. When we meet we will talk all those Broile matters over.

The following Sunday evening Abraham Baley despatched a second letter to Hodgson:

Sitting alone this evening I have spent about an hour in putting together a few of my crude ideas relating to a few of the heads of your Broile inclosure Bill. If they are of any use or amusement they are at your service, and if not they have at least answered the end of employing me a lonely hour which indeed is all I had any right to expect from it.

He continues with a discussion of the proportions in which the Broile should be divided between the tenants and the Duke of Dorset, and attaches over two pages of detailed 'Heads' for the proposed Enclosure Bill, suggesting a plan very close to that eventually followed. The whole is an impressive output for one hour's work.

In fact William Michell had not been as dilatory as Abraham Baley suggested. He had made indirect contact with the Duke of Dorset to establish that he would in principle be agreeable to the enclosure, and by 12th February had discussions with the Duke's steward to arrange a formal meeting between the Duke, the Bishop and their stewards at the House of Lords. By this time detailed written proposals along the lines suggested by Baley were sent from 'the tenants' to the Duke of Dorset and discussions between the stewards followed before the end of the month. By March it had been informally agreed that the Duke should appoint one representative and the tenants another to examine how the Broyle should be divided and by June there was a formal agreement signed by the Duke, the Bishop and ten other gentry tenants that they should present an Enclosure Bill in the 1767 session. It was also agreed that an accurate survey should be made, and that Thomas Jackman of Guildford (appointed by the Duke) and Abraham Baley of Halland (appointed by the

tenants) should be arbitrators to determine the division between Lord and tenants, with power to appoint a final arbitrator if they could not agree. They immediately nominated Robert Palmer of Bloomsbury to this role.³¹ This agreement was successfully kept secret from the great majority of the tenants until the Enclosure Bill was introduced in Parliament in January 1767 — so that even the well-connected Lewes attorney Elliot, writing as noted above in October 1766 about the complete felling of the Broyle's timber by the Duke, had apparently no suspicion of his real motive. Even the Rev. Thomas Davies in Glynde was in the dark. Writing to William Hodgson on 2nd February 1767 he says 'I see in the Votes Lord Geo Sackville presented the petition. I don't suppose there will be any stir in the country about it. Nobody here knows anything about it. Has the petition been offered to anybody hereabouts to be signed?'.³²

TENANTS WITH COMMON RIGHTS IN 1767

Michell's detailed papers, prepared between February and May 1767, list all those owning land in Ringmer, Glynde, South Malling and the Cliffe that he believed to have common rights, their support for or opposition to enclosure, and the nature and occupancy of their holdings.³³ He also preserved copies of the petitions to Parliament for and against enclosure, together with alphabetical lists of the Bill's opponents, noting those who could be persuaded to change their views or whose rights could be challenged. Together with the enclosure commissioners' 1769 enrolment of those qualified to receive a share of the Broyle in lieu of their common rights,³⁴ these documents provide a detailed picture of land ownership and occupation at this date.³⁵

The land covered by the enrolment in the four parishes covers 6515 acres of a total of 8000 acres outside the Broyle. The areas excluded were the three former demesne parks and the former common downland, which had no right of common. The downland and the Plashett Park were mostly owned by the large landowners, but the other parks were owned by Richard Harcourt esq. (Moor Park: he was also the lay rector) and Major John Shore (Ringmer Park), who had little or no qualifying land. Also excluded were the many landless houses and cottages, especially numerous in the Cliffe.

Table 1. The large landowners.

Person	Residence	Acreage
<i>For enclosure</i>		
Bishop of Durham	Glynde Place, Glynde	973 acres
Viscount Gage	Firle Place, West Firle	823 acres
Col. Thomas Hay	Glyndebourne, Glynde	781 acres
Luke Spence esq.	Malling House, South Malling	723 acres
Dr William Burrell	Beckenham, Kent	600 acres
<i>Against enclosure</i>		
William Kempe esq.	Malling Deanery, South Malling	486 acres

Six large estates of between 480 and 1000 acres accounted for over two-thirds of the acreage recorded in the enrollment (Table 1). Five of these have their origins in the medieval organization of the manor of South Malling. The largest holding was the Bishop of Durham's Glynde estate, which totalled 973 acres (plus several hundred acres of former common downland). In the 12th century the manor of Glynde was held of the Archbishop by knight's service, and by the 18th century its Lord's estate had incorporated most of this sub-manor's medieval free and customary tenants' lands. This estate also included much land in the adjacent parish of Beddingham and elsewhere in Sussex.

Three further estates, those of Luke Spence of Malling House (Lower Stoneham, South Malling, 722 acres), the antiquary Dr William Burrell of Beckenham, Kent (Upper Stoneham, South Malling and East Gote, Ringmer, 600 acres) and Viscount Gage of West Firle (Ranscombe Farm, South Malling, 823 acres, plus the Plashett Park) were based on the former archiepiscopal demesnes. William Kempe of Malling Deanery held 486 acres in South Malling, based on the former holdings of the College of South Malling. However, the College lands were not extensive, and Kempe's estate included numerous additions, including the land of the medieval vill of Southerham in South Malling, by then consolidated into a single farm. Kempe was the son of the Dr Richard Russell who popularized sea bathing and thus Brighton, and had adopted his maternal grandfather's name when he inherited his estate. The sixth large estate was that of Col. Thomas Hay of Glyndebourne (781 acres). The Hays had purchased an estate straddling the Ringmer-Glynde border early in the 17th century, but it was greatly augmented in the first half of the 18th century by an aggressive acquisition policy that gained the

colonel's father William Hay control of virtually all the former open fields of the Ringmer 'borgh' of Ashton. Col. Hay's mother was a Pelham, and his father had long served as MP for Seaford in the Pelham interest.³⁶ All the owners of these estates except Burrell resided at least occasionally in the local area, but their farms were leased to tenants, mainly in large units. All six families were long-established in the area and at least four of them, the Trevors, Gages, Hays and Burrells, were now closely associated with the Pelham interest.

A further 20 per cent of the enrolled land was held by eleven members of the local gentry with holdings of 45-350 acres (Table 2). In many cases the holdings in this category were outlying parts of much larger estates elsewhere. Rose Fuller of Brightling (MP for Maidstone) and George Medley of Buxted Place were not only substantial landowners in the county, but also possessed sufficient additional wealth from international mercantile activities to give them political independence. William Newton of Southover Grange, William Boys of Ashcombe and John Bridger, who had retired from his house at Offham in favour of his son (who had rescued the family fortunes by marrying an heiress), represented families influential in the Lewes area. Others in this group were gentry of a more parochial character. Mrs Snooke was the aunt of the naturalist Rev. Gilbert White of Selborne, the widow of a Ringmer vicar's son and the owner of the famous Timothy Tortoise whom the naturalist was to inherit. Martha Tapsfield was the widow of a Cliffe woolstapler. William Shadwell was a younger son who let his own 110 acres but was a tenant farmer of 700 acres at Upper Stoneham and Middleham farms. Henry Burtenshaw was a Lewes attorney trying to make his way in the world.

The final 12 per cent of the area was divided into about 30 small farms or pieces of land (8-47 acres), 27 small plots (1-7 acres) that qualified for an allocation from the Broyle, and at least 30 holdings of a house and garden, orchard or small croft in Ringmer, Glynde, or South Malling that failed to qualify. There must have been many more holdings in this latter category in the Cliffe.

A search amongst the owners of the small farms and plots for men of the independent peasant class, farming their own land and with enough to make a living from, reveals few if any survivors. Most of the small properties were leased, and many belonged to gentry, clerics or tradesmen. Fewer than a dozen

small properties of over 10 acres were owner-occupied (Table 3). Two of these belonged to individuals whose main income was from a trade. Alexander Carr, John Jenner and Richard Hill all resided in nearby parishes and their lands were small outlying parts of larger units outside the boundaries of the manor. William Durrant and John Bannister were substantial tenant farmers in Wellingham who also each owned a house and a little land there on their own account. There are only four candidate peasant farmers, all with land in Ringmer. John Elphick of Fingerpost Farm, Thomas Simpson of Broyle Gate and Howells Bank Farms and James Bryant of Broyleside Farm (all three described as yeomen) owned small farms immediately adjoining the Broyle. As noted above, there was a brick kiln on a croft of Elphick's land, and Simpson let Howells Bank farmhouse to Crowhurst the brickmaker. John Barnard (described as a husbandman) owned a house and field on Bishops Lane, Ringmer, a short distance from the Broyle Gate.

The domination of the area by large landowners is not surprising at this period — it is perhaps more unusual that so many small and medium-sized holdings had avoided incorporation into the large estates, especially in Ringmer. The two largest estates formed in Ringmer were the 16th-century Thatcher estate based on Broyle Place and the 17th-century Plumer estate based on the subsequently demolished mansion called Greenwoods in Wellingham. They had both been broken up, and Ringmer was to remain an open village until the very end of the 19th century when the Christies' Glyndebourne estate took advantage of the agricultural depression to establish a dominant position.

Table 2. Medium landowners, letting their estates.

Person	Residence	Acreage	Location*
<i>For enclosure</i>			
William Newton, esq.	Southover, near Lewes	335 acres	distant
George Medley, esq.	Buxted Place, Buxted	211 acres	most distant, some adjacent
Richard Shadwell, esq.	Middlesex	150 acres	distant
Henry Burtenshaw, gent.	Lewes	125 acres	distant
William Shadwell, gent.	Middleham, Ringmer	111 acres	near
William Boys, gent.	Ashcomb, near Lewes	71 acres	distant
Rose Fuller, esq.	Brightling	60 acres	distant
John Bridger, esq.	Wimbledon	45 acres	distant
<i>Neutral</i>			
Martha Tapsfield, widow	Cliffe, near Lewes	140 acres	distant
<i>Against enclosure</i>			
Rebecca Snooke, widow	Delves House, Ringmer	145 acres	near/adjacent
Rev. William Woodward	Little Horsted	73 acres	adjacent

* Location of qualifying holding with respect to the Broyle.

Table 3. Owner occupiers of small properties over 10 acres.

Person	Residence	Acreage	Location*
<i>For enclosure</i>			
Joseph Farncomb, wheelwright	Hamsey, near Lewes	47 acres	near
James Moore, butcher	Cliffe, near Lewes	31 acres	near
William Durrant, yeoman	Wellingham, Ringmer	16 acres	distant
Alexander Carr, yeoman	Bishopstone	13 acres	distant
John Bannister, yeoman	Wellingham, Ringmer	11 acres	distant
<i>Against enclosure</i>			
John Elphick, yeoman	Broyleside, Ringmer	34 acres	adjacent
Thomas Simpson, yeoman	Broyle Gate, Ringmer	33 acres	adjacent
James Bryant, yeoman	Broyleside, Ringmer	28 acres	adjacent
Richard Hill, yeoman	Little Horsted	25 acres	distant
John Jenner, yeoman	Isfield	12 acres	adjacent
John Barnard, husbandman	Bishops Lane, Ringmer	12 acres	near

* Location of qualifying holding with respect to the Broyle.

SUPPORTERS AND OPPONENTS OF THE ENCLOSURE BILL

The eleven genteel tenants who signed the secret enclosure agreement in June 1766 between them controlled just over 70 per cent of the total acreage of land in the four parishes with common rights. They included seven of the eight tenants with over 200 qualifying acres. The exception was William Kempe of Malling Deanery, and it is not clear whether he was deliberately excluded or declined to cooperate. Of the other four who signed, Richard Shadwell is unsurprising — he owned the 150-acre Middleham estate in Ringmer, had long held a government post and was probably close to the Pelham interest. However, the last three tenants are less obvious choices. William Boys of Ashcombe and John and William Ridge of Lewes, gents, were three

leading members of Westgate Chapel, Lewes, but between them they owned little over 100 qualifying acres — William Ridge had only 18 acres. Four people owning over 100 acres each were ignored. Two were widows, namely Rebecca Snooke of Delves House, Ringmer, and Martha Tapsfield of the Cliffe. The others were Lewes attorney Henry Burtenshaw and Richard Shadwell's brother William. The two latter were both to support the enclosure, but Burtenshaw may not have been trusted and William Shadwell, a Ringmer resident and churchwarden, may have been considered a security risk. A more surprising omission is Rose Fuller, who owned the 60 acre Ham Farm and was to be one of the trio of MPs introducing the Bill to Parliament in January 1767.

Within a fortnight of the Enclosure Bill being presented in Parliament the Rev. Thomas Davies learned that William Kempe, who as both a large landowner and a serjeant-at-law was an opponent to be reckoned with, intended to oppose it and had retained the Lewes attorney Josias Smith to organize a counter-petition. Davies, of course, threw himself into the fray on the Bishop's behalf — 'Those that came in my way I talked to on the subject and offered what suggestions came into my thoughts'. Kempe's opposition was certainly not news to the Bishop, who had already heard it from Kempe's neighbour Luke Spence. Spence himself (described by a contemporary as 'a plain country gent and a magistrate, a very steady man and kept a good house, but one of those whom they say will never set the Thames on fire')³⁷ was wavering, partly because he sympathized with Kempe's objections but also because he could see the enclosure costs spiralling upwards if the proposal was contested. The umpire's decision about the division of the Broyle between the Duke of Dorset and his tenants was now imminent. While Kempe's public objection was that the Duke's share was excessive, he had an additional private motive which Davies got wind of and spread as widely as he could.³⁸

The umpire's decision, not made official until 4th March but evidently already known, allocated to the Duke a large block of land, a third of the area of the Broyle, that included the two lodges which were to become his farmhouses. He was also to be entitled to all the timber.³⁹ It was difficult to value the Duke's right to the timber and to keep an unlimited number of deer against the tenants' common rights. The tenants also argued about their right to other benefits such as estovers, but these

were double-edged to the large tenants — if accepted they would increase the overall tenants' share, but also open the entitlement to householders whose land was too small to claim common grazing rights. Kempe's private motive arose from the fact that in addition to his estate in South Malling he owned a farm (Serjeants Farm) in Loughton that adjoined the Broyle. By using an unofficial gate from this farm into the Broyle he was able to by-pass the expensive new turnpike gates at Shortgate and Broyle Place Gate. Under the umpire's plan the section of the Broyle he had to cross was to be part of the Duke's block, so Kempe would be compelled to pay the tolls like everyone else. Luke Spence's solution was that Kempe should be allocated a slip of land between Serjeants Farm and the turnpike across the Broyle, to be taken from the Duke's share. Thomas Davies was pleased to establish from old John Dicker the park-keeper that he and his father before him (between them keepers back into the 17th century) had regularly stopped up Kempe's gate, to prevent him acquiring any right of passage by custom.

Thomas Davies could learn of very few who had signed Kempe's petition against enclosure, or at least very few of any consequence. Initially he worried about George Medley, a political maverick, and that some of the smaller gentry might support Kempe out of pique at not being consulted by the Bishop. However, by early March he was satisfied Kempe was making little headway. He wrote that 'Newton's tenant began to talk but Geo Newton [Rector of Isfield] silenced him by telling him that if he signed any counter-petition he should do it at his peril and charge'. William Newton had two tenants — one, William Durrant, voted for enclosure on account of his own small farm, and the other was replaced by 1769. Davies continues 'I can't find half a dozen that signed beside Kemp himself. There is one Hill of Little Horsted did, but I have heard of no other named. He has a small thing, about £10 p.a.' and 'In short, it does not at present amount to a shadow of an opposition'.

Throughout the month of March the signing of petitions and counter-petitions went ahead at full speed, but unfortunately we hear nothing about it from Thomas Davies, as he was busy with another matter. It had been decided that every inhabitant of Glynde should be inoculated against smallpox. In these pre-Jenner days this was a tricky business, involving three weeks' isolation. Davies' plan was that the village should be done in two shifts, the

inoculated half being confined in the Bishop's brand-new stable, while the others kept the village going. Davies set a good example by taking part himself, and was thus out of circulation.

By now Michell knew that the opposition was much stronger, at least numerically, than Davies' letters suggest. Altogether 45 people signed Kempe's petitions against enclosure to the Commons and the Lords, about the same number as Michell would be able to persuade to sign in favour.⁴⁰ In addition, two members of the lesser gentry (Rebecca Snooke and the Woodward trustee John Hubbersty) had told him that they opposed enclosure, although they would not associate themselves with Kempe's petitions, and Mrs Tapsfield was to remain neutral. Property values were of course regarded as more important than head-counting, and Michell's survey showed that owners of 79 per cent of the land by value approved of enclosure, with 11 per cent against, 4 per cent neutral and 6 per cent not consulted. The opposition was still worrying — Might did not like to overcome Right too publicly. Individuals who registered their dissent either by signing the Parliamentary petitions or directly to Michell are listed alphabetically in Table 4.

In early April William Hodgson told William Michell that to get the Bill through Parliament they would need the consent of 80 per cent of tenants by value and two thirds by number. Michell was optimistic about meeting these criteria, providing that only tenants who could winter stock on their holding were considered. Michell seems to have included all neutrals (and perhaps all those who had not actually signed Kempe's petitions) as in favour, and added in such rights as tithes (the lay rector and the vicar of Ringmer, both non-resident, joined the Rev. Davies in their support for the enclosure), so that the figures presented to the Commons showed 90 per cent of tenants by value as in favour. However, they were more vulnerable on the numbers criterion. Throughout late March and early April, Hodgson was urging Michell to call on as many owners as possible and to write to all the rest. Michell wrote a tetchy letter back saying that he had taken on the job merely to do the Bishop all the service in his power, not for gain or lack of business, that he resented being criticised for inactivity when the problem was that he had not been given precise enough instructions in the first place, and that he had not been kept properly informed.⁴¹

The Glynde faction then concentrated on

Kempe's petitioners, winning over as many as they could and trying to prove that the remainder did not possess the necessary property qualifications to be entitled to an opinion. The small tradesmen were in a particularly invidious position, doubtless not wanting to offend either side. The most substantial trading family in Ringmer were the Berrys, maltsters, carpenter-builders and wheelwrights, and they adopted a strictly neutral stance, while the innkeepers of the *Cock* and the *Ship* also took no position. Read the doctor and the Lewes tradesmen Gaston the carpenter, Relf the glazier and Rice the wharf-owner solved the problem by signing both petitions, while Comber the watchmaker and Potter the thatcher did sign Kempe's petitions but then promised Michell they would not sign any future petitions. Thomas Davies, back in action, held a meeting in Glynde after which everyone who owned anything in the village was signed up by Michell, including three people who had already signed Kempe's petition. 'All is fish that comes into the net', commented Davies.⁴²

The hard core of Kempe's supporters were the small farmers and cottagers in Ringmer, especially those whose property was along the Broyleside or in the Broyle-dependent Ringmer hamlets of Rushey Green and Ashton Green. Thomas Davies, who had been curate of Ringmer before obtaining the living at Glynde, reported 'I really believe Michell is afraid of Ringmer and the Broil side', adding that his own offers to accompany him there had not been taken up. At the same time he learned that one of the Broyleside owners, Thomas Simpson, who happened to be the son of a former coachman at Glynde Place, was fearful of losing the benefit of the Broyle, had decided to sell up and was on the point of accepting 1000 guineas for his 33 acres. On his own initiative Davies offered him £50 more to make sure it fell into the right hands, telling Hodgson that the Bishop could have it if he wished but that otherwise Sir Ferdinando Poole, a young horse-racing enthusiast from a Whig family who lived at the Friars in Lewes, would probably be interested.⁴³ Sir Ferdinando's mother was a Pelham and his father had been MP for Lewes in Newcastle's interest for 20 years up to his death in 1763. This estate agent's role was one of Davies' many functions, and he kept a continual eye open for properties of interest to the Bishop and his friends. In the event this property went to Poole, who stabled his racehorses there and of course favoured enclosure.

Table 4. Objectors to enclosure.

Objector	Residence	Occupation	Michell	Changed	Award	Property
John Barnard	Ringmer	husbandman	no answer		Yes	house and 12 acres, Norlington
John Blundell	Ringmer	husbandman			No	garden, Wellingham
James Bryant	Ringmer	farmer	no answer		Yes	28 acre farm, Broyleside
Richard Comber	Lewes	watchmaker	neutral		Yes	6 acres, Ringmer Green
Robert Cooper	Ringmer				No	house and garden, Broyleside
John Elphick	Ringmer	farmer	against		Yes	34 acre farm, Broyleside
Mary Elphick	Ringmer	spinster	against		No	houses and gardens, Broyleside
John Farrant	Kent	gent	no answer		Yes	house and 14 acres, Ashton Green
Stephen Filder	Buxted	farmer			No	house and garden, Rushey Green
Elizabeth Filder	Buxted	farmer's wife				
Edward Gadsby	Kingston-by-Sea	husbandman	neutral	?	Yes	house and 3 acres, Norlington
Elizabeth Gadsby		widow	neutral		Yes	house, orchard and land, South Malling
John Gaston	Cliffe	carpenter	no answer	Yes		house and garden, Ringmer Green
William Gaston	Cliffe	carpenter	no answer	Yes	No	house & orchard, South Malling
Joseph Glazbrook						unknown to Michell
Thomas Goldsmith				Yes	No	house and 1 acre, Clayhill
John Goring					No	3 acres brookland, South Malling
Thomas Hards	Lewes	labourer			Yes	25 acres of brookland, Wellingham
Mary Heaver		widow	against		Yes	windmill in South Malling
Richard Hill	Little Horsted	farmer	no answer		Yes	12 acres, Broyleside
William Hother	South Malling	miller	no answer		No	486 acres, South Malling & Southerham
John Jenner	Isfield	farmer	no answer		Yes	house and garden, Broyleside
William Kempe	South Malling	barrister			Yes	houses and 5 acres, Broyleside
Thomas Lawrence	Ringmer		no answer		No	house, garden & plot, Ringmer Green
John Martin	Ringmer	farmer	against		Yes	house and 2 acres, Rushey Green
Joseph Martin	Ringmer	innkeeper			No	house and 6 acres, Norlington
John Moon					Yes (ward)	cottage, Ashton Green
Francis Milner Newton	London	esquire			Yes	brookland, South Malling
Christian Norris	Newick	widow			Yes	houses and 9 acres, Ringmer Green
John Nutly	Cliffe	husbandman			No	house and garden, Ringmer Green
Robert Plumer	Cliffe	grocer	neutral		No	house and garden, Ringmer Green
Henry Pocock	Ringmer	blacksmith	against		Yes	33 acre farm, Rushey Green
John Pocock	Ringmer	blacksmith	no answer		No	30 acre farm, Glynde
John Potter	Ringmer	husbandman			No	house and 3/4 acre at Ringmer Green
Francis Read	Horsham	surgeon	no answer	Yes	Yes	house, wharf & land, Cliffe
William Read	Framfield	farmer	in favour		Yes	
John Relf	Lewes	glazier		Yes	Yes	
William Rice	Cliffe	wharf owner	in favour	Yes	No	

Table 4. (cont.)

Objector	Residence	Occupation	Michell	Changed	Award	Property
Thomas Simpson		farmer			Sold	2 small farms, 33 acres, Broyleside
Thomas Smith	Ringmer	husbandman	neutral		Yes	house and 1/2 acre, Rushey Green
Rebecca Snooke	Ringmer	widow	against		Yes	145 acre farm, Norlington & Ringmer Green
John Tugwell	Glynde	shoemaker	in favour	Yes	Yes	house and 1 acre, Glynde
Thomas Wacklyn	Glynde	weaver	in favour	Yes	Yes	house and 4 acres, Ashton Green
Francis Wheeler	Cliffe	attorney	against		Yes (son)	3 acres, South Malling
John Willard	Glynde	farmer	in favour	Yes	Yes	house and 3 acres, Glynde
William Woodward	Little Horsted	clerk	against		Yes	73 acre farm, Ashton Green
Elizabeth Wright	Rodmell	widow	no answer		Yes (son)	house and 3 acres, Norlington

All individuals included in this list signed the petitions to the Commons and/or the Lords opposing enclosure, except for Rebecca Snooke and the Rev. William Woodward who signed neither petition but informed Michell privately that they opposed enclosure. Also indicated are those individuals persuaded to change their opinion to favour enclosure; whether or not objectors were awarded an allocation from the Broyle; and the nature and location of their property.

By now the campaign was at its climax, and the Enclosure Bill was reaching its crucial stages in the Commons. Thomas Davies heard that Kempe, in London, had been complaining that undue pressure had been used to gather some of the support for the Bill, and his letter of 3rd May is spluttering with indignation.

I suppose that is one out of many I could collect of oratorical flourishes inconsistent with the truth, which he has advanced lately on the strength of *Hoc facit pro nobis*. As my denying it is sufficient answer to his affirming it, and indeed the only one I can give, all I desire is it not to be believed until he proves it. When he names anybody that will pretend to be frightened at anything I might do or say, at any time past, it will be time enough to ask such a person why he was so frightened. I know of no terrors I carry about me. Never were so many lies invented and spread.⁴⁴

In fact the opposition in Parliament was a lost cause. The Pelham machine was well past its prime, but it was still in good enough order to cope with an Enclosure Bill and Hodgson knew how to operate it. Cards were sent to friendly MPs and Lords to remind them to attend the key committee meetings. The key pro-enclosure witnesses to the Commons committee were to be Thomas Jackman and Abraham Baley to present the arguments for enclosure on behalf of the Duke and the tenants,

William Michell to give evidence about the numbers and estates of tenants agreeing to the scheme, and John Dicker the old park-keeper to answer any questions about the customs regulating the use of the Broyle. Michell went to Claremont Park, Esher, in person to make sure the Duke of Newcastle would attend the Lords' committee, and Thomas Davies even had a clandestine scheme to discover in advance what Kempe's case would be.⁴⁵ No record survives of what took place at the Commons Committee — as all our correspondents were there, they had no need to write to one another about it. The final collapse of Kempe's case at the Lords' committee was noted above. The Duke of Newcastle received a gift of Broyle venison from the grateful Duke of Dorset.⁴⁶

Some of the tenants' motives in supporting or opposing enclosure are self-evident. The Bishop of Durham was awarded 220 Broyle acres, which was leased to a Lewes butcher at £60 p.a. in 1774. By 1811 the rent had risen to £140 p.a., which must have represented a handsome return on the investment in drainage and fencing.⁴⁷ Similar motives must have influenced the other large tenants, but the return would be expected to fall markedly with the size of the allocation. On average, an acre in the Broyle was allocated for each six acres held elsewhere in the manor, so very few would receive sufficient for a viable new farm. The tenants with medium-sized holdings would have received only an additional field or two, requiring capital to

drain and fence and often distant from the rest of their farm.

The few small owner-occupiers had equally clear motives for opposing enclosure, quite aside from any inherent conservatism. Most of their farms were adjacent or close to the Broyle, and it seems likely they would have found 2000 acres of nearby common a more valuable asset than the 2–5 acre allotments they were to receive. This was clearly Thomas Simpson's belief. This argument would apply with even greater force to the cottagers, most of whom received no allotment at all. Even those householders and cottagers who did make good their claims received just a tiny strip, not worth the cost of fencing and usually sold almost immediately for £5–£10 to a more substantial neighbour. In general, the larger the estate and the further it was from the Broyle, the more probably the owner would favour enclosure (Tables 1, 2 & 3). For the smaller tenants who let their land other influences were probably more important than direct economic advantage. Gentry with small holdings, clerics and charity trustees generally favoured enclosure. So did the Duke of Dorset's park-keeper, even though the enclosure would mean the end of his way of life. The five tenant farmers who possessed a little land on their own account all shared their landlords' views, and the difficulties of tradesmen have been discussed above.

Of course most Ringmer residents did not have the chance to express any opinion. The parish population at this date, back-projected from the early 19th-century census figures with the aid of baptismal rates, was about 600–700, which would suggest about 120–150 families. A 1763 Ringmer tithe book shows that the vicar then listed over 120 households, including cottagers, from whom he expected tithe payments.⁴⁸ However, there were just 14 Ringmer residents with common rights accepted by the commissioners. Six were recorded by Michell as pro-enclosure — four tenant farmers of pro-enclosure landlords, the Duke of Dorset's park-keeper, and entrepreneurial village cordwainer Thomas Paine. Maltster-carpenter Robert Berry remained neutral. Seven qualifying Ringmer residents were against enclosure — Mrs Snooke of Delves House; her tenant John Martin whose own property was on the Broyleside; the Broylesiders John Elphick and James Bryant; husbandmen John Barnard and Thomas Smith; and village blacksmith Henry Pocock. All except Mrs Snooke signed

Kempe's petitions. Another half-dozen Ringmer householders, with no common rights accepted (including another blacksmith, an innkeeper and three Broyleside cottagers), also recorded their opinions by signing or making their marks on Kempe's petitions. The views of the remaining 100 or so Ringmer households can only be imagined.

THE ENCLOSURE AWARD

The Duke of Dorset's share of the Broyle was specified in the Enclosure Act, and the Duke was also given a year to cut down any trees he wished in the part of the Broyle allocated to the tenants. Elliot's evidence indicates that the timber was actually felled immediately after the Duke and the Bishop had agreed provisional terms. Even before Dutch Elm disease struck the area in the 1970s, the tenants' part of the Broyle was conspicuously lacking in trees over 200 years old, so the deforestation was probably complete. 465 acres of the Broyle were advertised as available for commercial grazing at a fixed price per animal in the summer of 1770, through the agency of Cliffe butcher James Moore.⁴⁹

The Enclosure Act appointed three commissioners to supervise the division of the tenants' part of the Broyle. They were Joseph Calverley, Abraham Baley and the Lewes barrister Henry Humphery, who acted as chairman.⁵⁰ In other parts of the country there were semi-professional enclosure commissioners by this date, but as this was the first Sussex Act there were no experienced men available. Humphery proceeded about the business with great caution, having never acted in this capacity before, and Abraham Baley commented to Davies that he was rather deficient in method.⁵¹

The commissioners' hearings later in 1767 seem to have been straightforward, although they did contain some moments of near farce when it seemed possible that the Bishop might lose his claim to an allocation, a possibility which, in Davies words, 'gives some an ill-natured pleasure'.⁵² The first two public meetings took place on 10th and 17th August at the Star Inn, Lewes, and at them 119 claims were lodged. Davies reported that many of these were 'extravagant and unjust claims, particularly all those houses in the Cliffe and cottages everywhere'. The larger tenants decided to enter a general objection against all claimants, so that everybody would have to prove their right.

At the next meeting on 12th October 1767 at

the White Hart, Lewes, they began a discussion about the nature of the tenants' rights in the Broyle, and thus who had been legally entitled to use it. They did not apparently know about the 1285 custumal of the manor of South Malling preserved in the Glynde Place archives, which seems quite explicit that every cottar in the manor, including those in the Cliffe, was entitled to (apparently unstinted) right of common in the Broyle on an annual payment of a hen.⁵³ If they had known about it, the implications of such an arrangement would have been quite unthinkable in the 18th century. The dominant figure at this meeting was the Lewes attorney Henry Burtenshaw, who set out to prove on the authority of the fine print in some Elizabethan custumals that the common belonged only to those tenants of the manor of Ringmer who could prove usage, and that it was limited to such cattle as they could winter on their tenures. This attacked both the claims of the cottagers and the Cliffe householders, who could winter no stock, and also most of the large landowners, whose former demesne or manor of Glynde land was not part of the manor of Ringmer. Burtenshaw also argued that all downland and brookland, again owned predominantly by the larger landowners, should be excluded on the grounds that sheep were not commonable and the brooks, being flooded all winter, could not winter stock. A brusque and assiduous man who loved the finer points of law,⁵⁴ Burtenshaw was here in his element.

To make matters worse for the large landowners' claims, at this meeting on 12th October Kempe produced an authenticated Elizabethan custumal that said tenants of the manor of Ringmer had common of pasture and estovers in the Broyle but mentioned only the minor estovers for Glynde and Stoneham. Davies and Michell, entrusted with the task of proving the Bishop's claim, were now clearly worried and busy rounding up all the octogenarians they could trust to 'bring a cloud of witnesses to prove an undoubted, constant, uninterrupted usage as far as the memory of man reaches'. However, Humphery ruled that nobody other than tenants of the manor of Ringmer should have a right unless they could prove documentary evidence of entitlement, and that evidence of usage alone would be insufficient. This led to a frantic letter from Davies to Hodgson the next day, demanding the key to the Bishop's document trunk at Glynde, where the Glynde Place archives then resided. Otherwise he

would have to break the lock to gain entry, and trust necessity to apologize for him. He knew that it contained documents that had enabled a previous owner of Glynde Place to prove common right in the Broyle to the Parliamentary Committee for the sale of the King's lands during the Commonwealth period, but Michell's attempt to introduce this committee's report as evidence was frustrated by Kempe, who pointed out that as a document dating from the 'usurpation' it had no legal standing.

In the end the large landowners' claims were accepted. Viscount Gage, doubtless after a frantic search through his trunk, produced a manor book of Ranscombe referring to the 1543 grant of Ranscombe to his family by the Archbishop of Canterbury which had been confirmed by an Act of Parliament and specifically mentioned common in the Broyle. Burrell and Spence could not produce any documents but 'after agitating it for half a day' the right of the Stoneham farms was also admitted, apparently on the grounds that they, like Ranscombe, had been part of the the Archbishops' demesne. Michell and Davies eventually produced enough 16th- and 17th-century documents from the Bishop's trunk to make good his claim. After a further day of the Commissioners' hearings on 26th October at the Bridge Coffee House, Lewes, only the claims of the minor tenants of the manor of Glynde, including Davies himself, remained to be settled. The final hearing took place at the New Coffee House, Lewes, on 9th November. None of the smaller tenants were expected to produce any evidence in support of their claims other than usage, and the criteria for that were not arduous. Davies cited the example of one small Glynde farmer, saying that neither he nor his father had ever used the Broyle, but that he had established his claim on the basis of an old horse he had turned into it as a quarry for John Dicker the park-keeper's hounds.

The commissioners took until 1769 to produce an enrolment of the 75 claimants who proved their entitlement to a share in the Broyle, together with the values of their entitlements (Table 5).⁵⁵ On 27th January 1770 they gave notice that they had made a survey and plan of the Broyle with the share to be allotted to each successful claimant, which could be inspected at William Michell's house in Lewes for the next 14 days, with any appeals to be lodged by 1st March, and their final award of the specific Broyle plots to each successful claimant was delivered in April 1771.⁵⁶

Table 5. Commissioners' enrolment of manorial tenants qualifying for an allocation from the Broyle at enclosure.

Manorial tenant	Occupiers	Acreage	Value	Parish	Location of property	Attitude
John Bannister of Wellingham, yeoman	self	11	13	R	Wellingham	Pro
John Barnard of Ringmer, husbandman	William Weller	12	12	R	Norlington	Anti
William Barnard jun. of Ringmer, yeoman	Richard Howell	3	4	R	Norlington & Ashton	Pro
	Edward Long					
	William Pelham					
Michael Baynes of Fletching, clerk, vicar of Ringmer	self	4	4	R	Ringmer Green (vicarage & glebe)	Pro
Robert Berry of Ringmer, maltster	John Harris	7	10	R	Ringmer Green (The Yews)	Neutral
	William Hutson					
William Boys of Ashcomb, gent.	self	71	56	R	Wellingham (Wellingham Folly)	Pro
John Bridger of Wimbledon, Surrey, esq.	self	45	55	R	Wellingham (Corsica Hall)	Pro
James Bryant of Ringmer, yeoman	self	28	32	R	Broyleside (Old Farmhouse))	Anti
Mary Burgess of Glynde, widow	self	3	3	G	Glyndebourne	Pro
William Burrell of Beckenham, Kent, LLD	William Shadwell	600	207	SM & R	Upper Stoneham & East Gote	Pro
Henry Burtenshaw of Lewes, gent.	Samuel Hemsley	125	102	R	Wellingham (Wellingham House)	Pro
Alexander Carr of Bishopstone, yeoman	self	13	9	SM	Ranscombe (brooks)	Pro
John Comber of Measham, Surrey, gent.	Samuel Hemsley	4	3	R	Wellingham (brooks)	Neutral
Richard Comber of Lewes, watchmaker	George Verrall	6	7	R	Ringmer Green	Anti
Stephen Cook of Lewes, gent.	self	2	3	SM	South Malling	
Thomas Davies of Glynde, clerk, vicar of Glynde	self	14	14	G	Glynde (old vicarage & glebe)	Pro
	William King					
	John Wisdom					
John Dicker sen. of Ringmer, park-keeper	self	4	3	R	Norlington (Mount Farm)	Pro
William Durrant of Ringmer, yeoman	self	16	19	R	Wellingham (Wellingham Vane)	Pro
George Earle of Barcombe, yeoman	John Nutley	3	3	C	Cliffe	Pro
John Elphick of Ringmer, yeoman	self	34	35	R	Broyleside (Fingerpost Farm)	Anti
Joseph Farmcomb of Hamsey, wheelwright	self	47	41	R	Ashton & Ringmer Green	Pro
John Farrant of Pickerday, Kent, gent.	Henry Martin	14	14	R	Ashton Green	Anti
Rose Fuller of Rose Hill, Brightling, esq.	John Bannister	60	50	R	Wellingham (Ham Farm)	Pro
Edward Gadsby of Kingston-by-Sea, husbandman	Edward Relf	3	3	R	Norlington (Holly Tree Cottage)	Anti
William Gaston & John Gaston of Cliffe, carpenters	self	6	5	C	Cliffe	Anti
George Goring of Greenwich, Kent, gent.	Joseph Martin	10	10	R	Ringmer Green	
William Hall, Viscount Gage of Fife	Anthony Morris	823	108	SM & R	South Malling (Ranscombe Farm)	Pro
Samuel Hanning of London, carpenter	Abigail Hearnden	2	2	C	Cliffe	
Richard Bard Harcourt of Pendley, Herts, esq.	John Smith	11	12	R	Broyle Place	Pro
Thomas Hards of Lewes, labourer	Edward Beckett	1	1	R	Clayhill	Anti
Thomas Hay of Glyndebourne, esq.	self	781	370	G & R	Glyndebourne & Ashton (Glyndebourne estate)	Pro
	William Barnard					
	Joseph Smith					
	Joseph Pelham					
	Joseph Inkspeen					
	John Harbin					
Richard Hill of Little Horsted, yeoman	self	25	20	R	Wellingham brookland	Anti
Mary Hoskins of Lewes, widow	John Martin	3	3	R	Norlington	Pro

Manorial tenant	Occupiers	Acresage	Value	Parish	Location of property	Attitude
John Hubbersty of Wilmington, clerk & William Woodward of Little Horsted, clerk (family trustees)	Simon Crunden	73	46	R	Ashton Green	Anti
John James of Uckfield, gent.	Joseph Morris	13	6	SM	South Malling	Neutral (Phillippa James)
John Jenner of Isfield, yeoman	self	12	12	R	Broyleside	Anti
William Kempe of South Malling, esq.	William Polhill	486	230	SM	South Malling (Malling Deanery & Southerham)	Anti
Thomas Lipscombe of Iford, shepherd	John Tasker	22	18	R & G	Ashton	Pro (John Ridge)
Robert Matiland jun. of London, merchant	William Barnard	27	21	R	Ashton	Anti
John Martin of Ringmer, yeoman	self	5	6	R	Broyleside	Pro
George Medley of Buxted, esq.	John Read John Clark					
James Moore of Cliffe, butcher	William Farncomb	211	82	R	Clayhill (Upper Clayhill Farm) & Broyleside (Howells Bank & Green Man)	Pro
Michael Naish of Cliffe, woolstapler (Food family trustee)	John Dicker	31	26	R	Norlington (Little Norlington)	Pro
Francis Milner Newton of London, esq.	John Fuller	10	13	R	Norlington	Pro
William Newton of Southover, esq.	John Jenner	11	6	R	Clayhill (Oaklands)	Anti
Christian Norris of Newick, widow	Thomas Bannister	335	200	R	Clayhill (Clayhill House)	Pro
John Nutley & James Beadle (Southover parish officers)	William Durrant	6	6	R	Wellingham (Upper Wellingham)	Anti
Thomas Payne of Ringmer, cordwainer	James Moore	8	10	SM	Norlington	Pro
John Pelham of Lewes, esq.	John Wilbar	16	20	R	South Malling	Pro
Henry Pocock of Ringmer, blacksmith	self	5	5	J	Lewes brookland	Pro
Sir Ferdinand Poole of Lewes, bart	self	9	12	R	Ringmer Green	Anti
Thomas Ranger of Glynde, husbandman	Samuel Stevens	1	1	R	Broyleside (Broyle Gate & Howells Bank)	Pro
Francis Read of Horsham, surgeon	Richard Tester	33	30	R	Ashton Green	Pro
Richard Read of Uckfield, mercer	Joseph North Thomas Jones Henry Marten	2	2	R	Rushey Green	Both
William Read of Framfield, yeoman	Thomas Crunden	30	26	G	Glynde	Anti (John Moon)
John Relf of Lewes, glazier	John Stone Richard Tester	1	1	R	Ringmer Green	Both
John Rickman of Cliffe, brewer, for himself, Mary Heaver, widow, Bridger Lidbetter & Theodore Marshall	James Peckham	14	14	C & SM	Cliffe & South Malling (brooks)	Anti (Mary Heaver)
William Ridge of Lewes, gent.	Mary Heaver	18	13	R	Clayhill	Pro
Richard Shadwell of St Martin-in-the-Fields, Middlesex, esq.	Thomas Bannister Richard Pollard William Shadwell	150	95	R	Ringmer Green (Middleham)	Pro
	John Berry					

Manorial tenant	Occupiers	Acreeage	Value	Parish	Location of property	Attitude
William Shadwell of Ringmer, gent.	Ann Weller, widow	111	80	R	Norlington (Norlington Farm)	Pro
William Shadwell gent. (trustee for Cheyney charity)	William Cosham Widow Hobbs John Barnard	6	6	R	Ringmer Green (Almshouse & field)	Pro
Thomas Smith of Ringmer, husbandman	self	1	1	R	Rushy Green (Mill House)	Anti
Rebecca Snooke of Ringmer, widow	John Weller John Martin	145	125	R	Ringmer Green & Norlington (Delves Estate)	Anti
Luke Spence of South Malling, esq.	John Sumner Aaron Winton John Day Thomas Davey Thomas Clarke William Shadwell John Bannister John Weller John Fuller	723	422	SM & R	Malling House estate Ringmer Green (Little Manor)	Pro
Martha Tapsfield of Cliffe, widow	Thomas Rickman	140	92	R	Clayhill (Lower Clayhill Farm)	Neutral
The Earl of Thanet	James Beadle	27	26	SM	Stoneham	
Richard Trevor, Bishop of Durham	self	973	541	G, B & R	Glynde estate	Pro
	Richard Ellman William Als William Crawley John Major John Willard The Rev. Mr Davies Richard Roberts Joseph Taylor Joseph Morris John Weller					
John Tugwell of Glynde, cordwainer	self	1	1	G	Glynde	Both
Elizabeth Verrall of Lewes, spinster	John Lee	16	18	R	Norlington (Norlington Gate)	Pro
George Verrall (a Cliffe parish trustee)	Francis Wheeler	3	4	SM	South Malling	
Thomas Wacklyn of Glynde, weaver	William Weller	4	4	R	Ashton Green	Both
William Wheeler of Cliffe	John Grover	3	3	SM	South Malling	Anti (Francis Wheeler)
John Willard of Glynde, yeoman	Thomas Goldsmith	3	3	G	Glynde	Both
John Wilson of Lewes, mercer (for Sarah his wife and Ann Webb, spinster)	John Norris	16	15	R	Norlington	Pro (Ann Webb)
William Wright of Horsham, yeoman	Joseph Martin	3	3	R	Norlington (Swingate House)	Anti (Eliz. Wright)

Information for the first five columns of the table is taken from ESRO QDD/EW2(1), with the manorial tenants in alphabetical order.

Manorial tenants reside in Sussex unless otherwise specified. Acreeage: rounded to the nearest acre. Value: annual value rounded to the nearest pound. Parish: where property located: Ringmer (R); Glynde (G); South Malling (SM); Cliffe (C); Beddingham (B); St John sub Castro, Lewes (J). Location: location of main part of holding (with modern description). Attitude: assessed from signatures to petitions enclosing enclosure and Michell's papers (see footnote 33).

THE AFTERMATH

Several of our principal characters did not survive to benefit from their endeavours. The Duke of Dorset, undoubtedly the principal beneficiary, died in January 1769. The Bishop of Durham died at Bishop Auckland in 1771, and his body was brought all the way to Glynde for burial in his new church. His steward William Hodgson died in 1768 and William Michell's will was proved in 1769. Michell's handwriting becomes progressively more shaky through 1767 and his letters often refer to his ill-health. The Duke of Newcastle died in 1768, and so did most of the Broyle deer. Abraham Baley proposed getting some of the deer to restock the park at Halland while there were still some left,⁵⁷ but even if this plan was acted on Halland House itself became redundant after the Duke's death as the focal centre of the Sussex Pelhams moved to Stanmer.

William Kempe did not manage to arrange for his Broyle allocation to adjoin his Laughton property, but he did get a roadway from his farm across the Duke of Dorset's land to the Broyle turnpike — it survives today as the little-used Ringmer public footpath number 28. In the 1774 election he stood unsuccessfully as a candidate in Lewes Borough against Colonel Thomas Hay (first elected there in 1768) and John Trevor Hampden.⁵⁸ Was there also a political motive in his opposition to the enclosure? The political awareness of the small Ringmer freeholders should not be underestimated. In 1774, 35 of them, some owning less than an acre, went all the way to Chichester to cast their votes for the Sussex county seats against the candidate supported by most of the landlord class, and two of them, Joseph Farncomb and John Elphick, also subscribed to the poll book that reported how everybody had voted.⁵⁹ William Kempe esquire, Serjeant at Law, was buried at South Malling in 1797.

Abraham Baley remained at Halland only until 1769, and then returned to Lewes. He continued to act on behalf of the Pelham family after the Duke of Newcastle's death. In 1785 he still resided in a Pelham-owned house in Lewes and acted as steward of Pelham manors.⁶⁰ The Rev. Thomas Davies remained vicar of Glynde until his death in 1789 — his tombstone survives in the churchyard. His daughter Constantia married John Ellman, the celebrated Southdown sheep breeder who farmed at Glynde Place, and who as a young man had been taught to read and write by Davies. Davies' sons and

grandsons were to become tenant farmers of the Glynde estate farms in Beddingham he had helped the Bishop of Durham consolidate.

The attorney Henry Burtenshaw experienced a remarkable series of setbacks following his unsuccessful attempt to persuade the enclosure commissioners to rule against the local magnates.⁶¹ In the autumn of 1769 his brother became insolvent, owing him about £4000. Then, ironically for a lawyer who loved the finer points of law, it turned out that the title to the Ringmer estate he had purchased in the 1760s was defective. His ownership was challenged in 1771 and although he twisted and turned through a series of courts over the following four years, eventually he had to surrender most of it to the rival claimant. The section he managed to retain was sold by auction the same year, perhaps to defray his legal expenses or to meet the heavy compensation for slander he had to pay to Charles Gilbert, his rival's attorney.

The impact of the enclosure on the local economy must have been considerable. On the negative side, old John Dicker the park-keeper found himself out of a place. John and Jane Dicker and five of their children are found in the parish workhouse in April 1771, and continued to receive parish relief through the early 1770s.⁶² The long-established local brickmaking industry based on clay dug from the Broyle seems to have ceased forthwith and not resumed for another half-century. The brickmaker Thomas Crowhurst moved from the Broyleside Howells Bank Farmhouse to Swingate Cottage by the Plashett Park, but soon afterwards left the parish.⁶³ William Wisdom tells us that his father, a Glynde carpenter, used to have his timber from the Broyle prior to 1766,⁶⁴ and he and the other local carpenters and woodmen will presumably also have had to seek wood and work elsewhere after the bonanza of that year.

To balance this, the clearance of the common for agriculture, its drainage and establishing the boundary hedges of the new roads and enclosures must have been a continuing source of new employment over the years following the implementation of the Act. Some of the enclosed land was reckoned of very low quality, and the new Duke of Dorset initially had great trouble finding anyone prepared to take the tenancy of his large allocation. He did eventually drop the price low enough to find a tenant for the land in Thomas Paine the pro-enclosure shoemaker — a man who



Fig. 5. A post-enclosure cottage, Turnpike Farm, the Broyle. This cottage was constructed in the 18th century to house a resident labourer by the Norlington farmer who purchased the smallest post-enclosure allotments and added them to his own allocation to form Turnpike Farm. The cottage was inhabited into the 1970s, when it was declared unfit for human habitation and demolished.

grew up literally and metaphorically in the shadow of Ringmer workhouse but who rose from his trade via his enterprise into the yeoman class.⁶⁵ The enclosed land was free of tithes and, despite the fact that most of it was heavy Weald Clay, by the 1840 tithe award a high proportion of it was in arable cultivation. The 2000 acres of the Broyle must thus have provided continuing employment for around 50 extra farm labourers, a substantial addition to the parish's agricultural workforce.

There was surprisingly little building in the Broyle following the enclosure. The new Duke of Dorset used his two lodges as farmhouses, though Upper Lodge was for some years leased out as a pesthouse. The Bishop of Durham extended a Broyleside cottage previously used by the brickmakers to become his new farmhouse at Mount Farm. He purchased this from the park-keeper John Dicker — a purchase witnessed by (and doubtless arranged through) Rev. Thomas Davies.⁶⁶ A few owners built cottages on their allocations to house resident labourers (Fig. 5), and there were also a handful of new cottages (all but one now demolished) on the small allocations on the east side of Broyle Lane. The 3rd Duke of Dorset built Broyle Mill and its house on his land before 1799, but the first substantial buildings within the tenants' part of

old Broyle were the Royal Artillery Barracks built early in the Napoleonic Wars (now the Southdown Hunt Kennels) and Middle Broyle Farmhouse, not built until half a century after the enclosure.⁶⁷

The straight lines ruled by the enclosure commissioners on their map still dominate the Broyle landscape, and are quite distinct from the more tortuous field boundaries produced by the adjoining 13th-century assarting. The commissioners' work has also had another curious effect, apparent only in the 20th century. The very smallest allocations, too tiny to be worth fencing, were rapidly aggregated with neighbouring plots to

become Turnpike Farm.⁶⁸ However, many allocations only slightly larger, some less than an acre, did retain their separate identities into the 20th century. Of minimal agricultural value, they then proved ideal targets for the speculative builder. Thus the commissioners' decision on the location for these small plots is today accurately reflected in the isolated suburban estate development on the east side of Broyle Lane and the ribbon development along the south side of the Laughton Road (Fig. 6).

The successful completion of the Broyle enclosure did not establish a trend in the county. Indeed, in the next 40 years there were no further Parliamentary enclosures in East Sussex, until the 1810 Act that enclosed the open fields of Telscombe and the 1813 Act that enclosed the manor of Laughton including the Dicker Common, immediately east of the Broyle.⁶⁹

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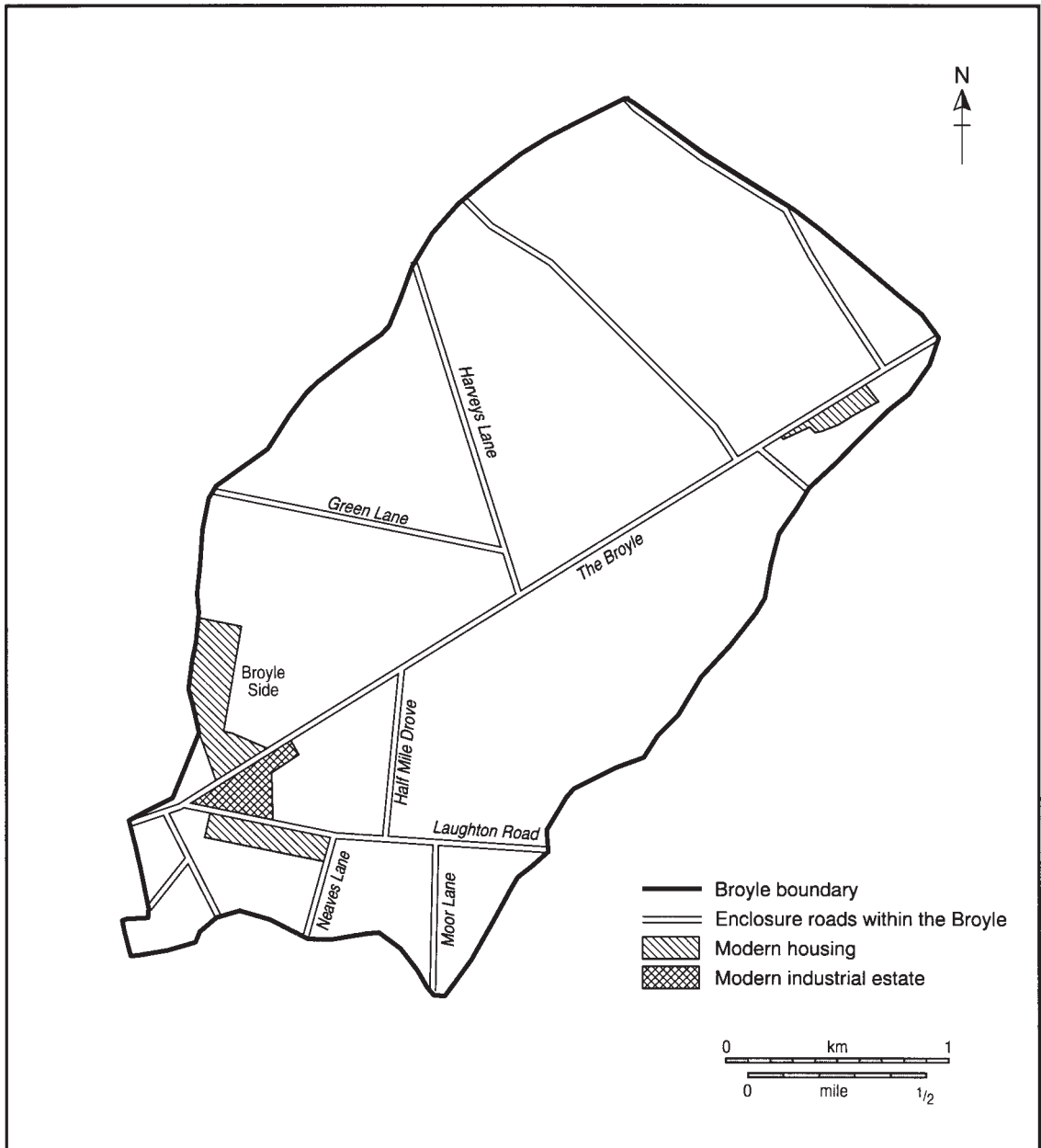


Fig. 6. The Broyle today. Prominent features are the straight, wide-verged, enclosure roads (some now only tracks or paths) that follow the lines ruled onto their map by the Enclosure Commissioners; 20th-century residential development on the smallest surviving allocations on the Broyleside and along the south side of the Laughton Road; and 20th-century industrial development initiated by the Glyndebourne Estate on land originally allocated to the Duke of Dorset in the angle between the two turnpikes.

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NOTES

- ¹ East Sussex Record Office (hereafter ESRO) GLY 3504–3507, ESRO AMS 5915/2, ESRO GBN 29/1 and ESRO QDD/E3, Pre- and post-enclosure maps of the Broyle; ESRO TD/E137, Ringmer Tithe Map and Award, c. 1840.
- ² B. C. Redwood & A. E. Wilson (eds), *The Customals of the Sussex Manors of the Archbishop of Canterbury*, Sussex Record Society **57** (1958), 85–120, 139–43.
- ³ British Library Add MS 5705, p.57a. There is additional information in the evidence collected for this survey recorded in the Commissioners' rough entry book, ESRO AMS 652.
- ⁴ Rev. T. W. Horsfield, *History & Antiquities of Lewes* **2** (1827), 192.
- ⁵ British Library Add MS 5705, p.57a. The accounts kept by the Earl of Dorset's steward for the period 1694–1712 show regular expenses for the replacement of the posts, rails and pales on the Broyle boundaries against adjoining parks and the manor of Laughton. Posts and rails were cut and fashioned by local workmen while four and five foot pales were purchased by the thousand from a variety of local sources — ESRO Acc. 3610.
- ⁶ J. Elliot, 'Memorandums relating to the ancient and present state of the Broile Park in the parishes of Ringmer and Framfield in the County of Sussex, October 1766', Elliot papers, vol. 1, Sussex Archaeological Society Barbican House Library, Acc. No. 3717, printed in *Ringmer History* **4** (1986), 50–61; BL Add MS 5705, f.10 (Burrell). For an alternative explanation for the termination of Lord Bristol's lease see L. Merricks, 'Without violence and by controlling the poorer sort. The Enclosure of Ashdown Forest 1640–1693', *Sussex Archaeological Collections* (hereafter SAC) **132** (1994), 120–21. Elliot's account of the state of the Broyle in 1766 is supported by the memory of William Wisdom of Glynde — see A. T. A. Lusted (ed.), *The Book of Wisdom*, Part 1, Lusted, Glynde (undated), 29.
- ⁷ C. Leeson Prince, 'A Rent Roll of his Grace the Duke of Dorset, 1718–20', SAC **39** (1894), 151–2. The accounts kept by the Earl of Dorset's steward for the period 1694–1712 also show regular purchases of hay for the deer and, in 1709, the construction of deer-pens — ESRO Acc. 3610. These accounts show that from 1694 to 1705 there were two keepers, Walter Dicker and Nicholas Shelley, each occupying a lodge and paid £6 13s. 4d. per year, and also an assistant keeper, Francis Davies, paid £6 per year. From 1706 to 1712 the same annual total sum was paid to the keeper Walter Dicker and his servants.
- ⁸ ESRO PAR 461/1/1/6, 29th December 1757 burial of Thomas Crundee, drowned by accident in the Broyle; ESRO QRE 516/49.
- ⁹ Accounts of Robert Knight of East Grinstead, carrier, in private hands but reported by J. Hodgkinson, *Bulletin of the Wealden Iron Research Group* **14** (1978), 19.
- ¹⁰ *Cal. Inq. Misc. (Chancery)*, 3 (1348–77), no. 615.
- ¹¹ PRO E 134 20 Jas I/M8 and 21 Jas I/Easter 25.
- ¹² ESRO GBN 23/1; D. Vaisey (ed.), *The Diary of Thomas Turner, 1754–1765*, Oxford University Press (1984), 10; *Sussex Weekly Advertiser*, 19th June 1758.
- ¹³ ESRO GLY 885.
- ¹⁴ ESRO ADA 19.
- ¹⁵ ESRO GLY 3504; ESRO GLY 2772 letter from the Rev. Thomas Davies to William Hodgson dated 8th April 1767.
- ¹⁶ W. Heneage Legge, 'The forest of the Broyle and the parks of Ringmer', *The Reliquary & Illustrated Archaeologist* (April 1902) **82**; British Library Add MS 5705, p.57a; ESRO AMS 652. Dorset estate accounts for 1699 record the purchase of 28,200 bricks and 8700 tiles to extend the lodge occupied by keeper Walter Dicker, and the re-thatching of the old part of the lodge — ESRO SAS/SM 98; ESRO Acc.3610.
- ¹⁷ British Library Add MS 5705, p.57a; ESRO GLY 3182.
- ¹⁸ *The Diary of Thomas Turner*, 96.
- ¹⁹ ESRO GLY 3162; L. Merricks, 'Without violence and by controlling the poorer sort. The Enclosure of Ashdown Forest 1640–1693', SAC **132** (1994), 120–21.
- ²⁰ Centre for Kentish Studies U269/C56 & M55.
- ²¹ *An Act for Dividing and Inclosing a Parcel of Ground, called Broyle Park, within the Manor of Ringmer, in the County of Sussex*, which received the Royal Assent 29th June 1767.
- ²² W. E. Tate, 'Sussex inclosure acts and awards', SAC **88** (1949) 115–56.
- ²³ *Journals of the House of Commons* **31**, 74–416. Lord George Sackville was the Duke of Dorset's younger brother. Rose Fuller of Brightling was M.P. for New Romney 1756–61, for Maidstone 1761–68 and for Rye 1768–77. His extensive Sussex property included Ham Farm in Ringmer, and he was thus a tenant of the manor. Alexander Wedderburn (1733–1805), later Lord Loughborough, was elected to Parliament by Newcastle's interest in 1761 and described as 'a lawyer on the make'. He was to become Solicitor-General 1771–78, Attorney-General 1778–80, Lord Chief Justice 1780–93 and Lord Chancellor 1793–1801 — see Sir Lewis Namier & John Brooke, *The History of Parliament: The House of Commons 1754–1790* **2**, 477–80 and **3**, 618–20.
- ²⁴ HLRO Parchment Collection, 20 May 1767; H. L. Committee Book, 25–6 May 1767. I thank Mr D. J. Johnson, Deputy Clerk of the Records, for providing these items.
- ²⁵ *Dictionary of National Biography*, Smith, Elder & Co. (1909) **17**, 577; V. Gibbs (ed.), *The Complete Peerage*, St Catherine Press (1916) **4**, 427–8; *The House of Commons 1754–1790* **3**, 389; V. Sackville-West, *Knole and the Sackvilles*, Lindsay Drummond Ltd (1949), 172–5. The 2nd Duke of Dorset's portrait in the ballroom at Knole represents him as a Roman emperor with a plumed helmet, body armour and bare knees — V. Sackville-West, *Knole, Kent: the Catalogue of Pictures*, Country Life Ltd (1950), 30.
- ²⁶ *A Sketch of the Life and Character of the Rt. Hon. & Rev. Richard Trevor, Lord Bishop of Durham*, Messrs Darnton & Smith, Darlington (1776).
- ²⁷ C. Brent, *Georgian Lewes*, Colin Brent Books (1993), 167–86.
- ²⁸ *Georgian Lewes*, 83, 180 & 207; *The Diary of Thomas Turner, 1754–1765*, 237, 259 & 303. R. A. Kelch, *Newcastle, A Duke Without Money*, Routledge & Kegan Paul (1974), 182.
- ²⁹ ESRO GBN 23/1, letters of 1st and 9th February 1766 from Abraham Baley to William Hodgson.
- ³⁰ ESRO SAS/HA310, Abraham Baley's Letter Book 1763–73; ESRO GLY 2796; *The Diary of Thomas Turner*, xxix, 290, 292, 303, 306 & 329; *Newcastle, A Duke Without Money*, 179–80 & 187.
- ³¹ ESRO GLY 3194–5, letters from William Michell to William Hodgson dated 5th and 12th February 1766; ESRO GBN 23/1, copy dated 14th February 1766 of an

- application by ‘the tenants’ to the Duke of Dorset requesting his agreement to the Broyle enclosure and making detailed proposals as to his share and March 1766 Heads of Agreement for dividing the Broyle; ESRO GLY 3196, letter dated 25th February 1766 from William Hodgson to Thomas Whalley Partington; ESRO GLY 3163, 26th June 1766 agreement signed by the Duke of Dorset, the Bishop of Durham, Viscount Gage, Thomas Hay esq, William Newton esq, Richard Shadwell esq, Dr William Burrell, Luke Spence esq, George Medley esq, John Ridge, William Boys and William Ridge, gents.
- ³² ESRO GLY 2772, letter from the Rev. Thomas Davies to William Hodgson dated 2nd February 1767.
- ³³ ESRO GLY 3182, 3184–8 and 3172–7.
- ³⁴ ESRO QDD/EW2(1).
- ³⁵ The specific properties held by each individual mentioned by Michell and in the Enclosure Award have been identified by starting from the 1840 Ringmer Tithe Award (ESRO TD/E137), the 1838 Glynde Tithe Award (ESRO TD/E98) and the 1844 South Malling Tithe Award (ESRO TD/E119) and then tracing the ownership of each property back to before the date of the Broyle enclosure using the manor of Ringmer court books (ESRO ADA 19–28 and 35), supplemented by other available title deeds and by local taxation records surviving in the records of these three parishes deposited in ESRO. Additional information about individual owners and occupiers is derived from family reconstitution studies carried out by the author, based on information in these records, parish registers and many other sources.
- ³⁶ S. Taylor & C. Jones (eds), *Tory and Whig. The Parliamentary Papers of Edward Harley, 3rd Earl of Oxford, and William Hay, M.P. for Seaford, 1716–1753*, The Boydell Press (1998).
- ³⁷ *The Book of Wisdom*, Part 1, 36.
- ³⁸ ESRO GLY 2772, letters dated 9th, 14th & 28th February and 7th March 1767 from the Rev. Thomas Davies to William Hodgson; ESRO GBN 23/1, letter dated 26th January 1767 from Luke Spence to the Bishop of Durham.
- ³⁹ ESRO GLY 3165.
- ⁴⁰ ESRO GLY 3172, 3174 and 3175.
- ⁴¹ ESRO GLY 3196, letters dated 28th March and 15th April 1767 from William Hodgson to William Michell and letters dated 11th April and 30th April 1767 from Michell to Hodgson.
- ⁴² ESRO GLY 3173 and 3177; ESRO GLY 2772, letter dated 14 April 1767 from the Rev. Thomas Davies to William Hodgson.
- ⁴³ ESRO GLY 2772, letters dated 8th, 14th, 15th and 18th April 1767 from the Rev. Thomas Davies to William Hodgson.
- ⁴⁴ ESRO GLY 2772, letter dated 3rd May 1767 from the Rev. Thomas Davies to William Hodgson.
- ⁴⁵ ESRO GLY 3179; ESRO GLY 3196, letters to William Hodgson from Thomas Partington dated 2nd May 1767, from William Michell dated 18th May 1767, and from the Rev. Thomas Davies dated 13th May 1767.
- ⁴⁶ ESRO SAS/HA310, letter dated 10th August 1767 from Abraham Baley to the Duke’s steward.
- ⁴⁷ ESRO GLY 2276 and 2277.
- ⁴⁸ ESRO Acc. 7959.
- ⁴⁹ *Sussex Weekly Advertiser*, 23rd April 1770.
- ⁵⁰ Joseph Calverley (1721–97) of the Broad, Hellingly, was a relative and the professional heir of Samuel Calverley of Camberley and Eastbourne who had been steward to the Duke of Dorset in the 1740s. According to the *Register of Admissions to the Honourable Society of the Middle Temple*, Butterworth & Co. (1944) **1**, 304, Henry Humphery was the only son of Cornelius Humphery of Newhaven, was called to the bar on 12 May 1738, became a bencher of the Middle Temple in January 1766 and was appointed Treasurer in 1773. He died 17th February 1792 aged 80 and has a memorial in the chancel of Newhaven church. At the date of the Broyle enclosure he was in his late fifties. He is presumably the ‘counsellor Humphrey’ from whom Thomas Turner took advice at Lewes and Newhaven in 1756 and 1763 — *The Diary of Thomas Turner*, 44, 272 & 277.
- ⁵¹ ESRO GLY 2772, letter dated 13th August 1767 from the Rev. Thomas Davies to William Hodgson.
- ⁵² ESRO GLY 2772, letters to William Hodgson dated 13th and 29th August, 13th September, 13th and 22nd October, 5th November and 3rd December 1767 from the Rev. Thomas Davies and letter dated 28th October 1767 from William Cornwall.
- ⁵³ B. C. Redwood & A. E. Wilson (eds.), *The Customals of the Sussex Manors of the Archbishop of Canterbury*, Sussex Record Society **57** (1958), 91, 92, 99, 101, 105, 111, 115 & 116.
- ⁵⁴ *Georgian Lewes*, 85.
- ⁵⁵ ESRO QDD/EW2(1).
- ⁵⁶ *Sussex Weekly Advertiser*, 29th January and 5th February 1770; ESRO QDD/E3.
- ⁵⁷ ESRO SAS/HA 310, letter dated 25th July 1768 from Abraham Baley to the Duke of Newcastle. The Broyle park-keeper John Dicker was employed by Baley to value the deer in Halland Park in April 1769 — ESRO SAS/A 747.
- ⁵⁸ *Georgian Lewes*, 182.
- ⁵⁹ *Poll Book of the 1774 Sussex County Election*, William Lee, Lewes (1775).
- ⁶⁰ ESRO SAS/HA 310; *East Sussex Land Tax*, ed. R. Davey, Sussex Record Society **77** (1990), 140; ESRO GLY 2285.
- ⁶¹ ESRO SHR 901, letter dated 8th Oct 1769 from Henry Burtenshaw to John Bridger; ESRO GBN 25/2; ESRO GIL 524 and 556; ESRO AMS/389; *Georgian Lewes*, 27.
- ⁶² ESRO PAR 461/31/1/1.
- ⁶³ ESRO GBN 15/3.
- ⁶⁴ *The Book of Wisdom*, Part 1, 29.
- ⁶⁵ Thomas Paine (1722–1801); ESRO PAR 347/7/1; ESRO will SM/D10–502.
- ⁶⁶ ESRO GLY 2268–2270.
- ⁶⁷ ESRO ADA 51, p.49; PRO WO 44/548; *History & Antiquities of Lewes* **2**, 187.
- ⁶⁸ ESRO AMS 5952.
- ⁶⁹ W. E. Tate, ‘Sussex inclosure acts and awards’, *SAC* **88** (1949), 115–56.