

A COUNTRYMAN'S JOURNAL
By H. J. MASSINGHAM

WHEN I open my weekly *Field* I often read something in it with which I passionately disagree and then, elsewhere in its generous pages, contrary things which reassure me and make me feel one of a company. That is why *The Field* lasts: there is a solid background of true traditional feeling in it, varied by stormy intrusions from without which introduce an alien, provocative but put-you-on-your-mettle element which makes just the right balance. This happened more saliently than usual on May 24th. There was a long article by Mr. Bates from which I profoundly dissented, and then came the warm stability of other contents, one of which, Mr. Walford Lloyd's article on "After the War," so completely disposed of Mr. Bates's arguments (without mentioning them, of course) that my hackles lowered.

Why then do I devote this particular journal to those arguments? For this double reason. First, Mr. Bates is an extremely able writer who is not to be lightly brushed aside, whatever the invalidity of his point of view. Secondly, beneath the surface of the Great War another war is being fought, but a hidden one, a war of fundamental principles, not between one country and another but one set of rural values against another that is not rural. It may be stated in a large variety of terms—ley-farming against the cashing of fertility, human labour against excess of mechanisation, self-sufficiency in crop-rotation and the farm as a balanced whole against the methods of the joint-stock company, bureaucratic centralisation against local responsibility, the organic fertiliser against sulphate of ammonia, partnership with nature against the "conquest" of nature, and so on.

Now when you look at Mr. Bates's highly plausible brief on behalf of urbanising the country and in exposing what he feels to be the anti-progressive attitude of the traditional countryman, what is its basic weakness? It is in his lack of the historical sense, the failure, that is to say, to apply the inductive historical method to the problem in point. I will give one perfect example. "What is the good," cries Mr. Bates, "of seeking a remedy for the future out of the past?" Why, you might as well advocate the return of oxen to draw the plough! Ridiculous! Now apply the historical method. What are the facts, that is to say, about these oxen? The answer is that they fed down the roughage, pulverised the soil and killed wireworm, made a steadier draught than horses, cost much less in keep, grooming and harness, could work much longer hours, were harder, stronger and more docile, while they performed a service for the land no tractor will ever do—they dropped dung.

Practically the whole of what Mr. Bates wrote is vitiated by this failure to use the comparative inductive historical method as between past and present. He told us that the countryside is less self-supporting than any other section of the community. And why? Because certain historical events have deprived the countryman of his self-maintenance, foreign competition in cheap (and cheapjack) goods, financial handicap to the producer and other factors. He went on to say, "The return to country crafts . . . is fantastic." All very "picturesque," of course, but how "suppose (note that "suppose," typically a priori, anti-historical) it practicable?" The straw-chewing yokel is dead. "He wants not barn-dances but the urban cocktail of cinema and night-club, etc., etc." Apply the historical method to this house of cards, most ingeniously elevated. There was a time when these country crafts, grouped as satellites round the farm, supplied the entire region with all that it needed, not merely in food but in those commodities Mr. Bates mentioned they do not—pottery, hats, furniture, linen, cloth, shoes and others. But the undebatable point is that they did.

What he said takes me back to a journey I made some years ago to the Isle of Axholme, in Lincolnshire. There existed still in being, if much shorn, the immemorial open-field system of the Middle Ages and, except at Laxton (Notts), there only in all England. What did I find? An intensive tillage that would have astounded the exponents of the land-factory. No waste land. A far larger population per acre than on any mechanised farm in the world. No want, no idleness, no rich and no poor. The door open for the landless labourer to acquire a small farm. And regional self-sufficiency. I am not advocating a return to the medieval village community. I merely state the facts by the historical method. We are passing through a transitional period. But of one thing I am convinced. The earth can never be mechanised because it is the stuff of life which is non-mechanical and the way of the machine to its final goal is the road to hell.



PRIVATE FISHERIES OF THE THAMES

By J. F. HAMPTON

BELOW the London Stone at Staines all fishing on the Thames is free. Above, however, it is all private water, although in some instances it might be difficult for a claimant to prove his right in the absence of documentary evidence. Generally, the fishing rights belong to the owner of the adjoining land, but if a deed has been properly executed it is always possible to sell the fishing rights separately from the land. In the case of mills and the importance of the water level to the mill owners, it is not surprising that water rights and fishing rights are always given prominence in mill deeds; so that in the case of these mills the ownership of fishing rights would not be a difficult matter. In those cases where the fishing rights belong to the Lord of the Manor, or to a large family estate, nearly always a careful collection of documents will have taken place during many generations. A collection of this nature would be of great assistance in a law case.

In addition to these types of owner on the Thames, we have those people who charge for fishing in their water, which legally constitutes an act of ownership. A payment, of course, emphasises that the water is private, although, even if permission to fish has been granted freely or if the public has been allowed to fish private water for many years, it can be revoked at any time without a reason being given. Because a man is a riparian owner or has documents showing him to be entitled to the fishery, the owner may have difficulty in proving his case in court unless he can also prove acts of ownership by fishing, leasing or denying public fishing. If a man is merely owner of the banks and has neither paper title, nor exercised rights of ownership for many years, it is unlikely that he would prove his case.

The following fisheries are claimed as private water at the present time:—

| Place | Owner or Occupier | Length |
|-------------|------------------------------------|---|
| Cricklade | White Hart Hotel | 5 miles. |
| Lechlade | Trout Inn | 3 1/2 miles. |
| Radeot | Swan Hotel | 2 miles. |
| Rushey Weir | | Weir. |
| Eynsham | Charge: 1/- per day. | Godstow Lock to Carrots Ham. |
| | North Oxford Angling Society. | |
| Abingdon | Charge: 1/- per day; 2/6 per week. | Sutton Courtney Pools. |
| Whitchurch | A. E. Hobbs, Esq. | Whitchurch Weir Pool. |
| Mapledurham | P. R. Chalmers, Esq. | Mapledurham Weir Pool. |
| Sonning | Lord Phillimore | Mill tail. |
| Marsh Lock | Owner of the mill | Mill tail. |
| Hambleton | Owner of the mill | Mill tail. |
| Cookham | Dr. Gordon Moore | 1 mile (the old river). |
| Maidenhead | Owner of the mill | Taplow Mill Stream. |
| Bray | Owner of the mill | Mill tail. |
| Wraybury | Civil Service Angling Society. | Bucks Bank, Albert Bridge to Sunnymede. |

In addition to these owners, no doubt there are many others who could make a good case of ownership, certainly far more than the "only about two

on the river" suggested by Mr. Patrick Chalmers. In regard to the remainder of the river, it may be of interest to quote Mr. Justice North in *Smith v. Andrews*, 1891:—

"But there are large portions of the river in which the public are at liberty to fish without interference; not from any right of their own, but because the real proprietors of the soil and fishing cannot trace and establish their title."

The fisheries of the Thames are therefore divided into four classes:—

1. Public water below the City Stone at Staines.
2. Those owned by riparian owners.
3. Those owned by persons who are not riparian owners.
4. Those which are practically, though not in strict legal theory, ownerless and in which, therefore, the public may fish without fear of interruption.

The public has no definite right to fish from the towing path, although towing is a legal right and the right of passage by long usage could be asserted. In the same way an angler may not fish from a public bridge or road adjoining private water. Because the public has fished private water without restraint for many years, the public has no legal right. This was proved in two cases: the first, *Hudson v. Macial*, 4 B. & S. 585; and the second, *Blount v. Layard*.

There is some misunderstanding regarding night angling in private fisheries on the Thames. The Thames Conservancy Bye-laws, however, clearly define the position. Bye-law 17 reads as follows:—

"Nothing in this bye-law . . . shall take away, alter or abridge the right of the taker or occupier of a private fishery to do any of the following things within the limits of such private fishery only, namely, by means of nets or by night lines or by means of eel bucks."

I think that clearly answers Mr. Patrick Chalmers, who criticised my previous statement on this subject and farther who made the statement that night fishing in private fisheries is illegal on the Thames. Finally, I notice Mr. Patrick Chalmers suggested that I had stated that fishing in the Thames Weir pools had been prohibited for the duration of the war. I did not, of course, make this statement. I will repeat my previously published words—"The decision of the Thames Conservancy to deny further access, for the duration of the war, to the Thames Weirs will be welcomed by anglers who seriously consider the welfare of the river, not only as regards possible damage by a Fifth Column but also because the whole of the Thames, particularly the weir pools, is seriously in need of a prolonged rest from over-fishing."

I am rather surprised that anyone should read "weir pool" when "weir" is written; especially on the Thames where weir always means the wood or metal structure.