

THE PURCHASE OF DARTMOOR.

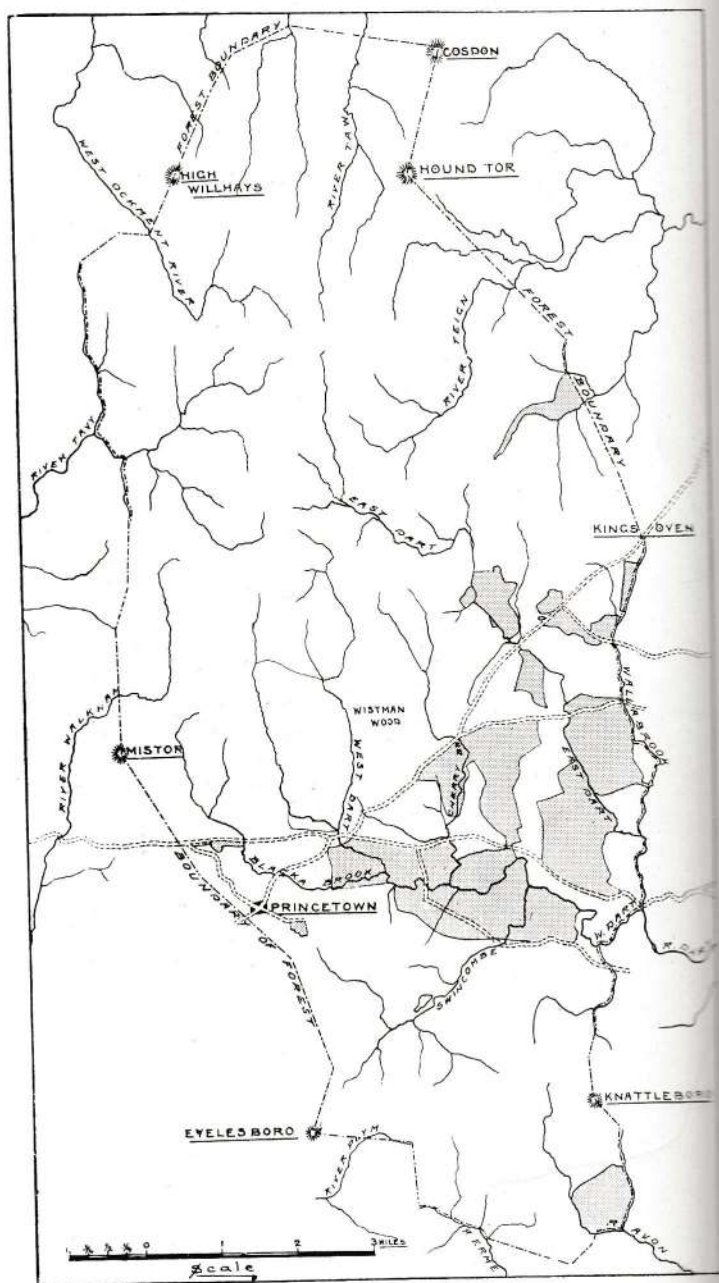
BY W. F. COLLIER.

(Read at Ashburton, July, 1896.)

TWENTY years ago, in July, 1876, I read my first paper on Dartmoor to the Devonshire Association here at Ashburton. It was in a great measure a protest against the inclosures, which, in spite of the rights of the commoners, have been made by authority of the Duchy of Cornwall to a vast extent.

It is a case of some interest to a speculator on morals or ethics—that if a young person takes a pocket-handkerchief from another, it is a criminal offence, subject some few years ago to dire punishment, tried before a judge in scarlet and ermine, and a jury of so-called equals. But if a great man takes a piece of land, in which there are common rights, it is no offence at all, and the actual right in respect to the land can only be tried at what is called the civil side of the law, before a judge in a common black gown and wig, with counsel to argue the case more according to the wealth of the litigants, as they are called, not criminals, than according to any idea of mere right or wrong. Thousands and thousands of acres of land have been taken from commoners merely because they could not afford to fee eminent Q.C.'s—which means Queen's Counsel, not Qualified Casuists, as an innocent person might suppose. No one cares much for the loss of a handkerchief, which it is a crime to take; but the loss of common rights over a piece of land is the loss of a very valuable property in many respects, to take away which is not a crime, but has somehow acquired the name of something civil.

During the last twenty years a great deal of feeling has been displayed on the subject of the inclosures on Dartmoor.



MAP OF INCLOSURES ON DARTMOOR ABOUT THE YEAR 1820.
Inclosures shaded.

The Dartmoor Preservation Society has been called into existence, not before it was much wanted ; and an alarm has been raised in this Association on the dreaded loss of the supply of pure water to half Devonshire, if inclosures are persisted in. On the subject of the water supply, I recommend attention to a paper read by Mr. Radford, of Mount Tavy, at our meeting at Tavistock, in 1889. It is one of the great peculiarities of Dartmoor, that inclosures are most injurious, if not fatal, to the water supply for a vast population.

The Dartmoor Preservation Society have done their best to protect Dartmoor against all enemies. They engaged Mr. Stuart Moore to examine all the documents relating to Dartmoor that are accessible, and to report to them on the result of his investigations. This report, which is a highly interesting piece of work, treating on extracts from documents dating from 1189-90, they published in a volume, with an introduction by Sir Frederick Pollock, and a lecture by Mr. Percival Birkett, at a cost in all of £290.

Mr. Robert Burnard, the present acting Hon. Secretary of this Society, suggested, in a lecture at the Plymouth Institution, that the only true and satisfactory remedy for all the ills that have been, and are likely to be, destructive of Dartmoor, is the purchase from the Duchy of Cornwall of their rights by some public body for the good of the public at large. Mr. Burnard, in order to put some emphasis on this suggestion, has recently published *Plundered Dartmoor*, displaying on two maps side by side the inclosures on Dartmoor in 1820, and the inclosures at the present time. Here they are ! If all the acres coloured red represented plundered pocket-handkerchiefs, how many poor people would have suffered imprisonment !

Since we last met at Okehampton, I am very well pleased to say that the Devonshire County Council have taken up this matter of Dartmoor, have appointed a Committee, the chairman of which is Mr. Huxham Watson, a member of the Dartmoor Preservation Society, and there is every prospect of that Committee doing their best to accomplish the protection of Dartmoor, and with it the rights of their constituents, including the water supply.

The Dartmoor Preservation Society, however, are decidedly of opinion that the only successful means of protecting Dartmoor as it ought to be protected, if we value our rights on it, is to purchase it for the use of the Devonshire public. All other methods will fail. The Committee might find

themselves, if Dartmoor is not ours, in the throes of an action at law, and on report to the County Council the monstrous expense of such an action might give the timid and the economists an excuse for surrendering our rights to the spoiler.

It is a happy fact that the water supply, which no man, however dense, ignorant, timid, prejudiced, can fail to acknowledge to be of the most supreme importance to any population, is on Dartmoor so dependent on the bogs and the wastes remaining in their primeval state, that those who would preserve Dartmoor for many other purposes, some of them scientific or æsthetic, can take that alone as sufficient to make the preservation of Dartmoor an absolute necessity. What do we know of the sources of our other rivers, from which the supply of our great towns is taken? Most towns are going far into highlands for their water, fearing the pollution of cultivated or thickly-inhabited districts. London looked to Dartmoor or to Wales for pure water. We know the sources of our rivers; we know of the rain which falls on our own highlands; we know the bogs and wastes which hold it; and, if we do not insist on those sources, those bogs and wastes, being kept intact, uncontaminated by the works and arts of civilization, we shall rue the day in which we let them slip out of our hands, and we shall find that the cost of purchasing and keeping them will be a trifle compared to the cost of replacing them by something else.

To make secure the supply of water of a large population, say half Devonshire—including the great towns it is more than half—is surely worth the trouble it will involve to a large representative body like the County Council.

But besides the water supply there are the common rights, which are only second in importance, and are of very great value to the very industrious small farmers who live on farms adjacent to the Moor. By what right, or by what law, have they been deprived of acres and acres of good common land? I have noticed before, in a paper read to this Association, the alleged right, and the alleged law, under the Statute of Merton. But the question has never been tried, no Queen's Counsel have ever argued the point, because law costs are so enormous, and the Duchy of Cornwall are so powerful. It is the case of Naboth's vineyard over again, and neither the law nor the right has been tested.

Besides the water supply and the right of common, there are the scientific and æsthetic rights on Dartmoor—a thing of beauty, with its tors, rivers, and wastes, which, if let

alone, has an infinite capacity of giving health, pleasure, and enjoyment to the people. A thing of beauty is a joy for ever.

There is so much apathy on this Dartmoor question, more especially among those wealthier persons who have the sort of enjoyment I have mentioned always at their command, that a reiteration of the various losses we have sustained, and are likely further to sustain, by the plunder of Dartmoor, cannot be out of place. Over and over again I would never cease imploring the Devonshire people to bestir themselves and look after their own interests in a fine part of their county, which should be practically their own.

Agricultural depression, whatever it is, as depression is something to be deplored, though cheap food does not strike one who is uninformed of the mysteries of the subject as an unmitigated evil. But if no one can make any profit, or get a living out of good land already inclosed and cultivated, what can be the advantage of inclosing waste land? Agriculturists seem to be infatuated with the desire to get hold of more land, and lose more money. If there is agricultural depression on good land in favourable situations, *a fortiori* there would be more depression on bad land in unfavourable situations. But logic is not agriculture, and agriculture is not logic. If they were, we should never more hear of inclosures on Dartmoor, whilst the cry of agricultural depression is heard in the land.

We can congratulate ourselves that the majority of the Devonshire County Council are strongly in favour of the protection of Dartmoor for the sake of the water supply, and I hope also for the sake of the commons. The Committee that they have appointed for the purpose have approached the Duchy, and have suggested the question of purchase. This suggestion has, of course, to be duly considered, and we cannot expect the Duchy to take up the position of eager sellers. It will be for us to press upon the County Council, and their Dartmoor Committee, the necessity of a purchase, because nothing short of a purchase, giving us, through the County Council, the management of our own property, can effect the proper protection of our rights. There are those who contend that Dartmoor can be protected without going the length of a purchase. I believe that to be a delusion, harboured in the minds of persons who do not know much, and perhaps care less, about Dartmoor. If they think our rights can be protected without a purchase, they ought to tell us how, and at least take some pains to suggest a scheme for

the protection of our rights. But we are not told how to do it; we are only told how not to do it. The protection of our rights on Dartmoor never entered their heads until the purchase was suggested, and then they told us how not to do it; but they do not tell us how to do it.

It has been said that, if Dartmoor be purchased, we shall be worse off than ever, for the County Council cannot be trusted not to make the most of it when they have it. As some of those who make this objection are members of the County Council, they ought to know best, and we will take them at their word.

At their suggestion, we will not put our trust in County Councils. The present County Council, if they pursue the idea of a purchase, and are not turned aside by any less efficacious scheme, will undoubtedly be trustworthy; but they may be succeeded by others in times to come, and it is quite necessary that the purchase should be effected on certain conditions, and for certain objects.

An Act of Parliament will be required at all events to authorize the County Council to purchase, if it be not necessary also to enable the Duchy to sell. And that Act should contain the terms on which the County Council will hold the property in Dartmoor now held by the Duchy.

Such an Act will demand a great deal of attention on the part of those who promote it, and the powers granted to the County Council under it must be carefully restricted to the preservation of all the rights of the Devonshire folk.

In the first place, the Act should provide for the purchase of all the rights of the Duchy connected with Dartmoor, to which they have been entitled from time immemorial. But amongst those rights, any right to sell land, or any supposed right to inclose, or to sell peat from the bogs, or to pollute the water of rivers, or to diminish the supply of water in the rivers, should be specially and unequivocally denied. If such rights are supposed now to exist, they should, by the Purchase Act, be for ever destroyed. This would in itself be a great gain, and one of the great advantages of a purchase.

The Act of Parliament should also provide that the Duchy property be held by the County Council for certain well-defined uses, and here a great deal of attention to detail, on the part of those who know the Moor well, will be absolutely necessary.

It could not be expected that the ratepayers of the county should lose much on the transaction, if anything. I think it

would be an advantage to H.R.H. The Prince of Wales, if the Dartmoor property were sold at a sum which would bring H.R.H. the same net income that it now does, and it would be for the County Council to economize on the expenses of management.

The principal object of the purchase would be the protection of the rights of the people, the water supply and the rights of common especially. But a large part of Dartmoor has been inclosed, and rents are paid to the Duchy. There is, however, I believe, no freehold whatever on the forest. Parts of the forest have been let out on long leases of 99 years, which 99 years will shortly expire. Other parts of the forest were also let out on long leases, but have been purchased back by the Duchy; also some inclosures have been made on lease, and have been abandoned to the Duchy after ruining the leaseholder.

All these matters will require close consideration, and the details of the holdings must be ascertained. Some of the inclosures have been practically abandoned, the loose Dartmoor walls have fallen down, and the land must be now again common.

It will be decidedly necessary for us—Devonshire folk—that the Act of Parliament should strictly define the duties of the County Council in respect to our property in Dartmoor, beyond which it will be impossible for them to go. The present inclosed land must be clearly set forth, with powers to throw it open to the commoners whenever it may be prudent so to do, the power to inclose another square foot being absolutely forbidden. The leases would be transferred to the County Council; and, as they fell in, it would be for them to deal with the already inclosed land as they best could, but it should be carefully provided that no freehold whatever, other than the freehold of the County Council itself, held in trust for the people, should be in any case created.

There should be provision for the particular care of the rivers and their waters, no right whatever in which should pass to the leaseholders, or riparian holders, especially no right to lead their drains into them.

There would be officers appointed to take charge of the Moor, under perhaps the old forest names of Forester, Verderer, &c., who would have special care of the various interests to be preserved, the rivers especially.

They would also have care of the commons, the rights of the County Council transferred to them from the Duchy,

and the rights of the commoners. Both these rights, those of the Duchy and those of the commoners, are of great interest and of great importance. They can be found set forth in Mr. Stuart Moore's report to the Dartmoor Preservation Society, before alluded to, and are in many respects very curious. By the records of the Court, at page 164, it would appear that all Devonshire men and Cornish men have a right to turn out cattle not only on the forest of Dartmoor, but on the commons of Devon also.

The management of the commons should be specially provided for, much to the advantage of the commoners. For the purposes of the common rights the Moor is at present divided into four quarters, and a Moorman, so-called, is appointed for each quarter, which is more or less of a speculation on his part. He charges his fee in the name of the Duchy, and there have been disputes with the commoners. It would be a great advantage, both to the commoner and the County Council, taking the place of the Duchy, to much improve the management of the commons.

The ponies on Dartmoor are well worth the attention of those who would manage the commons. I fear they are deteriorating now, for want of management. They have also been ousted from some of their best pasturage. If attention were paid to their breeding, the Dartmoor pony would become a very valuable animal.

The right to cut turf or peat for fuel has been enjoyed for ages by the tenants, and the right exists, but of late years, in consequence of the cheap price of coal, which is brought by the railways within a short distance of the houses, peat-cutting has much fallen off. There is no reason why these ancient rights should be interfered with, but for the sake of the rivers the less they are exercised the better. Any extensive cutting of peat, beyond the wants of the people on or near the Moor, must be strictly forbidden, because the bogs are the sources of the rivers. Every company that has yet undertaken the cutting of peat on a large scale has been ruined, very much to our advantage; but they have done mischief, and the County Council should have no power in this Act of Parliament to make experiments in peat cutting, either themselves or by means of grants to others.

The mining and quarrying rights present difficulties, and perhaps they will prove the greatest difficulties of all. People in the West of England are and always have been mining mad. The Duchy gets a few dues from a handful of copper or tin, and the mine is "knacked," as they say in Cornwall, leaving

some ugly remains on the Moor, evidences of the waste of shareholders' money, which, however, seem never to act as cautions. As mines must interfere with the rivers, the Act of Parliament ought to be very stringent in respect to the mines. I should like to make mining on Dartmoor a thing to be forbidden. I should like Dartmoor to be a paradise, as far as it would be free from the mining mania, but I suppose the end will be a compromise. Perhaps the Duchy would insist on retaining their mineral rights, as they are called, which would much depreciate the value of the property on a sale. If they should do so, the Act of Parliament ought to be all the more strict on the point of the pollution of the rivers. The mining craze will die out in time, and the Duchy may then be glad to sell this right for next to nothing.

The quarrying is also a difficulty. A great deal of mischief may be done on Dartmoor by quarrying and taking stone. Taking stone for building and repairing purposes on their own land is a right enjoyed by the tenants in Venville from time immemorial, but letting a quarry, or stone-taking for the purposes of sale, like letting the bogs for peat-cutting, is a different thing, and I think the County Council should have some restrictions placed on its quarrying powers.

Such restrictions should certainly be placed on any stone-taking which might have the most distant tendency to injure any of the tors, or any of the evidences of the presence of man in prehistoric times. All these tors and interesting relics are marked on the maps of the new Ordnance Survey, and the Act of Parliament should especially provide for their preservation, as features of Dartmoor of the greatest possible interest, not only now, but for all time. Probably many more will take an intelligent interest in these remains when Dartmoor is ours than they do at present.

Sporting rights on Dartmoor should be entirely in the hands of the County Council by Act of Parliament, and with them should be included the care of all the fauna and flora to be found on the Moor. All the wild birds and other wild animals, as well as the wild plants, should be placed under the protection of the holders of Dartmoor in trust for the people, and it is to be hoped that members of the County Council will arise, perhaps returned by the constituencies for that very purpose, who will feel some of the enthusiasm, which those who know Dartmoor now feel, for making it quite a unique place for the enjoyment of Nature. They will be eager to be placed on the Dartmoor Committee to do their best to preserve it in its many aspects as the property of the

county, of the highest value in more senses than from the £ s. d. point of view.

In the case of the New Forest, provision was made for planting, and although Dartmoor has not hitherto proved to be a favourable situation or soil for tree-planting, it is probable that trees will be found which will flourish on Dartmoor. For this purpose the art of forestry should be studied, so much neglected as it has been in England. There is a School of Forestry at Cooper's Hill, established more in the interests of India than for any other reason, which might be consulted. If a tree, or trees, were found which would flourish on Dartmoor, it would be to the advantage of Dartmoor if certain spots were planted. It would be an advantage to the rivers and the climate, as books on forestry explain. Young trees would require inclosures, and special provisions might be made empowering a limited amount of inclosures for purposes of forestry only, whilst the trees are young, to be taken down when no harm can come to them from cattle, as in the case of the New Forest. The beech and the ash seem to do well in some spots, but there are probably other trees which would do better.

I believe there is a strong majority of the County Council who are convinced that the purchase of Dartmoor is in fact the only way out of the difficulty in which we now find ourselves—in the face of plundered Dartmoor. I blame no one; what is lawful is, in many respects, also moral, especially in the case of a man, or a body of men, acting for others as trustees or officials.

But in the case of commoners the law has not supplied a protector. It has been assumed that the law would protect them, whilst the expense and intricacies of proceedings at law have been invincible obstacles. Now, however, that County Councils have been called into the service of the public, I think the public have a right to look to them to take upon themselves the protection of the property of the public in any way that may seem best and most efficacious.