

ENCLOSURE AND IMPROVEMENT : AN INVESTIGATION INTO THE  
MOTIVES FOR PARLIAMENTARY ENCLOSURE

DAVID GEORGE BROWN

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## ABSTRACT

# ENCLOSURE AND IMPROVEMENT - AN INVESTIGATION INTO THE MOTIVES FOR PARLIAMENTARY ENCLOSURE

David Brown

This thesis establishes and examines the variety of motives for parliamentary enclosure. Its aim is not to determine their importance or frequency, except in general terms, because the detailed research of all the acts where suitable sources survive is beyond the scope of a single doctoral thesis. The aim is rather to show the accepted view that the 'agricultural profit' motive alone (via the agency of higher prices, land values and rents) accounts for the parliamentary enclosure movement is unsatisfactory.

It is argued that to understand the variety of motives for parliamentary enclosure, detailed research in estate papers, parish records and newspapers is required, rather than a statistical approach matching price rises or interest rates with the frequency of enclosure acts. The latter can establish coincidences but not definite correlations.

The thesis draws together existing and often overlooked studies with extensive primary research to establish a variety of motives for enclosure apart from agricultural profit. After demonstrating the legal benefits to be derived from acts rather than agreements, other reasons for obtaining acts are examined. The most important of these motives were opening up mining areas, helping town development, funding local institutions, reducing the poor rate, allowing landscape enhancement around country seats, satisfying the desire for improvement among many landowners and increasing the supply of food at times of national crisis. It offers an alternative model to explain the phenomenon of the parliamentary enclosure movement - the notion of 'improvement' - which unites all the motives identified and was acknowledged by contemporaries as an important motivation for human enterprise.

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## CHAPTER ONE - GENERAL INTRODUCTION

### The Enclosure Act

The practice of communities farming their pastoral and arable land in common was the norm in European medieval arable economies<sup>1</sup> and still exists in 'primitive' societies.<sup>2</sup> Most of this communal land in Europe has since been converted to private ownership by enclosure. This has been achieved either by agreement or by the lord's fiat or by law. However enclosure by local act of parliament is unique to the British Isles. Elsewhere, laws and edicts were usually permissive and facilitative and applied to a whole region or country although some rulers did use edicts either to enclose specific commons or to grant them to individuals.<sup>3</sup>

Surprisingly, there is some confusion about what acts were in fact enclosures.<sup>4</sup> The official Blue Books of Enclosures have many inconsistencies and although the legal form of parliamentary enclosure developed after 1700, other early acts dealing with common land such as those for Radipole<sup>5</sup> and Rustall Manor<sup>6</sup> were effectively enclosure acts. To avoid confusion, the definition of an enclosure act used here is any act which physically enclosed common land, ended common rights and converted the land from common ownership to ownership in severalty by individuals or institutions. Such acts needed the consent of the proprietors of most of the land and, in enclosures of common pasture, that of the lord of the manor. This definition excludes acts that only stinted commons<sup>7</sup> but includes acts with only one owner (because they ended the common rights of his tenants) and those improvement acts where common land was leased or sold to raise funds. The latter can cause problems; Hereford is accepted by Tate and Turner as an enclosure, unlike the

similar Ludlow act.<sup>8</sup> Also estate acts involving commons or what appears to be common heathland were not always enclosures; the so-called "second Rowley Regis Enclosure Act of 1821" was an estate act to allow the Deritend chapel trustees to lease their freehold land at Blackheath<sup>9</sup> and the Marion Wilson Estate bills were falsely called Hampstead Heath enclosure bills by opponents, including The Times.<sup>10</sup>

### The 'agricultural profits' model of Parliamentary Enclosure

Most historians have accepted the premise that the parliamentary enclosure movement resulted from the desire of owners for increased rentals and occupiers for larger profits.<sup>11</sup> Enclosure facilitated agricultural improvements to achieve these ends.<sup>12</sup> Having accepted this premise about the motives of enclosers, the research of most historians on the subject has focussed instead upon either the social and economic<sup>13</sup> results of enclosure (such as depopulation,<sup>14</sup> the creation of close villages,<sup>15</sup> the disappearance of the small landowner<sup>16</sup> and the population explosion<sup>17</sup>) or phenomena associated with the movement (such as enclosure riots,<sup>18</sup> the commissioners' backgrounds,<sup>19</sup> the process's fairness<sup>20</sup> and enclosure costs<sup>21</sup>). The very acceptance of the premise has influenced the thrust and subject matter of this research. It was also the basis for those relatively few studies of the cost effectiveness of enclosure. For example, it is implicit in Purdam's research, which used counterfactual methods to assess the profitability of five Nottinghamshire enclosures, that these acts were a response to anticipated monetary benefits. Such a 'cliometric' approach to economic history, based on techniques like cost benefit analysis rather than primary research of literary sources, has recently been criticised by Stedman Jones.<sup>22</sup> To provide a proper context to such studies, more research is needed to establish the real motives of enclosers and so answer the

key question in our understanding of the parliamentary enclosure movement - why did it happen?

Turner's study of the 'agricultural profits' model of parliamentary enclosure<sup>23</sup> tries to answer this question by assessing the importance of various influences which led enclosers to seek increased profits at any particular time. He discounts improved farming as the sole motive because, although enclosure petitions always cite improved farming as a motive, he argues that they were only using a form of words acceptable to parliament and, in any case, open field farming was not always backward and inflexible. He does concede that changes in farming practice lay behind the two main enclosure movements; the first before 1780 to allow more emphasis on pastoral farming and the second around 1800 to increase arable production and profit from high wartime cereal prices. Whilst he accepts Hunt's idea of "the psychological influence of enclosure on neighbouring proprietors"<sup>24</sup> and he believes that population growth and increased demand encouraged enclosures, he thinks that economic factors such as prices and money supply were the vital (although not the exclusive) determinants in decisions to enclose. He argues that Ashton's money supply theory<sup>25</sup> is flawed because of the high interest rates during the second enclosure movement. Then, by comparing price movements and the annual number of enclosures, he decides that "the coincidence of this price history with the rate of enclosure activity is clear", explaining a ten year lag by the time needed by owners to react to price trends and to assess their permanence. He believes that such "economic factors... we may by intuition and observation [my underlining] suppose determined the timing and extent of the two enclosure movements of our period".<sup>26</sup>

Turner's explanation is itself flawed because his statistical linkages, although logical, are not definitely



established. Statistical trends may coincide - like sunspot activity and earthquakes - but not correlate. Proof from documentary evidence is needed to establish linkages - not just coincidence, intuition, observation and logic. Even if food prices and enclosures were linked, profit might not fully explain the linkage; evidence shows that fears of bread riots and revolution also led to enclosures to provide enough food to maintain the social fabric.<sup>27</sup> To see the profit motive as the sole explanation of why owners enclosed is to approach the problem with the benefit of hindsight and from a modern capitalist perspective which might not have operated upon eighteenth-century minds.

In the estate papers studied for this thesis, owners and their agents have mentioned neither interest rates, price changes nor indeed any general economic trends except rent movements when discussing enclosure. The earliest statements that high prices led to enclosure found were in 1820 and 1834 - well after the height of the enclosure movement and in propaganda not estate papers. Nevertheless agricultural reporters like Pitt and the Drivers did comment upon the increased rental common land would command if its use changed. For example, Young noted that open fields in Northamptonshire had been enclosed for pastoralism but high corn prices had led to their return to tillage. Clearly land use did change according to prices and enclosure did give farmers the flexibility to respond to such price movements but there could be no certainty about what returns enclosure would bring.<sup>28</sup> Although it can be argued that price movements may have given the opportunity for profitable enclosures, it seems not to have been the motive for enclosers. The hope of profit from agricultural improvement was a motive for some enclosures but rarely in the modern capitalist way, involving projected returns based on interest rates and price movements, that the 'agricultural profits' model would lead one to anticipate.

There were several reasons why agents could only predict and not project accurately enclosure returns. Most importantly, the capital required was incalculable as the public costs (roads, fences, drains and professional fees) were all unpredictable especially if the act was opposed.<sup>29</sup> It is significant that many contemporaries attacked the expense and unnecessary charges of enclosure<sup>30</sup> which led to greater controls over the commissioners.<sup>31</sup> Another difficulty, specific to conversions of commons and wastes to tillage, was the impossibility of knowing in advance the costs and delay in reclaiming the land. Indeed it was only the eventual rent value of the land that agents could ever hope to project with any degree of accuracy (usually by comparison with previous enclosures). Even when they were unable to do this precisely, which again was often the case with enclosures of wastes for tillage, the enthusiasm of agents might persuade owners to enclose nevertheless.<sup>32</sup> Changing market conditions even made any forecast of rents unreliable; for example, the post-1815 depression meant that many investments did not pay due to falling rents.<sup>33</sup> Enclosure profits could only be assessed after the costs and allotments were known and agreements were made with tenants about rents, leases and sharing costs. Samuel Pipe Wolferstan of Statfold in Staffordshire found his increased post-enclosure rents at Shuttington scarcely paid 4% on investment.<sup>34</sup> Even then, the physical work of enclosure had to be executed efficiently to ensure profit and it was believed that even the largest owners - who alone could afford to wait the eight or ten years it took for enclosures of waste to pay - could find problems if they or their tenants failed to farm properly.<sup>35</sup>

Forecasts of enclosure profits by agents were rare in the estate papers studied for this thesis. When Edmund Turnor sensibly engaged an experienced commissioner, John Cragg, to advise him about enclosing Mareham on the Hill in



Lincolnshire, Cragg seems only to have commented that the saving of labour and the use of seeds and turnips would increase open field rents from £5 to £18 per acre; he did not discuss what return Turnor could expect on his investment. Significantly, Turnor delayed four years until 1805 before deciding to enclose, using Cragg as the commissioner. Lord Paget's agent at Burton in Staffordshire, found it was impossible beforehand "to judge of the advantage that may arise to his Lordship from this inclosure." But taking the expenses of the act and fencing at £2 an acre, Wyatt anticipated an annual "improvement" of £719/5/-; enclosure proved even more beneficial than expected, despite unforeseen increased costs for drains and fencing due to riots and the small allotment plots. Waiting for leases to fall in would have reduced expenses but the delay would have cost £9,331/9/-.<sup>36</sup>

Only a few agents copied Wyatt in considering opportunity costs and cost benefit analysis;<sup>37</sup> when projections of profits were made, they were usually based on a simple estimate of returns. John Heaton advised Blagg, a solicitor of Cheadle in Staffordshire, about the factors a leading professional land agent considered when deciding whether or not landowners should enclose:

"It is necessary to know the quantity of the commons in Cheadle, a general idea of the value of them, the supposed quantity and value of the inclosed land and the share of common which every acre of enclosed land might obtain... it is necessary to have some estimate of the expense of an Act of Parliament and of... a survey of the old common land and of the commissioners... [Also] the Landowners should be able to judge the expense they may be at in fencing, Gates and the like... When all these expenses are considered the Landowner will be qualified to judge whether he chuses to purchase his allotment at the probable price he will have to give for it. All land acquired by inclosure must be considered as a purchase. The amount of the purchase money is comprised of the articles I have above alluded to and other articles, such as the solicitor's bill which ought to be taken into account."<sup>38</sup>

However such calculations were rare. Most agents relied on a vague general perception of the profitability of the process and their knowledge of the owner's financial position when advising about enclosures. Also whilst agents as professionals advised -and sometimes even persuaded - owners to enclose on financial grounds, it was their masters who actually decided whether to make this high risk investment and they often had other considerations. At first sight, the calculations of the lord's agent seem to show that the enclosure of Dunston in Lincolnshire was motivated purely by the hope of profit but other sources prove that the lord had his own reasons to enclose.<sup>39</sup> An "Honourable Baronet" was said to have ignored the petition of his tenants to enclose his 2,000 acre manor despite being offered over double the rent. At Ricall in the West Riding, Lord Wenlock "long resisted pressure" from the parish for a profitable enclosure act, believing "the pressure should come from outside".<sup>40</sup>

This is not to deny that the hope of higher agricultural rents was important in decisions to enclose both on well run institutional estates<sup>41</sup> and on many landed estates.<sup>42</sup> Enclosure often did increase rents greatly, especially before 1815<sup>43</sup> and owners knew of this from their agents,<sup>44</sup> Board of Agriculture reports quoted in newspapers<sup>45</sup> and Society of Arts reports of waste improvements which often contained details of profits (but based on retrospective calculations<sup>46</sup>).

Apart from profit, Turner does acknowledge that "relatively irrational factors [such as "lack of entrepreneurship coupled with agricultural conservatism"] may have influenced the timing of enclosure." This was apparently the case with the Second Duke of Kingston; none of the Nottinghamshire parishes where he owned the majority of the land were enclosed until after his death in 1773. Chapman has rightly



noted "that the decision as to when to enclose, or indeed whether to do so, was ultimately made for each locality by individuals, on the basis of their own judgements and perceptions." Individual case studies can show why particular estates wanted increasing farm rentals at certain times, if prices and other general economic trends were not involved. Even before the era of enclosure by act, Sir Thomas Tresham, a Catholic, enclosed by agreement at Haselbech in Northamptonshire and converted his farms to pasture to pay the high Recusancy fines levied by Elizabeth I.<sup>47</sup>

The arrival of new owners or life tenants on estates often led to enclosure due to their different perceptions or needs for money. When the Archbishop of Armagh settled his Aston Blank estate in Gloucestershire on his son-in-law, the Reverend R H Noble, in 1794, he reserved an annuity as large as the rental. Noble had to obtain an act in 1795 so that he could raise rents and provide himself with an income.<sup>48</sup> Likewise, investors speculated in enclosure, hoping for fast profits from a sale.<sup>49</sup> Some improving farmers like John Darke at Oxenton in Gloucestershire and Cutsdean in Worcestershire bought land, enclosed it and introduced new methods. He used his profits to build a mansion on his home estate at Bredon.<sup>50</sup> The socially ambitious realised that enclosure gave them opportunities to enlarge their income and estates. This was vital in an age when the size of one's landed income from a consolidated estate was an important measure of status. Thus Styles believed that Viscount Beauchamp engaged in a programme of pre-enclosure purchases and post-enclosure improvements to develop such an estate.<sup>51</sup> At Dunston, despite the estimates of enclosure profits, Lord le Despencer wanted to use the enclosure as the final stage in his plan to be the sole owner in the manor.<sup>52</sup>

The Crown's enclosures of its Chases and Forests, starting with Enfield Chase in Middlesex in 1777 were intended to generate income from the sale or lease of the royal allotments to upwardly mobile bourgeois men and to increase food supplies which would avoid unrest. However, more imbued by a 'Spirit of Improvement', aspirations of status and speculative hopes of profit than practical farming skill, local knowledge and proper calculations of return on capital, these ambitious men often failed to improve the land and were ruined. For example, at Enfield "many original purchasers being gentlemen retiring from trade," they lacked the capital and experience to dig up the soil and roots while their expensive experiments only cleared a small area. Parts of the 1,200 acres leased from the Crown to Kaye were in their original state and the remainder was badly cultivated long afterwards. Later speculations were on a larger scale and even more disastrous. For example, Christie and Stewart bought the Crown's 13,760 acre allotment in Brecknock Forest for £16,330 in 1820 and were bankrupt by 1827.<sup>53</sup>

"The official journals" give a "cold impersonal account" of the failure of the King's Sedgemoor Bill in 1776; but the committee chairman's letters indicate Bolingbroke's debts were the act's real motivation. References in his letters show other noblemen had also turned to enclosure to try to repay debts. In 1802, Hodgson promoted the Swinscoe Act in Staffordshire to increase his estate's sale value by consolidation and enlargement. He tried to sell the estate whilst the bill was in parliament, probably to allow him to pay off a mortgage on it.<sup>54</sup>

The inclusion of mortgagees in a petition against the enclosure of very poor land at Esclusham in Denbighshire of 1819 may indicate that this high risk speculation resulted from the desperate need of some mortgagers for cash and that



the mortgagees were afraid that the bill would jeopardise their investment. However mortgagers elsewhere could view things differently; they opposed the enclosures at Princes Risborough and Haddenham in Buckinghamshire because they rightly feared that the costs would force them to sell up.<sup>55</sup>

The Clarkes of Ardington in Berkshire, saw enclosure as "the plan by which they hoped to recoup their fortunes." However high legal fees and the failure to increase rents to meet the demands of their landlords due to falling wheat prices after 1815, increased the Clarkes' debts and the estate was sold in 1831. Again this shows the problems of predicting the returns of an enclosure. Similar motives applied to the Cators who obtained an act for Penge Common in Surrey in 1827 after procuring an estate act to allow sales. This produced better returns due to the common's proximity to London and the arrival of a railway for commuters in 1839.<sup>56</sup>

The Penge act also shows another flaw in the 'agricultural profits' model of enclosure. Apart from the notion that it was always general economic factors which led owners to enclose to make profits, the idea that such profits had to be agricultural, whilst often true, has also limited many historians' perceptions. But not all historians have accepted this idea. Leonard in 1905 commented:

"Writers on the subject [of the enclosure movement] nearly always discuss the question from a purely agricultural point of view... A right of common was inconvenient to agriculturalists, but it was much more inconvenient to the people of Chelsea who wanted to build houses, to the people of Durham who wanted to sink mines, or to anyone who required the land for other than agricultural purposes."<sup>57</sup>

The growth of local and regional history with their greater emphasis on the detailed study of a range of primary sources has shown that many long-held generalizations need modification in the light of local experience. This has led

to several studies of enclosure at the county level<sup>58</sup> and also detailed investigations of individual acts.<sup>59</sup> These have shown that each enclosure must first be seen in its particular local and regional context and then inter-regional comparisons made, before generalizations can finally be made about the enclosure movement.<sup>60</sup> Using estate papers, some studies (especially in areas where enclosures of commons and wastes predominated) have already shown that various motives applied according to local circumstance and the personalities of the promoters.

Some historians like the Hammonds have seen enclosure as motivated by the wish to expropriate the poor to allow profits to be made from capitalist farming. This has led to a debate about whether enclosure had such results, rather than on the motives expressed beforehand.<sup>61</sup> In fact, the relationship between the poor and enclosure was far more complex than this variant of the 'agricultural profit' model indicates but the complexity and importance of this relationship has been ignored. Again, studies of individual acts which looked at the motives of the enclosers rather than simply the effects of the act would enable more valid generalizations to be made.<sup>62</sup>

Other studies of individual acts have looked at the role of enclosure in urbanisation,<sup>63</sup> and mining development for non-agricultural profits. Mingay, who elsewhere adheres to the 'agricultural profits' model, does accept that enclosure was "also a means... of securing claims to exclusive use of woodlands and minerals." Moreover, he adds that it "was basically concerned with the improved exploitation of the land, putting the soil to its most profitable use and securing the rights of individual ownership and occupation."<sup>64</sup>

Some studies of enclosure and town politics<sup>65</sup> and emparkment<sup>66</sup> have gone further and shown that some enclosers had motives other than improved exploitation and profit. Enclosure could also be the means of achieving objects legally - such as extinguishing tithes, securing rights and titles and making exchanges - which were otherwise difficult to do.<sup>67</sup> All these studies have indicated that if late twentieth-century historians are to understand the motives of enclosers, the proposition must be accepted that historical phenomena can only be explained by reference to contemporary ideologies which operated upon those involved. Therefore the only way of understanding why the parliamentary enclosure movement occurred is to study what enclosers said about their motives; and particularly to consider the allegation of nearly every enclosure petition; that the act is needed for 'improvement'.

The principal aim of this thesis is to test the hypothesis that a model based on the notion of 'improvement' for understanding the variety of motives which lay behind the enclosure movement is superior to the 'agricultural profits' model. It will be argued that the use of 'improvement' in enclosure acts referred not just to farming methods but to anything which made the locality or the owners' property better in a variety of ways, whether aesthetically, morally, socially or in its capacity to generate profit by whatever means were locally available. In so doing, a number of more general implications not only about historical methodology but also regarding general historical trends during the period will arise. These will be returned to in the conclusion.

### Sources of evidence

To establish the 'improvement' model of the motives for parliamentary enclosure, much evidence must be amassed both



from existing research (which has not been drawn together before) and from a range of largely under-used and rare sources; as Chapman says "one of the major problems in the study of Parliamentary enclosure... is to determine the real motives of those involved" unless there is a "chance survival of private papers".<sup>68</sup> Such sources, together with newspapers, contemporary literature, parliamentary papers and the extremely valuable vestry minute books, have been often ignored or dismissed as biased in previous studies of enclosure.<sup>69</sup> For example, Turner sees little value in enclosure petitions as their allegations followed precedents established in committee; "the statement of improbability might mean little more than the country solicitor using existing bills to frame succeeding petitions and it should not necessarily be assumed that this was the sole motive or indeed the main motive for instigating enclosures [my underlining]".<sup>70</sup> However some petitions and the preambles of bills based upon them differ from these standard forms and make specific allegations clearly stating their motives.<sup>71</sup> Therefore all the petitions printed in the House of Commons Journals between 1766 and 1797 have been studied.

After the 1845 General Enclosure Act, enclosure proposals were vetted by national commissioners. Their annual reports state their reasons for supporting each scheme which can indicate the motives of the enclosers but they must be used carefully. The frequent bald references to public utility and work creation could be propaganda to obtain the commissioners' consent. However more specific references to alternative employment being needed, such as the decline of mining at Holster Yard in Devon, are more reliable indicators of the motives involved.<sup>72</sup>

Literary sources require careful and critical use. One major writer used here, Arthur Young, has been described by Chambers and Mingay as "the great apostle of improvement and

like all enthusiasts and propagandists he tended to overstate his case". However, as Rogers notes, although "occasionally we detect the glazed eye of the fanatic", Young wrote with "intelligence" and "common sense". Equally diaries can be valuable sources if the motives of the writer are borne in mind. For example, Lord Hatherton wrote his journals for posterity to project a particular self image which is indirectly very revealing about his motives. Samuel Pipe Wolferstan wrote his journals as an aide memoire which are harder to follow but are more directly revealing about his ideas. George Harpur Crewe's diaries were meditations which reveal much about his motivations. Bearing such difficulties in mind, historians of the enclosure movement have much to learn from such sources.<sup>73</sup>

Like Hatherton's Journal, newspaper reports often project a particular image of improvers and enclosure. Much local news was supplied by land agents<sup>74</sup> and so must be read with care; for example, the suppression of reports of enclosure riots have led historians to underestimate their frequency;<sup>75</sup> but again the very self-image newspaper reports try to project reveals much about contemporary attitudes and philosophies.

Also the awards themselves can be used in new ways to assess the motives of enclosers. They can be used with other sources to construct maps to show either how owners acquired and used allotments to improve their home estate<sup>76</sup> or the amount of encroachment<sup>77</sup> or how prime mineral sites were secured by enclosures.<sup>78</sup> Details of prices and purchasers of lots may also indicate the land's subsequent use.<sup>79</sup> Despite Turner's belief that acts varied little in content, except in detail, the clauses often indicate the motives of the enclosers.<sup>80</sup>

The most valuable 'new' sources used in this study are vestry minute books. These can contain minutes of

preliminary meetings about enclosure and often indicate a close connection between enclosure, concern about encroachments and the poor rate.<sup>81</sup>

The selection of enclosures to be studied has not been made by any deliberate sampling or statistical method; it has merely been a response either to the existing secondary studies or the surviving primary sources such as an unusually detailed petition, the existence of estate correspondence or references in newspapers. This methodology does not undermine the conclusions of the thesis - it merely aims to show that there were a variety of motives and that these were present in a significant number of cases. It does not aim to quantify their importance - indeed any 'cliometric' attempt to do so would be meaningless. For example, an enclosure act was often obtained for several motives; and not only could different proprietors have differing hopes and expectations from an enclosure but even just one proprietor could have a range of motives for supporting an act. Thus the only statistical table which mentions numbers of enclosures is introduced simply to show that many enclosures - over 1/5 of the national total - drawn from all over the country have been studied.<sup>82</sup>

### The structure and scope of the thesis

The thesis is divided into a further six chapters (each looking at a particular set of motives associated with enclosure) and a conclusion. The variety of legal uses made of parliamentary enclosure is investigated in the next chapter. Chapter 3 examines the role of enclosure in mining development; the variety of provisions for mining in enclosure acts is studied and the factors which decided mineral owners whether to enclose or to develop virgin commons by encroachment is explored. Also the relationship between canals and enclosure is investigated.



Chapter 4 looks at the complex relationship between towns and enclosure; it investigates the manipulation of enclosure by interest groups especially in corporate towns; the use of acts to create mansion house estates on the outskirts of towns along lines of communication; and the role of enclosure in the development of settlements both in spatial and in economic terms and in creating an atmosphere of improvement.

Chapter 5 explores the use of enclosure of commons and wastes as a community resource for recreation and to provide sites or endowments for local institutions as well as funds for improvement and other local acts.

The complex relationship between the poor and enclosure is the subject of Chapter 6. The use of commons to provide funds to reduce poor rates is contrasted with their active use to deal with the problem of poverty. This involved building poor-houses, providing the poor with work or allotments and closing the commons to further encroachments. In such cases, the owners aimed to civilise the cottagers and reduce their independence.

The final chapter examines the landed élite's attitudes to enclosure and looks at the use of enclosure for improving home estates whether by emparking, enhancing game sports, planting trees, acquiring land or creating a fitting landscape for the estate. The desire for status and notions of improvement are important themes. Finally commons and wastes enclosures promoted by the elite at times of crisis are studied to see whether considerations of preventing social dislocation were as important as the hope to profit from wartime shortages.

The conclusion assesses the variety of motives investigated and the validity of 'improvement' as an umbrella term.

Finally, the hypothetical 'improvement' model is evaluated to determine if it aids our understanding of the motives behind the parliamentary enclosure movement.

Originally this study was limited to the west midlands and simply aimed to establish that there could be a variety of motives for enclosure. Gradually the research broadened to take a national perspective in order to test whether these motives were unique to one area's experience. For example, the 'agricultural profits' model works best in the champion country upon which the best-known enclosure studies have focussed. In such areas there was little common and waste to act as a community resource and there was no rapid industrialisation and urbanisation at this time. Therefore this study has examined whether motives other than agricultural profits could apply to enclosures in these areas. Thus although there is an imbalance between the number of acts studied in Wales and the west midlands and those in champion countries, over 10% of enclosures in the latter areas are mentioned in this work. In addition, a concentration upon common and waste enclosures is not only a corrective to the predominance of studies of champion areas but also a reflection of Chapman's calculation that 2/3 of the land enclosed by act was common and waste.<sup>83</sup>

Taking such a wide perspective has led to the accumulation of an enormous body of evidence to sustain the arguments. To have included all this detail in the text would have destroyed the flow of the argument and so the device of full tables has been used. This allows the maintenance of a more synthesized commentary in the text whilst the reader is able to view the detailed evidence for any particular enclosure by reference to the tables.



## Footnotes for Chapter 1

- 1 For the origins of open field arable farming, see P Mantoux, The Industrial Revolution in the Eighteenth Century (1928) pp.142-6, C S & C S Orwin, The Open Fields (Oxford 1954) pp.1-14, C J Dahlman, The Open Field System and Beyond (Cambridge 1980) and S Fenoaltea 'Transaction Costs, Whig History and the Common Fields', Politics and Society XVI (1988) 171-240 also questions the Whig interpretation that the scattering of strips reduced productivity and that enclosure was motivated to allow greater flexibility in husbandry; for the debate about its medieval development in England see J Z Titow, English Rural Society 1200-1350 (1969) pp.19-23.
- 2 R J Cootes, Britain since 1700 (1968) pp.49-50.
- 3 For the history of European enclosure see E L Bogart, Economic History of Europe 1760-1939 (New York 1942) pp.24, 35, 241 and 250 and F E Huggett, The Land Question and European Society (1975) pp.94-5, 120-1; for France, see Lord Eversley, Commons, Forests and Footpaths (1910) pp.322-3; for Scotland, where general acts allowed owners to enclose, see M Reed, The Georgian Triumph 1700-1830 (1984) pp.103-110 and Board of Agriculture [A Young], General Report on Enclosures (1808) pp.112-6. See below pp.285 and 376-7. Ireland had an obscure enclosure act in the Pale, where the English manorial system made more impact - Garristown Co Dublin (1803) 43 Geo.III c.29.
- 4 Although see M Turner, Enclosures in Britain 1750-1830 (1984) p.11 for an indication of various characteristics involved in enclosure; see W E Tate and M E Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978) passim re several "doubtful" acts e g p.204 1743 W Leake, Notts.; p.643 Nazeing Park, Essex 1778 to stint and better fence some common land, see Table 25 Section 4. J Chapman, 'The Extent and Nature of Parliamentary Enclosure' Agricultural History Review XXXV (1987) 27, uses Tate's definition of an enclosure act as cited in W E Tate, 'A Handlist of Sussex Enclosure Acts and Awards', E and W Sussex Co. Cos, Record Publications I (1950) 1-43 which excludes acts whose awards existed entirely of exchanges of already enclosed land e g Evington (Leics.) and Carisbrooke and Godshill (Isle of Wight) or were simply regulatory (e g Luton Moor, Beds., 1894).
- 5 e g Return of Inclosure Acts (P P 1914, CCCIC) - Turner, op cit p.4 and Tate & Turner, op cit pp.8 & 21-2 deals with its inconsistencies; pp.323-5 is a list of anomalous acts; the latter book is the most accurate and full list of English acts and awards; see Table 24 Section 5 re Radipole; see S Lambert, Bills and Acts: Legislative Procedure in Eighteenth Century England (Cambridge 1971) pp.129-49 re the development of enclosure acts.
- 6 Included in Tate and Turner, op cit p.145; see p.144 and Table 21.

- 7 To stint is to restrict the grazing rights of owners below the normal limit, the number of animals which he could winter on his freehold - Select Committee on Commons Inclosure (P P 1844, V), Evidence of R F Graham, Q4210 and Chapter 6 fn 39. Examples include Castle Donnington (1737) - J Nichols, A History of Leicestershire III (ii) (1804) 774 - and Lancaster (1796) which "can scarce be called an Inclosure Act" - W Harrison, 'Commons Inclosures in Lancashire and Cheshire in the Eighteenth Century', Transactions of the Lancashire and Cheshire Antiquarian Society VI (1888), 124. See below Chapter 2 fn 98 re the proportion of consent parliamentary committees required.
- 8 Tate and Turner, op cit p.323; see pp.187-8 and Table 25 Section 6 re improvement acts.
- 9 A J Taylor, 'Coal', VCH Staffs. II (1967) 76 cf. Birmingham Ref. Lib. (hereafter BRL) 17738, Rowley Regis Act 1821; the Brick House Colliery was established on 67 acres of this land with 30 years remaining of the lease at "low" royalties in 1842 Staffs. Advertiser 1/1/1842 p.1 c.2. See p.41.
- 10 F M L Thompson, Hampstead Building a Borough 1650-1914 (1974) pp.141-68. Chapter p.174. See below pp.34-43 and 320-1 re estate acts which were enclosures.
- 11 M Turner, English Parliamentary Enclosure (Folkestone 1980) pp.94-128.
- 12 G E Mingay, English Landed Society in the Eighteenth Century (1963) pp.182-3; F M L Thompson, English Landed Society in the Nineteenth Century (1963) pp.222-226; J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement' PhD University of Birmingham 1965 pp.159 & 163; J D Chambers and G Mingay, The Agricultural Revolution 1750-1880 (1966) p.84; B A Holderness, 'Rural Society in S.E. Lindsey, Lincolnshire 1660-1840' PhD University of Nottingham 1968, p.446. J Thirsk, ed. The Agrarian History of England and Wales VI 1750-1850 (Cambridge 1989) 44-58 esp 44-5.
- 13 D N McCloskey, 'The Enclosure of Open Fields: Preface to a Study of Its Impact on the Efficiency of English Agriculture in the Eighteenth Century' Journal of Economic History XXXII (1972) 15-35 believes English historians have concentrated on social rather than economic consequences of enclosure and suggests counterfactual ways to calculate its contribution to the national product. K D M Snell, Annals of the Labouring Poor (Cambridge 1985) pp.138-227 summarizes and questions the post-Hammonds consensus of the economic results of enclosure.
- 14 J D Chambers, 'Enclosure and Labour Supply in the Industrial Revolution' Econ. Hist. Rev. 2nd ser. V, (1953), 319-343 reprinted in E L Jones, ed. Agriculture and Economic Growth 1650-1815 (1967) pp.94-127. See below pp.95-8, 101-2 & 104-7, Chapter 6 fn 5 and pp.208 & 239-48.
- 15 B A Holderness, '"Open" and "Close" Parishes in the Eighteenth and Nineteenth Centuries' Ag. Hist. Rev. XX, (1972) 126-139. See below pp.195, 239-41 & 245-8.



- 16 J D Chambers, 'Enclosure and the Small Landowner' Econ. Hist. Rev. 1st ser. X, (1940) 118-27; M Turner and D Mills, eds. Land and Property: The Land Tax 1692-1832 (Gloucester 1986) for debate re land tax returns and the "disappearance" of small owners and below pp.215-6 & 313-4 and Table 28 re Tittensor.
- 17 G Philpot, 'Enclosure and Population Growth in 18th. Century England' Explorations in Economic History, XII (1975) 29-46.
- 18 J L and B Hammond, The Village Labourer 1760-1832 (1911) pp.78-9; J M Neeson, 'The Opponents of Enclosure in Eighteenth Century Northamptonshire' Past and Present CV (1984) 114-39; John Bohstedt, Riots and Community Politics in England and Wales 1790-1810 (1983).
- 19 M W Beresford, 'The Commissioners of Enclosure' Econ. Hist. Rev. 1st ser. XVI (1946), 130-40.
- 20 E P Thompson, The Making of the English Working Class (Pelican 1982) pp.237-9; G E Mingay, The Landed Estate in the Eighteenth Century (1963) p.189; Chambers and Mingay, op cit p.88; Lambert, op cit p.129; for review of recent research and historiography, see M Turner, Enclosures in Britain 1750-1830 (1984) and Turner, 'The Land Tax, Land and Property: Old Debates and New Horizons' in Turner and Mills, op cit pp.12-30.
- 21 W E Tate, 'The Cost of Parliamentary Enclosure in England' Econ. Hist. Rev. 2nd ser. V (1952) 258-65; J M Martin, 'The Cost of Parliamentary Enclosure in Warwickshire' in E L Jones, ed. op cit pp.128-51.
- 22 Jack J Purdam, 'Profitability and Timing of Parliamentary Land Enclosures' Explorations in Econ. Hist. XV, (1978) 313-26 cf. Martin, thesis pp.166-7 who cannot separate the contributions of enclosure and inflation to rent increases but thinks former made a large contribution; Chambers and Mingay, op cit p.84 think gross returns on landlords' investments averaged 15-20% and were much higher in waste enclosures. "Enclosure was thus by far the most profitable use of capital in connection with the land" they add - albeit with the benefit of hindsight. G Stedman Jones, 'The Changing Face of Nineteenth Century Britain', History Today XLI,(v) May 1991, 36-40.
- 23 M Turner, English Parliamentary Enclosure (Folkestone 1980) pp.94-128.
- 24 H G Hunt, 'The Chronology of Parliamentary Enclosure in Leicestershire' Econ. Hist. Rev. 2nd ser. X (1957) 265-72; see Table 1 - Examples of the Epidemic Theory of Enclosure.
- 25 T S Ashton, An Economic History of England: the Eighteenth Century (1955) pp.40-1.
- 26 M Turner, Enclosures in Britain 1750-1830 (1984) pp.81-2 and 46-5 confirming views of Chambers and Mingay, op cit pp.82-4 and N F R Crafts, 'Determinants of the Rate of Parliamentary Enclosure' Explorations in Econ. Hist. XIV (1977) 227-49. But interest rates still has its champions - McCloskey, loc cit. J Chapman, loc cit 25-35, questions the use of omnipresent factors e g financial returns to



explain enclosure patterns and stresses the differing motivations and patterns of enclosure between open field and commons and waste enclosures.

27 See Chapter 7 pp.330-47.

28 J Loch, An Account of the Improvements on the Estates of the Marquess of Stafford (1820) p.203, discussed Chapter 7 p.361. G D H and M Cole, eds. William Cobbett, Rural Rides II (1930 edn) 301, John Walter's 1834 letter to Berks. electors noted "the number [of enclosure bills] in each session was great in proportion to the dearness of corn at the time"; see also Table 25 Section 5 re Bucklebury and Kingsclere. A Young 'A Tour to Shropshire' (1776) in Tours in England and Wales (1932) p.135; Wm Pitt, A General View of the Agriculture of Northants. (1809) pp.69-70; A & W Driver, General View of... Hampshire (1794) pp.29-32.

29 See J M Martin, 'Members of Parliament and Enclosure. A Reconsideration' Ag. Hist. Rev. XXVII (1979), 108 fn 42 re Warks. examples of high costs due to opposition; legal disputes caused Duddon's high costs, C S Davies, 'The Agricultural History of Cheshire 1750-1850' Cheetham Society 3rd ser. X (1960), 67-8. The average public costs of enclosure were estimated in 1800 at £1.02 per acre [based on ave. acreage per act of 1,612 acres and costs of £1,650] W H R Curtler, The Enclosure of our Land (Oxford 1920) p.165. An official contemporary estimate of the full costs of enclosure was extrapolated from the Report of the Lords Committee of Secrecy Lords Journal XLI, 28/4/1797, 257, largely to show that the nation's capital was not suffering due to war. The money raised for 421 enclosure acts from 1789 to 1796 totalled £2,377,200 - an average of £5,646.56 per act. The order of investment is confirmed by modern studies but its reliability is hard to establish as the report stated "No specifick sums are authorized in Enclosure Acts" and it does not state how the figures were calculated - Aris's Birmingham Gazette [hereafter Aris] 9/4/1798 p.1 c.3; cf. Tate and Martin articles cited in fn 21 and Table 17. B A Holderness 'Capital Formation in Agriculture', in J P P Higgins and S Pollard, Aspects of Capital Investment in Great Britain 1750-1850 (1971) pp.162-70 and 184-5 studies enclosure costs which varied considerably. Estimates by contemporary agronomists about the costs of prospective enclosures varied largely. Even now, historians find it hard to agree upon average enclosure costs, largely as they fail to agree about what costs to include and so do not compare like with like.

30 Lord Crewe hoped Sandbach's commissioner would act quickly as "the heavy expense has reduced him to beggary", Davies, op cit 18 and 68; Roby complained of £1,350 Shuttington commissioners' rate "from a knowledge of the commissioners' values", S Pipe Wolferstan Diary (Type-script copy in possession of Major Pipe Wolferstan, Statfold Hall) 24/1 and 18/1/1805; Pipe Wolferstan also complained, *ibid.* 22/4, 17/8 and 22/7/1805. Many wanted a General Act to cut costs and encourage enclosure - R Brown,



G Rennie and J Shirreff, General View of... the West Riding (1793) App. I, A Young, General View of... Suffolk (1794) and Report from the Select Committee [on] Waste Lands 1795 (P P 1801, IX) App. A p.202 Resolution 2; pp.204, 208 and 212-3; ibid. Rep. from the S.C. [on] Bills of Inclos. 1800 (P P 1801, IX) pp.227-8; Wm Pitt, General View of... Worcestershire (1813) p.58; Staffs. Advertiser 30/8/1800 re Board of Agriculture circulating Yorkshire Resolutions to help enclosure by cutting legal costs; Leicester Journal 31/10/1800 p.1 c.3 - Lords will consider Charnwood Forest's enclosure if there is no general act to "greatly diminish the expenses"; Report of the S C on Commons Inclosure (P P 1844, V) iii - Committee resolved parliamentary expenses of between 30/- and £5 per acre - Evidence of Francis Marston Q2429- were "a serious impediment to the enclosure of land." - see also evidence of R Rayson Q4762 and H Crawler Q5057; Carus Wilson Q1694 re church estates not affording enclosure costs; this was also a problem for small owners -Board of Agriculture [A Young] General Report on Enclosures (1808) pp.97-9 and 152-3; see also Snell, op cit pp.190-2 and S C on Commons Inclosure (P P 1844, V) QQ. 1534-6 and 1662, re the sale of all of Leck Fell with a rate as well to pay expenses and Preston Patrick where most of the commons were sold and the solicitor got a trip to Paris from it; see J Carpenter, A Treatise on Agriculture I (Stourbridge 1803) 115-7 re attacks on commissioners and solicitors.

31 By clauses defining working days, allowing proper inspection of accounts or setting a time [advocated from experience by the Lord of Aldridge Manor to Whitwick enclosure's solicitor - Leics. R.O. [hereafter LRO] LM 13D 40/3/7 E Croxall to L Piddocke, 3/2/1798] or financial limit - which might be agreed before the act e g at Shuttington (Wolferstan Diary 28/1/1805) and Macclesfield, (Cheshire R.O. Q/DE/2/10 Storage B Macclesfield Enclosure Award 1804) where commissioners refused to act until fee increased; see M W Beresford, loc cit 136-8. Some commissioners were still prosecuted re costs, see Chapter 7 re Penkridge and W S Rodgers, 'West Riding Commissioners of Enclosure 1729-1850' Yorkshire Archaeological Journal XL (1960) 413-4; at Clun Forest, the bankers became bankrupt - Shrewsbury Local Studies Lib., [hereafter SLS] Watton's Newspaper Collection V 308-313. Commissioners could become wealthy by their work -see W E Tate, The English Village Community and the Enclosure Movements (1967) p.112 re John Burcham dying leaving £600,000; see also Table 27 re William Fillingham and Syerston (Notts.) & Peter Neville and Long Riston (E Riding).

32 Estimates of Rothwell's potential profits were based on Kettering's rent increases - Wm Pitt, General View of... Northants. (1809) pp.69-70. Harvey at Cheadle overcame fears of expense by a vague claim that the common "would pay very well for inclosing." - Staffs. R.O. (hereafter StRO) D239/2/2 Blagg to Abbott 29/10/1807; Boydell made



similar claims for Esclusham in Denbigh without knowing the capital needed, Reports of Select Committees (P P 1819, VIII) 299 and see below p.326. See Table 2; contemporaries usually referred to increased land values and rents not returns. The enclosure of Braunston, Rutland would nearly double rents - Robert Gourlay, 'An Inquiry into the State of the Cottagers in the Counties of Lincoln and Rutland' Annals of Agriculture [hereafter Annals] XXXVII (1801), 530-1; Wolferstan had hoped for 30s. rent for Middle Field land at Shuttington but his agent estimated 25s. after the enclosure - Wolferstan Diary 6/12/1804; at Edingale, tenants (14/2/1796) and owners (4/2 and 4/3 1794) attacked commissioners re fixing covenants about cropping, rents etc. (which greatly increased costs) and their valuations; Wolferstan blamed them for his being "perhaps £3,000 a worse man than I'd hoped" (10/9/1806); sometimes, e.g. Stoke Prior, Worcs., commissioners could fix the advanced rent "on account of the Expences of such Inclosure, pursuant to the directions of the said Act." - Berrows Worcester Journal 15/10/1772 p.2 c.3; at Cardington (1802), Whitbread's 2/3 share of estimated enclosure costs was £1,250 but were actually £1,841; Joyce Godber, A History of Bedfordshire (1969) p.466. This estimate and a calculation of the likely improved value of his estate were used to decide about the enclosure - Beds. R.O. [hereafter BRO] H.A. 16/1, 2 & 3 - May 1801.

33 See S C on Agriculture (P P 1833, V) Evidence of H Wyatt (jun.) Q11,141 re Staffs. and Derbys. rents reduced 20% post 1815 and Lord Ernle, English Farming Past and Present (1936) pp.322-4; the depression meant Lord Anglesey was told to oppose a Cannock Chase act "as the expence of an Inclosure would be more than any benefit to be derived from it for a number of years." StRO D603/K/16/108, Hodson to Anglesey, 29/10/1827; Montgomery Freeholder's letter Shrewsbury Chronicle 12/2/1819 p.4 c.1 re post 1815 enclosures reverting to open waste; Cobbett, op cit, I, 190 re Longwood Warren (Hants.) enclosure failing by 1823. T Quintin of L Gransden was persuaded in 1813 to get an act to consolidate his farms but the post war depression led to his being unable to find tenants and in 1819 he had to re-convey the land to his father due to his financial problems - Board of Agriculture, The Agricultural State of the Kingdom in...1816 (1816), 112-6; VCH Cambs. V (1973), 87, 90 and 94-5; Tate and Turner, op cit p.74. John Houghton of Sunning Hill, Berks., stopped his improvements begun in 1822 on his allotment under the 1813 Windsor Forest Act due to "the low price of agricultural produce." S C on Agricultural Distress (P P 1836, VIII) Evidence of J Houghton QQ 671-8 and 807-9, 846-7 and 1213-4. This trend began before 1815, see below pp.322-6. John Watson jun., 'On Reclaiming Heath Land', Journal of the Royal Agricultural Society of England [hereafter JRASE] XI (1846), 79 "immense tracts" of heath enclosed since 1760 were "notoriously mismanaged" for "immediate profit"



- causing "permanent injury". F M L Thompson, op cit p.237 sees post 1815 improvements as a "rescue operation" to counteract the depression.
- 34 Wolferstan Diary 30/6/1806.
- 35 Winteringham enclosure did not produce the expected returns due to fencing problems - T W Beastall, The Agricultural Revolution in Lincolnshire (Lincoln 1978) p.32; re a rare example in Oxfordshire of an owner losing by enclosure due to mismanagement see D McClatchey, Oxfordshire Clergy 1777-1869 (Oxford 1960) p.110. Even large owners had problems in reclaiming wastes - see below pp.356-72 and Edward Hughes, North Country Life in the Eighteenth Century II Cumberland and Westmorland 1700-1830 (1965) pp.222-3 re the 8-10 year wait for returns - see below p.322; this led some poorer owners to look for short term profit, Watson, loc cit. A Young, A Six Month's Tour to the North of England II (1771) 289, £4,358 capital would be needed to profitably improve 961 acres of Swinton Moor at the low annual rent of £134. See also fn 46 below re Narberth. This was blamed upon ignorance as with the purchasers of Enfield Chase - Carpenter, op cit, I, 117-8.
- 36 E and R C Russell, Old and New Landscapes (Lincoln 1985) pp.19-20; StRO D603/K/9/1 Wm Wyatt to Rd Brown 7/3/1771; D603/N/263/2 & 264/4; H J Habakkuk, 'English Landownership, 1680-1740' Econ. Hist. Rev. 1st. ser. X (1940) 16, believed open field enclosure was promoted both to raise rents and to replace small tenants by larger ones; cf. Martin, PhD thesis pp.164-5 & VCH Gloucs. VI (1965) 13 re Lord Leigh delaying Adlestrop (Gloucs.) enclosure until leases for life fell in; however some profit forecasts were based on less careful calculations - without including legal costs e g Swinton, N Riding (Young, op cit pp.275-94) or any costs except loss of land to commute tithes e g Rothwell, Northants. (Pitt, op cit pp.69-70); in both cases, national utility and improvement were the main bases for the proposed enclosures. See also Table 26 re Ettington. The Burton acts defined tithe rights, facilitated leases of common land for warehouses and tried to allow Paget make a cut from his Trent Navigation to the Grand Trunk Canal as well as increasing farming profits; see below p.41 & D Hay, 'Crime, Authority and the Criminal Law: Staffordshire 1750-1800' PhD University of Warwick 1975, pp.259-60.
- 37 For examples, see M Turner, op cit pp.44-6.
- 38 StRO D239/2/2 J Heaton to Blagg 11/9/1807.
- 39 Beastall, op cit pp.32-3 & 52; at Dunston, calculations involving estimates of obtaining an act, interest payments, fencing and etc. would result in an increase of £206 per annum; in fact they were £303 see Table 27; he also noted that there were detailed projections of probable post enclosure rent increases at Hilbardstow in 1795.
- 40 The new Wrest Estate agent in 1807 wrote "spending a considerable sum of money in enclosure will not only produce double the interest it can make in the funds, but will mean a substantial improvement in the estate"; he was



dismissed and no act until 1826 - Godber, op cit p.405; Carpenter, op cit, I 127-8 re the "Honourable Baronet". At Settle, W Riding, only tenants petitioned for an act, H of Commons Journals [hereafter JHC] XXVIII, 11/2/1758, 82; Report and Minutes of Evidence of the S C on Commons (P P 1877, X) Evidence of Coleman QQ1138 and 1150 and Report of Inclosure Commissioners (P P 1877, X) re Ricall.

- 41 e g the Greenwich Hospital Estate, Elrington, Table 2.
- 42 e g Martin, PhD thesis, pp.142 and 164-5 re Lord Leigh and Adlestrop; see also Table 2; the Commissioners of Woods and Forests asked £4,600 instead of £4,220 for their Sharleston, W. Riding, estate from Lord Westmorland, as its "value would be greatly increased" by an inclosure and would allow Westmorland to consolidate his open field land - C R Fay, Huskiisson and His Age (1951) p.214; no mention in Tate and Turner, op cit. The hope that enclosure would increase land values is indicated at Eckington (Worcs.) where an estate for sale "would receive very considerable Improvement" by an enclosure Berrows Journal 25/12/1777 p.3 c.1; but no enclosure until 1813 - see Martin, 'Social and Economic Changes in the Rural West Midlands' M Comm University of Birmingham 1960, pp.19, 53 and 74-5 as to why. See also Table 26 re Sheringham, Norfolk.
- 43 J M Martin, op cit Appendices 24 & 25; R C Brackenbury received 1,391 of the 1,766 acres enclosed at Donington on Bain, Lincs., freed of tithes in 1785. The public costs of the act were £1,100 and the parish rental rose from £380 to £681 in 1799 - E and R C Russell, Parliamentary Enclosure and North Lincolnshire Landscapes (Lincoln 1987) p.83. Wolferstan Diary 24/1/1812 re just enclosed Lincs. fenland "which paid almost directly 12 or 14 [%]."; Annals XXXVII (1801), 32-5 re Abraham Jobson who made his "little fortune" by an act "though rather imperfect, at Chattris" in 1793 - ibid, XXXVI (1801) 548-50; see also below p.254 and Table 25 Section 5.
- 44 See Table 2 and fn 40 above re Wrest estate; the Saltfleetby owners decided to try to enclose after the adjoining North Somercotes enclosure increased rents 200%; this also led to the 1851 South Somercotes enclosure - Tables 1 and 25 Section 5.
- 45 A Young, General View of... Lincolnshire (1813) pp.98-104 re post-enclosure rent rises of 75 to 1,000% based on researches in 1800; this with other examples cited in Derby Mercury 9/10/1800 p.1 c.1; A Young, Tours in England and Wales (1932) pp.134-6 and 225 re post-enclosure rent and produce increases in Northants. and p.25 re Sherborne rents doubling; many of these examples were noted in Board of Agriculture [Arthur Young], op cit pp.211-221; A Country Gentleman, 'The Advantages and Disadvantages of Enclosing Waste Lands' quoted ibid pp.286-9 claimed enclosures were profitable but only referred to rent increases - not to or returns on investment.



- 46 Transactions of the Society of Arts XI (1793), 134 on, re Hassall improving 330 acres under Narberth (Pembs.) 1786 Enclosure Act (see Table 27); but another 700 acres was uncultivated 9 years after the act "owing to the poverty of the soil and the low circumstances of the occupiers" Sir F M Eden, The State of the Poor III (1797) 887; by 1815 the land was being successfully cultivated, W Davies, General View of... South Wales II (1815) 93: Trans. of the Soc. of Arts XV (1797), 172-85 re Billingsley improving 124 acres of sale lots under the Mendip Forest Act; the petition did refer to improving value -see Table 2; ibid XXIII (1805), 46-68 re William Taylor improving moorland near Beamish.
- 47 Turner, op cit p.46; Mingay, 'The East Midlands' in J Thirsk, ed. op cit V (i) (1640-1750) (Cambridge 1984) 116 & T Williamson & L Bellamy, Property and Landscape (1987) p.112; Chapman, loc cit 35. D R Mills, Lord and Peasant in Nineteenth Century Britain (1980) p.100 links timing of acts to landownership patterns; but this was not a motive for enclosure or even a direct causal factor. M Reed, 'Pre- Parliamentary Enclosure in the East Midlands, 1550-1750, and its Impact on the Landscape' Landscape History III (1981), 60-8, re Tresham.
- 48 Examples of new possessors enclosing include E J Littleton at Teddesley; Inge at Newton Regis -see Table 27; Hartley at Bucklebury -see Table 25 Section 5; Edward Walwyn at Much Marcle - J and M West, A History of Herefordshire (Chichester 1985) pp.98-9. Perceptions could also change according to altered circumstances -see Parkyns and Bunny, Table 27. B Smith & E Ralph, A History of Bristol and Gloucestershire (Beaconsfield 1972) p.74 re Noble.
- 49 e g Bolnhurst, see Table 2. Bastard, the non resident lord of Lockinge (Berks.) arranged an enclosure in 1853 and his heirs sold his estate to Loyd soon afterwards. The manor house became the administrative centre of a large landed estate belonging to Loyd's son in law, Lord Wantage. Ardington was added to the estate in 1861, M Havinden, Estate Villages (1966) pp.41-3. D R Mills, op cit pp.32-4 and see below p.10.
- 50 See Table 27 and below p.325.
- 51 J M Martin, 'Members of Parliament and Enclosure; A Reconsideration' Ag. Hist. Rev. XXVII (1979) 104; see also below pp.301 & 313-5, Tables 26 and 27 re Beauchamp and others using acts to enlarge estates - in the cases of the 7th Earl of Bridgewater and Norgrave Pemberton for dynastic reasons.
- 52 See Table 27 and p.312 and Beastall, op cit p.33 and re Elstow, Table 3.
- 53 See Table 27 and below pp.323-4.
- 54 J L and B Hammond, op cit pp.64-70; StRO Q/RDc 64 Swinscoe Enclosure Award, 1815; D4760/C/1-4 and Staffs. Advertiser 27/3/1802 p.1 c.1 re sale of Swinscoe Estate 1802-4 failing due to a weak title and misleading sale



description.

- 55 See pp.321-7 re risk of investments in post-war waste enclosures, Chapter 6 and Table 25 Section 5 re Harpur Crewe and Alstonefield, Staffs. and fn 35 above. M Turner, 'Economic Protest in Rural Society: Opposition to Parliamentary Enclosure in Buckinghamshire', Southern History X (1988), 113.
- 56 M A Havinden, op cit pp.45-8 and Table 2; re Penge, see Table 17 and below pp.44 & 140.
- 57 E M Leonard, 'The Inclosure of Common Fields in the Seventeenth Century' Transactions of the Royal Historical Society N S XIX (1905) reprinted in E M Carus-Wilson, ed. Essays in Economic History II (1962) 252; G Mingay, The Gentry (1976) p.94.
- 58 E V Jones, 'An Independent Investigation into the Enclosure of Commons in Anglesey (1788-1866)' MA University of Wales 1924; G A Plume, 'The Enclosure Movement in Caernarvonshire' MA University of Wales 1935; W S Rodgers, 'The Distribution of Parliamentary Enclosures in the West Riding of Yorkshire 1729-1850' M Comm University of Leeds 1953; H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842' PhD University of London 1956; Martin, op cit; J R Ellis, 'Parliamentary Enclosure in Wiltshire' PhD University of Bristol 1971; M E Turner, 'Some Social and Economic Considerations of Parliamentary Enclosure in Buckinghamshire 1738-1865' PhD University of Sheffield 1973; A Davies, 'Enclosure in Cardiganshire 1750-1850' Ceredigion VIII (1976), 100-40; J R Walton, 'Aspects of Agrarian Change in Oxfordshire 1750-1880' D Phil University of Oxford 1976; J M Neeson, 'Common Right and Enclosure in Eighteenth Century Northamptonshire' PhD University of Warwick 1977; J E Crowther, 'Parliamentary Enclosure in East Yorkshire 1725-1860' PhD University of Hull 1984.
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- 60 Chambers and Mingay, op cit p.81, Chambers, 'Enclosure and Labour Supply in the Industrial Revolution' Econ. Hist. Rev. 2nd ser. V (1953), 324 and Martin, PhD thesis, pp.1-2 all accept this.
- 61 Hammonds, op cit; W E Tate, op cit, Chapters 8-10 and 16 and Chambers and Mingay, op cit, Ch.4 reject this cf. C Hill, Reformation to Industrial Revolution (Pelican 1969) pp.268-273 and E P Thompson, op cit pp.232-244.
- 62 See Chapter 5 pp.172-7 and Chapter 6, pp.195-260.
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- 64 Mingay, op cit p.94 cf. p.3 & fn 12 above; see Chapter 3 pp.72-109 .
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- 66 See Chapter 7 pp.286-302.
- 67 See Chapter 2 pp.30-54.
- 68 Chapman, loc cit 185
- 69 Snell, op cit p.144 makes the same criticism of the existing historiography.
- 70 M Turner, English Parliamentary Enclosure (Folkestone 1980) pp.94-5 cf. W E Tate 'The Commons Journals as Sources of Information concerning the Eighteenth Century Enclosure Movement' Economic Journal LIV (1944) 75-95.
- 71 See Table 3 re agricultural motives largely based on petitions. The preambles of bills repeat the petitions' allegations and are also used as later Commons' Journals print detailed petitions with decreasing regularity.
- 72 5th. Annual Report of the National Inclosure Commissioners (P P 1849, XXII), 363.
- 73 Chambers and Mingay, op cit p.46; P Rogers, ed. D Defoe, A Tour through the Whole Island of Great Britain, 1721-4 (1971) pp.165-6. StRO Hatherton Journals, D260/M/F/5/26/1-93; Wolferstan Diaries, op cit; Derbyshire R.O. (hereafter DRO) Harpur Crewe Diaries and Journals D2375/m/40/7-14, m/44/1 & 25-27.
- 74 StRO D593/K/1/5/6 Loch to Rev T Blith May 1817 to get Loch's account of Marquess of Stafford's local generosity put into the Staffs. Advertiser to correct the impression (24/5/1817 p.3 c.3) that the Marquess only helped the poor on his Scottish estates; "but it must not appear to come from me." The account appeared next week (31/5/1817 p.4 c.1) as a local news item, not a letter. The speed of action is noteworthy. The editor disliked Loch's exaggerated praise for his employer in items for insertion and altered them, possibly as he did not want to be linked with the Marquess's political interest (22/5/1813 p.4 c.2 and 29/5/1813 p.3 c.1 and see below p.51).
- 75 Bohstedt, op cit based on Home Office Records and two national newspapers. But J Williams, The Historical and Topographical View of Leominster (Leominster 1808) pp.119-122 wrote of violent opposition to the town's enclosure act cf. Hereford Journal which had no reports; the Derby Mercury did not report the 1771 Burton Riots and the Paget estate agents avoided trying rioters, StRO D603/K/9/1/72, 76 and 80 cf. Shrewsbury Chronicle 10/11/1809 and Eddowes Salopian Journal 8/11/1809 carrying the same detailed report of the Dudleston enclosure riots, clearly supplied by the same author, as a warning to the rioters and 'subversive agitators' in a revolutionary era.
- 76 See Map 29 Alton and Map 39 Penkridge.
- 77 See Map 17, Ashley
- 78 See Maps 1-7 and D G Brown, 'The Economic Development of the Marquess of Anglesey's Cannock Chase Estate' MA Wolverhampton Polytechnic 1985, pp.67, 69, 71, 72 and 74.
- 79 J Chapman, 'Land Purchases at Enclosure: Evidence from West Sussex' The Local Historian XII (vii) (1977) 337-41.
- 80 Tate and Turner, op cit p.29.
- 81 See p.98, 238 and 246-7.

- 82 Table 29. See also J Thirsk, ed. op cit VI (1750-1850) (Cambridge 1989) p.598 which cites M Turner, op cit Chapter 2 and appendices that 4,036 acts were passed in England between 1750 and 1849, 2/3 of which dealt specifically with open fields.
- 83 Table 29 and J Chapman, 'The Extent and Nature of Parliamentary Enclosure', Ag. Hist. Rev. XXXV (i) (1987) 34. The west midlands is here defined as the four counties of Shropshire, Staffordshire, Worcestershire and Warwickshire.



## CHAPTER TWO - ENCLOSURE FOR LEGAL PURPOSES

### Introduction

The legal motives for enclosure acts have largely been ignored by economic and legal historians.<sup>1</sup> However one recent economic historian at least believes their legal role was far more important than their economic function. Kerridge thinks the fact "That enclosures were at one time ratified increasingly by private Act of Parliament instead of by other legal instruments... may be of crucial importance in legal history but its bearing on economic history is so slight... that one wonders why it was ever brought into discussions of the agricultural revolution". He supports this view by arguing that little land was enclosed by acts which often merely confirmed agreements.<sup>2</sup> Tate thought that the previous method of ratifying enclosures - by exchequer or chancery decree - was such "a long and difficult business" that confirmatory acts evolved in the 1700s to replace them. He added that "the earliest enclosure acts... in most English counties are acts confirming... agreements." These opinions echo those in Gonner's early study of enclosure in 1912.<sup>3</sup>

Historians like Beckett specified some of the legal functions performed by acts: "powerful proprietors were able to overcome obstinate neighbours, greater legal certainty was given to agreements and the possibilities opened up for tithe commutation and parish road building."<sup>4</sup> Both Hill and E P Thompson stressed that acts legitimated expropriation: "Enclosure... was a plain enough case of class robbery, played according to fair rules of property and law laid down by a parliament of property-owners and lawyers."<sup>5</sup> Similarly Martin believed that such men used their parliamentary influence to overcome opposition which again implies that

they used acts as a legal means to enrich themselves at the expense of others.<sup>6</sup> This could include tenants as well as freeholders. For example the enclosure by act of Warwickshire 'open' parishes after 1780 (where potential profits were greatest but consensus was difficult) "was a means of putting pressure not only on smaller freeholders but also on those holding leases to accept annuities, not wishing to burden themselves with the great expense of an enclosure."<sup>7</sup>

Tate recognised that acts had even more legal uses. They clarified manorial rights, dues and boundaries as well as legitimising solutions to other specific local problems like appropriating common land to provide funds for public buildings or defraying the poor rate. However, did the resolution of these difficulties ever become the main motive for an enclosure? For example in the case of tithes, a cause of much litigation, Hunt and Evans relegated their extinguishment for land or commutation for corn rents to being only a "subsidiary motive" in enclosures;<sup>8</sup> but did tithe-related motives ever predominate? Although evidence to prove legal motives in acts is not always available<sup>9</sup> detailed research into petitions and other sources does indicate their existence. This lack of evidence makes it impossible to show how widespread these motives were, although they probably applied in many other cases.<sup>10</sup>

This chapter attempts to fill a gap in our knowledge of the legal motives for enclosure acts. The variety of legal uses made of acts will be examined in turn with some consideration of whether each applied equally to both common and waste and open field acts.



Acts to overcome opposition or legal deficiencies  
in agreements

Agreements required unanimity and so they were more frequent where there were few owners. In Staffordshire, Cheadle Grange was excluded from the Cheadle Act as "the freeholders... being few in number, have since entered into an Agreement to inclose without an Act."<sup>11</sup> The low cost of agreements led to their continued use in the age of enclosure by act.<sup>12</sup> Only when the other owners rejected what the lord and chief owner of Hinxton in Cambridgeshire felt were generous terms for an agreement, was he "obliged to go to Parliament for an Act" in 1820.<sup>13</sup> Acts were obtained only to sanction that which could not be achieved more cheaply by agreement, an idea which Kerridge seems to have overlooked.<sup>14</sup> According to Hill, the growing use of acts after 1750 "may witness only to opposition to enclosure that could not be overcome by less expensive means." As with Kerridge and Tate, Hill's opinion echoes the much earlier work of Gonner.<sup>15</sup>

Agreements could be unsatisfactory if they lacked the legal force to execute them. For example, an agreement of 1625 for Shirtlett Forest in Shropshire was only partly executed. An act was obtained in 1773 to complete and legitimate the process.<sup>16</sup>

Agreements were equally difficult to make "universally binding" if any party were dissatisfied both during the process of enclosure or even after the award was made. In the Welsh borders, the Llwyntidmor agreement was abandoned when one owner objected to correcting an error in the award which caused problems over title. Lord Bradford's agents tried to avoid this in the Sychart agreement by making the commissioner's decisions binding on all parties.<sup>17</sup> The dissatisfaction of the Archbishop of York with the allotment to the Rector of Thurnscoe in the West Riding under an

agreement led to a confirmatory act. Disagreements about terms could also lead owners like Bamford at Glascote in Staffordshire to consider obtaining an act.<sup>18</sup> Arthur Young thought many small commons would be enclosed if it were not for legal problems. "It is principally for the purpose of removing such legal disabilities, that Acts of Parliament are often resorted to." He added that agreements "must necessarily leave out all public rights such as tithe +c". Fears over the legality of actions under agreements could also lead to confirmatory acts to enclose part or whole of the commons.<sup>19</sup> Each type of legal deficiency will be investigated in turn.

One such problem was securing a good title by an agreement. Thomas Salt, a Shropshire agent, thought "the only difference between an inclosure by agreement and an inclosure by Act of Parliament is, that it usually happens that owing to infancy or coverture, or some other legal defect in title, the agreement cannot be made binding by any one's sanction except that of Parliament". Other legal disabilities apart from minority,<sup>20</sup> included lunacy or a life interest in an entailed estate or a rectory. The New Forest (North Riding) agreement was abandoned as "the manor was held in trust, and as the lords of the manor could not give the other parties a valid title to their allotments".<sup>21</sup> Some Wirral commons remained open in the 1840s as "no good title could be given to the owners of allotments" by agreements.<sup>22</sup> However even parliamentary awards did not ensure a good title as they might not distinguish copyhold, leasehold, freehold and entailed land.<sup>23</sup> Cornish owners preferred to enclose by agreement "and they trust to time [60 years] to give them a title"; but at Cardinham near Bodmin, "the parties are too numerous and their rights too undefined to do it [enclose] by private agreement".<sup>24</sup>



Problems about title sometimes meant that acts had to be obtained long after agreements were made. Thomas Busby, who was both Rector and Lord of Addington in Surrey, had enclosed and unified his rectorial and manorial estates in 1713. With his death and the institution of a Rector who was not the Lord, these properties ought to have been separated again at great cost. Instead an exchange was arranged, giving the Rector old enclosed land in lieu of his interest in the new enclosures and tithes. An estate act was needed to confirm the enclosure and the exchange in 1727 to ensure a good title. When the heirs of Philip Jarvis sold his estate at Netherseal in Leicestershire and divided the proceeds, they had to pay for a confirmatory act in 1799, 43 years after the enclosure agreement "in order to make good their contracts" with the buyers.<sup>25</sup> Such problems were foreseen at High Offley, Staffordshire: "the Freeholders were almost unanimous for the Inclosure without a Bill till overruled by the Attorneys with the Plea that if they wanted to sell they could not make a good title". This angered the writer who, like many enclosers in the eighteenth and nineteenth centuries, could not see the need for "filling the pockets of 2 attorneys who want a job" with up to £1,000.<sup>26</sup>

In 1844, it was said that "in many cases" manorial lords followed the advice of Edward Lawrence in 1731 to buy up common arable land or all the land with common rights so that they could enclose "without the intervention of parliament" or any problems over title.<sup>27</sup> Despite this, some like the Lord of Castlemartin, Pembrokeshire, "for his better security" still felt they needed an act to confirm their title even after buying out all the common rights.<sup>28</sup>

There were other problems that life tenants faced apart from being unable to give a good title to an agreement simply by their consent. These problems could lead to agreements being

delayed until settlements could be broken as with Mrs Beardsley's entailed estate at Glascote. It had not been considered worth an act to enclose under 150 acres here but "Mrs. Beardsley's tenancy for life was the chief obstacle to an inclosure by private agreement."<sup>29</sup>

The problems caused by entailed estates often gave rise to acts. For example, the need to bind heirs in tail to the terms of an agreement prompted confirmatory acts. The unsuccessful bills to confirm the 1765 agreement (including clauses about tithe compositions) at Kirkbygrindalyth, North Riding, were needed, "doubts having arisen how far certain Persons, Parties thereto, were competent to bind their Successors thereby".<sup>30</sup> Conversely, confirmatory acts could be needed to protect the interests of heirs in tail as at Ripley, Dacre and North Deighton in Yorkshire.<sup>31</sup>

One of the main difficulties that life tenants overcame by obtaining an enclosure act was that it allowed them to break strict settlements by making leases<sup>32</sup> or exchanges<sup>33</sup> or borrowing on mortgage. The latter was an important source of finance for improvements which otherwise had to be funded from either improving leases or the entailed estate's rents or the life tenant's personal estate. These borrowing powers could explain several acts involving only one owner such as that for Bunny in Nottinghamshire, owned by Thomas Parkyns.<sup>34</sup> An amending act was needed in 1812 for the 1794 Warter (East Riding) Act to allow Lord Muncaster "to raise further money to complete works."<sup>35</sup> The statements in the petitions for enclosures involving single owners at Swinburne (Northumberland),<sup>36</sup> Sledmere and Croome in Sledmere (both East Riding),<sup>37</sup> Nocton (Lincolnshire) and West Halton (West Riding)<sup>38</sup> provide clearer evidence of these financial motives. They enabled life tenants to charge their open land with loans to provide capital for their enclosure and improvement. Such motives may also explain the



1775 Kildale (North Riding) Act.<sup>39</sup> The value of such powers is also shown by the Knaresborough Forest amendment petition where, due to the award's execution and the death of a commissioner, no more exchanges or loans could be arranged.<sup>40</sup> George Heneage, a life tenant of Benniworth in Lincolnshire, needed an amendment act as the award failed to confirm his powers by the original act of 1770 to raise mortgages at 40 shillings an acre upon his allotments.<sup>41</sup> Henry Dalton, the life tenant of most of Althorpe in the same county, applied for an amendment act because he needed to exceed the same 40 shillings an acre limit to complete its drainage.<sup>42</sup> The life tenant of an estate as small as 49 acres at Wilnecote in Warwickshire used this facility to borrow £85 on a 500 year mortgage.<sup>43</sup>

Life tenants could also hope to sell their estates through enclosure acts. The life tenant of 3½ of the 19 yardlands at Little Kington, Combroke and Brookehampton in Warwickshire opposed the bill unless she had a clause to allow her to sell her land. In Shropshire, Sir Andrew Corbet used the provisions of the 1795 Prees... and Stanton-upon-Hine Heath act "to completely reshuffle his very strictly tied-up estate and to sell a large part of it".<sup>44</sup>

Acts also enabled institutions like Wigston Hospital at Woolesthorpe in Leicestershire to accept allotments or exchange open field land. Although the division of Hebburn Moor only involved General Ellison and the Dean and Chapter of Durham, the latter's lack of powers as life incumbents probably necessitated an act.<sup>45</sup> At Sodbury in Gloucestershire the Dean and Chapter of Worcester Cathedral only consented to an agreement if an act was obtained at no cost to them; an act was applied for after the award was made and some land had been cultivated.<sup>46</sup>

Kerridge noted the value of the power to exchange in acts.<sup>47</sup> It was not only the cheapest but also, in the case of life tenants, the only way to exchange old enclosures as at Southill in Bedfordshire. S P Wolferstan wanted the Ashby Woulds award delayed to allow a division of property at Hethcote, which was a cheaper alternative to selling the land and dividing the proceeds. Many Staffordshire awards were delayed to allow exchanges as at Lichfield, "at the request... of the principal parties involved." As Davis, a regular Wiltshire commissioner, wrote "it is often the disputes of proprietors in some instances and a delay of consenting to exchanges in others, wch. procrastinate the completion of Inclosures and not the delay of the Commissioners themselves."<sup>48</sup>

Exchanges needed greater legal force than agreements might give which led to confirmatory acts at Maer in Staffordshire and Severn Stoke in Worcestershire. Many petitions, as at Kirkby Mallory in Leicestershire, cite exchanges as a purpose of the act. Estate consolidation by exchanges under an enclosure increased their value often by the very quality of compactness rather than any change in land management. Before the first commissioners' meeting under the Charlton and Milbourne (Somerset) Acts of 1812, two exchanges were already arranged "by which the three greatest proprietors in this Parish will be nearly each in a ring fence at present dispersed all over it." The exchanges were equal in size to the land enclosed and thus were at least as important as enclosure in these acts.<sup>49</sup>

In some cases, like Langley in Warwickshire, more land was exchanged than enclosed and so exchanges were clearly the main purpose for an act. This is shown graphically by the map of the Moreton award in Staffordshire.<sup>50</sup> This power was so useful that amendment acts were obtained to allow exchanges, as at Alferton in Derbyshire of 1812. The 1836



Common Fields Act was framed to allow exchanges. Indeed, some acts only dealt with exchanges and are not rightly enclosures although awards were made.<sup>51</sup>

It was stated in 1844 that exchanges in adjoining parishes under an act were "quite usual" and "done very easily"; but "in a private bill it would be a monstrous thing to extend the powers over a distant parish".<sup>52</sup> However national commissioners under a general act could approve such exchanges<sup>53</sup> which might "not be at all beneficial" in "assisting... cultivation" but could reduce costs, prevent trespasses and allow improvements. Most of Cheshire "is very much in need of mutual exchanges for... compacting the properties."<sup>54</sup> Some private acts did legalize distant exchanges, as at Corbridge in Northumberland.

There is thus a large body of evidence which suggests the importance of exchanges and points to the fact that many acts were actuated more by the wish to create ring-fenced estates than by the need to enclose for new agricultural methods.<sup>55</sup>

The opportunity was taken in many acts to enfranchise copyholds<sup>56</sup> both to raise money and to seize and enclose common land. Indeed this was the main motive in some enclosures. The Wrights enfranchised copyholders in the Berkshire manors of Englefield and Stratfield Mortimer around 1713 in order to end their common rights and so the family could enclose at will. Following the example of the lord of nearby Headley in 1789 (who used an agreement to enfranchise copyholders in return for their fuel rights on the Nower)<sup>57</sup> Thomas Page failed to get a bill to enfranchise copyholds and to end manorial dues in Cobham, Surrey, in return for common land.<sup>58</sup> Sometimes attempts to include provisions to enfranchise copyholds in enclosure acts failed as at Kettering in Northamptonshire<sup>59</sup> but

enfranchisement could be so vital that acts were obtained purely for that purpose.<sup>60</sup>

Searle has used written evidence such as letters, to show that enfranchisement in Cumberland was "indivisibly linked" with enclosure in "part of a sustained onslaught on the customary economy" as a means of avoiding disputes.<sup>61</sup> This linkage is shown in the evidence of the stewards of Blennerhasset manor that the Bolton Moor enclosure harmed their copyholders.<sup>62</sup>

Parliamentary sanction could also be needed to allow rectors to make 21 year leases of glebe and tithe allotments. The petition for Sebergham in Cumberland shows that the Bishop of Carlisle needed a confirmatory act to lease his waste allotments.<sup>63</sup>

Of all the reasons why acts might be preferred to agreements, tithe commutation was the most important.<sup>64</sup> The significance of tithes in enclosure acts is shown by Evans' estimate that 70% of those obtained between 1757 and 1835 were used to commute tithes as well. Often agreements lacked the legal power to resolve what was a contentious issue. This is indicated by several acts which either confirmed agreements to enclose and commute tithes or only involved the lord of the manor and a cleric.<sup>65</sup> One enclosure agreement which did extinguish tithes was at Castle Gresley, Derbyshire. Here the proprietors simply bought the tithes from the Impropiator who, as a layman, could do this without an act. The church, as an institution, needed acts to allow incumbents not only to commute tithes but also to exchange lands. Thus an act was needed in 1718 to allow the tithes and open field glebe of Saxby in Leicestershire to be exchanged so that Lord Harborough could enclose the open fields "for the improvement of his estate."<sup>66</sup> An act could legalise tithe extinguishment either for land or a corn rent



or even an annuity as in the case of Langton in Leicestershire.

The bill for Pinner in Middlesex was abandoned due to disagreement about tithe commutation. Evans accepts this as proof that tithe extinguishment was its main aim but that the bill was "exceptional" in this regard.<sup>67</sup> However the role played by tithe commutation in negotiations for enclosure indicates its importance as an aim. Whilst failure to agree on commutation did not stop the Caverswall Act in Staffordshire,<sup>68</sup> tithe owners with a large landed estate in a parish could block bills until they gained better terms did not suit them as at Oddington in Oxfordshire. Even where they had no landed estate, tithe owners such as those at Kilham on the Wolds, East Riding, used their opposition to strike the best possible deal. The evidence of witnesses to the 1844 Select Committee on Commons Inclosure proved that Pinner was not "exceptional" and that tithe owners had prevented many other waste enclosures because they wanted to tithe any corn grown on the new enclosures. However after 1836, once the Tithe Commutation Act had been implemented in a parish, even the tithe owners' complete refusal to accept terms for commutation could no longer delay an enclosure, as happened at Selston in Nottinghamshire.<sup>69</sup> The issue of tithes had already been important enough to merit an amendment act at Sebergham in Cumberland, whilst Lord Delaval was urged to attend the committee on the Holy Island bill "to oppose any attempt by the bishop of Bangor to make enclosed lands tithable". Tithe extinguishment alone was important enough to necessitate confirmatory acts without reference to enclosure as at Burley on the Hill, Rutland.<sup>70</sup>

In acts like Oldswinford and Hadsor (both Worcestershire), where commons and wastes were used to redeem tithes on all the parish's lands, the tithe owner often received most of the allotments.<sup>71</sup> The lord of Kimberworth in the West Riding

could receive all 250 acres of waste in lieu of tithes in the parish. Rowley Regis's commons in Worcestershire were entirely used up in manorial and sale allotments and land to extinguish tithes on the common; therefore the tithes on old enclosures had to be extinguished by a payment of £4,614.<sup>72</sup> Detailed study of awards would be needed to establish other examples; but in such cases, it seems that tithe commutation was the main motive for enclosure. Another motive for owners of corn tithes promoting waste enclosures like Boxall at Croydon, was that they wanted to increase their income either by converting pasture to tithable arable or by receiving a large land allotment in lieu of these potentially valuable rights.<sup>73</sup> Often the tithe owners were the main petitioners as in the case of Shotton in Warwickshire.<sup>74</sup> However although tithes could be doubled by enclosing and converting grassland to arable, they decreased where open fields were laid to pasture because corn tithes were replaced by less valuable ones of meadow and pasture unless they were commuted.<sup>75</sup> Also the implementation of the act could harm the tithe owner; the Rector of Buckworth and Morborne in Huntingdonshire, although in favour of enclosures, was "a sufferer by the iniquity of Commissioners".<sup>76</sup>

A variety of other motives could lie behind the tithe owner's support of enclosure. At Arnold in Nottinghamshire, Henry Cavendish wanted to turn his tithes into a landed estate to sell.<sup>77</sup> The petition for Rodmarton in Gloucestershire shows that acts were used to clarify boundaries in order to determine to which parish lands belonged for tithing purposes. In 1770 only Stapenhill owners paid Mr Lloyd tithes but because "The freehold in Stapenhill parish is much confused and not at this time well known, one use of ye intended [Burton-on-Trent] Act will be to settle that point".<sup>78</sup>



## Seizure and protection of rights and establishing boundaries

At the root of many acts was the protection or seizure of rights both within and between manors. The latter issue often focussed on the commissioners' decisions about boundaries. The significance of these issues is shown both by the number of counter petitions complaining of rights being harmed<sup>79</sup> and by the many enclosures of pastures which were not converted to tillage. Lord Worsley in an 1844 debate said that by the enclosure of Welsh mountain pastures "not susceptible of tillage... each proprietor would be enabled to ascertain his lands, and the contention caused by the disputes perpetually arising as to rights of common extinguished." The Welsh Land Report of 1896 said that "it would be idle to suppose the main motive of the Welsh landowners who eagerly sought the facilities given by Parliament was to extend the margin of cultivation. They saw... that the movement gave them the opportunity of acquiring the sheep-walks and pasture lands till then unenclosed as their own in severalty under the title of an act of parliament". The same would have applied to those owners in the North Yorkshire moors who obtained permissive acts where the fencing of the holdings might not be done for many years, if ever.<sup>80</sup>

Some commons were enclosed to improve the pasture, for example by seeding grass,<sup>81</sup> but many acts aimed solely to seize or to preserve grazing rights. Especially after 1815, such "non-agricultural considerations were given greater weight"<sup>82</sup> which is confirmed by reports as of the slow improvement of former wastes at Kinver and Compton in Staffordshire. New Radnor Corporation's allotments under the 1814 enclosure act were not enclosed in 1835 and "it seems doubtful whether... they would repay the expense of inclosure and improvement".<sup>83</sup> In these areas, grazing

disputes were frequent due to squatting,<sup>84</sup> the pressure on commons caused by other enclosures converting pasture to arable and overgrazing both by common right owners and those without rights.<sup>85</sup> This led to attempts to introduce stinting and to prevent trespasses<sup>86</sup> and to prosecutions to determine rights. The 1630 enclosure agreement at Marston in Lincolnshire stated that whilst hedges and ditches would provide much needed timber and drainage, the clear division of property they brought about would end trespasses and litigation.<sup>87</sup> If all else failed, petitions were often made for enclosure acts as at Harwood, Lancashire<sup>88</sup> which could include stinting provisions, as at Defford, Worcestershire, in 1774.<sup>89</sup>

The importance of such motives in the enclosure movement are shown in the printed reports of the National Commissioners after 1845 which state why each enclosure was authorised. Their frequent references to overstocking, fair enjoyment of rights, disputes, trespasses and encroachments are noted in Tables 9 to 13. Open fields as at Riccall in Yorkshire also could be enclosed due to confusion about boundaries and the 1776 Cropthorn Act in Worcestershire was obtained in order to ascertain which 23 yardlands in the open fields belonged to the Dean and Chapter of Worcester Cathedral, previous to enclosure and tithe commutation. However the motive of clarifying boundaries applied mainly to common and wastes acts. As Chapman has shown, these were far more representative of the enclosure movement than the open field enclosures upon which most previous studies have largely focussed.<sup>90</sup>

Acts could define boundaries in areas of intercommoning. Some agreements dealing with such lands needed an act to establish the rights of one manor or township over the lands it enclosed, as at Leaton in Shropshire and Balmborough in Northumberland. Indeed, in such areas, an act in one manor



could lead to others in adjoining manors in order to reduce costs and to rationalise road and drainage systems and property boundaries.<sup>91</sup>

Whilst some bills like that for Somersham in Huntingdonshire, simply aimed to clarify rights,<sup>92</sup> others attempted to seize rights from neighbouring freeholders as in the case of Shapwick in Somerset,<sup>93</sup> or from lords of adjoining manors like Follifoot in the West Riding, or even from the Crown.<sup>94</sup> This was clearly the case at Napton on the Hill in Warwickshire and Penge in Surrey, and the resultant disputes could delay an act. The enclosure of Barrowden Heath in Rutland was delayed from 1820 until 1877 due to a dispute between two manorial lords. The issue was resolved by an enclosure under the 1876 Commons Act with the valuer acting as arbitrator. He granted the whole common to South Luffenham and its lord, Aveland, as sole owner. This deprived both Barrowden manor and Lord Aveland's tenants of the common as it seems he planned to use it for game. Despite this, the enclosure was generally desired as it also allowed the open fields to be fenced and rationalised and it would give "a better tone and character to the parish."<sup>95</sup>

There are sources other than petitions which show that some acts were deliberately aimed to seize rights from other townships. In 1767, the Lord and freeholders of Ashby de la Zouch decided to enclose its open fields and the large intercommoning waste of Ashby Wolds, ignoring the rights of other contiguous parishes. Gresley, a neighbouring owner, made proposals to "prevent the Law suits that were likely to arise between them and persons who have right of common upon the Woulds." When negotiations on the detail of the act failed, the open fields alone were enclosed and Gresley made public his actions in order to forestall criticism.<sup>96</sup>

The Chelworth Common bill tried to secure sole rights for the owners of 'the late Forest of Braydon' in Wiltshire and exclude other owners including those in the parliamentary borough of Cricklade.<sup>97</sup> It passed through the Commons despite three counter petitions and lacking the necessary consents.<sup>98</sup> Two counter petitions to the Lords from 1/3 of the owners in the parish in number and value and a third from Cricklade helped Lord Porchester, who would have lost by the bill, to defeat it. He said that it would "deprive a number of Persons of their Property" and obstruct opponents by forcing disputes to be tried in a very limited time at the Exchequer Court in London.<sup>99</sup>

Many acts were intended to prevent outsiders from grazing animals. At Gamlingay and Waresley in Cambridgeshire, the act enclosed land in Waresley but allotted land in Gamlingay over which Waresley owners had legal rights of stray.<sup>100</sup> Such grazing was often done illegally as at Rhiadr, Radnor, where an act stopped the borough's commons being monopolized by two men from adjoining manors who drove off or maimed stock.<sup>101</sup>

Owners from neighbouring manors as at Quatt, Shropshire, and in Westmorland<sup>102</sup> often rented a little land in one parish in order to graze animals on its commons from another parish. In 1844, several witnesses from hill areas to the Select Committee on Commons Inclosure complained about disputed grazing rights. Large owners with land adjoining the commons tended to monopolize them by dogging (disturbing with dogs) smaller owners' flocks. Arguments over heaves (areas of common reserved for particular owners) were frequent. One witness advocated more acts like that for Casterton in Westmorland which aimed to end such disputes, so long as costs were reduced.<sup>103</sup> Another witness described the 1837 Clun Forest Act in Shropshire as "a kind of extra-judicial mode of settling litigated rights" and argued that



similar acts would "save a good deal of litigation". Many such enclosures took place once the 1845 General Act simplified the process and reduced costs.<sup>104</sup>

Some acts secured rights from other manorial tenants by the basis used for the allotment. At Pickering, North Riding, the householders' share was increased to half of the commons to the detriment of the landowners.<sup>105</sup> This arrangement was "pretty generally adopted" around Pickering in the North Riding with the landowners share being "in proportion to the LAND TAX". At Penrith in Cumberland, the landowners of Inglewood Forest petitioned against the use of the poor rate as the basis of the allotment, as it would give townsfolk allotments for their buildings "ad valorem with the proprietors of lands".<sup>106</sup>

Such bills failed or were amended when opposed by influential interests. But when the interests of the poor who lived a long way from London were at stake, as at Melbourne in Derbyshire, acts often deprived them of their rights. Even those smallholders who lived near London could often only delay enclosures like that for Laleham which was "calculated only for the private emolument of some one or few." Not even Lord Chancellor Thurlow could stop the passing of the Ilmington Act in Warwickshire, despite showing "some act of injustice, partiality, obscurity or cause of confusion in each [provision of the bill]."<sup>107</sup>

Well grounded parliamentary opposition often did not succeed in the face of determined owners. A bill failed in 1797 to amend the Walkington Act by which Mr. Lockwood gained the East Woods, adjoining the town of Beverley in the East Riding, cut the timber and leased the land for up to £3 per acre; the other owners only received a paltry compensation of 2/- per acre in land for their rights over the woods. Lockwood had promised after a court case to preserve the

timber in return for the owners' consent to the original act. His motives were clearly to gain freehold control of the best land on the commons.<sup>108</sup>

The Duke of Northumberland only agreed to enclose Shire Moor, on terms protecting his rights as Lord of Tynemouth Manor. He felt an act would benefit the copyholders far more than himself and insisted that proper precautions must be made so that his rights should not "be subject to litigation or Dispute."<sup>109</sup> The Aughton (Lancashire) Act has been seen as a way for its lord to convert long disputed rights into secure freehold property and such motives are likely to have existed in other acts.<sup>110</sup>

Acts could also establish property rights and boundaries as at High Offley. Although Llanvihangel Common was enclosed as it was "capable of Cultivation and Improvement", the chance was taken to add a saving clause excluding "the Forest of Radnor, of which... Thomas Frankland Lewis is sole proprietor".<sup>111</sup>

Enclosures often aimed to stop further encroachments. The stated goal of many petitions for enclosures by agreement to Warwickshire Lords of the Manor "in the later seventeenth century was to preserve the rights of the better-off tenants" from encroachments. The customary tenants of Dalston in Cumberland, asked the lord to enclose by act for the same reason; even peasants consented to enclosures, which many historians have viewed as being harmful to their class, due to encroachments by large owners or outsiders.<sup>112</sup> Lords could resist such petitions with their power of veto over enclosures of commons and wastes as at Cannock Wood in Staffordshire. They usually benefited from the rents and increased common rights from encroachments although they could use acts to establish ownership of encroachments as at Aughton. Such acts could cause riots



especially in North Wales, where ownership of encroachments was vital to mining development.<sup>113</sup> The Alstonefield owners rejected enclosure proposals in 1769 largely "as Sir Henry Harpur has acquired such an Extensive property on the Commons by Incroachments he ought to accept a very small share" as lord; and if he kept his mineral rights he should expect no manorial allotment.<sup>114</sup>

A notorious example of such an act was at Tottington, Norfolk. Sir Thomas de Grey, the Lord of the Manor, was accused of using his influence so that the Speaker overlooked his inadequate notices for an enclosure bill worth nearly £1,000 a year to de Grey. This would save Lord North's ministry the cost of a pension and set a precedent for other of the 'King's Friends'. De Grey was also said to have made many illegal encroachments which the act would not only confirm but allow to be used "as a Claim to a much larger Proportion" than his entitlement. The objectors believed that a court case should precede any act. Despite their accusations, de Grey obtained his act.<sup>115</sup>

Other acts were intended to resolve such problems. After riots and a court case at Llanhir in Radnorshire, James Watt junior used an act in 1840 as a "compromise" with the squatters who could buy their plots cheaply. Despite claims that Watt obtained the act to improve the land and create work, the land remained pasture and in 1849 the nearby manor of St Harmons was also enclosed to stop disputes caused by encroachments.<sup>116</sup>

The High Offley Act in Staffordshire settled similar disputes. Some owners led by Richard Whitworth complained of the taking of topsoil and the altering of boundaries and ditches and accused Josiah Hinckes, the Lord of the Manor, of making a large encroachment by draining Pewitt Pool and some of Lord Anson's freehold.<sup>117</sup> Hinckes claimed that the

pool was freehold but he could encroach it anyway under the Statute of Merton. He would:

"have no objection to it being considered as part of my allotmt. wch. in case of an enclosure would one day come to my share... The only act I am personally responsible for was calling a court abt. a year and a half ago by desire of some of the freeholders to check if possible the too frequent settlement of strangers... I understand there has been some talk of inclosing the waste lands"

to which he would consent.<sup>118</sup> An act was obtained in 1809 which Hinckes used to consolidate his estate by exchanges and purchase.<sup>119</sup> Whitworth advertised for witnesses in order to discover the history of the pool.<sup>120</sup> He was allowed three years to do this before a meeting was held in 1812, but by then he had died.<sup>121</sup> Thus this act, which on one level was obtained instead of an agreement to avoid problems of title, was in reality instigated by Whitworth to establish legal rights and boundaries and prevent encroachments. It certainly did not lead to agricultural change which had already begun.

Some lords were concerned after the 1832 Reform Act that if they did not obtain acts their manorial rights might be poorly compensated. In 1837, Lord Powys' agent advocated the Clun Forest Act<sup>122</sup> as "delay in Inclosures of this nature in these times of liberalism, prejudice the interest of the Lord and the Freeholders and that it is desirable that the rights of both should be defined".<sup>123</sup> Similarly, a commoner on Cannock Chase, Staffordshire, hoped that the post-Reform Act parliament would authorise its enclosure on fair terms. He believed it was "a tribunal more equal and accessible than any the present administration of the law affords between rich and poor".<sup>124</sup>

However it was only the spectre of a general act in the 1850s which persuaded Lord Anglesey to consent to the



enclosure of the Chase. He was urged to begin its enclosure at Hammerwich on the best available terms as compulsory enfranchisement and enclosure acts were soon expected. Such acts would probably limit the manorial allotment to 1/15 with possible loss of mineral rights whereas agreeing to 1/5 voluntarily "would be an immense advantage by way of precedent in treating with others".<sup>125</sup> The estate obtained even higher proportions in later enclosures.<sup>126</sup> The enclosure and enfranchisement of Longdon was similarly urged on the family in 1871 to avoid it coming under the proposed Government Inclosure Amendment Bill. Careful note was taken of the Suburban Commons Bill of 1870 and opposition prepared in case it jeopardised the enclosure of the Chase.<sup>127</sup>

#### Effectiveness of acts in establishing the rights of owners

Commissioners had the power to adjudicate in disputes which were frequent in areas of intercommoning. The enclosure of the Colefield in Staffordshire and Warwickshire began with the 1795 Great Barr Act which led to the Aldridge Act of the same year. The Great Barr commissioners gave the Aldridge owners nearly 1/3 of Great Barr's commons and fixed boundaries with Little Aston and Shenstone<sup>128</sup> by arbitration.<sup>129</sup> If this power were inadequate, it was possible to obtain amendment acts as in the case of Little Ellingham, Norfolk.<sup>130</sup> The act often resulted from a court case or was a catalyst in resolving disputes, like those about tithes at Chasepool in Wombourne or the Lordship of Aldridge manor (both Staffordshire) which were resolved by court cases once acts were agreed upon.<sup>131</sup> Conversely, the complexity of such claims in places like Malvern Chase in Herefordshire and Worcestershire could lead owners like Lord Somers to abandon bills.<sup>132</sup>

On the other hand, dissatisfaction with the decisions of the commissioners led to law cases under acts at Church Stretton in Shropshire, Rampton in Cambridgeshire and other places.<sup>133</sup> Such cases could be manipulated by powerful owners as at Moddershall Heath in Staffordshire. Under the 1808 act, Thomas Swinnerton as lord of the manor chose Lord Bagot's agent, Robert Harvey, as his commissioner. The freeholders, of whom the Marquess of Stafford was the most important, named the other two; one, George Bishton, was to replace his brother as Stafford's agent in 1810.<sup>134</sup> The Marquess led some Stallington owners whose claim for allotments was upheld by the commissioners. Swinnerton, a litigious man, challenged this at the Assizes but an unusually well attended special jury ruled against him. Great efforts were made to get jurors to attend, although the fact that most jurors gave their fees "as usual" to the infirmary suggests that there was no resort to crude bribery.<sup>135</sup>

Swinnerton was an opponent of Lord Stafford's political power in the county. He helped to form a freeholders' association after these very sessions<sup>136</sup> and criticised the family's county M P.<sup>137</sup> Bagot and Stafford were allies and "Lord Harvey" kept Bagot's tenants in order by "notices to quit, in order that their rents may be raised".<sup>138</sup> These circumstances explain why Harvey acted with Bishton against his nominator, Swinnerton.<sup>139</sup>

After failing again at the next sessions, Swinnerton took the case to the Court of Common Pleas. The case was dismissed, but Lord Justice Lawrence "should have been better satisfied, if the verdict had been for the plaintiff, but the case having been tried twice and a verdict given the same way each time, I agree... it would be too much to send the cause down a third time [as it would leave nothing to the jury]".<sup>140</sup>



In the same county, similar accusations of bias were made by Sir John Gough, about an enclosure act intended in part to end a dispute over warrens with the joint lord of Perry manor, Wyrley Birch.<sup>141</sup> He challenged the actions of the commissioner at the 1813 assizes but the Grand Jury voted against him. He blamed this on the influence of two enemies upon their fellow magistrates.<sup>142</sup> Gough tried to publish by subscription the land tax valuations of Perry Barr's estates in comparison with those of the commissioner. His advert hints at collusion between Birch and the commissioner.<sup>143</sup> The Vicar of Ulceby in Lincolnshire did not appeal to the Assizes about the actions of a commissioner who was the principal owner's agent. There was little chance of success "in opposition to the overwhelming influences of... powerful parties".<sup>144</sup>

Squatters and aggrieved parties within<sup>145</sup> and outside a manor who did not go to law owing to either the weakness of their case or a lack of money or faith in the legal system had one final sanction - physical opposition. Owners in adjoining manors were behind riots at Burton-upon-Trent in 1771<sup>146</sup> and Malvern Link<sup>147</sup> but riots never stopped an act once passed.<sup>148</sup>

Once an award had been made, it was vital in proving title to allotments and in settling disputes as at Little Stukeley, Huntingdonshire; but awards which contained errors or which were never executed could cause legal problems.<sup>149</sup>

### Conclusion

Kerridge rightly saw the legal importance of enclosure acts but underestimated their economic importance. Owners would only incur the expense of obtaining an act if there were some pressing need for it such as lack of agreement or special provisions to meet local circumstances. In this way,

enclosure acts legitimated fundamental economic and social changes. By ending or commuting out-dated legal rights, like copyhold tenure and tithes, they facilitated economic development in ways beyond the scope of agreements, even where unanimity existed. The socio-economic results of tithe commutation in increasing church landowning has already been noted by historians.<sup>150</sup> But more than this, it can be shown in several cases that tithe extinguishment or improvement of tithe income were crucial factors in obtaining an act. This is probably also true of other acts where evidence simply no longer exists. Of the powers given to a life tenant by an act, those of borrowing were the most important as they enabled him to fund improvements. Acts, especially those dealing with commons and wastes, also defined rights between and within manors which would otherwise have required recourse to the law. Nevertheless disputes over commissioners' decisions could also lead to court cases.

Some acts were intended to prevent, seize or confirm the ownership of encroachments,<sup>151</sup> to distinguish boundaries and to convert customary rights into freehold property. The mass of evidence presented in this thesis confirms Dobb's view of enclosure as part of a transition from feudalistic personal and customary relations into the impersonal, legal and clearly-defined rights associated with capitalism. This redefinition of rights and the translation of common into several ownership was an important stage in this transition. The ownership of rights and powers remained the same; only their form had changed. "A very general desire" was noted in 1844 "that all common fields and all lands whatever enjoyed in common, should be divided and that each party should know his own".<sup>152</sup>

The whole process of enclosure by act enabled the rich to seize rights not just from the poor but from all those who were less influential. Often only where major interests were



threatened, as at Chelworth, was there organized opposition of which evidence survives;<sup>153</sup> in distant places where the poor could not organize parliamentary opposition, acts secured advantages for influential interest groups like mine owners, corporations, freemen and landowners. These contentious actions needed the legitimation of acts. Whether the seizure of rights was a greater motivation in an individual act than any resultant change in land use often has to be a matter for conjecture; but the evidence does show that individual acts were unfair and clear cut cases of "class robbery".

The special powers given by an act might not solely be a means of overcoming legal problems to facilitate agricultural change; they could help solve the problem of the poor; they could allow mineral or housing development to occur; and they could enable emparkment to take place or provide funds for local needs. All these improvements will be examined in subsequent chapters.

Perhaps the most important disputes about rights and boundaries occurred when something more valuable than potential farming land existed in common land - minerals.<sup>154</sup> The relationship between mining and enclosure is the subject of the next chapter.

## Footnotes for Chapter 2

- 1 Except F Sharman, 'An Introduction to the Enclosure Acts', Journal of Legal History X (i) (1989) 45-70 who comments on this lack of research by legal historians. For an economic historian's general discussion of the reasons for the development of the enclosure act, see J Thirsk, ed. The Agrarian History of England and Wales V (ii) 1640-1750 (1985) 380-1.
- 2 E Kerridge, The Agricultural Revolution (London 1967) p.20; J Chapman, 'The Extent and Nature of Parliamentary Enclosure', Ag. Hist. Rev. XXV (i) (1987) 25-35 has the most recent estimate of the area enclosed by act - 8.42 mill. acres cf. Board of Agriculture [A Young], General Report on Enclosures (1808) pp.2-3 - 4.2 mill. acres (1710-1805).
- 3 W E Tate, The English Village Community and the Enclosure Movements (1967) p.49. At least nine of the first 15 E. Riding acts confirmed agreements; see also Table 4 and Board of Agriculture [A Young], op cit p.65. Tate's foreword gives an analogy from Anatole France, The Isle of Penguins (1907) Book II, Chapter III, on the delineation of territories by penguins: "They are creating law; they are establishing property rights... the principles of civilisation, the foundation of societies and the legal system of the state." E C K Gonner, Common Land and Enclosure (1912) pp.60-2.
- 4 J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986) p.173.
- 5 Quote from E P Thompson, The Making of the English Working Class (Pelican 1982) pp.237-8; C Hill, Reformation to Industrial Revolution (Pelican 1969) pp.270-4. See below pp.195-6 and 206-15 re the "class robbery" of the poor.
- 6 J M Martin, 'Members of Parliament and Enclosure. A Reconsideration', Ag. Hist. Rev. XXVII (1979), 109. The many committee attendances for friends in Sir Roger Newdigate's diary, Warks. R O [hereafter WaRO] CR 136/582-637 (1751-1806) e g Mirton for Sir E Turner [CR 136/594, 19/3/1763] and Scarning for Mr Conyers [CR 136/596, 20/3/1765] confirm this; "Attended Comtee. on Draycot Enclos. Obtain'd for Sir Th[eophilus Biddulph, bart.] 20 acres as Lord of the Manor", ibid, 7/3/1765; see Much Wenlock Table 7 & Warwick below p.292 and Table 27. M McCahill, Order and Equipoise: the Peerage and the House of Lords 1783-1806 (1978) pp.39 and 90 re private and local bills occupying 2/3 of legislative business.
- 7 J M Martin, 'The Parliamentary Enclosure Movement and Rural Society in Warwickshire', Ag. Hist. Rev. XV, (1967), 30; See Table 7 re Much Wenlock and H J Habakkuk, 'English Landownership, 1680-1740', Econ. Hist. Rev. 1st ser. X (1940) 2-17.
- 8 W E Tate, 'The Commons Journals as Sources of Information concerning the Eighteenth Century Enclosure Movement', Ec. Journal LIV, (1944), 75-95; re enclosure for public



- buildings & to defray the poor rate, see pp.178-185 & 197-206 respectively; H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842', PhD University of London 1956, pp.187-201; Eric J Evans, 'A History of the Tithe System in England 1690-1850 with special reference to Staffordshire' PhD University of Warwick 1970, pp.294-303.
- 9 e g despite an 1813 agreement to enclose Allt yr Onon and Wain y Gyfir, (Brecons.), an act was obtained in 1814; John Lloyd, The History and Memoranda of Breconshire II (1904) 139-140 does not explain why; the 1774 Potton (Beds.) Act confirmed a 1771 agreement - but no reason given in H of L Cttee. Book XX, 11/5/1774, 463-4; only studying the act's clauses could reveal why.
- 10 See Table 4 for examples of motives in confirmatory acts.
- 11 StRO D239/2/2 Blagg to Abbott 24/12/1807.
- 12 S C on Commons Inclosure (P P 1844, V) Evidence of Francis Marston Q2349 re getting an agreement as "an Act of Parliament would have taken too much money". See Table 5 re agreements in Shropshire and its borderlands which shows their continued use, especially in the Revolutionary War era.
- 13 ibid Evidence of W Nash Q3988 and VCH Cambs VI (1978) 223-4 and 226. See also Table 26. See Table 4 re Meriden.
- 14 An owner of 37 acres at Titcombe, Wilts., stopped an agreement between three parties, JHC XXXIV, 16/2/1774, 462-3. At Throckmorton, Warks., 70 acres belonged to the Rector and the act served to make a land commutation of 1/6 for tithes. However this had to be leased back to the lord for 21 years for £150 p.a. and allowed him to borrow at 40/- per acre. This would enable him to make more profit from the land - see fn 38 & Tables 2 & 8; at Skeffington, Leics., the opposition of only 1 acre led to an act, JHC XXXIII, 11/2/1772, 467.
- 15 Hill, op cit p.269; cf. Martin who partly explains post-1780 Warks. acts in open parishes by the fact that the growing food market and sharply rising land prices overcame previous hostility, Martin, loc cit 29-30; Gonner, op cit pp.60-2.
- 16 See Table 28 re Shirtlett Forest.
- 17 Walsall Local Studies Library [hereafter WLS] Acc.59/21 no 1797 P Potter to J Lovatt 3/6/1830; see Table 4 re Milston.
- 18 See Table 4 re Thurnscoe. 1735 Chedleton (Staffs.) Act (8 Geo II c15) was to make 1734 agreement "effectual and binding" and the 1733 Lightwood Forest (Staffs) Act was to establish and render effectual a 1733 agreement - BRL LF 60.3 (17278). Wolferstan Diary 28 and 30/12/1808, 3 and 11/1/1809 re Glascote.
- 19 Board of Agriculture [A Young], op cit p 65 quoting Marshall; the Noneley, Salop, Act was needed "to confirm and establish the AWARD of VALENTINE VICKERS" Eddowes Journal 1/9/1813 p.1 c.1. The 1812 Calne (Wilts.) Act was needed to confirm John Gale's award of 1/5/1812 for Quernerford Common - JHC LXVIII, 18/12/1812, 93. The Stoke



- Poges bill (Bucks.) would have allowed Lt. Gen. Howard and James Squib to enclose 15 acres paying all owners compensation- JHC XXXIII 28/2/1772, 530. See also Table 4 re Egham & Maer Heath and below pp.37 and 309-10.
- 20 S C on Commons Inclosure (P P 1844, V) Evidence of T Salt, Q6558; a coverture or seme covert was when a married woman was under the protection of her husband; JHC IXXX, 23/1/1764, 725 re Skipsea, E Riding; JHC XXXI, January 1767, 103 re Great Oxendon, Northants.; JHC XLVIII, 27/3/1793, 460 re Normanton, Rutland, whose infant Lord could ignore standing orders as he and the Rector were sole owners and JHC XXVIII, 24/12/1756, 643, an agreement had been executed for Northwood Common etc. Trentham, Staffs., but "by reason of Infancy or other Disabilities" an act was needed to make this effectual. In 1751, Sir T S Sebright of Besford Court (Worcs.) was the lord and sole owner but he had to pay 1d per cow depastured on the 600 acre common to the lord paramount, James Cocks. Cocks' trustees agreed to a rent charge of £10 per annum to end the privilege so that he could enclose and construct roads across the waste but an act was needed due to Cocks' infancy - BRL LF 60.3 (17278) 24 Geo II c26.
- 21 Lord Ernle, English Farming Past and Present (1936 edn) p.162; S C on Commons Inclosure (P P 1844, V) Evidence of R Rayson, Q4892; an agreement for Hopesay (Salop) was prevented by awkward titles from mortgage and life tenancies, Evidence of F Marston, Q2412. A confirmatory act was needed at Adlestrop (Gloucs.) due to the infancy of the Lord and the life interest of the Rector - JHC XXXV, 20/2/1775, 131. See also Table 6 re Brampton.
- 22 See Chapter 4, pp.157-8, re urbanisation; S C on Commons Inclosure (P P 1844, V) Evidence of John Davies QQ5187-8, 5190-2 and 5220-1. Despite the potential as building land, the expense of an act, especially if opposed, deterred enclosures, e g Heswall in Cheshire.
- 23 *ibid*, Evidence of H Crawler QQ5166-7; at East, West and Wildmoor Fens (Lincs.), the absence of awards meant there was no title after nearly 40 years- *ibid*, Evidence of J Higgins QQ1463-6. See also Chapter 7, pp.379-80.
- 24 *ibid*, Evidence of Ralph Cole QQ5961-4; the costs of an act at Cardinham and the lord's encroachments were also problems; see also below re Tottington in Norfolk.
- 25 re Addington, see W E Tate, A Handlist of Buckinghamshire Enclosure Acts and Awards (Aylesbury 1946) p.40 and 13 Geo I c17. See Table 4 re Seale and J Nichols, History and Antiquities of the County of Leicester III (ii) (1804) 988.
- 26 Herefordshire RO (hereafter HRO) B477/S34 J Watkins to Hinckes 28/5/1808. For examples of solicitors promoting acts for their own ends see S C on Commons Inclosure (P P 1844, V) *passim* and below pp.239 and 326. See Table 4 re Marston.
- 27 *ibid*, Evidence of W Coulson Q5674; E Lawrence, The Duty and Office of a Land Steward (1731) p.25



- 28 See Table 4 and W Davies, General View of... S Wales II (1815), 93 & 95 and Trans. of the Society of Arts (1800) p.132; the tenant, Mirehouse, won a gold medal for draining and reclaiming the land. See pp.312-29 for other improving owners and pp.155-6 and fn 108 for medical motives for drainage and enclosure.
- 29 Wolferstan Diaries 30/11/1790; enclosure agreement 1808.
- 30 JHC L, 6/2/1795, 158; LII, 24/2/1797, 300; the bill failed as there is no reference in Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978).
- 31 See Table 4.
- 32 JHC XXIX, 19/1/1764, 717 re Ledgers Ashby, Northants. See Table 27 re Trafford Moss, Lancs and Cheshire, 1793.
- 33 See below pp.37-8 and Table 6.
- 34 See Table 26 & Tate, The English Village Community and the Enclosure Movements (1967) p.96.
- 35 JHC LXVIII, 4/12/1812, 20; the original petition gives no explanation - JHC XLIX, 20/2/1794, 203.
- 36 See Table 27.
- 37 See Table 27.
- 38 Allowing the Lord of Nocton, Lincs. to enclose 4,500 acres including open fields and borrow 40/- per acre as well as allowing exchanges and tithe extinguishment, Table 8 and Tate and Turner, op cit p.163; ibid p.312 and JHC XXXVIII, 2/2/1781, 167. See Thockmorton, above fn 14.
- 39 See Table 8; Turner was the most important "improver of the morelands" in N. Yorks., W Marshall, The Rural Economy of Yorkshire II (1796) 273-5. See Table 27 and Chapter 7 pp.354-5.
- 40 JHC XLIV 10/3/1789, 152. This rather than labour shortages and high wages could be why small owners "took the lead and brought their smaller shares into the completest state of cultivation" - R Brown et al, General View of... W Riding (1793) p.76 qu by J D Chambers, 'Enclosure and Labour Supply in the Industrial Revolution' Econ. Hist.Rev. 2nd. ser. V (1953), 333. See above p.5 fn 35 and Table 21.
- 41 JHC XXXIII, 29/2/1772, 537; see also Chapter 6; shortage of capital possibly led to the lack of consolidation noted in a 1790's Heneage estate survey - H A Fuller, 'Landownership and Lindsey Landscape', Annals of the Association of American Geographers LXVI, (1976) 23; the 1746 Kelfield (E Riding) Act was followed by a 1747 act allowing the sole owner to raise money to meet enclosure expenses - Tate, loc cit 79.
- 42 JHC LIV, 7/5/1799, 519; life tenants could find acts like Bishopton (W Riding) harmful to their short term interests -see Table 7.
- 43 WaRO CR 153/36/454, Mortgage to John Villers from John Baker, approved by commissioners.
- 44 JHC XXXII, 5/3/1772, 554; re Prees, see J R W Whitfield, 'The Enclosure Movement in N Shropshire', Caradoc and Severn Valley Field Club XI (1939-42) 60-1; he was aided



- by exchange provisions -see below p.37-8 and Tables 6 and 27 and pp.293-4 re exchanges and emparkment.
- 45 re Woolesthorpe (Lincs.) see Table 27 - no reference in Tate and Turner, op cit. JHC XXXVI, 18/3/1778, 835; "Not rightly an enclosure" comment Tate and Turner, op cit p.160; this could also explain the Kildale act above fn 39.
- 46 JHC XLIX, 27/2/1794, 248-9.
- 47 See Table 6 Enclosure and Exchanges for unfootnoted references in this section; Kerridge, op cit p.21.
- 48 Wolferstan Diary 23 and 25/2/1812; but award had been made two years earlier - 3/4/1812. Staffs. awards delayed were at Lichfield [Lichfield Joint R O (hereafter LJRO) D77/15/14, Commissioner's Minute Book, 19/8/1826], Tittensor [see Table 28], Newcastle [Staffs. Advertiser 1/4/1848 p.2 c.1, 23/8/1851 p.1 c.2 asking for details of sales and exchanges to be included in award (never executed)] Cheadle [where the later business (1815-1831) mainly involved exchanges, StRO D239 Box 2/1 and some owners tried to make the commissioners execute an award, see Table 25 re Cheadle] and Stubwood. Much depended upon the commissioner's attitude as he stood to gain more pay from such work -the last four mentioned enclosures had Charles Heaton as commissioner. Enclosure notices invited prospective exchangers to use this facility -see ibid 6/2/1813 re Checkley and 13/2/1813 p.1 c.1 re Whiston and Horton and c.3 re Caverswall. D P Gunstone, 'Stewardship and Landed Society: A Study of the Stewards of the Longleat Estate', MA University of Exeter 1972 p.38 qu. T Davis to N Barton re Westbury Enclosure 1/4/1801.
- 49 re Maer, see Tables 4 & 28; JHC XXXIII 31/1/1771, 104-5; see also Skeffling, E Riding, JHC XXIX, 19/1/1764, 716, Wilsford (Lincs.) JHC XXXIV, 23/2/1773, 485-6, Screveton (Notts.) JHC XXXV, 8/2/1776, 526 & Salperton (Gloucs.) JHC XXXVII, 26/1/1780, 535; re Milborne, StRO D603/K/16/28 Aylmer to Uxbridge 31/7/1812 & Tate, 'Somerset Enclosure Acts and Awards' Somerset Archaeological and Natural History Society (1948), 35. See below pp.293-4 and 299.
- 50 Tate and Turner, op cit p.260; re Moreton see Map 16 and Table 25 Section 5; J Chapman, 'The Parliamentary Enclosures of West Sussex', Southern History II (1980), 79 re Wisborough Green where 46.04% of the land was exchanged including 16.75% old enclosure; where acreage allotted exceeds the act's estimate e g Crayford, Kent and Llanstephan and Llangvlog, Carmarthen, this was often due to exchanges, ibid p.145 and W Davies, op cit, II, 92 and 99. Kerridge, ibid, notes amongst other cases that in some Herefs. townships 7/8 of the land involved were old enclosures and that the Ashelworth (Gloucs.) Act allowed such exchanges without the owners' consent; see also Table 4 re Cotgrave. At Ledbury, Herefs., 1350 acres were exchanged but only 268 acres enclosed HRO Q/Ri/25 Ledbury award 1816. At Tittensor, Staffs 625 acres of old enclosures were exchanged but only 570 acres of common were involved - see Table 28. Large amounts of exchanges



- were noted in some Lindsey acts, especially at Dalby-cum-Dexthorpe to allow Beverley Minster's Trustees and John Bourne to consolidate estates, T H Swales, 'The Parliamentary Enclosures of Lindsey', Reports and Papers of the Architectural and Archaeological Societies of Lincolnshire and Northants XLII (ii) (1937) 270.
- 51 e g Barnham, Sussex (cited by Chapman, loc cit), Evington, Leics., Carisbrooke and Godshill, I.O.W., and Thorpe Mandeville, Northants. Using Tate's definition (see Chapter 1) Chapman excludes the second and third as examples of enclosure acts - J Chapman, 'The Extent and Nature of Parliamentary Enclosure', Ag. Hist. Rev. XXXV (i) (1987) 27; re Thorpe Mandeville, JHC XXXIII, 28/2/1772 530; that bill failed, but in 1773 another passed the Commons, JHC XXXIV, 31/3/1773, 234. Other acts exchanged entailed lands or glebe as at E Barnet, Herts. and Langham, Suffolk - JHC XXXIII, 12/3/1771, 247 and 15/4/1771, 324-5. The Alfreton amendment act was noted in Tate, loc cit, 78. The power of exchange under 6 and 7 William IV (the Common Fields Act) was used at Littleton Drew, Wiltshire - The Times 1/5/1845 p.7 c.4 and The English Reports VIII (1901) The House of Lords [C & F XII 248-294] Duke of Beaufort v Joseph Nield, W Tayleur (the commissioner) et al 1399-1419.
- 52 e g at Upton, where it was suggested as a way of exchanging Sherriffhales Glebe in Shropshire - StRO D593/K/1/5/24 Loch to Bishop of Lichfield 13/2/1828; Loch to Dr R Molineux 28/7/1828. The Bloxwich, Staffs. agreement was ratified under the Essington act in this way - uniquely in my research.
- 53 Examples of the use of such powers; Staffs Advertiser, 11/1/1851, 8/11/1851 p.1 c.6 (x2), 23/10/1852 p.1 c.5, 20/11/1852 p.1 c.4, 27/11/1852 p.1 c.5 24/12/1853 p.2 c.1, 7/1/1854 p.2 c.1; the national commissioners handled many exchanges; of 129 applications in 1849 only 72 were enclosures; there were 51 exchanges, 3 partitions and 3 proceedings under local acts; Taunton Courier 20/12/1850 p.2 c.3.
- 54 S C on Commons Inclosure (P P 1844, V) Evidence of Wm. Coulson QQ5743-5 and 5755; Evidence of Rev. W Carus Wilson re Casterton Fell Q1682; Evidence of J Davies, QQ5297-5307.
- 55 "The unity of... unmixed property" (as Repton put it) was valued by owners to keep neighbours at a distance, see Chapter 7 pp.325-9 esp. re Tittensor, W Bagborough, Eastnor/Ledbury and Stanton in Peak where exchanges were used to build up ring fenced home estates.
- 56 e g JHC XLII, 15/5/1787 and Bagshaw's Derbyshire (1846) p.100 re Little Eaton; see Tate, loc cit 80.
- 57 re Wrights, see E P Thompson, Whigs and Hunters (1975) p.108; re Headley see P Brandon, A History of Surrey (1977) p.79 - which he links to the trend for emparkment and mansion building, see Chapter 4.
- 58 See Table 26.
- 59 Northants. R.O. [hereafter NRO] L&H, XII 5 and XXI.



- 60 JHC XXXIV, 10/3/1773, 184 and 16/3/1773, 199 re enfranchising copyholds on Sir Charles Cocks' settled estates at Reigate (Surrey); Public Advertiser 3/4/1772 p.2 c.4 re enfranchising Crown copyholds at Richmond, Surrey. An 1842 act simplifying the process was increasingly used; the copyhold commissioners approved 53 applications in their 9th. Report - the highest yearly total then, Taunton Courier 19/3/1851 p.3 c.4.
- 61 C Searle, "The Odd Corner of England": A Study of a Rural Social Formation in Transition Cumbria c.1700-1914 PhD, University of Exeter, 1983, pp.131, 136 and 140. It was noted as a reason for enclosing Lord Lonsdale's Westmorland manors S C on Commons Inclosure (P P 1844, V), Evidence of Carus Wilson Q1688. For attempts to revive customs in marketable ways in the 1700s, see E P Thompson, op cit, and Family and Inheritance (1976); D Hay, 'Crime, Authority and the Criminal Law: Staffordshire 1750-1800' PhD University of Warwick 1975 and Joanna Martin, 'Private enterprise versus Manorial Rights - Mineral Property disputes in Eighteenth Century Glamorgan', Welsh History Review IX (1979) 155-75.
- 62 JHC XXXVI, 2/6/1778, 998-1005.
- 63 JHC XXIX, 26/1/1764, 740; the Bedworth Act gave powers to the Nicholas Chamberlayne Charity to develop their mines more effectively under the former open fields - see also below p.75.
- 64 See Table 8, Enclosures and Tithes, for unreferenced acts in this section.
- 65 re tithes being a contentious issue, see W E Tate, 'Parliamentary Counter Petitions during the Enclosures of the Eighteenth and Nineteenth Centuries', Eng. Hist. Rev. LIX (1944) 394-5 and E J Evans, The Contentious Tithe 1750-1850 (1976) - statistic from p.95. Although the principle of land commutation for tithes was accepted by a majority in the 1781 House of Lords' Ilmington enclosure debate, the tithe issue caused many General Enclosure Bills to fail. Contemporaries like Holliday accused impropiators of blocking enclosure and improvement; he attacked the frequent tithe disputes at Westminster Hall, but accepted the clergy deserved land in lieu of tithes; Cobbett's Parliamentary Debates XXII (1812) 30/3/1781, 50-1 Speech of Bishop of St. David's; J Holliday, The British Oak. A Poem (1800) pp.6 and 48-9 BM 11633 f39 and see below pp.341-2. Examples of acts being sought to confirm agreements to enclose and extinguish tithes are Preston, Rutland (not enacted according to Tate and Turner) and Elvington, E. Riding; this also seems the case in acts at Braunston (Leics.), Lisset (E Riding), Dunton (Bucks.), Binton (Warks.), and Upper Swell (Gloucs.) which only involved the Lord and the Church. This also applied to Moulsoe, Bucks., M Turner, 'Economic Protest in Rural Society: Opposition to Parliamentary Enclosure in Buckinghamshire', Southern History X (1988), 98. However there were agreements between the Lord and Rector which both enclosed



- land and made an allotment to extinguish tithes as at Barmston (1757) and Burton Agnes (1759) in the E Riding involving Sir Griffith Boynton - J Crowther, Enclosure Commissioners and Surveyors of the East Riding (Beverley 1986) p.22. For other acts involving tithe commutation and only 2 owners, see Tables 27 re Bunny (Notts.) and 8 re Sheepy, Braunston and Croxton Kerrial and with 3 owners at Ayleston (third owner being the lord's son and heir), Saltby (one owner of under 4 acres) and Waltham (all Leics.). In such cases, tithe commutation seems to be the main reason for obtaining an act.
- 66 Derby Local Studies Library (hereafter DLS) DD 1322 Castle Gresley Enclosure Award, 1773; Nichols, op cit II (i) (1795), 310-11. This was in effect an enclosure act, but no reference in Tate and Turner, op cit. See Table 26 re Stapleford.
- 67 Evans, thesis, pp.294-5.
- 68 Staffs. Advertiser 15/9/1810 p.1 c.3; the act did not refer to tithes, Evans, thesis, Appendix VII b and VII.
- 69 See Kilham and Would Newton and J Middleton, A General View of... Middlesex (1794) pp.60-1; re effect of Tithe Commutation Act upon enclosures see, S C on Commons Inclosure (P P 1844, V), Report, iii, Evidence of Blamire QQ253 & 564, Rayson Q4759, Cole QQ6006-15, Salt Q6600 and re Selston, Woolley, Q4093; but the enclosure only happened in 1865 - Tate and Turner, op cit p.211.
- 70 N'humberland RO, Waterford (Delaval) Mss. 2/DE 49/1, Lockwood to Delaval 9/6/1793 quoted by McCahill, op cit p.96; 29 Geo. III c25 (private).
- 71 Research on Hadsor enclosure award [WRO AP s143/9 (307)] after Table 8 was compiled, confirmed the large tithe allotment. 318 of the 389 acres of Stockham Marsh at Bremhill, Wilts., was allotted to the Vicar with rent charges to exonerate tithes on 3,831 acres of old enclosures - R E Sandell, 'Wiltshire Enclosure Awards', Wiltshire Records Society XXV (1969) 7 & 31. This may be the case in similar acts e g Sherburn, (which also enclosed open fields) and Earswick Moor, both N Riding, (where moors were enclosed and tithes exonerated on old enclosures) -JHC XXXII, 7/2/1770, 667 and 9/2/1770, 679; cf. Upper and Lower Boddington, Northants., where tithes on old inclosures were replaced by a rate. Oldswinford's Rector was allowed to sell allotments to raise funds for internal fencing, buildings etc. whereas at Odell, Northants., the Rector's allotment had to be so leased "to enable the Tenant to erect Buildings and make the proper Subdivisions", Northampton Mercury 7/9/1778.
- 72 Kimberworth Act 36 Geo III, see Table 8 and pp.81 & 84; StRO Q/RDc 55, Rowley Regis Enclosure Award 1806; P Tilley, 'Land Ownership and Usage in the Parish of Rowley Regis 1799-1877', MA, Wolverhampton Polytechnic, 1983, pp.10-15 mentions Barrs' claim that the tithes were previously only worth £100 per annum to Dudley; but if the terms were so bad, it seems strange that the landowners



agreed to them. The owners may have lost any expected allotment due to the vicar's claim to which they objected, Aris 20/1/1800 p.3 c.5. See pp.104-5 re Dudley Estate and enclosure & Table 17. See also G Slater, The English Peasantry and the Enclosure of Common Fields (1907) p.128 fn 1.

- 73 e g Pickering, Kirkbymoorside, Braunston and Croydon. re latter, see below pp.212 & 293 and Table 26.
- 74 JHC XLI, 17/3/1786, 333; no mention made of manorial lord.
- 75 Cobbett, op cit, 30/3/1781, 73-4, Speech of Bishop of Chester; Tate, loc cit 394-5. The Bishop of Bath and Wells' fear that converting arable to pasture would reduce the tithes at Westonzoyland (Somerset) led to the omission of its open fields from a 1796 act; they were only enclosed by an 1830 act - J Billingsley, General View of Somerset (1797) p.199. S C on Commons Inclosure (P P 1844, V) Evidence of Carus Wilson, QQ1581-1610 re newly enclosed pasture being ploughed as tithes had been commuted and of Marston, QQ2090 and 2408 re tithe doubling in acts without commutation; tithe owners at Garton on the Wolds, E Riding [JHC XXXIV, 7/3/1774, 540] and Charminster, Dorset [JHC XXXII, 4/4/1769, 351] petitioned against bills.
- 76 J Carpenter, A Treatise on Agriculture I (Stourbridge 1803), 115-7; neither is mentioned in Tate and Turner, op cit.
- 77 See Table 2. Thomas Houldsworth who purchased Cavendish's tithe allotment at Arnold was a Manchester millowner who became Tory MP for N Notts. (which included Arnold) in 1832; ex inf Dr R Preston.
- 78 StRO D603/K/9/2 Wm. Wyatt to Browne 31/1/1771. See also Table 14. The Cowley and Hillingdon (Middx) petition cited tithe extinguishment and clarifying boundaries between the two townships as major motives, but unclear if they were linked. JHC L, 20/1/1795, 75-6.
- 79 See Table 7 and throughout this chapter. Owners opposed the Horton, Gloucs. bill due to "several Clauses inserted therein which they are advised are unusual in Inclosure Bills" and harmed their interests, JHC LII, 31/5/1797, 624.
- 80 Hansard 3rd Ser., LXXIII, 29/2/1844, 424-5; A H Dodd, History of Caernarvonshire 1284-1900 (Caerns. Hist. Soc. 1968) p.236 quoting Welsh Land Report (P P 1896, XXXIV), 214. J Chapman, 'Parliamentary enclosure in the uplands: the case of the North Yorkshire Moors', Ag. Hist. Rev. XXIV (1976) 1-17.
- 81 If Bettws-y-Cryn's sheep walks were enclosed "it wd. then maintain double the numbers as well as serve for grazing." SLS, Archdeacon Plymley's Primary Visitations, 1793, Clun Deanery p.19 - see Table 10; Fradley & Alrewas Common could be turned into "excellent meadow or pasture land" by enclosure - W Pitt, General View of... Staffordshire (1808), p.145; the pastures of St. Stephen's Down, Cornwall could be improved by cultivation, 3rd Report of the Inclos. Comms. (P P 1847-8, XXVI) 206. Clearly, cultivation here does not mean tillage but refers to



- husbandry methods intended to improve grazing.
- 82 J T Coppock, 'Farming in an Industrial Age' in A Baker and J Harley eds. Man Made the Land (Newton Abbot 1973) pp.185-6.
- 83 Many Kinver allotments were still open, unimproved and used for sheepwalks 25 years later, despite being close to the Staffs. & Worcs. Canal and Stourbridge, "the soil being sterile, the improvement must be a work of time". Aris 19/3/1798 p.4 c.2 and Pitt, General View of... Staffordshire (1794) p.209; but he did not mention its unimproved state in 1817, Pitt, History and Topography of Staffordshire I (1817) 196-7; A J Bennett, History of Kinver (1977) pp.95-6; see above p.84 and below p.208. re New Radnor, Municipal Corporations Report (P P 1835, XXIII) 360. At Llanferras, Denbigh, 2,000 acres of "barren mountain" was enclosed by act, but after two years, only two acres for each cottage had been enclosed; this was a lead mining area where fixing boundaries was important and common rights were valuable, Sir F M Eden, The State of the Poor III (1797) 887 & see below pp.92-4. Leck Fell, Lancs. remained unimproved 5-6 years after act, S C on Commons Inclosure (P P 1844, V) Q1666 Evidence of Carus Wilson; only the sale lots under 1794 Mold (Flints.) act were cultivated by 1799, W Davies, General View of... N Wales (1815), p.260; even improving farmers could take as long as 45 years to improve their allotments e.g. Lord Hatherton at Teddesley (Table 27); see also Rev James Willis of Sopley, Hants., 'On Waste Land', Comms. to the Board of Agriculture VI (i) (1808) 16-30 and 'Communications on Fences', ibid, 237-51 re gradual enclosure of allotments under Christchurch Act, 1802, involving 7,000 acres.
- 84 D Williams, The Rebecca Riots (University of Wales 1959) pp.78-9 and VCH Salop IV (1959) pp.156-8.
- 85 See below fn 87 re the Forest of Morfe and Stourbridge & below p.208 re overstocking from the 1500s.
- 86 Originally commons were unstinted as they were not fully used [e g farm with "an unlimited Right of Common" on Marchamley Wood, Shrewsbury Chronicle 30/12/1780 p.2 c.3]; in Shropshire and Montgomeryshire, freeholders agreed to prosecute overgrazing small owners - Shropshire R.O. (hereafter ShRO) 2589/box 22 Bahaithlon and Kefn y berren townships agreement 19/12/1777; Edicliffe township agreement 14/2/1778; I am grateful to Mr. Foden formerly of ShRO for this reference: Searle, op cit pp.140 and 166-7 re such an agreement in Cumberland and trespassing and overstocking leading to enclosure; see Thornton Marsh, Table 4. There were many disputes at Farnworth re township boundaries on the commons, B T Barton, ed. Historical Gleanings of Bolton and District (1882) p.260. Some petitions mention "Frequent Trespasses" on common land but this could refer to open field land e g JHC XXXVIII, 6/2/1782, 688 re Winstone.
- 87 re Marston, see T Williamson & L Bellamy, Property and Landscape (1987) p.101. Morfe Forest's walks for 15,000



sheep were under pressure as S. Staffs' commons e g Oldswinford were being enclosed. Stourbridge's wool trade by 1800 depended on Morfe Common, W Pitt, General View of ... Worcestershire (1813) p.277 and 'On the Improvement of British Wool', Communications to the Board of Agriculture II (1800; 1805), 464. This and intercommoning problems led to grazing disputes [SLS Deeds 13776- Case for Salop Summer Sessions 1800 Fregleton v. Hinton] and Morfe was enclosed by act in 1806].

88 After Hulme's Charity Trustees failed to get consent for a bill [Manchester Mercury 28/8/1781] a 1786 meeting tried to determine grazing rights; copy of notice 11/11/1786 quoted in Barton, op cit 361-2; act 1796. In Warwickshire, Moreton Bagot's occupiers agreed to stint its commons and limit cottagers' rights- Aris 7/12/1801 p.1 c.3. The 1807 act only involved 81 acres and one owner, Hinckes, and was needed apparently to stop trespasses and disagreements between tenants (see also Groby, Table 3). At Fenny Compton, a 1764 stinting agreement [WaRO DR 161/32] was followed by the 1778 act; the 1806 Studley agreement to stop needle makers' encroachments was followed by the 1816 act, J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement' PhD University of Birmingham 1965 pp.16, 20, 30 and 136-7 and see Table 23.

89 It was "the most judicious method of enclosing" apart from its £800 costs, exclusive of fences; arable was enclosed but its pastures stinted; T R Nash, Collections for a History of Worcestershire I (1799) 289; so an 111 acre farm had "12 Beast pastures in Defford Common", Worcester Journal 5/10/1780 p.3 c.3 and see 17/8/1780 p.4 c.2. Waterbeach (Cambs.) Drainage Act of 1741 was amended to stint the overgrazed common, JHC XLV, 25/2/1790, 181 and 11/3/1790, 255.

90 J Chapman, loc cit 33-4; BRL LF 60.3 (17278) Vol IV re Cropthorn.

91 re Leaton, see Table 27. The other act was to arbitrate on claims and confirm agreements to "the several Exchanges, Divisions and Extinction of Right of Intercommoning over Threap Grounds and Balmborough Moors", H of L Committee Book XX, 9/5/1774, 447-52; see Table 1 re epidemic theory on intercommoning wastes e g Compton Martin; one owner hoped "the Merrington Green and Bomere Heath enclosure would go on at the same time" as the Leaton enclosure - ShRO Tyrwhitt Jones 840/B 120 Muckleston to Asterley 13/1/1810.

92 The two bills, one fixing boundaries of intercommoning parishes, the other fencing the moor to prevent trespasses by other parishes' cattle, failed; JHC XLI, 27/1/1786, 152 and 24/2/1786; settling boundaries was an important feature of the Duddon & Clotten act, C S Davies, 'The Agricultural History of Cheshire 1750-1850' Cheetham Society 3rd ser X (1960), 67. Tate, 'The Commons Journals as Sources of Information concerning the Eighteenth Century Enclosure Movement' Econ. Journal LIV (1944), 80,



- notes that many Lincs. acts referred to manorial boundaries and rights and obligations; see Table 17 re Bredwardine, Herefordshire.
- 93 The Shapwick Moor, Great & Little Heck and Tingewick bills led to counter petitions from adjoining parishes claiming loss of intercommoning rights. The first was severally amended- JHC XXXVI 8/4/1777, 326-7, 9/4/1777, 329 and 18/4/1777, 409; JHC XXXIII, 9/4/1771, 307; JHC XXXIV, 16/3/1773, 196. The Sleagill, Cumberland, Act was needed as the solicitor for the 1777 Kings Meaburn Act had taken much of Sleagill's common land in his perambulation and due to Sleagill's manorial steward dying, no case was brought in time. JHC XXXVII, 8/2/1780, 576.
- 94 Spofforth's lord petitioned against this bill, claiming it was in his manor; but it passed unopposed at committee, JHC XXXIII, 4/3/1772, 550; 25/3/1772, 613. Similar counter petitions occurred at Laxton, Northants., [JHC XXXIV, 14/12/1772, 35-6] and Kirkbythore, Westmorland, [JHC XXXII, 21/3/1769, 333]. For seizure of rights from the Crown in N. Wales see Chapter 3 p.100; King's Bromley, Staffs., act delayed until 1799 either due to false claims of it being a royal chase [H.O. 42/2 anonymous letter to Thomas Townshend, 14/2/1783; StRO D260/M/E/429/31 "Records of Cannock Forest and Chase" pp.143-4] or possibly due to its Lord's death in 1783 [Staffs. Advertiser 8/1/1825 p.3 c.2]; see Chapter 7 p.337.
- 95 See Table 7 re Napton, Penge and Much Wenlock; re Barrowden Heath, S C on Commons (P P 1877, X) Evidence of Thompson, QQ1015-1019, G Slater, op cit pp.64-5; see below pp.253 re morals and pp.302-5 re game generally. The role of individuals in enclosure decisions, noted above p.8, is also shown by the delay of the Hopesay act until after tithe commutation due to dislike of the Rector, ibid Evidence of Marston, QQ2408-11; Act 1853.
- 96 DRO Gresley 15.31 'A Sketch of the Transactions relative to an Inclosure of Ashby Woulds' c1770 - see also Chapter 3 pp.106-7 and Table 14.
- 97 An enclosure in the parish had succeeded in 1786 with the necessary levels of consents, JHC XLI, 2/6/1786, 878 - 83%. For a political history of late 18th century Cricklade, see L Namier and J Brooke, eds. The History of Parliament: The House of Commons 1754-1790 I (1964), 409-411. See below pp.129-32 re enclosures and politics; there may have been political considerations at Much Wenlock, see Table 7.
- 98 Of 300 acres, owners of 156+ acres were neutral (over half) and owners of over 76 acres were opposed; seemingly under  $\frac{1}{4}$  of the owners wanted the act, JHC XLIV, 26/6/1789, 497-8. See J M Neeson, 'The Opponents of Enclosure in Eighteenth Century Northamptonshire' Past and Present CV (1984), 125, for many examples of parliament ignoring the informal 4/5 rule; JHC XXXII, 10/4/1769, 367 - owners of 581 out of 1969 $\frac{1}{2}$  acres refused to sign a bill - 29%+ opposed; at Orton, Westmorland 26% opposed and 5% who refused to sign the bill but "would not oppose it". JHC



- XXXII, 23/3/1769, 347. See also Lewknor, Table 7 fn 13; at Histon and Impington, consents were recalculated by Land Tax instead of acreage to reduce the opposition from 28 to under 19% - VCH Cambs. IX (1989), 98.
- 99 JHC XLIV, 17/2/1789, 125; 20/5/1789, 385; 25/5/1789, 407; 26/6/1789, 497-8; 29/6/1789, 502; The Times 10 and 11 July 1789; JHL XXXVIII, 29/6/1789, 479 and 10/7/1789, 497. Similar problems arose at Taunton Deane, Somerset, when the lord of the Hundred tried to claim overlordship and thus a right to a share under the act, Taunton Courier 12/4/1848 p.7 c.3-4, 16/5/ p.4 c.4 30/5/ p.4 c.2 & 8/6/1849 p.4 c.4, 22/1/1851 p.4 c.3; S C on Commons Inclosure (P P 1844, V) Evidence of C Bailey, QQ 2774-6. See also Chapter 7 Sect. 3.
- 100 Tate and Turner, op cit 73. 'Stray' is the right of allowing cattle to stray and feed on common land.
- 101 See Tables 17 and 18. At Bishop's Castle, Burgess Hill was monopolized by 9 or 10 burgesses with adjoining lands, R C on Municipal Corporations [hereafter MCR] (P P 1835, VI) App. pt iv, 2600; and see below pp.132.
- 102 S C on Commons Inclosure (P P 1844, V) Evidence of W Carus Wilson quoting letter of Elam of Dent Q1662.
- 103 ibid letter of John Foster; see also Evidence of Rev. T Williams re Brecon QQ1720-67, and R Banks QQ2931-62 and Wm. Edwards re Radnor QQ3065-9 & 3091-3; re Casterton Fell, ibid QQ1543-6. Similar complaints were cited as the main reason to enclose at Arkengarthdale and New Forest in the N Riding and a contributory factor at Aston, Shropshire, ibid Evidence of Rayson, QQ4763, 4776-82, 4812-3, 4872-6 and of Marston, QQ2355-8. The 1815 Cound Moor Act may have had the same motive; its common right owners had discussed how to stop illegal grazing and their own cattle straying, Shrewsbury Chronicle 11/11/1781 p.3 c.4.
- 104 J Plymley, General View of... Shropshire (1813) p.144. At Crowle (Lincs.) an 1812 ruling over common grazing rights (which said that 50 years enjoyment by grant of the lord constituted a common right) was followed by an enclosure act of 1813 for these moors; The English Reports CIV (1910) King's Bench Division XXXIII [15 East 108-17] Cowlam v Slack 7/2/1812, 785-9. See also Chapter 6 fn 39 re usages becoming rights. S C on Commons Inclosure (P P 1844, V) Evidence of C Mickleburgh, QQ2558-60. See Table 11 and I Bowen, The Great Enclosures of Common Land in Wales (1914) pp.53-6.
- 105 W Marshall, op cit I, 50-3 cf. Knaresborough act which left the issue open between landowners and householders who rejected a set proportion; the former won a court case and many poor men lost their rights, ibid I, 82-3.
- 106 Searle, op cit p.245 - see also Table 27. It was cheap to use either the poor rate (e g Ipstones, Staffs.) or the land tax (e g Cheadle, Staffs.) as the basis of the allotment as it could avoid the need for expensive surveys or meetings to establish extent or usage of common rights; this was only practicable where problems of intercommoning



- did not arise.
- 107 T Dugmore, Observations on Inclosing the Manor of Melbourne [Derbys.] (1800) believed it was planned to benefit the rich by harming the poor, by closing roads, making allotments for worthless tithes and false claims and obtaining consents unfairly; re Laleham, Middx. see J L & B Hammond, The Village Labourer 1760-1832 (1911) pp.51, 59, 86 & 364-5 and Table 25; Cobbett, op cit 60-2.
- 108 JHC LII, 24/2/1797, 328-330; 6/5/1797, 543; J Crowther, op cit p.23.
- 109 Percy Family Papers (hereafter PFP) held at Alnwick Castle, liv, fo 200 Selby to Clayton, 5/2/1784; his mineral and wayleave rights were a major source of income- see below p.88.
- 110 Audrey P Coney, 'Aughton Enclosure in the Eighteenth and Nineteenth Century; The Struggle for Superiority' Trans. of the Hist. Soc. of Lancashire & Cheshire, CXXXVI (1986) 59-80.
- 111 re High Offley, see below; DRO D2375/84/60 annotated 1812 Llanvihangel bill; see also Donnington Wood, Chapter 3. Stock grazed on the Forest for a small fee; large owners drove off other stock and caused disputes; no enclosure until 1861, S C on Commons Inclosure (P P 1844, V), Evidence of Lewis, Q1238 and see Table 11 re disputes.
- 112 e g Sambourne petition 1707, Martin, PhD thesis pp.125-6, 163 and 165 - see below p.237. Searle, op cit pp.155-6.
- 113 William Salt Library, Stafford [hereafter WSL] 29/8/46, 1824-8 minutes of Cannock Chase Enclosure Committee. See Table 27. Coney loc cit; re North Wales, see D Williams, op cit pp.80 and 83; D Jones, Before Rebecca (1973) p.44, G A Plume, 'The Enclosure Movement in Caernarvonshire', MA University of Wales 1935, E V Jones, 'An Independent Investigation into the Enclosure of Commons in Anglesey (1788-1866)' MA University of Wales 1924 and A H Dodd, The Industrial Revolution in North Wales (Cardiff 1951) passim. Rights and boundaries of mining areas were at the root of many Welsh acts, see below pp.92-3.
- 114 DRO D2375/161/10 'Proposals to enclose Alstonefield and Malborne Frith' 22/7/1771 - see also below pp.78 and 253.
- 115 Not "Tollington" as per J L & B Hammond op cit pp.71-3; JHC XXXIV, 7/2/1774, 440; Public Advertiser 11/2/1774 p.2 c.1-4; Cobbett, op cit XVII (1813) 7, 10, 11, 14, 24/2 and 2/3/1774, 1003-50; Tate & Turner, op cit p. 178. Grey was Lord Boston's friend and his brother was Lord Chief Justice. The award would show if he received allotments for encroachments. J L & B Hammond, op cit pp.55, 58-9 & 86, Table 25 (Sect. 4) re Stanwell (Middx.) Common. A case against breaking down illegal manorial encroachments at Bainton, E Riding, failed in 1748; no enclosure until 1774 act, Tate, op cit p.152 and Tate and Turner, op cit p.288.
- 116 See Tables 11 and 25 (Section 5).
- 117 HRO B47/S34 R Whitworth to Rev J Hinckes, 2/4/1807 and Hinckes to J Lander 22/2/1808; see Table 26 re Lord Anson.



- 118 *ibid* Hinckes to Whitworth 18/3/1808; note juxtaposition of manorial court re squatters and enclosure - see Chapter 6; a note in the bundle says Hinckes may eject "settlers" at Woodseaves common refusing to pay rents.
- 119 See undated notes in bundle.
- 120 Staffs. Advertiser 9/12/1809 p.4 c.3.
- 121 Staffs. Advertiser 4/9/1811 p.2 c.3.
- 122 ShRO 552/4/ 66-8,80, 84-5. See below pp.86 and 345-6 re Clun Forest, p.229 re development by encroachment and pp. 256-7 re growing aristocratic concern after Reform Act.
- 123 ShRO 552/4/194 Wm. Jones to Ld. Clive 18/1/1837.
- 124 Staffs. Advertiser 25/5/1833 p.4 c.1; see Table 27.
- 125 D603/L/264 W Landor to T Landor 8/1 and 13/1/1852; see below pp.88-9.
- 126 Brown, *op cit* pp.58-75.
- 127 D603/K/17/18 Horn and Murray to Darling 4/3 and 11/5/1871; D603/K/27/16 Horn and Murray to Darling 27/4, 11/5, 24/6 and 17/8/1870; but no enclosure took place.
- 128 See Tables 14 and 27, Map 37 and below pp.341.
- 129 J Gould, Men of Aldridge (Bloxwich 1957) p.60; StRO D351/M/B/440; also at Shenstone, [LJRO D77/16/19 Commissioners' Minutes 20/12/1811], Essington [StRO D1287/18/24; K/18 Bowman to Ld. Bradford 4/1, 9/1/1809; Bowman to Harvey (commissioner) 9/1/1809; K/64 Bowman to Bradford 30/11/1808; K/165 Bowman to Bradford 11/7/1809; D1287 Colly. Box no.2 Minutes of Lord Bradford's evidence] and Wombourne [StRO D1021/1/2 Agreement to straighten and establish boundaries between Lutley & Swindon 10/12/1793 under 1793 act]. They also dealt with grazing rights of adjoining manors and cases were given to solicitors to assess rights to allotments e.g. StRO D1021/3/6 re Cradley rights to graze on Pensnett Wood. See also Table 14 and pp.103-5 and 340 re Lord Dudley.
- 130 Due to boundary disputes with Great Ellingham and Hingham with which the act could not deal, JHC XXXI, 31/1/1767, 96
- 131 A preliminary law case was proposed at Tottington (above p.48); Aris 6/4/1795; Croxall proved title to Aldridge manor over W Smallwood in a special jury case; Smallwood's claim was based on a manorial court last held in 1735 which Croxall claimed only covered 80 acres anyway - Wolferstan Diary 28/3/1795. Both sides petitioned for the act which shows it was seen as a means of resolving the issue, JHC L, 4/2/1795; re Wombourne, VCH Staffs XX (1984) 218 and Table 27.
- 132 Hereford Journal 2/2/1815 and Table 26 re Somers.
- 133 Shrewsbury Chronicle 7/8/1818 Knight, Rogers & James v. Sandford & Lucas at Quarter Sessions; the 2 assize cases cost £2,500, more than the commons' value; although not paid by the general enclosure funds, no account was rendered nearly 40 years after, S C on Commons Inclosure (P P 1844, V), Evidence of Marston, QQ 2198-2209 and 2343; re Rampton, Cambridge Chronicle 1/8/1840 p.5 c.6. Cases also took place at Aughton, Clotten & Dutton, Shotover [D



- Mc.Clatchey, Oxfordshire Clergy 1777-1869 (Oxford 1960) p.108] and Tonge [Tongue with Haulgh Enclosure Award - copy in StRO D1287 unlisted and Bolton in letters Heaton to Charlton 4/6/1812 and 14/6/1814] and a Cumberland court decision re boundaries referred to at Cheadle [StRO D239/2/3]. At Mitcham and Beddington, Surrey, parish boundaries' dispute delayed award, costing £2000; at Kingston seven of the 37 years' delay before award due to such disputes- S C on Commons Inclosure (P P 1844, V) Evidence of Crawler QQ5115-6 and 5167.
- 134 J R Wordie, Estate Management in Eighteenth Century England (1982) pp.53-63; using agents involved in an act was forbidden by the 1801 General Enclosure Act, but was often ignored e g Erdington and Witton [M Beresford, 'The Commissioners of Enclosure', Econ. Hist. Rev. 1st ser, XVI (1946) 135], Llanber [Dodd op cit, pp.67-9] Ashby Wolds, [Hunt, op cit pp.96-7], Penkridge, Alton [see Table 26] and Grimsby [T W Beastall, The Agricultural Revolution in Lincolnshire (Lincoln 1978) p.53]. The standing order was ignored by Whitbread at Cardington and Potton where his nominee resigned to allow his agent, Lilburne to act - D Rapp, Samuel Whitbread (1764-1815) A Social and Political Study (Baltimore 1987) p.87. It was suggested at Princes Risborough, Bucks, Turner, loc cit, 102. Tenants were also used as surveyors as at Washwood Heath, Warks., D J Dimmock, 'The Development of Lord Norton's Saltley Estate in the Nineteenth Century', MA Wolverhampton Polytechnic 1987, pp.19-35. See also Cheadle, below p.269 and Table 25.
- 135 Staffs. Advertiser, 7/4/1810 p.3 c.3; ibid, 27/7/1833 p.3 c.2 Swinnerton v Jervis; see also Table 28 re Tittensor. R Sturgess, 'The Response of agriculture in Staffordshire to the price changes of the nineteenth century', PhD University of Manchester 1965, pp.139-141.
- 136 ibid 12/5/1810. See E Richards, 'The Social and Electoral Influence of the Trentham Estate, 1800-1860' Midland History III (1975) 116-48.
- 137 Staffs. Advertiser 1/7/1809 p.4 c.2; 8/7/1809 p.4 c.1-3.
- 138 Eddowes Journal 23//11/1808.
- 139 Although Harvey later acted for Swinnerton in a proposed purchase of some of Stafford's allotments [StRO D593/K/1/3/1 Harvey to Loch 13/1/1813] and in an exchange with Stafford at Tittensor, D 593/K/1/5/3 Loch to Harvey 6/9/1814 and D593/K/1/5/4 Loch to Lord Stafford 5/3/1815; the award StRO Q/RDc 68 does not refer to the case and so it is unclear if two or all the commissioners allowed Stafford's claims. In the Tittensor act, Stafford's agents feared legal problems from Swinnerton, StRO D593/K/1/5/24, Loch to S Jervis, 17/9/1828; see also Table 28.
- 140 Staffs. Advertiser 17/11/1810 p.3 c.2.
- 141 BRL Gough Collection, 196/1-3 [1780 letters re disputed boundary between warrens] and 195 [1780 arbitration award]. Rev S Shaw, History of Staffordshire II i (1801) 109-110 re Gough's unpopularity.
- 142 BRL Gough Coll. 364, List of magistrates voting for and



- against appeal.
- 143 Staffs. Advertiser 22/5/1813 p.2 c.4. There were no further references and no copies can be found. See Table 28 and below p.304 re Gough's motives for the act.
- 144 Crowther, op cit p.25.
- 145 As at Leominster (above Chapter 1 fn 75) and Otmoor, Oxon. (J L and B Hammond, op cit pp.88-96 and Tate, op cit pp.209-10).
- 146 StRO D603/K/9/1 Wyatt to Paget 1/6/1771- riots caused by Anslow owners.
- 147 Berrows Journal 15/10/1778 p.3 c.4, 5/11/1778 p.1 c.4. "30 levellers" from Banbury attacked Warkworth's fences in Northants., London Chronicle 10/9/1765 and Neeson, loc cit 129. Some early acts made obstructing the commissioners a capital offence to prevent such opposition, Aris 3/2/1772. Later contemporaries knew that the poor could not afford legal cases to stop wealthy enclosers, Hansard (Commons), 3rd. ser. CCXXVII, 18/2/1876, 541, Speech of Henry Fawcett.
- 148 As for example in two centres of violent opposition, Northants (Neeson, loc cit) and N. Wales (Dodd op cit).
- 149 Above p.33. Cambridge Chronicle 8/8/1817 p.4 c.2 Lucas v. Waterhouse at Hunts. Sessions decided by rediscovery of 1773 Little Sukeley award to prove title; the Wigginton award was used to study later sales of allotments and cottagers' rights at Sill Green, a roadside waste, Wolferstan Diary, 2/3/1812.
- 150 McClatchey, op cit pp.110-121; Evans, op cit pp.315-6.
- 151 See Chapter 6 Section 4 pp.227-57 and Table 25.
- 152 P Kreidte, Peasants, Landlords and Merchant Capitalists (1983) p.165; S C on Commons Inclosure (P P 1844, V), Evidence of Rayson, Q4943.
- 153 However Neeson, loc cit is a valuable study of such resistance by the Northamptonshire poor, based on such sources as have survived.
- 154 Minerals in Haltwhistle in Northumberland led to lengthy boundary disputes emphasising the "importance of the yearly perambulation of the boundary"- Edward Hughes, 'The Eighteenth Century Estate Agent' in H A Croome, T W Moody and D B Quinn, eds. Essays in British and Irish History (1949), pp.189-190. cf. S C on Commons Inclosure (P P 1844, V), Evidence of Coulson, QQ5576 and 5587 although boundaries in mining areas were important, in his "limited experience" such disputes "are exceedingly rare".



## CHAPTER THREE - MINERAL DEVELOPMENT AND ENCLOSURE

### Introduction

A few historians have noted that enclosure helped mineral development both before<sup>1</sup> and during the age of parliamentary enclosure. In North Wales manorial lords used acts<sup>2</sup> to seize slate quarries on the wastes from squatters, to secure their title from the claims of the Crown and its lessees and to fix boundaries; the squatters became a controllable workforce as acts made them the lords' tenants. This completed the process of manorialization by ending the ancient custom of ty uannos.<sup>3</sup>

In two English coalfields, acts have been seen as the keystone of development. In North Warwickshire, White demonstrated how Sir Roger Newdigate used the terms of the Chilvers Coton Act to maximize his surface allotment on the commons. Raybould's study of the Black Country coalfield showed not only how the Viscounts Dudley maximized their allotment under three acts but also how the terms allowed the family both to retain their wayleave rights and to undermine other allotments, effectively without compensation. The Hammonds had already realised how some acts maintained the lord's rights in mining areas and Hackwood and Taylor have compared mining provisions of South Staffordshire enclosure acts.<sup>4</sup> The wider perspective of how enclosure could generally open up an area like Cannock Chase for development was studied in the dissertation from which this work evolved.<sup>5</sup>

However there has been no comprehensive study of the role of enclosure in mineral development. The recently published history of the British coal industry merely refers briefly to three different ways that enclosure acts could promote

mining and White does not refer to Raybould's previous work, although working on neighbouring coalfields. Also the role of enclosure in other English mining areas, even in works focussing on landownership, has been almost totally ignored.<sup>6</sup> If acts are mentioned, they are seen as merely confirming the lord's mining rights.<sup>7</sup> Studies of enclosure have largely ignored mineral rights or assumed that they were a subordinate issue to agricultural improvement.<sup>8</sup> Where mining provisions in enclosure acts for commons and wastes have been compared only three examples have been used.<sup>9</sup> It has not been widely appreciated that clauses about mining could not only help development - as with the Viscounts Dudley who enjoyed the benefits of enclosure whilst exploiting their mines as if they still underlay common land - but also hinder it. Moreover there has been no study of the basis for these provisions or their development.

In particular, no studies have been made of the role of enclosure where mines underlay open fields; the strip owners also owned the minerals, but consolidation was needed to make large scale mining viable. The Black Country was exceptional as the shallow 30 foot seam allowed individual strips to be worked into the 1800s, when such small pits had been abandoned elsewhere.<sup>10</sup> Open field enclosures affected ownership of the minerals and could either encourage or inhibit mining.

Perhaps more fundamentally, there has been no consideration of why many commons and wastes in coalfields were not enclosed by act. For example, in Shropshire and North Staffordshire, lords did not enclose but developed their mines by leasing open commons and making encroachments which avoided compensation claims from surface owners due to subsidence, wayleaves, spoil heaps or building plant. If a policy of encroachment was so beneficial, why did other lords enclose? Did enclosures in nearby manors lead to an



'epidemic' of acts across mining areas? Or were such enclosures part of a wider perception of the rational development of mining areas which was connected to other economic trends?

All these issues will be addressed in this chapter. Firstly the variety of mining provisions will be discussed in both open field and commons and wastes acts. Then the influences upon lords when deciding whether to develop mines in their manorial wastes by encroachment or enclosure will be examined using several case studies.

### Historical background

During the 1500s, lords had tried to claim the minerals under entire manors like Wednesbury in Staffordshire. These attempts failed, except in some Crown copyhold manors like Newcastle-under-Lyme in the same county; but lords did establish rights to non-precious minerals in commons and wastes by a judgement of 1568 whereas in Europe all minerals belong to the ruler.<sup>11</sup>

Mineral deposits in England and Wales tend to be in the North and West where soil, topography and climate tended to leave large areas of commons and waste. The single ownership of minerals by lords in such areas facilitated exploitation. It is useful to study the various provisions for mining in enclosure acts, to see how lords safeguarded or even enhanced their rights.

### The variety of mining provisions in Parliamentary Enclosure

#### Open fields

Mining within strips dates back to the Middle Ages, although manorial courts could object if it interfered with grazing

rights. Such pits were usually only small-scale and shallow and were dying out by the age of parliamentary enclosure due to exhaustion, technological and business developments and economies of scale. Where owners had a consolidated group of strips, larger pits could operate as at Bilborough Field in Nottinghamshire. In the same county, Lord Middleton's Trowell Field pits had two steam pumps by 1736 and made an annual profit of £1,000 around 1730. However he had to compensate his tenants and an adjoining owner for surface damage. These pits declined until the 5th Lord Middleton decided upon expansion to restore the family's finances. He apparently owned all of Trowell manor apart from the two small rectorial estates and a 330 acre estate. In 1786 he bought the latter and the advowson of the second rectory which made him patron of both livings. However Middleton could not mine either of the rectorial estates due to the rectors' life interest in the profits. An enclosure act in 1787 allowed him to take and mine the two rectors' original estates while still being able to mine the land allotted to the rectors in exchange, paying damages assessed by two referees and an umpire. He also combined the two rectories after the incumbents' deaths. Despite the claim in the act's preamble that Middleton and the two rectors as the sole owners, Aley states that he had to buy other land in Trowell in 1793 to make him the sole owner.<sup>12</sup>

Enclosure allowed mineowners in open fields to confirm and consolidate their ownership of coal-bearing land. In the North Warwickshire coalfield, four acts (Wilnecote 1758, Exhall 1761, Bedworth 1769 and Foleshill Sydney Field 1775) involved open field mines. At Bedworth and Wilnecote, those strips which were supposed to contain minerals were designated as "Coal Land". Persons who had owned such strips were given consolidated allotments in the same area.<sup>13</sup> John Bourne, Richard Parrott and Thomas Whieldon, who owned an adjacent colliery, had bought up "a great Part" of the



strips in Great Sydnall Field at Exhall "at a Great Expence" "on the Prospect of Coal alone". The act specified that their allotment should be made here; other owners of strips supposed to contain coal had their allotments specified or could apply to be allotted such land.<sup>14</sup> Here and at Bedworth, owners were allowed to inspect pits on enclosed strips to ensure their mines were not being taken.<sup>15</sup>

Open field acts could inhibit mining by separating ownership of the mines and the surface. For example, the 1795 Barlborough Act in Derbyshire reserved the mines for the previous strip owners not the new surface owners. The Bedworth commissioners allowed the separation of the ownership of surface and mines if the landowners consented "to preserve the convenience of situation of the allotments to the several proprietors". This led to litigation about surface damage in the 1850s. The presence of minerals in open fields might delay an act as owners were afraid of losing their mines; this may explain the late enclosure of Conisbrough open fields in the West Riding in 1855.<sup>16</sup> The Fitzwilliams of Wentworth Woodhouse were also involved in enclosing open fields in this coalfield, as at Brampton in 1815 where William Wade had already opened a pit. His consolidated holding was secured for him and Fitzwilliam and George Ellis's Charity also received consolidated holdings for their scattered strips.<sup>17</sup>

Such practices appear to be normal in open field acts and not only protected but aided a mineowner, who would otherwise have to buy adjoining strips once the mines under his own were exhausted. He also obtained improved drainage and better access to his pit by roads across the fields. A road was set out at Wilnecote for waggons to take coal to the Tamworth Road and the steam pump.<sup>18</sup>

Some acts benefited mineowners even more, as in the case of the 1767 Lenton and Radford (Nottinghamshire) enclosure and the 3rd Lord Middleton. He had recently opened a pit at Wollaton and a sough from his steam pump crossed Lenton's open field. Although only owning 60 acres (including old inclosure) in the two parishes, he received the only specified allotment of 25 acres, adjoining his pit, the sough and the Nottingham to Derby road. Also he retained his rights to use and scour the sough across other persons' allotments.<sup>19</sup> Other open field acts not only protected existing soughs but also allowed new ones to be built across other people's lands as at Wilnecote.

Indeed this act went further, allowing Lord Weymouth to erect a steam pump costing £1,400 to drain the mines; he could levy a toll until the capital was repaid. His motives were not altruistic; in an area where single ownership was impossible, this act was the only way to encourage mining which was of local political importance to him.<sup>20</sup>

In the lead mining areas of Derbyshire, enclosure acts reinforced the customs of the King's subjects to enter any land, whether arable or pastoral, to search for and mine ore.<sup>21</sup>

#### Commons and Wastes with a Manorial Lord

Some enclosures of commons by agreement do not mention minerals because they were not thought to be present as at Stow Heath, Staffordshire, whose common was divided between the joint lords of the manor some time between 1776 and 1823.<sup>22</sup> No-one else was involved as the rest of the manor was copyhold encroachment.<sup>23</sup> The Giffards of Chillington were lucky as their share contained some of the best coal



and iron mines in the county. They sold their 100 acres for £120,000 in 1825 to the owners of what became the Chillington Ironworks.<sup>24</sup>

The lord retained ownership of minerals in the manorial wastes if they were not mentioned in an act unless, as in the case of Yealand in Lancashire, he received an allotment for soil without reserving the mines. Most lords made such reservations even where no minerals were known at the time as at Water Eaton in Staffordshire. Once he did this, a lord could neglect to prevent others from mining on common land for 20 years and still own the mines.<sup>25</sup> Mining rights were so important that an amendment act for Minera in Denbighshire was obtained because the original act did not mention who owned them.<sup>26</sup> In a few cases, mineral rights were given up for an increased manorial allotment like Kerry in Wales (where minerals were well known not to exist<sup>27</sup>) and Brassington in Derbyshire, whose lord was allotted 1/18 and the new surface owners had rights to calamine, china clay etc.<sup>28</sup> Edward Littleton gave up his rights in the act for Teddesley Hay in Staffordshire either due to the failure of previous bores or because he received nearly all the land anyway.<sup>29</sup> In 1771 Greaves advised the lord of Alstonefield in Staffordshire to refuse the freeholders' offer of land in lieu of mineral rights "unless such share be very considerable and the allotments of such share be made in such Places as the Lord shall appoint." Indeed he should have an allotment for seignory (his other rights as lord of the manor) even if he kept his mineral rights. As a result of this dispute over terms an enclosure was delayed for over 60 years.<sup>30</sup>

Some Somerset and Derbyshire acts legally established mining customs and rights to royalties. At Compton Martin, Somerset,<sup>31</sup> owners could mine their allotments, giving 1/10 of all minerals to the lord as royalty; otherwise the lord

himself could extract the minerals, paying damages determined by two referees and an umpire.

Most enclosure acts allowed the lord to mine coal and ore as if they had never been passed whilst making adequate compensation for damage, but clauses could vary in detail.

The specific minerals reserved by acts depended upon their local importance. In the Derbyshire lead mining area, the lord of Hartington retained all minerals except lead which belonged to the Crown. Lead was the only mineral specifically reserved for the lords of Ashover<sup>32</sup> although allotments for soil normally included all low-valued minerals such as gravel, stone and sand. Unusually, the Duke of Portland did allow the surface owners at Bolsover in Derbyshire to mine coal for their own use as long as they did not interfere with his soughs.<sup>33</sup>

Specific areas, for instance old encroachments, were often excluded from the provisions of an act. In West Bromwich, Staffordshire, mining was forbidden within 40 yards of a house built at the time of the act or in the future because many owners intended to build houses here.<sup>34</sup>

Usually new owners were entitled to payments for surface damage. An 1803 amendment act was needed at Oldham because the original act allowed the lord to mine without compensation.<sup>35</sup> Earlier acts had reflected the feeling expressed by Farey about Ilkeston in Derbyshire that a lord should not pay compensation where he had paid none before. Therefore in some cases,<sup>36</sup> damages were to be paid by a rate levied upon all the owners; this seemed fair, but proved unworkable in practice. Together with a clause preventing building in parts of Westgate Field for up to 60 years, such a rate delayed house building at Wakefield due to fears of uncompensated subsidence. This problem, also experienced at



Attercliffe, led to most Yorkshire acts after 1820 giving the mining rights to the new owners.<sup>37</sup> When this rate proved unworkable, house owners failed to make Lord Dudley pay for subsidence caused by his pits at Quarry Bank in the Black Country.<sup>38</sup>

After 1800, parliamentary committees always amended bills which involved such a rate. The only apparent exception, at Llanfechell in Anglesey, was approved in 1862 not by a committee but by the national commissioners. The coalmaster Joseph Boulton did obtain a rating clause in 1803 from the freeholders of Whitwick in Leicestershire who were desperate for an act but it was removed by Lord Walshingham, the committee chairman. Boulton threatened at the commissioners' meetings to obstruct the act's execution, but all agreed to an expedient used by the Duke of Portland in 1779 at Hasland in Derbyshire and by Lord Moira in the recent act for nearby Ashby Woulds.<sup>39</sup> Moira had used the desire of the other parties for an act to demand an allotment worth £50 per annum to pay for any mining damages. Thus the freeholders effectively paid for the damages by a reduced allotment, but at least the system worked.<sup>40</sup> As at Whitwick, the Heanor commissioners in Derbyshire made such an allotment<sup>41</sup> although the 1791 act had only stated that mining should continue in the same manner as before. These two allotments show the discretion commissioners could have if all the owners consented.<sup>42</sup>

In 1773 at Lanchester, Durham, 500 acres were allotted to the magistrates to provide a fund for surface damage. However just the costs of making this into a viable farm exceeded any rent which could be obtained. Therefore an amendment act was needed to allow Thomas White to take the land as it stood and pay a rent of £30 and the costs of the new act. All this probably deterred others from using this mode of compensation.<sup>43</sup>

The opposition of committees to the rating clause obliged lords to accept other alternatives like a time limit to their rights. Originally at Moddershall Heath, which adjoined pits in Meir Heath and Lane End, Staffordshire, 14 owners agreed to the rating clause<sup>44</sup> but in the 1808 act, the lord only had full rights to mine without liability for compensation for 14 years; thereafter he had to "make a reasonable Satisfaction for the Damage and Spoil of Ground."<sup>45</sup> Already in 1796, at Kimberworth, West Riding, the lord could mine coal and iron ore paying damages assessed by two referees and an umpire only "for 40 years from and after the passing of this Act."<sup>46</sup>

The machinery used at Kimberworth was the most usual form of assessing damages,<sup>47</sup> but it could be expensive. At Alston Moor in Cumberland, the practice of calling a manorial jury of experienced valuers to assess damages was apparently embodied in the act. Magistrates determined damages if parties disagreed in Lancashire, a precedent established by the Duke of Bridgewater in the Worsley Act.<sup>48</sup> Later enclosures on Cannock Chase in Staffordshire fixed a scale of compensation charges.<sup>49</sup>

Clauses about damages and their rectification could inhibit mining as in the 1777 Stretton (Derbyshire) Act. Here the lord had to fill in all pits and level all spoil heaps and roads within a year of their falling into disuse and then he could not re-enter these lands. Farey thought this might deprive the lord "of deep seams of coal that may hereafter become very valuable and without their becoming the property of anyone else."<sup>50</sup>

Nef indicated the importance of wayleave rights (or the rights to make roads, tramways and canals over other people's land) on the commons at Broseley in Shropshire, as early as 1606.<sup>51</sup> The lord of Rugeley in Staffordshire even



had the right in 1821 to build a railroad over not only the wastes but also the roads of the town from his colliery to the canal.<sup>52</sup> The right to make wayleaves across former commons was usually secured in acts.<sup>53</sup> Specific powers were sometimes included in acts like the right to make 1,000 yard canal branches in the Pensnett Chase and Dudley Acts and the protection of existing tramways at Essington in Staffordshire.<sup>54</sup> The nature of these rights could be questioned as at Rugeley in 1865 where they were held only to apply to light railways.<sup>55</sup> The very existence of such rights was sometimes challenged, especially when adjoining manors claimed wayleaves by usage. Under the 1793 Wakefield Act, a 2½ mile public railway was laid out to prevent excessive wear on roads from the pits in the adjoining manors to the River Calder and the commissioners laid down the tolls.<sup>56</sup> Wayleaves to the River Tyne were as valuable as the mines themselves to the Dukes of Northumberland. The Second Duke's agent used the 1788 Shire Moor Act to gain his master the right to bring any coals within Tynemouth manor over the common, paying compensation for the privilege.<sup>57</sup>

As in open fields, the right to maintain soughs across common pastures was extremely valuable. This right was often part of the general saving clause about mineral rights.<sup>58</sup> Existing soughs were specifically protected at the Lea pot clay works and the Wirksworth lead mines in Derbyshire.<sup>59</sup>

Some acts, such as the one for Brampton in the West Riding, allowed the lord to have his manorial (and in this case his common right) allotment where he wanted.<sup>60</sup> Other lords, like the Marquess of Anglesey on Cannock Chase, selected specific areas beforehand. During negotiations to enclose Hammerwich in 1852, the estate overprinted an 1847 colliery leasing map with its required allotment which included a new pit and extended to a planned branch railway and the edge of the coalfield. Fears of a general act and the need to set a

precedent for other enclosures led the estate to secure this land by conceding its rights to undermine the other allotments. The estate was allotted this land in the award<sup>61</sup> and it did the same in later enclosures. The estate claimed the right to secure a specific acreage and not a proportion as its allotment because the land was a chase.

At Ashby Woulds, Leicestershire, the act itself specified three allotments for Lord Moira; 150 acres "to contain a considerable Portion of the... Fireclay between the Burton Turnpike Road and the present warren house between the Hartshorne Turnpike Road and the Gresley and Swadlincote Common"; 300 acres around the Ashby Canal reservoir and 150 acres around his "present coal works and the railways therefrom to the Ashby Canal". Similarly in Staffordshire, the Whiston Act specified that the lord's share was to include sites to quarry Manystones and Garstone which he had sold to the Duke of Devonshire who owned the adjoining copper works.<sup>62</sup> Existing pits and quarries were often allotted to their current owners. John Reynolds, lessee of pot clay under More Wood Moor at Lea in Derbyshire would receive his common right allotments in places above the clay; at Checkley, Staffordshire, the Lady of Madeleyhome manor was to receive so much of a stone quarry as was equivalent to the value of her manorial rights.<sup>63</sup>

Such allotments avoided problems with surface owners as they overlay the most easily extracted minerals. The second Viscount Dudley secured his allotments where the coal outcropped, adjoining the canal; the Anglesey Estate received land west of the eastern boundary fault of the coalfield. When granite was found 100 years after the award under other persons' allotments at Mountsorrel Hills in Leicestershire, working it harmed the surface owners.<sup>64</sup>



To maximize their surface allotment, lords tried to establish the largest possible proportion for manorial and other rights over and above their common right entitlement. Lords also tried to purchase either estates or just their appurtenant common rights before or during the enclosure like Sir Roger Newdigate at Chilvers Coton in Warwickshire. Apart from specifying that his manorial allotment in the act was to include all his encroachments and land adjoining his estate, the act allowed him to buy the allotments of the very small owners. To ensure he received all of the common, he took his tithe allotment of 1/7 of the open fields in the commons. Similarly, the lord of Kimberworth could choose to receive all of the common in lieu of tithe exoneration payments.<sup>65</sup>

The Lord of Carreghofa in Montgomery, the Hon. F West, demanded Llanymynech Hill, the local source of limestone, in compensation for his manorial rights and some of his common rights. Many freeholders led by Lord Bradford's agent, Peter Potter, feared that West's motive for the act was to gain a monopoly when Bradford's limeworks on freehold land near the hill were exhausted. However Bradford agreed to the demand in 1837 due to his friendship with West and the fact that West already owned the minerals. West wanted the act because it would increase demand for his lime from farmers who would need it to improve their allotments. In 1855, the 160 acre hill was leased to the Carreg Hova Copper and Lead Mining Company, selling lime mainly to local farmers. The importance of limestone is shown in the negotiations for the 1777 Whittington (Shropshire) Act; the lord surrendered rights to limestone (as well as to marl, clay, sand and rockstone) for an increased allotment of 1/13; but he was to receive the existing limeworks and 40 acres adjoining.<sup>66</sup>

Attempts could be made to establish mechanisms to protect the interests of the new allotment owners. The lord of Horton

manor in Staffordshire, allowed the other freeholders to inspect his workings by the act so that they knew when their land was being undermined.<sup>67</sup>

### Commons without a Manorial Lord

By the age of parliamentary enclosure, some wastes had no effective lord either because they were extramanorial or because of the desuetude or division of ownership of the manor. In such cases, an enclosure act was important in establishing who enjoyed mineral rights. The Cheslyn Common Act was partly motivated to exploit its mines as well as to control the squatters on this extramanorial Staffordshire waste in ways to be discussed in Chapter 6. Before the act, no-one owned the minerals, except perhaps the owners of any encroachments which overlay them. As the act does not mention mineral rights, ownership passed to the new surface owner; also much of the most promising mineral area was sold to pay for the act.<sup>68</sup>

Edgeworth Moor in Lancashire had no lord and the valuable coal mine there was leased for a minimum annual rent of £100 paid to all the owners. The moor was later enclosed by an act of 1795, when the House of Lords committee deleted a clause allowing the Commissioners to determine ownership of the minerals.<sup>69</sup>

Despite the favourable terms which lords obtained in some common and waste acts, many still preferred to develop wastes by encroachment rather than by enclosure. The next sections compare the methods of developing mines in such areas by these two strategies. It will then identify the determinants behind decisions about which mode to use in opening up mining areas.



### Development by encroachment

First a distinction must be drawn between two uses of the term 'enclosure'. Both Nef and Hodgson in Durham meant the practice of only fencing off parts of commons to prevent cattle falling into pits or others claiming the mines; this is more correctly called 'encroachment' not enclosure. In North Staffordshire and Shropshire, development was largely by encroachment; only three acts in these coalfields seem to be linked with mining; Knutton Heath in the Newcastle-under-Lyme Act and Cainham and Ditton Priors in Shropshire. Similarly, Osborne noted that there were only four acts for the huge areas of wastes in the Glamorgan coalfield.<sup>70</sup>

Many lords used encroachments generally as a cheap method of land improvement. The Lord of Clun Forest encouraged their use to form water meadows which increased the value of the land. Also many lords with mineral-rich commons thought that enclosure would lead to the new expense of making compensation payments to surface owners whereas, as in Shropshire, no money was paid for damage to commons. In 1800, Waldrige Fell in Durham was still open and exploited for minerals whilst the surrounding fells were tilled. One concern of the 1844 Select Committee on Commons Inclosure was how to protect the mineowner's interest in enclosure as the mines were often worth much more than the surface.<sup>71</sup> These problems are well illustrated in Staffordshire. Although the Lord of Kingsley Manor, James Beech, was a noted improver, he excluded it from the 1807 Whiston Act because his allotment would not compensate him for his liability to pay for access to his minerals. However, he "shall be glad to have Kingsley Common taken in" if he retained his free access.<sup>72</sup> Potter felt that coal bores were best made on open common land at Walsall Wood. At Horton and Calf Heath, the possible existence of coal was an important

consideration in the decisions of the lords of the manors and the leading owners about enclosure acts.<sup>73</sup>

Such considerations applied even more to tenants or buyers of mineral rights who had no interest in the surface. At Thornley in Durham, the mineowner's counter petition failed to prevent the lord of the manor's enclosure bill. However a petition for Tanfield Moor by its lords who did not own the coal there, made no progress; why is unclear. The differing interests of long term mining tenants and lords was commented upon in 1844.<sup>74</sup>

The process of mining development on commons by encroachment varied considerably as exemplified in North Staffordshire. The Bagnalls leased portions of manorial waste in Hanley to potters who later bought out their leaseholds. This led to the growth of the town of Hanley in the 1700s.<sup>75</sup> A similar process took place in other areas under copyhold tenure. At Rochdale in Lancashire, copyhold allotments under enclosure agreements were later enfranchised in the 1700s.<sup>76</sup> The lords of Sedgley in South Staffordshire, where copyhold encroachments had swallowed up the commons, derived an income by licensing shallow pits in base copyholds rather than by enfranchisements.<sup>77</sup>

The Sneyds also developed the manorial wastes of Tunstall in North Staffordshire by encroachment and leaving portions open but they complicated the situation by leasing the mines and the surface to different tenants.<sup>78</sup> Much of the land in the largest manor, Newcastle-under-Lyme, was a royal copyhold which gave the Crown's lessee the right to undermine both the commons and the copyhold land without compensation. This led to several law suits in the 1840s and 1850s.<sup>79</sup> The other manors were owned largely by their lords, like the Sneyds at Keele, the Heathcotes at Apedale and the Leveson-Gowers at Trentham and Lane End. In single owner



manors, the lord could encroach at will, as he owned both the soil and the herbage of the commons.<sup>80</sup>

The increasing scale of mining encroachments in the area is illustrated on the Harpur Crewe estates at Goldsitch Moss in the early 1800s. The lord had allowed small mining and cottage encroachments; in 1802 a larger colliery with levels was being set up and some common land was set aside "for the convenience (when improv'd) of keeping a horse for ye use of the engine which will of course be wanted in a few years." Proposals for encroachments would be refused if they lay "in ye direction of the New Level [which] will be liable to have pits in it."<sup>81</sup>

A similar situation pertained in the East Shropshire coalfield. Not only the lords of single owner manors, like Thomas Harries at Benthall, but also those who only owned most of a manor, like Earl Gower at Ketley and Lilleshall, treated the wastes as their private property. Even in Madeley, where c 1,900 acres belonged to other proprietors, the Reynolds owned all the mines in the parish and made building leases of common land without paying any compensation. The Gresleys had owned all the manor of Church Gresley in Derbyshire and had allowed development by encroachment. Later they sold all their land here but reserved the manorial and mineral rights on the wastes and encroachments used as a pottery factory and coal pits until their agent, Mousley, cheated the family of them in 1835.<sup>82</sup>

Some lords used local custom or the commoners' neglect to enclose land for mining without compensation for loss of grazing. This happened at Reedswood near Walsall which had been alternately open to freeholders for seven years and then enclosed for seven years by the lord until Lord Bradford opened a colliery here in 1837. The same apparently applied to encroachments for coal and wood in Cumberland.

Where the common right owners had the money and the will to resist this by law suits, they had a fair chance of victory under the Statute of Merton. The judge in a Shropshire case implied that owners who could prove their common rights were harmed could stop mines being worked. Some Glamorgan commoners did win a case against a lord who had licensed 1,000 acres of encroachments for this reason. As early as 1613, a chancery judgment only allowed encroachments for miners' cottages and smallholdings on Greenhow Hill, West Riding, provided sufficient pasturage was left for those with common rights.<sup>83</sup>

Establishing a title to encroachments was vital to lords. In Wales where the manorial system was neither so well developed nor legal rights as well defined as in England, ownership of encroachments were popularly believed to include the minerals underneath. In Glamorgan, the second Marquess of Bute found that encroachments prevented access from his freehold land to Hirwaun Common near Aberdare. This meant that he would either have to sink new coal pits on the common or pay high wayleaves to the encroachers. He lost much time and money to regain rights of access to the commons lost by his grandfather which eventually were safeguarded by an enclosure act. The Duke of Beaufort at Llangiwig and Llangyfelach near Swansea, first established his manorial rights and then encroached to promote mining. In the 1740s and 1750s, the gentry challenged the Duke's actions, on behalf of all the residents.<sup>84</sup>

Where enclosures did occur in mining areas, lords excluded their encroachments or prime mining lands. The act for Wrockwardine in Shropshire specifically excluded the waste of Wrockwardine Wood, a mining community of squatters encouraged by the joint lords and claimed as their sole property. The stinted pasture of Bramcote Moor, Nottinghamshire, was similarly excluded from the 1771



Stapleford and Bramcote Act, probably as it contained coal. In Leicestershire, Breedon Hill and its limeworks were excluded from a 1759 act.<sup>85</sup>

Plymley's Primary Visitations described the process of development by encroachment in Shropshire. In 1793 he visited the newly opened Bog Mines on the wastes at Wentnor. The miners lived in sheds on the hillside and ate at nearby farms and only five of them had any settled habitations.<sup>86</sup> At this early stage, house building would not be considered worth the risk by the lessees or the miners. The locals certainly opposed it, fearing an increased poor rate and loss of grazing. Once the pits were viable, lords encouraged development by allowing encroachments as in the Clee Hills. John Laurence, the owner of a lead works, gave his miners materials to build cottages on Pontesbury Hill to replace their mud huts.<sup>87</sup> Such encroachments were small at Ketley due to the lack of available land and they swallowed up the entire waste.<sup>88</sup> Even larger commons could disappear as bigger encroachments were allowed. Peter Beck allowed the entire waste of Hope Manor to be covered with sizeable encroachments where dairying was often combined with gardening and mining.<sup>89</sup> This type of development is repeated in many mining areas with large commons and wastes as at Swannington and Coleorton in Derbyshire and in Cornwall where china clay extraction made large areas of common land useless to farmers. William Danby, an improver and mine owner, allowed his miners at Swinton in the North Riding to encroach and their gardens had grown into small farms; Arthur Young believed that this had made the colliers much more industrious and sober than most miners, as at the nearby Craven lead mines.<sup>90</sup> The evidence shows that in many areas, lords perceived that enclosure was inimical to mining.

Like freeholders in mining manors, lords of adjoining manors often did not want miners squatting on their wastes for much the same reasons. In addition, the large numbers of squatters made it hard for their agents to extract even the nominal fines usually charged. Such lords favoured enclosure to obtain market rents and prevent more encroachment. In North Wales, Lord Newborough hoped to use the 1845 General Enclosure Act to stop men from nearby quarries building upon his wastes and dispersing the sheep. He was to be disappointed; there was no enclosure by act here.<sup>91</sup>

Not only did freeholders and the lords of adjoining manors want enclosure acts. For despite the many factors which encouraged development by encroachment, lords in many mining areas such as North Warwickshire, Cannock Chase, South Staffordshire, South Yorkshire, Leicestershire and Derbyshire chose to enclose. The reasons for this are explored in the next section.

#### Development by enclosure

There were a variety of influences which operated upon lords of mineral bearing manorial wastes who decided to enclose. Each of these will be examined in turn.

As illustrated by the variety of clauses dealing with mining in enclosure acts outlined previously, one motive for such legislation in mining areas was to encourage the proper working of minerals. This certainly was the opinion of the historians of the Butterley Company of Heanor. Surface owners here tried to claim that the vague wording of the enclosure act enabled them to stop the company mining where it caused subsidence. Mottram and Coote commented "Since one of the purposes of the Act was that the coal should be



properly worked, admission of such claims would imply that they [the Acts] forbade what they professed to encourage."<sup>92</sup>

In many enclosures, it could be more important to gain a title to the minerals rather than the surface. As was commented about a lawsuit of 1723 over enclosing Garn-y-

Garret Common near Swansea, "it is not ye value of the herbage that puts these gentlemen on their metal but a vein of coal that is under it."

Establishing ownership of minerals under encroachments was a particular problem even in single owner manors. Sir Watkin Williams Wynn's reasons for enclosing his private sheep walks at Llangurig, Montgomery, were neither to improve the pasture nor to protect game. The small continual encroachments "reduce the ambit of his territory" where "the minerals... are very valuable." If he enclosed "all these bickerings would be extinguished." As sole owner, Wynn needed no act to enclose.<sup>93</sup>

In manors with other freeholders, enclosure by act could be a way for lords to seize disputed mining rights from squatters and other parties. In North Wales, T A Smith used the 1808 Llanddeiniolen Act to dispossess the squatters who claimed the right to quarry slate on the wastes. As the act also gave him all encroachments made within 20 years, he could now eject troublesome squatters. In addition, he secured the title and bounds of Dinorwic Manor from any Crown claim. However the Crown was more successful at Llanrug and Llanbeblig, where an act secured its mining rights from the squatters and Lord Newborough. As Plume comments, "Enclosure in this case was simply a question of ownership and not necessarily improvement." Newborough later failed to obtain an act in 1826 to gain the mining rights over the Crown commons at Llanwnda and Llandwrog and

dispossess 700 quarrymen who, encouraged by the vestry, had formed a squatter settlement at Rhostryfan. By this time there was greater opposition to the activities of landlords like Newborough and a movement led by expatriate Welshmen in London blocked his bill.<sup>94</sup>

In South Wales encroachers were again a problem. Hirwaun Common was eventually enclosed by the Marquess of Bute in 1860. The national commissioners stated it would prevent "a system of encroachments and the difficulties consequent upon it", some of which have been outlined above. These problems were real otherwise Bute would not have incurred the costs of the enclosure and the purchase of much of the surface of the common. The enclosure not only prevented problems with surface owners whilst establishing full mineral rights but also represented a change in estate policy about allowing miners to encroach to support themselves for reasons discussed below.<sup>95</sup>

Other groups in Wales could be deprived of their mineral rights by enclosure acts. At Flint, an act was used to seize ownership of mines under the common from the burgesses before accelerated development took place.<sup>96</sup> All these Welsh acts were intended to secure the title of the mines for a single interest, usually the lord of the manor, before investment in large-scale mining. As such they encouraged capitalist exploitation rather than development by small scale encroachments organised like a cottage industry.

Enclosure could also settle disputed manorial boundaries<sup>97</sup> or formalize the division of minerals between joint lords as at Norton Canes (Staffordshire). William Hanbury, a coalmaster, bought 2/3 of Norton Manor in 1846; Phineas Hussey owned the other 1/3. Hanbury tried to develop his own pit in Norton Waste, but Hussey objected to the opening of a rival colliery to his at nearby Brownhills Common. The Court



of Chancery declared that the mines should be divided and in 1855 a report was drawn up. However the division was never made and an agreement about working the mines was reached in 1858. The 1862 enclosure formalised this agreement and secured the other owners' consent to beneficial surface damage clauses whilst the lords obtained particular surface areas by allotment and purchase.<sup>98</sup> Hussey generally believed that enclosure harmed his mining interests; he had been told in 1856 that enclosing Brownhills Common would prejudice his case against the tenant of his colliery there.<sup>99</sup>

The 1838 Dean Forest Mines Act was similar to an enclosure because it defined those who enjoyed rights as free miners and an award allotted them gales or areas to mine. Many of these were bought by large scale businesses. Fisher views this act and the parallel Dean Forest (Encroachments) Act as being motivated by "the principle of substituting contractual relations for those of right and custom." After an 1870 mines act for part of the forest commuted some common pasture rights, the Crown failed to obtain an enclosure act in 1875 to buy out the common rights in order to build houses and to facilitate mining.<sup>100</sup>

Acts and awards were reference points to sort out disputes and avoid law cases; but there is no absolute proof that this was a motive in obtaining an act. However the capitalists who increasingly dominated the mining industry preferred clear freehold title both practically and ideologically to feudal customary rights. It avoided costly court cases like those involving Lord Granville, the Crown's lessee of mines in the manor of Newcastle-under-Lyme. Lord Anglesey's agents advised enclosing Hammerwich in 1853 because they doubted "how far my Lord can let unenclosed land for mining purposes - which is not entirely his own." The notion of capitalism was growing more influential as shown by attitudes to farming and encroachment.<sup>101</sup>

Even in Shropshire, some mine owners preferred enclosure to a continuation of a dual economy.<sup>102</sup> Lord Clive and R P Knight who owned lands and mines in Cainham and were joint tenants of the mines in its commons were the first named petitioners for a bill to enclose its wastes in 1779.<sup>103</sup> They could build 30-foot roads and otherwise enjoy mines as previously "without making any satisfaction for the damage thereby"; they could also enter old enclosures to make "Drains and Levels... making full and ample Satisfaction." However the largest allottee was not Clive and Knight, but the lord of the manor who gained 294 of the 620 acres and a beneficial exchange with the vicar.<sup>104</sup> Meanwhile the miners had to sell their cows or horses to carry coal which reduced them to great distress. The owners were accused of being actuated by "their own private emolument" rather than consideration for the poor. Like those at Lanchester Fell, the proprietors realised that it was more profitable to farm the common than to allow miners to supplement their wages by stock keeping.<sup>105</sup> The new farms at Cainham did not meet the local demand for food in the short term. In the crisis year of 1783, the miners rioted in Ludlow; although the town was liable to "visits from the colliers whenever they may be disposed or riotous", this was caused by "the present scarcity of Provision, owing to the onerous high prices in this Quarter, [which] must be a very great Burthen to the Inhabitants." Similar motives also applied at Hirwaun and at Iron Acton, Gloucestershire, where there had been considerable encroachment by miners.<sup>106</sup>

Development by encroachment tended to be disordered and led to many social problems. In Shropshire, there was much concern about the morals of encroachers, like those at Ketley. Where the local economy depended upon mining, colliers could make heavy demands on the poor rate during slumps. Acts stopped encroachment and allowed the owners to



obtain something for their diminishing common rights. These factors may have been an influence at Alferton, Derbyshire, where the average allotment size was only 0.827 acres. If possible, enclosure was done by agreement as at Pontesbury, Shropshire, where the squatters' morals caused concern.<sup>107</sup> Often an act was the only solution to the problems that owners faced when a lord permitted or even encouraged encroachment because there was no cheap legal remedy to prevent it.

Despite their fears of wasting capital in improving land which could be damaged by mining, many owners in such cases decided to support enclosures especially where the lord agreed to pay compensation.<sup>108</sup> However the lord would only consent if he was offered attractive terms and he viewed enclosure as beneficial by promoting ordered development or ending the stigma of association with 'demoralised' and impoverished squatters. This contrast is illustrated at Walsall Wood and Pelsall.

Commoners had been keen to enclose Cannock Chase since the 1790s due to squatting. In 1858, the Walsall Wood commoners feared "that the Common... would some day be entirely taken from them, without receiving any compensation." As it was, the enclosure costs led to the sale of 161 acres; this meant that after roads and other allotments, the freeholders only received 137 acres which equated to 16 roods for each acre of old enclosure with common rights. Despite being well aware of this, the owners led by Mr Charles succeeded in obtaining the consent of the Earl of Bradford to enclose in 1859. Already Bradford had started selling encroachments since 1842. By these sales and agreeing to an enclosure he was dissociating himself from them due to the opprobrium, social problems and potential expense that Loch in 1841 noted they had brought to the Dudley estate.<sup>109</sup>

At much the same time the Bute estate decided to enclose Hirwaun Common primarily for these reasons. The 1860 enclosure stopped the rebuilding of the many "huts" made between 1858 and 1859 by "very low characters." However there had long been a system of cottage encroachment by Bute's workforce, many of whom now had to pay him market rents after the enclosure. They had depended on their gardens and stock on the common to augment their wages and their huts would have been improved into cottages as time allowed. The replacement of this dual economy by capitalist farming, concern about the accelerating encroachment and its consequent problems were motives for this enclosure, together with changing perceptions of the squatters' morals. The word perceptions is used advisedly, for it seems unlikely that there was any difference between the morals of long established and new squatters. Elsewhere Bute's agents were more vigilant about encroachment; however they had to use an enclosure again in 1861 to deal with the "trespasses" at Coed Penmaen near the growing mining town of Pontypridd. Osborne views the "urban squatter" as "an important catalyst" in the enclosure acts in the Glamorgan coalfield which were all in the proximity of growing mining towns.<sup>110</sup>

At Walsall Wood, Bradford gained very favourable terms for his consent to enclose and so end encroachment. He obtained 1/8 as lord of the manor and retained mineral rights under encroachments. This and the retention of mineral rights under freehold land he had sold previously was later to give the Walsall Wood Colliery Company a sufficiently large area to profitably work the deep seams. Bradford's allotments adjoined the site of the eventual sinkings at St. Paul's Coppice.<sup>111</sup> The enclosure was delayed until 1865 by the Earl's paralysis.<sup>112</sup> The enclosure facilitated the colliery's establishment in 1873, but its animus was the discovery of the concealed coalfield, the local demand for coal in the 1872-3 trade boom and the exhaustion of the



South Staffordshire coalfield. The national commissioners felt that the enclosure would stop squatting and promote cultivation - vital in an area of growing population.<sup>113</sup> The act also provided the necessary infrastructure and facilities for a settlement to develop, such as roads and recreation and garden allotments. It also encouraged house building by the sale of plots to miners and speculators which brought fresh capital into the area.<sup>114</sup>

However Charles was unsuccessful at Pelsall with its lord, the Deanery of Wolverhampton. Mining had only started here about 1826 and an ironworks began about 1832.<sup>115</sup> The common was damaged by spoil heaps and encroachments for the works and houses. To try to stop this, the freeholders from 1858 used the vestry to try to prevent further encroachment and to lobby the ecclesiastical commissioners for an enclosure. However the commissioners would not countenance an act which could reduce their income. Their sole duty was to maximize revenue and they cared little about the stigma of association with encroachments or any idea of rationalised development. The only offer the commissioners made was to buy out the common rights. Despite repeated attempts and legal advice, the freeholders were unable to overcome the commissioners' opposition.<sup>116</sup>

The decline of mining could lead owners to enclose both to provide work for the squatters and to generate more income for themselves. Apart from any paternalistic feelings, unemployed squatters were a social problem as well as a drain on the rates. The act for Abdon and Stoke St. Milburgh, an area of squatting in Shropshire, coincided with the decline of mining. Already in 1793 some houses had been demolished or had fallen down at Abdon. Both it and Stoke St. Milburgh (where the poor rates "have been as high as £240"<sup>117</sup>) were acquired around 1800 by Earl Fitzwilliam, who obtained an act in 1809. He kept full mining rights but he

aimed to convert the land to farming. 1/3 of the 1400 acres was sold to pay expenses which raised £3,803 - only £8 an acre. This low price and the purchase of many lots by farmers show the change in emphasis from mining to farming. Apart from the sale lots and the old encroachments allotted to Fitzwilliam at the foot of the hill, the remainder was still used for rough grazing.<sup>118</sup>

Such problems are clearly seen in the South West. Often owners used unemployed miners to reclaim wastes<sup>119</sup> which could require an act. Holster Yard's enclosure was authorised in part because it "will afford additional labour, which is much needed in consequence of the work in the mines being suspended".<sup>120</sup> Likewise Tregoss Common (where the main employers apart from farmers were the china clay and tin mines) would be improved by an enclosure and "an increased supply of labour will be provided".<sup>121</sup> The failure of the Charnwood Canal may have led the mineowning lords to agree to the Wightwick Act.<sup>122</sup>

Improved communications were important in promoting the enclosure of commons and wastes including those in mining areas. Adam Smith believed that because "good roads, canals and navigable rivers" increased competition by encouraging the cultivation of remote areas, they were "the greatest of all improvements". Although Hunt thought that neither canal nor road building stimulated enclosure as "they were both part of a much larger expansion of the economy in which the stimuli came from many directions", evidence shows that canals especially were often linked to enclosures near towns, in agricultural areas and remote mineral areas. They improved access to markets for agricultural produce and coal in newly enclosed mining areas. The increased trade they brought to towns encouraged enclosure to provide building, accommodation and garden land. They could be part of general schemes of improvement as in the Vale of Belvoir. They could



be linked with drainage schemes as at Stafford and at Worsley in Lancashire, where a canal carried colliery spoil to reclaim the newly enclosed Chat Moss. Canals also brought lime and coal to wastes like Great Barr in Staffordshire. Even as late as 1856, the Hatherton Canal branch encouraged the enclosure and drainage of Calf Heath in the same county. The mutual benefits of securing an improved supply of water for the canal whilst draining a morass were not lost on improving landlords like Lord Hatherton. This process was also aided by the growing needs of the adjoining Cannock Chase coalfield for access to markets and for food. Apart from canals and roads encouraging enclosures, David Williams also believed that "making roads... was frequently a primary concern in obtaining an enclosure act".<sup>123</sup>

An example of how canals, mines and waste enclosures could be linked was at Great Wyrley, Staffordshire, where the Wyrley and Essington Canal was authorised in 1792 to open up the Marquess of Stafford's pits and those of Henry Vernon at Essington.<sup>124</sup> There were many links between these persons and events. Vernon's trustee was Horder, the canal's main promoter. Horder's business partner was John Bishton, Stafford's agent<sup>125</sup> and commissioner in the Great Wyrley Enclosure Act of the same year<sup>126</sup> in which Stafford was the first named petitioner.<sup>127</sup> One aim of the enclosure and the canal was to reform the squatters, whose immorality worried Bishton,<sup>128</sup> in part by opening up the mines to provide them with work. Some mining lots were sold to defray the costs of the act. However the canal was only opened to Essington and William Gilpin's new colliery at Wyrley had to use a railway to carry the coal to his Churchbridge works.<sup>129</sup> Likewise, canals both opened up mines in open fields and encouraged their enclosure as in the case of the Coventry Canal at Bedworth and Foleshill in Warwickshire: "in 1774, obviously to take advantage of the new canal and the inclosure, the

Parrotts installed two steam engines at their Hawkesbury mines and at Bedworth."<sup>130</sup>

Apart from opening up mining areas in conjunction with canals, enclosure brought other benefits. It provided work for miners over the slack summer months at Worsley and on Cannock Chase where Lord Anglesey's leases obliged many collieries to cultivate the surface above the mines. The value of enclosed commons could treble, as at Norton Canes, due to the influence of mining development. The profits from heath reclamation at Pelton Grange on the Durham coalfield apparently led to an act for nearby Beamish in 1803.<sup>131</sup> Over time, the advantages of enclosure in terms of increased profit and food production, vital to feed the growing population of mining areas, outweighed the benefits of encroachment.

Although commons often already contained timber, it was frequently destroyed by animals grazing upon unguarded saplings. Trees were very valuable in iron making centres and the Dudley estate like others elsewhere secured the right to cut all the trees on Pensnett Chase up to a year after the award was made.<sup>132</sup> Enclosure allowed growing timber to be protected to provide cratewood<sup>133</sup> and pit props. Such factors seem to have been important at Rugeley on Cannock Chase, whose extensive upland waste was largely unsuited to agriculture. The commissioners in 1864 approved its enclosure as the land would be useful for cultivation and planting.<sup>134</sup>

Enclosure also activated a land market which attracted capital into the area. Many miners and speculators bought sale lots and owners sold or leased allotments for building. Acts in 1802 and 1806 led to Hoyland Common, Silkstone Common and Dodworth becoming mining villages. The Clarkes dominated mining in this part of the West Riding; they owned



the pits, bought the manor and lived in a secluded park near Silkstone village.<sup>135</sup>

Acts often provided the infrastructure needed for development, such as transport facilities and improved drainage. Also enclosures dedicated land for recreation, cemeteries and other local needs, especially after the 1845 general act. The best example of this was in 1881 at Low Moor and Wibsey Slack in the West Riding, three-quarters of which had already been used for buildings and spoil heaps. The enclosure gave 66 acres for recreation including a six acre reservoir and 22 acres were planted as a public park. 30 acres of common were exchanged for 15 acres of better situated freehold land for a cemetery.<sup>136</sup>

Where one enclosure was successful in mineral areas, neighbours often seem to have followed suit as in the North Warwickshire coalfield between the 1750s and the 1770s. Pitt recognised the same trait in the 'canal mania' of the 1790s. This 'epidemic' also may be explained in terms of the same benefits from an enclosure applying throughout the area; but unless appropriate sources are available, it is impossible to determine the truth. Certainly, evidence shows that a series of enclosures in coalfields as on Cannock Chase often resulted from the dominance of a lord who, encouraged by one success, followed a policy of enclosure and improvement.

Those lords of the manor who did decide to undertake the rational development of their mines, often obtained the benefits of enclosure outlined above without damaging their mining rights. They had a wider perception of their role in opening up areas and seemed to be actuated by the desire to improve both their estates and hopefully their incomes.

This broad perception was not only confined to aristocrats. Whilst in the 1860s, a gentry mineowner like W S Dugdale

used enclosure simply to secure the freehold of his colliery, the gentry of the age of reason could have broader objectives.<sup>137</sup> The Cannings of Ditton Priors in Shropshire, had allowed small scale development by encroachments until a single colliery was set up on the summit of Brown Clee. In 1813, Francis Canning obtained an act for the remaining commons. Aided by purchases and exchanges, he received 250 of the 410 acres in a block around the colliery. This gave him undisturbed control of the prime mineral area and would allow expansion. Private roads improved access to the colliery and lime kilns. These were the key to the large scale agricultural improvement of the estate by liming the wastes. His speculation failed due to the post-war depression, disputes over mining rights and the damage caused by the earlier pits. By 1839, no coal was worked here; "each speculator having begun his work where he pleased... it is impossible to say how much of the mineral has been wasted and... may remain beneath in unconnected and broken masses." The wastage of minerals by small scale mining must have influenced other lords to enclose mineral-rich wastes.<sup>138</sup>

The Edges of Strelley in Nottinghamshire were a gentry family with estates where coal had long been mined; there were pits noted in Bilborough Field in 1744. From 1777 Thomas Webb Edge began a programme of improvement. A tramway to the new Nottingham Canal allowed the expansion of his pits. He rebuilt Strelley Park and bought estates and shares in the advowsons and manors in Strelley and Bilborough from 1782 which enabled him in 1800 to combine the livings of the two places. In 1807 he became sole owner of the two manors which was confirmed by an enclosure act in 1808. It also allowed him to commute tithes and increase the size of his farms. Higher rents could now be charged and the local demand for food would be satisfied.<sup>139</sup>



A larger owner with similar aims was Sir Roger Newdigate of Arbury in Warwickshire. Despite being an aesthete and a High Church Tory, he was prepared to behave like an improving Whig in his involvement in local canals, turnpikes, a cotton works and enclosures. Martin claims that the 1765 Chilvers Coton award states that the reason for the act was to extend the coalfield.<sup>140</sup> The act was part of his plans to improve his estate around Arbury Hall, which he gothicized at this time,<sup>141</sup> involving picturesque canals in his park leading to branches from the Coventry Canal to his pits. The main approach to the hall ran across new enclosures which formed North Lodge Farm. To gain this land, he maximized his allotment in the enclosure by a variety of means. Colliery expansion under direct management soon followed the act.<sup>142</sup>

The most influential developers were those aristocrats whose large estates enabled them to dominate the development of whole coalfields. One such man was the Second Viscount Dudley in the Black Country. Raybould has used estate papers and enclosure acts and awards to prove the value of the two 1784 acts to the Second Viscount in developing his mines at Dudley Wood and Pensnett Chase; he got extremely beneficial terms and his allotments adjoined the canal and coal outcrops. These and other enclosures were the "cornerstone" of the development of his lands.<sup>143</sup> However other sources show that he had wider motives.

The originators of these 1784 acts were probably the common right owners, not Lord Dudley, as it was they who approached him. The proposals include most of the terms Raybould comments upon as being intended to facilitate mining, including the rating clause discussed previously. This questions the Viscount's role in the acts, although the terms that he wanted might have been well known locally from any previous negotiations.<sup>144</sup> The petition was presented to parliament without proper notice being given on the church

door (and no notices given in the county paper<sup>145</sup>) and it was only accepted due to the unanimous support of all parties. The acts were partly inspired as a way of ending a dispute with the Cradley owners who claimed common rights<sup>146</sup> and of dealing with the large and increasing number of squatters<sup>147</sup> who threatened the freeholders' rights.<sup>148</sup> The awards show large areas of encroachments, especially around Cradley Heath; and although Brierley Hill is largely thought of as a post-enclosure settlement, its church was built in 1765 for £700 indicating a sizeable squatter population already.<sup>149</sup>

Lord Dudley had other reasons to support enclosure. He knew of the rational pattern of development adopted by both Newdigate and the Duke of Bridgewater, where canal building, enclosure and mining development were closely linked.<sup>150</sup> He was also concerned about the problems caused by food shortages amongst the growing local population and enclosure was part of his solution.<sup>151</sup> The very shortage of food and high prices enabled him to charge high rents for newly enclosed land. The acts conditioned the area's subsequent development and were the main reference points in disputes. Enclosure was part of the same broad perception of rational improvement seen on other estates.<sup>152</sup>

The value of minerals at stake in such acts was considerable and so the areas involved could be minute. In the Black Country, small areas of land were very valuable- £1,000 per acre at Blowers Green in 1822 and £41,440 per acre at Bilston Churchyard- due to the Ten Yard seam which ran under much of the coalfield.<sup>153</sup> The 1829 Oldbury Act dealt with only seven acres which was much encroached upon and was concerned solely with selling the mines to help fund a new church.<sup>154</sup>



Lord Moira had similar motives to Lord Dudley in developing Ashby Woulds after 1800.<sup>155</sup> A previous attempt to enclose the Woulds in 1768<sup>156</sup> failed because of disagreements over the size of the lord's manorial and tithe allotments.<sup>157</sup> Moira had supported the Ashby Canal of 1794, which aimed to open up the coalfield around here but he lacked the capital to develop the Woulds. The act was seen by his advisors as vital to the heavily indebted Moira as it gave him a good title to borrow money in order to develop the mines.

The lack of traffic on the canal led its promoter, the noted improver and colliery owner Joseph Wilkes, to press Moira to enclose and develop the Woulds. Moira, an enlightened Whig, decided to take the risk to invest in development and got very advantageous terms in the act. He thought the improvement of the Woulds would pay his debts; land was sold under estate acts to finance his broad vision of development and establish a trust which liquidated £70,000 of debts by 1818.<sup>158</sup> He rapidly developed his allotments with the large Spinney Pits and ironworks with lime kilns by the canal and in 1811 he built the Stone Row which began the settlement of Moira. He cheaply established a 254 acre farm at Union Lodge by a 21 year improving lease; the tenant had to build the farmstead for £1,100. This generated £160 per annum rent and would help feed the expected influx of colonists.<sup>159</sup>

However, the estate admitted in an 1812 estate act allowing 61 year leases that it lacked the capital and expertise to run the coal and ironworks. The ironworks were abandoned but the estate ran its own pits under the more expert management of Edward Mammatt. The fortunate discovery of a mineral spring in a new sinking led to the building of the Moira Baths and later the Ivanhoe Baths at Ashby, which had repaid its investment by 1824.<sup>160</sup>

Although much of the early development was unsuccessful, the enclosure did provide the means of solving the estate's long

term financial problems. Mammatt and Woodhouse, the mine agent, bought more surface and set up the Newfield Colliery in 1826. The estate dominated mining locally, taking leases of adjoining mines and owning a successful pottery works. The change in the appearance of the Woulds with "luxuriant vegetation", industry and housing was noted in 1851.<sup>161</sup>

The Marquess of Anglesey faced similar problems in developing the Cannock Chase coalfield. He had huge debts and tried to open up the Chase himself by encroachments on open commons but again the estate lacked the expertise and the capital for the necessary plant and transport facilities. Enclosure proposals came from the freeholders but the timing suited the estate, which feared losing its rights in a general act, and it used the approach to secure very good terms. Large allotments were obtained above the most promising mineral areas. The estate also allowed the development of first canals and then railways across the commons as it began the large scale exploitation of its mineral resources. In this, the estate may have been influenced by the previously mentioned example of Lord Hatherton's branch canal, built 15 years before. The enclosures brought many of the benefits previously outlined. For example, two groups of sale lots became the mining settlements of Chasetown and Newtown.<sup>162</sup> The estate was aided by Hatherton who, although a noted improver, did not perceive the advantages enclosure brought to a mineowner. At a Cannock owners' meeting, he persuaded the others to accept Anglesey's terms as "it was not Ld. Anglesey's interest to inclose the Common at all, except at a great advantage - for he possesses all he really wants already."<sup>163</sup>

The most unusual enclosure act in a coalfield was at Wilnecote. Viscount Weymouth's electoral interest in Tamworth led him to use the vehicle of an act to promote mining at this nearby village. The 1758 Act allowed drains



to be cut and a road to be built across the "coal land". Weymouth was to pay for the drainage and steam engines despite only owning eight acres of the coal land,<sup>164</sup> being repaid by a rate on coal mined. In 1761, his rivals in Tamworth only accepted Weymouth's candidate if the Wilnecote colliery was working and if the corporation was divided equally between the two interests.<sup>165</sup> Despite huge debts, including £60,000 lost in a night's gambling,<sup>166</sup> Weymouth had spent nearly £4,000 (more than the act stipulated) by 1767 on a steam engine and drains. One owner would not let any soughs cross his land which prevented the mines being properly worked. As the coal roads were also in a poor state, an act was sought to allow soughs to be carried through other owners' land and to maintain the roads properly.<sup>167</sup> The large committee reported that no-one appeared to oppose the bill. The owner who would not let a sough cross his land had no coal land and was either unable to afford parliamentary opposition or felt the promoters were too strong for him.<sup>168</sup> Weymouth kept his electoral interest intact until it was sold with Drayton Manor to a consortium led by Sir Robert Peel in 1790.<sup>169</sup>

### Conclusion

The decision whether to develop mineral areas by enclosure depended on a variety of factors. Local custom and practice was important; some coalfields were hardly subject to enclosures whereas others were almost entirely developed by act. In this, the example of a successful enclosure or the role of a dominant owner keen to enclose were crucial. Later developments as on Cannock Chase more often involved enclosure because there was a greater awareness of its benefits. Especially in commons and wastes, acts established precise rights, provided the necessary infrastructure for development, created summer work for miners and fostered a local land market to attract capital into the developing

coalfield. The timing of acts in both common pasture and open field enclosures depended upon geological discoveries, improved transport systems and local demand for minerals, as in the case of Cannock Chase<sup>170</sup>. The preparedness of freeholders to offer sufficiently attractive terms to the lord, who rarely instigated an enclosure, was also important.

The most vital of these determinants was the lord's attitude; without his approval, enclosures of commons were impossible. There were a variety of potential influences upon his decision. He might need to establish a legal title to the land. His perceptions of the benefits of enclosure and economic trends, together with the needs of the estate and family were often important. He might also appreciate how useful enclosure was in achieving ordered development. In many cases, lords had a broad perception of improving their estates, not just in income, but in the widest sense of the word, such as improving the morals of squatters or improving barren land. In addition, the growing influence of capitalist ideas led many to prefer modern structured rational development based on freehold and leasehold rights to what was often old fashioned unstructured development based on feudal custom.

In all cases of mineral development, there was a need for more housing for miners, either adjoining existing settlements or on new sites. Also mining led to the growth of towns to provide social and commercial services for the colliery settlements. The development of mining and other squatter settlements will again be considered in Chapter 6, but the next chapter will examine the role of enclosure in the growth and development of towns both in mining areas and elsewhere.



### Footnotes for Chapter 3

- 1 G Mingay, The Gentry (1976), pp.97-8; J U Nef, The Rise of the British Coal Industry II (1932), 316, 321 and 327-30; J D Marshall, Furness and the Industrial Revolution (Beckermest 1981) p.58.
- 2 Lords by a 1568 legal precedent owned the minerals in commons and wastes unless contradicted by local custom; see below, pp.92-3.
- 3 A H Dodd, The Industrial Revolution in North Wales (Cardiff 1951) pp.76-9 based on G A Plume, 'The Enclosure Movement in Caernarvonshire' MA University of Wales 1935; by the custom of ty uannos, if squatters could erect a shelter and enclose some common land in a night, it became their property.
- 4 A W A White 'Economic Growth in Eighteenth Century Warwickshire' PhD University of Birmingham 1973, pp.25-46; T J Raybould, The Economic Emergence of the Black Country (Newton Abbot 1973) pp.35-51; J L and B Hammond, The Town Labourer 1760-1832 (1917) p.9; F W Hackwood, Sedgley Researches (Dudley 1898) p.38; A J Taylor, 'Coal' in VCH Staffs II (1967), 96.
- 5 D G Brown, 'The Economic Development of the Marquess of Anglesey's Cannock Chase Estate', MA Wolverhampton Polytechnic 1985, pp.58-76.
- 6 M W Flinn, The History of the British Coal Industry, II, 1700-1830 (Oxford 1984), 157 re Wilnecote (Warks.), Dudley (Worcs.) and Wakefield (W Riding) - see below pp.85, 88, 114-5 and 148-9; R Church, ibid III, 1830-1913 (Oxford 1986) does not refer to enclosure; neither does A R Griffin, Mining in the East Midlands 1550-1947 (1971), nor O Wood, West Cumberland Coal 1600-1982/3 (Kendal 1988) nor A Raistrick & B Jennings, A History of Lead Mining in the Pennines (1965), G Mee, Aristocratic Enterprise: the Fitzwilliam Industrial Undertakings, 1795-1857 (1976); P J Nunn, 'The Landed Estate in South Yorkshire 1700-1850', PhD University of Sheffield 1985.
- 7 C C Owen, The Leicestershire and South Derbyshire Coalfield 1200-1900 (Ashbourne 1984) p.153 re Hugglescote and Donnington le Heath, p.166 re Ashby Woulds and 180 re Smisby.
- 8 e g H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842', PhD University of London 1956, covered the Leicestershire coalfield and even studied in detail negotiations with the coalowner in the Thringstone enclosure but fails to comment about the role of minerals in such acts, pp.55-65. W S Rogers, 'The Distribution of Parliamentary Enclosures in the West Riding of Yorkshire 1729-1850', M Comm University of Leeds 1953 and G Youd, 'Common Lands and Enclosure in Lancashire' MA University of Liverpool 1958, ignore the issue.
- 9 e g Taylor loc cit.



- 10 J F Ede, A History of Wednesbury (Wednesbury 1962) p.111  
- in 1799, 300 acres of this developed coal mining area remained open strips; see R Millward and A Robinson, The West Midlands (1971) pp.99-102 for a map showing this. 12 seemingly open strips and their minerals in Darlaston totalling 6 acres were auctioned in 1805, Aris 16/12/1805 p.4 c.2 cf S P Siddons, 'Changing Patterns in the Evolution of Darlaston', BA University of Birmingham 1951, p.15, which states that it was enclosed piecemeal 1700-1750.
- 11 Nef, op cit, I 305-7, II 329-30; Ede, op cit pp.38, 114-5; J Ward, History of Stoke on Trent (1843) pp.326 and 333.
- 12 Griffin, op cit p.21; S Aley, 'The Nottinghamshire Landowners and their Estates c1660-c1840' PhD University of Nottingham 1985 pp.173, 223 and 280-97; Nottingham City Library [hereafter NCL], L33 05 Trowell A, Trowell Act. The purchase in 1793 might have been of old enclosed land and Lord Middleton could have been sole owner of the unenclosed land.
- 13 WaRO, CR 232/1 Wilnecote Enclosure Award, 1759; Bedworth Enclosure Act 1769, pp.10-11 - see above Chapter 2 fn 63.
- 14 Exhall Enclosure Act pp.5-6. E G Grant 'The Spatial Development of the Warwickshire Coalfield', PhD University of Birmingham 1977, p.212.
- 15 Exhall Act, p.6; Bedworth Act, p.11.
- 16 J Farey, General View of... Derbyshire II (1813) 82; The English Reports CXX (1911) King's Bench Division XLIX [8 EL & BL 123-60] Rowbotham v Wilson, 45-59 re Bedworth.
- 17 Sheffield City Library [hereafter SCL] Brampton, Wath-upon-Dearne and Swinton Enclosure Act 1815, pp.15-16.
- 18 WaRO CR232/1 Wilnecote Enclosure Award.
- 19 DLS, Lenton and Radford Act 1767, pp.6-7; Aley, op cit p.295.
- 20 BRL Wilnecote Act 31 Geo II c34 p.15; see below, pp.107-8.
- 21 DLS Ashover and Sheldon Act 1765, pp.19-20; Elton and Winster Act 1809, pp.23-4.
- 22 StRO D260/M/F/5/26/7, Hatherton Journal, 21/7/1831.
- 23 Taylor, loc cit 95; N W Tildesley, A History of Willenhall (Willenhall 1951), pp.100-2.
- 24 S Griffiths, Guide to the Iron Trade of Great Britain (1873), p.56.
- 25 S C on Commons Inclosure (P P 1844, V) Evidence of W Blamire Q525; The English Reports C (1909) King's Bench Division XXIX [2 T R 701-7] Townley v Gibson et al 18/11/1788, 377-80 re Yealand Common, cf. S C on Commons Inclosure (P P 1844, V) Evidence of Iveson QQ3863-6 where manorial allotments for soil were held only to include the soil's contents i.e. roadstone, sand and gravel, not the substrata of minerals. BRL LF 60.3 (17278) Water Eaton and Birmingham Heath Acts. The ruling about enclosure acts conferring mining rights even despite 20 year encroachment after the award was in Law Times Reports new ser. XXIV (1871) 67-8, Dartmouth et al v Spittle 11/3/1871 re West Bromwich Enclosure Act, 1801. However at Swinscoe, Staffs.,



- the major commoner leased coal and ironstone under his allotments in 1812, three years before the award. The lord, who received 1/16 in full satisfaction of his rights of soil, was either unaware of his rights or considered that the soil included mines. There was no separate saving clause for mines - BRL LF 60.3 (17278) Enclosure Acts Collection; StRO Q/RDc 64 Swinscoe Enclosure Award 1815; D4670/B/3 1812 lease to Michael Saxilby et al.
- 26 Minera Enclosure acts 1808 and 1809; A N Palmer, A History of the Townships of the Old Parish of Wrexham (Wrexham 1903), p.55.
  - 27 W Davies, General View of... North Wales (1813), p.267.
  - 28 Farey, op cit, I, 406.
  - 29 Taylor, loc cit 82 and 86.
  - 30 DRO, D2375/161/37, Wm. Greaves observations re Alstonefield enclosure proposals, 1771.
  - 31 Compton Martin Act 28 Geo. III c.38.
  - 32 Farey, op cit, II, 81, DLS Ashover act 1779.
  - 33 S C on Commons Inclosure (P P 1844, V) Evidence of Bailey, Q2862; stone, slate and red brick clay were excluded, but not marl and other clays in commons and wastes at Brampton, Yorks. - SCL Brampton Act 1815, p.23. DLS Bolsover and Clowne Act 1778.
  - 34 BRL LF 60.3 (17278) West Bromwich Enclosure Act, p.20, quoted by Taylor, loc cit 96. See below p.139 and Tables 19 and 23 2f.
  - 35 Oldham Public Library, SGO HT, Oldham Enclosure Award 1804 reciting 1802 & 1803 acts; see below pp.95 re Cainham in Shropshire.
  - 36 Farey, op cit, II, 81; e g Lords Dudley at Pensnett Chase and Dudley Wood (1783) and Rowley Regis (1798); D of Northumberland at Shire Moor (1788) - see PFP, liv fo.200-6, 1783-4 negotiations re this act and J C Hodgson, History of Northumberland VIII (Newcastle 1907) 414-5. D of Leeds at Wakefield (1793) and D of Rutland at Ilkeston (1794).
  - 37 S C on Mineral Royalties (P P 1890-3, XXXVI) Evidence of John Farrer, QQ17327-74 and Charles Clay QQ17374-98. J L and B Hammond, The Village Labourer 1760-1832 (1911) p.24. Radnor Estate Office, Folkestone, G 44/11 Pashley [?] of Sheffield to Ld Radnor, 23/3/1840 re Wakefield and Attercliffe.
  - 38 Hansard, 4th ser. L, col 501 (24/6/1897), LI cols 572-3 (20/7/1897), 1223 (27/7/1897); the estate was also accused of preventing public inspection of the award map.
  - 39 National Library of Wales [hereafter NLW] A/c 864 Llanfechell Enclosure Award 1868. The Giffards of Chillington, Staffs. had an extract of the Mold (Flint) act's provisions about mining and manorial allotments (1792) in a bundle about an 1844 Staffs. enclosure. The Lord got 1/15 on Mold Mountain next to his "Summer House" and the mine owners got the rating clause for damages. Its inclusion may be linked to the discovery of coal in the 1850s on the Giffard's Welsh estate - StRO D590/578;



- D260/M/F/5/26/85, Hatherton Journal, 14/1/1860 see also Table 28 and below, p.304. Hunt, thesis, pp.72-7 re Boulton. DLS Hasland Act 1779.
- 40 See Table 14.
- 41 Farey, op cit, II, p.82; the act also did not confirm the manorial lord's ownership; it only stated that it did not affect ownership, DLS 4634 Act.
- 42 R H Mottram and C Coote, A History of the Butterley Company (1950), pp.28-9.
- 43 See Table 16.
- 44 StRO D239 Box 2/3.
- 45 Mothersall Heath Act 1808. See also above pp.51 and Table 28.
- 46 SPL Kimberworth Act 36 Geo. III.
- 47 e g at Hartington, Derbyshire - Farey II, 81.
- 48 S C on Commons Inclosure (P P 1844, V) Evidence of John Grey, Q1182 re Alston Moor; 5 Geo. III c.60 Worsley Act, copied in Billington and Wiltshire Act 28 Geo. III c.48.
- 49 e g Burntwood, Cannock and Walsall Wood; Brown, op cit pp.59 and 68, and A J Taylor, loc cit 96.
- 50 Farey, op cit, II, 82.
- 51 Nef, op cit, I, 308-9.
- 52 Brown, op cit p.34.
- 53 e g Horton, Staffs.
- 54 Raybould, op cit p.59; Table 14, Map 6 and Brown, op cit p.59. Also wayleaves for specific railways were secured in the Castleford award and the Rawmarsh act, J Goodchild, The Coal Kings of Yorkshire (Bradford 1978) pp.43 and 105.
- 55 Brown, op cit p.91.
- 56 J Goodchild, The Lake Lock Rail Road (Wakefield 1977); Leeds Intelligencer 8/6/1795.
- 57 F M L Thompson, 'The Economic and Social Background of the English Landed Interest, 1840-1870', D Phil University of Oxford 1956, pp.264-75 and English Landed Society pp.263-4; D Spring, 'English Landowners and Nineteenth Century Industrialism' in J T Ward and R G Wilson, eds. Land and Industry: the Landed Estate in the Industrial Revolution (1971), p.34. PFP, lvi, fo.235 c1788. See above p.51
- 58 DLS 4634 Heanor and Codnor Act, p.21.
- 59 DRO Q/RI (i), 306, Lea award; DLS 4634 Wirksworth Act pp.17-18.
- 60 SCL Brampton Act 1815, pp.23-4.
- 61 StRO D603/L/264 cf map Brown, op cit p.67 based on award and Map 4 in this thesis; this source only became available after the MA dissertation was completed. See also above pp.49-50 and below pp.107.
- 62 See Map 1 and below pp.106-7 ; Nichols, The History of... the County of Leicester, III (ii) (1804), 614. BRL LF 60.3 (17278) Whiston Act 1809; StRO D239/ Whiston box.
- 63 DRO Q/RI (i), 306; BRL LF 60.3 (17278) Checkley Act 1808, pp.15-16.



- 64 Raybould op cit, pp.46-7; Brown, op cit pp.67 and 69. W G Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963) p.123 re Rothley (Leics.) Enclosure Act, 1781.
- 65 A White, op cit pp.35-7, 43-4; BRL LF 60.3 (17278) Chilvers Coton Act 1764; WaRO CR 136/594 Newdigate Diary 6/5/1763; 136/595 undated note.
- 66 StRO D1287/18/26 P Potter to Ld. Bradford 6 and 8/9/1836; D1287/K/98, Potter to Bradford 17/2, 28/2, 6/3 and 11/5/1837; Wm. Cathrall, History of Oswestry (Oswestry 1855) pp.254-9; Mrs. Bulkeley Owen, Selattyn, A History of the Parish (c1892) pp.464-7.
- 67 Brown, op cit p.59
- 68 See below pp.100 and 205, Table 14 and Table 25 (Sect. 5).
- 69 Wheeler's Manchester Chronicle 31/3/1787; 35 Geo III c. 107 (P) copy in Bolton Library.
- 70 R I Hodgson, 'The Progress of Enclosure in Co. Durham', Area I B G III (1970), 68; B S Osborne, 'Common lands, mineral rights and industry: changing evaluations in an industrializing society', Journal of Historical Geography IV (iii) (1978) 247-8.
- 71 re Waldrige, see R I Hodgson, 'Agricultural Improvement and Changing Regional Economies in the Eighteenth Century' in A R H Baker and J B Harley, eds. Man Made the Land (Newton Abbot 1973), p.142; Waldrige pit village was apparently an encroachment on this fell; S C on Commons Inclosure (P P 1844, V), Evidence of C Mickleburgh Q2377 (and see above pp.47-50 & below p.229 re manorial encroachments): Evidence of T Davies, D of Beaufort's agent re S Wales QQ4646-4660, Marston Q1981 and Rayson Q4914; *ibid*, *passim* e g Evidence of Lewis, QQ1233-6, Mickleburgh, QQ2589-2614, Bailey QQ2769-2847 and Salt re Salop commons and surface damage, Q6348. The mines need not have been coal necessarily to be too valuable to enclose. Seven cottages and the clay pits on Norden Heath, I. of Purbeck, were leased for £800 per year and supplied the distant N Staffs and Stourbridge refractory trades - Staffs. Advertiser, 4/8/1838, p.1 c.6; no reference in Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978), to any subsequent act here or at Waldrige.
- 72 Beech, of Shaw near Cheadle, was praised for planting 52,600 trees and draining 120 acres of land, Trans. of the Soc. of Arts XX (1802) 191-5; StRO D239/2/2 Beech to Blagg 28/8/1807.
- 73 StRO D1287/18/26 Potter to Bradford, 4/8/1841 re Walsall Wood; StRO, D(W) 1909/N/2 Survey of Horton Commons; StRO D260/M/F/5/26/69, Hatherton Journal 3/1/1856 and D260/M/F/5/27/29 R Smith to Hatherton 17/1/1856 and Murchison to Hatherton, 21/1/1856 re Calf Heath. For a study of this estate's development, see A E Tucker, 'The Economic Exploitation of the Earl of Bradford's Walsall Estate 1802-1865', MA Wolverhampton Polytechnic, 1983.



- 74 JHC XXXII, 23/1/1769, 127-8; 22/3/1769, 340; 11/4/1769, 370. The counter petition failed due to his lack of property in the manor when calculating consents; JHC XXXVIII, 2/2/1781, 165, the act was only obtained in 1801 - see below p. 91-108 re development by encroachment. S C on Commons Inclosure (P P 1844, V), Evidence of W Blamire Q638, Coulson, Q5684 Rayson, Q4841 and Salt Q6423.
- 75 J Ward, op cit pp.348-9 and 361.
- 76 A P Wadsworth, The Enclosures of the Commons in Rochdale District in the 16th. and 17th. Centuries (Rochdale 1922).
- 77 F W Hackwood, op cit pp.36-9, 102; Taylor, loc cit 94-5.
- 78 VCH Staffs. VIII, (1963) 101; D R Denman, R A Roberts and H J F Smith, Commons and Village Greens (1967) photograph opp. p.303 of dumping and levelling at Tunstall Common.
- 79 Ward, op cit pp.326, 333-4; S C on Commons Inclosure (P P 1844, V) Evidence of Coulson Q5668-70; Staffs. Advertiser 23/1/1847 p.3 c.3, 30/1/1847 p.8 c.3 and 13/2/1847 p.7 c.6 Hilton v Granville (and continued references throughout the early 1850's). The Lady of Gilcrux manor gave up similar claims due to unwillingness to go to court, C Searle, 'The Odd Corner of England': A Study of a Rural Social Formation in Transition, Cumbria c1700-1914', PhD University of Essex, 1983 pp.98-9.
- 80 re Sneyds see Sturgess, op cit pp.121-200, esp. 137; re Heathcote see Ward, op cit p.124 and Staffs. Advertiser 8/6/1850 p.4 c.4; re Leveson Gowers see J R Wordie, Estate Management in Eighteenth Century England (1982), E Richards, The Leviathan of Wealth (1974), J Loch, An Account of the Improvements on the Estates of the Marquess of Stafford (1820) p.230 and D M Palliser, The Staffordshire Landscape (1976) pp.228-9.
- 81 StRO D(W) 1702/1/16 Thomas Oliver (Longnor) to Rob. Greaves (Ingleby, Derbyshire) 27/7/1802; see below p.253.
- 82 SLS Archdeacon Plymley's Primary Visitations Ms 6865 Wenlock Deanery (1794) 47-9, 128-9 and 131; Bagshaw, Shropshire Directory (1851) pp.438 and 394; J Loch, op cit, p.181 and App. IV, p.100; B Trinder, The Industrial Revolution in Shropshire (Chichester 1981) pp.188-9, 196-7; re Church Gresley, see StRO D661/11/2/3/1/13 [Dyott's Diary] 1/4/1835 & 15/10/1837; Owen, op cit pp.213-5.
- 83 StRO D1287/[G/299] 1/37 1805 Valuation of Walsall Estate; D1287/K/100 Maria Hipkins to Bradford 22/11/1839, Potter to Bradford 4/12/1839; Walsall Free Press, 26/9/1866; J D Marshall, op cit p.58; Shrewsbury Chronicle, 7/8/1818, Ricketts v Salway (Lord of the Manor of Wheathill Common, Richards Castle); Derby Mercury 14/4/1791 re Glamorgan case; A Raistrick, The Landscape of the W Riding of Yorkshire (1970) pp.119-120.
- 84 Plume, op cit pp.37, 45-6, 64-73 and 92-103. J Davies, Cardiff and the Marquesses of Bute (Cardiff 1981) pp.39-40; Phillip Jenkins, The Making of a Ruling Class, The Glamorgan Gentry 1640-1790 (Cambridge 1983) pp.16-17 and J O Martin, 'Private enterprise versus Manorial Rights



- Mineral Property disputes in Eighteenth Century Glamorgan', Welsh Hist Rev IX (1979) 155-75; re ownership of minerals in Staffs. encroachments see Staffs. Advertiser 12/8/1854 p.6 c.5-6 Mills v Barrs.
- 85 SRO Salt Cat. p.49 1011 Box 233-6, 41 Geo III c77; F C Herbert, The History of Wrockwardine (Shrewsbury 1951) pp.262-4 and 282-6; Aley, op cit pp.176-7, NCL, Bramcote and Stapleford Act cf Tate and Turner, op cit p.205 which claims the Moor was involved. Another reason might be doubts over who owned Bramcote manor as was questioned in 1805; Aley, op cit pp.299-300. Stinting wastes above mines was suggested as a solution to the problem of enclosing such places in 1844, S C on Commons Inclosure (P P 1844, V), Evidence of Blamire, Q521. Nichols, op cit, III (ii) (1804), 686-7.
- 86 SLS Ms 6861, Archdeacon Plymley's Primary Visitations, Clun Deanery (1794) 152-5.
- 87 T Rowley, The Shropshire Landscape (1972) pp.151-2; VCH Salop VIII (1968), 253.
- 88 Loch, op cit, pp.181 and App. iv, p.100.
- 89 Eddowes Journal 24/3 and 10/5/1837.
- 90 J Nichols, op cit, III (ii), 1125-6, Owen, op cit p.140 and 182-3; S and E Checkland, eds. The Poor Law Report of 1834 (1974) p.287; S C on Commons Inclosure (P P 1844, V) Evidence of Ralph Cole, QQ6020-57 and 6098-6116. W G Hoskins and L Dudley Stamp, op cit p.194. A Young, A Six Months Tour to the North of England II (1770) 257-264 and 295-6.
- 91 S C on Commons Inclosure (P P 1844, V) Evidence of Marston QQ2424-6; no reference in I Bowen, The Great Enclosures of Common Land in Wales (1914).
- 92 Mottram and Coote, op cit, pp.28-9.
- 93 Quote re Garn-y-Garret, Glamorgan, from A H John, The Industrial Development of South Wales (Cardiff 1950) pp.4-5; Llangurig quote from Wynnstay 110/45 H Williams to N Wethnell, 24/3/1856 in D W Howell, Land and People in Nineteenth Century Wales (1977) pp.39-40; no reference in Bowen, op cit.
- 94 A H Dodd, History of Caernarvonshire 1284-1900 (Caernarvonshire Historical Society 1968), pp.250 and 327; David Jones, op cit, pp.37-39 and 41. Plume, thesis, pp.37, 45-6, 64-73 [quote p.73] and 92-103.
- 95 See Table 13, fn 110 and J Davies, op cit pp.57 and 75-6.
- 96 See Table 18 and below pp.127.
- 97 S C on Commons Inclosure (P P 1844, V) Evidence of Rayson QQ4838-66; see Llanferras and Haltwhistle above Chapter 2 fns 83 and 154.
- 98 See Map 2; StRO D877/6/6 1815 lease of Brownhills Colliery; D(W) 1776/10 1844 lease of Brownhills Colliery, Hussey to Hanbury; D603/M/5/1 T Landor to Stott 22/9/1846; Staffs. Advertiser 5/7/1851 p.6 Hanbury v Hussey; D(W) 1756/7 Chancery Case Report re mines 6/12/1855; D(W) 1776/10(i) Hanbury to Price and Holcroft 1864 and Q/RDc 104 Norton Canes Enclosure Award 1870, both reciting partition



- of areas of waste between Hussey and Hanbury.
- 99 StRO D978/11 W Fowler to P F Hussey 22/11/1856.
- 100 C Hart, The Industrial History of Dean (Newton Abbot 1971) pp.229-30, 268-9, 280-2; C Fisher, 'The Free Miners of the Forest of Dean 1800-1841' in R Harrison, ed. The Independent Miner: The Coal Miner as an Archetypal Proletarian Reconsidered (New York 1978) pp.1-53; Tate and Turner, op cit 121; Lord Eversley, Commons, Forests and Footpaths (1910), pp.172-82.
- 101 Examples of acts and awards as reference points, see Wolverhampton Chronicle 31/7/1822 p.2 c.1-2 Dudley and Ward v Rhodes et al re Blowers Green and 1784 Dudley Wood Enclosure Act; see above fn 25 re Yealand and Bedworth; re Granville, see fn 79; re Cannock Chase, Brown, op cit p.63; re growth of capitalist ideas see R Williams, Keywords (1976) pp.42-4 and below pp.206-59.
- 102 See Table 23 re dual occupation in North Worcestershire, South Staffordshire and West Yorkshire and below pp.148-50.
- 103 JHC XXXVII, 2/2/1779, 118; Act preamble 19 Geo III c.39.
- 104 ShRO QS Bdle. 283 Cainham Enclosure Award 1780.
- 105 Shrewsbury Chronicle 27/1/1781 p.3 c.2; see also 11/10/1780 p.3 c.4 and 13/1/1781 p.3 c.3 and 4 re details of disturbances refuted by this letter writer; as his claims were not challenged by the paper and no prosecutions or arrests took place which indicates the correspondent was probably right; re Lanchester see Table 16.
- 106 H.O. 42.2 Sam. Waring to Lord North 16/4/1783 and Major E G Ennis i/c 89th Regiment, undated and no addressee; re Iron Acton see Table 25; re Hirwaun, see above p.93 and below p.97.
- 107 DRO Q/RI 4, 71 Alfreton Enclosure Award 1816; J Bishton, General View of... Shropshire (1794) p.24, Loch, op cit 181-3, App.IV, 100 and Trinder, op cit pp.188-97; VCH Salop VIII (1968), 253 re Pontesbury.
- 108 W Davies, General View of... South Wales II (1815), 84; S C on Commons Inclosure (P P 1844 V), Evidence of Blamire QQ524-37; StRO D978/11 Fowler to Hussey 22/11/1856 re only improving his Essington allotments (where Vernon is about to work mines) if the Lord has to pay compensation under the act; Osborne, loc cit 231-49 feels that Glamorgan lords and freeholders were generally hostile to enclosure these reasons.
- 109 Walsall Free Press 27/2/ and 27/3/1858; StRO Q/RDc 106 Walsall Wood enclosure award 1876; VCH Staffs. XVII (1976), 183; StRO D1287/K/100 Potter to Bradford 16/2/1839; D1287/Colliery Box no.2 letters to John Shaw 1844; Walsall Local Studies [hereafter WLS] Acc. 59/2 Potter's Diary 23/1, 23/2, 21/5, 18/6, 20/6, 1/7, 3/7, 25/7 and 3/11/1856. Raybould, op cit pp.107-12. Loch's experience on the Gowers' Shropshire estates led to his advice and the 1845 Dudley Estate Act allowing the sale of cottage properties.
- 110 D Rhys Phillips, The History of the Vale of Neath (Swansea 1925), pp.201-2 and 232. Welsh Land Report (P P



- 1894, XXXVII) 284-6 Evidence of John Davies QQ23707-23802 and (P P 1896, XXXIV) 582 re Hirwaun and 218-9 re Coedpenmaen, Glamorgan. See also Osborne, loc cit 248-9.
- 111 See Maps 3 and 3a; StRO Q/RDc 106 Walsall Wood Enclosure Award 1876; Brown, op cit p.59; D1287/18/31 P Potter to Bradford 28/10/1871.
- 112 StRO D1287 Add Box 218/50 J Potter to solicitors 29/5/1861 and Hand to Potter 24/5/1865.
- 113 21st Rep. (P P 1866, XX) 82 Walsall Wood.
- 114 See Table 17.
- 115 Tildesley, op cit pp.10-11; White's Staffordshire Directory (1834), p.236.
- 116 StRO D1208/22 Wolverhampton and Windsor Deanery Manor Act 1811. D1208/27 Charles estate bundle re Pelsall Commons (1858-94); StRO D 3675/3/1 Pelsall vestry minute book. A similar attempt was made to enclose Swadlincote Common in Derbyshire by agreement to stop the colliery owner, D'ewes, "inclosing gradually the common." Wolferstan Diaries, 14/6/1808.
- 117 SLS Ms 6865, Archdeacon Plymley's Primary Visitations, Wenlock Deanery (1794) p.4; Ms 6862 Ludlow Deanery pp.119-20.
- 118 ShRO 4112/2 Abdon Enclosure Act 1809; T Rowley, op cit p.114; cf Table 17 re £40 being a high price for waste land; T Rowley, 'The History of the S Shropshire Landscape', B Litt University of Oxford 1967 pp.136 and 144; the enclosure of Hayton's Bent in Stanton Lacy followed a similar pattern although the squatters continued in situ - ibid pp.135-6, 148-52 and 186-7; Bagshaw, op cit p.549; B Trinder, The Making of the Industrial Landscape (1982) p.49.
- 119 R M Barton, ed. Life in Cornwall in the late Nineteenth Century (Truro 1972) pp.150-3, 184, 187, 204, 255, 269-70.
- 120 5th Rep. (P P 1849, XXII) 363.
- 121 25th Rep. (P P 1870, XVII) 305-15.
- 122 See Table 14.
- 123 A Skinner, ed. Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (1776; 1970) p.251; this idea was echoed in John Wedge, General View of... Warwickshire (1794) p.22; Hunt, op cit pp.21-2; W Pitt, General View of... Leics. (1809), p.316; Wm Marshall, The Rural Economy of the West of England II (1796) 28-37, see Chapter 6; David Williams, The Rebecca Riots (University of Wales 1959), p.83. See Tables 14 and 15; re Lord Hatherton, Calf Heath and the Hatherton Branch, see below pp.321-2 & Tables 17 and 27. Since compiling Table 14, the author has found an award of common land purely connected with the building of a canal - the Macclesfield Canal - in 1826; C S Davies, 'The Agricultural History of Cheshire 1750-1850' Cheetham Society 3rd ser X, (1960), 59. Since compiling Table 15, the author has become aware of P V Denman, 'The Duke of Bedford's Tavistock Estate, 1820-1838', Transactions of the Devonshire Association CX (1978), 27-8 which supports the idea that the act aimed to



- end problems about wayleaves across the common.
- 124 WSL M 725, Plan based on canal surveys 1791-3; see Map 6.
- 125 Wolverhampton Chronicle, 30/5/1792; Pipe Wolferstan Diaries 28/7/1802.
- 126 Q/RDc 10 Cheslyn Hay Award 1797.
- 127 JHC XLVII 24/2/1792, 42.
- 128 Bishton, op cit p.24.
- 129 See Map 7 Cheslyn Hay and Table 14.
- 130 VCH Warks. VIII, (1969) 64-5 and Table 14.
- 131 Spec. Rep. (P P 1862, XIX) 328, Norton Canes. See Table 17. re Beamish see Table 16.
- 132 C Bruyn Andrews, ed. J Byng, Torrington Diaries III (1936) 19/7/1793, 224; Raybould, op cit p.46.
- 133 Keele University, Wedgwood Collection, 8611-47 Jas Bent to Holland 8/6/1802 used this to sell Maer (which was about to be inclosed) to Wedgwood "in no country can planting pay better than in this, owing to the want of crate wood in the Pottery" -see below pp.308-10 & Table 28.
- 134 Spec. Rep. (P P 1864, XXXI) 315.
- 135 See Table 17 and Brown, op cit p.70; D Hey, Yorkshire from A D 1000 (1986) pp.278, 280 and 'Industrialised Villages' in G Mingay, ed. The Victorian Countryside I (1981) 360; J Addy, A Coal and Iron Community in the Industrial Revolution (1960) p.92; R A Roberts, The Clarkes of Silkstone and their Colliers (Barnsley 1981); R Unwin, 'An Industrial Dimension to Land Tax Studies: The Barnsley Coalfield 1690-1830' in M Turner and D Mills, eds. Land and Property: The Land Tax 1692-1832 (Gloucester 1986) pp.136-60.
- 136 Spec. Rep. (P P 1881, XVIII) 521-552; Low Moor Ironworks had been Lords of the Manor of Royds Hall and the largest owner since before 1800; they had authorised encroachments by ironworkers and were now behind the act - G Firth, 'The Origins of the Low Moor Ironworks, Bradford 1788-1800' Yorks. Arch. Soc. XLI (1977) 127-39; G Head, A Home tour through the manufacturing districts of England in...1835 (1836) pp.130-1; R C N Thornes, West Yorkshire; A Noble Scene of Industry 1500-1830 (Leeds 1981) p.32.
- 137 See Table 17 re Dugdale and Baxterley and re Improving Owners see below pp.312-29.
- 138 See Table 16 re Canning and Priors Ditton; quote from R S Murchison, The Silurian System (1839) pp.122-3.
- 139 Kelly's Notts Directory (1855) 12 and 125; (1881) 17 and 301-2. Aley, op cit 154-5, 183-4, 215, 218, 221, 223. NCL, qL 33 05, Strelley and Bilborough Enclosure Act 1808. See below pp.293.
- 140 J M Martin, 'The Parliamentary Enclosure Movement and Rural Society in Warwickshire', Ag. Hist. Rev. XV (1967), 30 fn 3; but there are no references to this in the award or in the act or petition, JHC XXIX, 6/12/1763, 693.
- 141 VCH Warks. IV (1947) 173.



- 142 L Namier and J Brooke, eds. The History of Parliament: The House of Commons 1754-1790, III (1964), 196-9; J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986), p.252; S D Chapman, The Early Factory Masters (N. Abbot 1967) pp.104, 118-9, 166; White, op cit passim.
- 143 Raybould, op cit pp.35-57.
- 144 StRO D1021/3/6, Copy of Resolutions of the Landowners with common rights upon Pensnett Chase, Worcs. 15/5/1784.
- 145 JHC XL, 11/6/1784, 109; 22/6/1784, 243-4; 15/7/1784, 313. The first reference in the local paper to this act was to one of the later commissioners' meetings to receive late claims and determine objected claims, especially that of the Cradley owners, Berrows Journal 4/11/1784 p.3 c.2 and 3.
- 146 StRO D1021/3/6 Case of Cradley Owners to the Commissioners.
- 147 P Large, 'Urban Growth and Agricultural Change in the West Midlands during the seventeenth and eighteenth centuries', P Clark, ed. The Transformation of English Provincial Towns (1984) p.184; Palliser, op cit pp.189-90.
- 148 J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement', PhD University of Birmingham 1965 pp.125 and 136-7 re enclosures in the 'open' Felden area of Warwickshire to preserve freeholders' rights from unstinted common rights and the encroachments of newcomers.
- 149 Bentley, Worcestershire Directory etc. I (1842) 75.
- 150 See Table 14.
- 151 See below pp.340.
- 152 Wolverhampton Chronicle 31/7/1822 p.2 c.1-2 Dudley v Rhodes et al; Staffs. Advertiser 12/8/1854 p.6 c.5-6; Hansard 4th ser. L 24/6/1897, col. 501 and LI 20/7/1897 col. 572-3 and 27/7/1897 col.1223.
- 153 Wolverhampton Chronicle 31/7/1822 p.2 c.1-2 and S Griffiths, op cit pp.80-1.
- 154 See Table 24.
- 155 See Table 14.
- 156 JHC XXXI, 18/12/1767, 489; 22/2/1768, 620.
- 157 DRO Gresley Mss. Box 15, docs. re enclosure 1764-8. See above p.44.
- 158 Morning Herald 2/11/1818.
- 159 See Map 1; Hastings (Bute) Dumfries Mss. Box 35 Bdle.12.
- 160 ibid, Moira and Ivanhoe Baths 1824.
- 161 W & J Hextall, The History... of Ashby de la Zouch (Ashby 1852) pp.153-5; Owen, op cit p.255.
- 162 See Brown, op cit passim and Maps 4 and 5.
- 163 StRO D260/M/F/5/26/85 Hatherton Diary 20/2/1860.
- 164 WaRO QS 9/13 memb. 4 Wilnecote Enclosure Award, 1759.
- 165 Tamworth Borough Archives 7/55 Memorandum 6/3/1761.
- 166 Public Advertiser 6/1/1772 p.2 c.2 there was no subsequent retraction.
- 167 JHC XXXI, January 1767, 102-3 and 24/2/1767, 180, evidence of John Willington.
- 168 ibid, 18/5/1767, 366; 28/5/1767, 388.

169 D G Stuart, 'The Parliamentary History of the Borough of Tamworth' MA University of London 1958, p.117; A Young, 'A Month's Tour to Northants, Leics. +c', reprinted in Tours in England and Wales (1932) pp.270-3; S Shaw, History and Antiquities of Staffordshire II (i) (1801) 8-10; Tamworth Parish Magazine March 1875 from notes in 1790 by Mr St George Bowles; Wolferstan Diaries, 3/10/1781; WaRO CR 764/264/1 c1785 proposed route of Coventry canal shows Lord Weymouth's Colliery; Grant, op cit p.230.

170 Brown, op cit.



## CHAPTER FOUR - ENCLOSURE AND URBAN DEVELOPMENT

### Introduction

Interest in the relationship between enclosure and towns began in the 1820s with Cobbett's attack on London's urban sprawl and grew as concerns about public health, the loss of recreation space and the abuse of enclosure acts involving corporations led to several inquiries and the founding of the Commons Preservation Society (hereafter the CPS). Since then, as Giles commented, "the entire subject of urban as distinct from agrarian enclosures has received scant attention from historians". It was studied mainly by social historians who focussed on the limited issues of communal loss of recreational and grazing rights established during the 1800s.<sup>1</sup>

Hoskins gave a new direction to this topic in the 1950s. He used research about Nottingham and Stamford to show how late enclosure of a corporate town's open fields, due to vested interests like the freemen or the lord of the manor, restricted both its spatial growth and its economic development. Chalklin however has dismissed the constricting effect of open commons upon towns in the Georgian era and Elliott has challenged Hoskins' interpretation of events at Stamford.<sup>2</sup>

Both Davies and Giles in their studies of Cheshire towns, and Hoskins in his research, noted that commons were enclosed in industrializing towns to provide sites for housing and factories. Urban geographers have since studied the growth of many milltowns but usually only observe that enclosure boundaries determined patterns of development whilst largely overlooking the promotion of enclosure to release land for building.<sup>3</sup> Despite some individual case studies of the enabling role of enclosure in town

improvement<sup>4</sup> and in the growth of spa towns,<sup>5</sup> seaside resorts<sup>6</sup> and satellite towns,<sup>7</sup> Giles' comment about urban enclosures still holds good. Even her own work is rarely cited whilst economic historians largely view town enclosures as part of a wider drive for agricultural change. Exceptions to this are few. Hunt only referred in passing to Leicestershire's open field towns being enclosed early due to the land's potential for building and other uses.<sup>8</sup> Martin accepts that whereas late enclosure restricted the physical and economic development of some midland towns, the eventual enclosure of Atherstone's open fields fostered the growth of this Warwickshire town after 1765.<sup>9</sup>

The three main sections of this chapter aim to draw all these trends and research together. Firstly, the role of enclosure in corporate towns is studied to establish how acts were used or opposed by various interest groups. Then the use of acts to facilitate urbanisation is explored. Finally the wider role of enclosure in the general economic development of towns is considered. The notion of enclosure as being part of a 'Spirit of Improvement' which could be expressed in a variety of ways - financial, economic, social and medical - is of key importance throughout.

### Enclosure and the struggle between urban élites<sup>10</sup>

Although Hoskins' work has led historians to associate 'open field towns' with 'corporate towns', this is not wholly true. Much common land around corporate towns was only pasture whilst non-corporate towns could find their open fields a constraint. This section deals only with the struggle to control common lands and rights in corporate towns. The role of enclosure acts in releasing building land and in fostering 'a Spirit of Improvement' will be examined subsequently.



Many towns before the Industrial Revolution were corporate. Their corporations had various compositions, powers and levels of independence from both the town's landowners and the burgesses from whom the corporation members (often called aldermen) were drawn. The corporation's most valuable property was usually their common land or rights which could belong either to the corporation itself or to the town's burgesses or freemen. These rights could be over either pasture land or meadows or open fields during the fallow year, as at Newcastle-under-Lyme, or at certain seasons as at Nottingham. This latter was called lammas land and the division of control over it made it impossible for either party to build upon it.

Many corporations owned estates independent of the freemen either in the borough's own open fields as at Nottingham or in distant manors. For example, Newark's corporate lands at Everton in Nottinghamshire only maintained certain borough charities. Enclosures involving such estates were usually intended merely to increase income. However where the freemen enjoyed rights on a borough's common lands, their enclosure often served to resolve the struggle between interest groups either for local power or for the enjoyment of the benefits of the lands or for the legal power to develop them rationally. There were four potential interest groups in any such enclosure; the burgesses, the aldermen (especially in closed corporations), the freeholders and the main landowner or lord of the manor. The interests of the latter two parties often coincided.<sup>11</sup>

There were a few enclosure acts involving the freemen's common rights, like those at St Clears in Carmarthen and Calne in Wiltshire, which did not lead to any change in the control of the lands or in the use of profits arising from

them. These acts were merely intended to increase income as in the case of Clitheroe in Lancashire, where the lands were converted from arable to pasture.<sup>12</sup>

Other corporations, like Conway in Caernarvonshire, did not require acts to enclose the borough's commons. This was because they owned all of a common (and sometimes much of the common fields as at Liverpool<sup>13</sup>) and so treated it as their freehold. This control was valuable to corporations in growing towns who used such land as the Moorfields in London<sup>14</sup> and wastes in Weymouth for building.<sup>15</sup> Often the corporation had seized these rights from the burgesses before building leases were made as at Criccieth in Caernarvonshire. Where they did not own the entire common, corporations like Great Yarmouth in Norfolk used their lordship of the manor to make such leases by encroachment whilst leaving sufficient pasture for the commoners under the Statute of Merton. Marine Terrace at Aberystwyth was built in this way with two of the leases being made cheaply to the corporation's leading member.<sup>16</sup> Hartlepool Corporation allowed its common to remain open despite its building potential as it "adds greatly to the health and comfort of the inhabitants"; Preston's and Caernarvon's commons eventually became parks.<sup>17</sup>

Corporations which only managed such commons for the freemen's benefit could still use this control for their own ends in an enclosure. The corporations of Cambridge and Kidwelly in Carmarthen faced complaints about the post-enclosure rents, their use of the profits and the changes made in the mode of management. Bath's closed corporation prevented building on the Freemen's Common which appreciated the corporation's own estate and its ground rents. The freemen failed to force the corporation to grant building leases by chancery cases and attempts to obtain an act. Such an act would have followed the form of an enclosure act,



needing the consent of 4/5 of the burgesses.<sup>18</sup> The freemen of Norwich made similar complaints and wanted an act to allow them to manage the land; here the pressure did lead the corporation to allow villa development.<sup>19</sup>

Some corporations failed to seize commons which could lead to acts that were in effect enclosures. At Newcastle-upon-Tyne, the corporation tried to enclose and lease part of the the Town Moor by fiat in 1771. The burgesses obtained a court ruling in 1773 which obliged the corporation to join them in securing an act to confirm the court's decision. This 1774 Newcastle Town Moor Act (an enclosure under the definition in Chapter One) allowed 100 acres to be enclosed for seven years at any one time; but the freemen now controlled its leasing and the profits were to be given to poor freemen and their widows. The enclosure was a major issue in the 1774 election.<sup>20</sup>

Corporations which tried to seize control of commons by act usually failed and had to employ alternative strategies. Bodmin's inhabitants successfully opposed the corporation's bill to sell or enclose the common at the committee stage. The closed body simply enclosed the land at will and let lands by auction, the first six lots to its own members. The commoners were too poor to resist the corporation at law.<sup>21</sup> Some Victorian corporations with the freemen's consent tried to use acts to build upon commons but the CPS amended the 1894 Gloucester Act and blocked the 1900 Huntingdon bill to prevent this.<sup>22</sup>

Especially in Wales - as its historians have already shown - and in Cornwall, landowners and lords could easily take over commons from burgesses and corporations. These corporate towns were small, backward, impoverished and remote. Court cases were beyond the means of the disorganised and often

illiterate burgesses. The further problem of the removal of such cases to distant towns was complained of in a counter petition by the burgesses of Durham.

One method used to seize such rights was for a lord of the manor to obtain an enclosure act which did not refer to the freemen having any common rights. This happened at Rhuddlan, Caerwys and possibly Harlech. Such a strategy especially harmed the freemen of Flint who also lost their title to the valuable mines under the common. Elsewhere, owners like Miles at Cardigan challenged the corporation's lordship of a borough by resurrecting their own claims when an act was proposed.<sup>23</sup> Some lords of adjoining manors obtained acts which stated that a borough did not enjoy manorial status or did not possess any commons as at Llanfyllin. The lord of the adjoining manor probably hid the Llanidloes charter when the burgesses wanted to prove their town was a separate manor in order to give them a title to what had been their commons. Welsh commissioners were more influenced by larger owners (who spoke English not Welsh and were less attached to their 'country') than their English equivalents. They also ignored claims, like those of Rhuddlan's freemen, which were based on custom not written title.

The activities of Lord Newborough and Richard Ellis show how Welsh landowners could seize commons from corporations once an act was passed. At Nevin, Ellis used the burgesses' naïveté to trick them into signing away their common. At Pwllheli, the large acreage sold to pay the high costs of an embankment led him to reduce the borough's allotment in order to maintain the size of the other allotments. Lord Newborough was the major beneficiary in both these cases and at Newborough itself where the burgesses' allotment had to be sold to pay the legal costs. Cardiff Corporation fared little better. It sold its allotments cheaply to the lord of the manor, Bute, in order to pay its debts. Such acts



impoverished the towns and increased the rates, although at Pwllheli and Rhuddlan they did improve the towns' harbours. Such poverty made the burgesses easier to bribe at elections whilst the landowners made money by renting their allotments.

In Cornwall, landowners were less successful in seizing rights by acts but other methods could be used by copying the example of Bodmin Corporation or of Saville whose placemen on Okehampton Corporation prevented any opposition when he simply ploughed up the lammas lands.<sup>24</sup> Where the freemen were wealthier and more powerful such seizures were more difficult for landowners or corporations to achieve, as at Newcastle-upon-Tyne.

Enclosures involving corporations could benefit parties apart from the simple acquisition of land. Lord Yarborough used his control over Grimsby Corporation to gain an act so as to develop the port to his own financial benefit. Acts at Swansea and Malmesbury in Wiltshire encouraged freemen to co-operate with the proprietorial interest so as to join in the increased financial benefits now available from the patronage system, based on seniority within the corporation. Corporations of declining towns like Tetbury in Gloucestershire, could also seek to improve their income by acts. Derby's new business elite used the second enclosure and improvement act to its own benefit against the opposition of the old Tory landed élite. The enclosure helped to pay for the improvements and, in a unique clause, the improvement rate was based on the house tax and not the poor levy. The mills and their stock were not rated whilst their owners enjoyed the benefits of the act.<sup>25</sup>

After its influential burgesses had blocked several bills, Leicester's closed corporation obtained an act for the South Field in 1804 to increase its income and so maintain its

political control. A mortgage on its allotment financed the admission of non-resident Tories as burgesses in 1823 which enabled it to defeat the former Whig majority in the 1826 election. Accusations were also made of selling and leasing corporate property in the Field for political patronage. The altruistic use of the estate for many civic amenities was only achieved by the reformed corporation.

As Preston illustrated at Nottingham, few parties in corporations advocated enclosure where burgesses had voting rights for fear of jeopardising their political interest as had happened at Newcastle-upon-Tyne. Thompson has shown that owners delayed acts at Grantham in Lincolnshire and Higham Ferrers in Northamptonshire due to electoral considerations. Loss of political power could lead to a change in policy. Thus Thompson viewed the 1832 Reform Act as leading to the decision to enclose at Higham Ferrers and the same appears to be true of the former rotten borough of East Retford, enclosed in 1836.<sup>26</sup> Similarly the Marquess of Stafford decided to maximize his income and enclose Newcastle-under-Lyme in 1816 after an electoral defeat in 1812.

Hoskins believed that Lord Exeter delayed Stamford's enclosure to stop opponents building houses with voting rights on former common land. Elliott, on the other hand, believed that he delayed an act mainly to maximise his allotment and retain his control over the town. Hoskins argued that Exeter's prevention of encroachments (which might give voting rights) showed that politics dominated his dealings with the town. However, as was shown at Horsham in Sussex, the best way to stop squatters gaining the vote was by an enclosure act. Boroughmongers used encroachments either as patronage to supporters or as a way of gaining new voters by giving them either a property or a residential qualification. The rights of squatters to vote were questioned in petitions at Haslemere, Surrey.<sup>27</sup> In such



cases, decisions about acts depended much upon the local franchise and the amount of land controlled by the main owner. A man like Exeter who feared rivals would build houses with voting rights on their allotments would oppose an act. So too would a lord who encouraged encroachments to strengthen his influence as at Horsham. However when the Duke of Norfolk bought the other large interest there, he obtained an act because new encroachments would ruin the control he had now gained.

Other owners used acts to improve their electoral interests as at Wilnecote near Tamworth.<sup>28</sup> The Dukes of Northumberland used the issue of enclosure at Alnwick both to maximise their allotment and to extend their control of the borough by playing the corporation and the freemen off. At Montgomery, Lord Powis used an enclosure agreement to obtain the burgesses' common, the last land he did not own in the borough, in exchange for some of his land beyond the boundary. This prevented anyone else building houses and controlling votes in the borough.<sup>29</sup>

The political link between enclosure and politics was not just a case of delaying acts for political considerations as Hoskins and Thompson had indicated. Often more complicated motives were involved, as at East Retford where local industrial developments were important, and acts could also be used to enhance a party's political interest.

When freemen's commons were enclosed or their rights were commuted, there were so many claimants that any division would be too costly and lead to small plots. This meant that the freemen's plots often became stinted commons or were vested in trustees to lease for the freemen's benefit. Trustees often abused this system. Leases were made on cheap terms to aldermen and their friends and, as in the case of Stockport workhouse, there were suspicions of fraud. Despite

such concerns, in towns like Derby where commons were little used, enclosures helped to fund improvement acts or reduce poor rates as at Newcastle-under-Lyme. The burgesses' rights were used to ease church rates at Launceston. Rye's harbour, Llanfyllin's town hall and Kingston-upon-Thames's market hall were funded under enclosure acts. Even after acts were passed, burgesses at Ruthin and Denbigh chose to use the income from their allotments in this way. The Montgomery agreement copied the Welshpool act in part by using 1/3 of the rents of the land leased to improve public buildings.<sup>30</sup> Such proposals failed if the users had influence and still used the common as at Marlborough's Port Field<sup>31</sup> and at Tamworth in 1815 whose commons were enjoyed by burgage owners. This stopped Tamworth copying the local precedents of enclosure acts for community purposes at Lichfield (whose franchise was not property based and whose common was not used) and at Burton, (which was not a borough). Where the parties who stood to lose pasture rights either had no vote like the ordinary residents of Carmarthen or lived in non-corporate towns like Newport in Shropshire, their interests were often ignored.<sup>32</sup>

Some corporations used their control over the freemen's commons to benefit the town more indirectly. Such lands became gardens in Tetbury and Malmesbury in order to improve the freemen's industry and standard of living and so reduce the rates. Some acts were part of a 'Spirit of Improvement' to restore the economy of boroughs like Grimsby, Loughor (Glamorgan) and Cockermouth (Cumberland).

The voting rights enjoyed by burgesses in some towns meant that a corporation could not ignore their interests in an enclosure. This was aided by the rulings of the speakers of the House of Commons that counter petitions by freemen from Derby and Newcastle-under-Lyme were admissable even if the corporation supported a bill. Ambitious politicians could



not ignore the opposition of freemen to enclosure which allowed both open corporations as at Stratford and freemen as at Stafford to gain favourable terms. The Northampton freemen gained a whole year round allotment for their lammas rights. The Newcastle-under-Lyme freemen received a land allotment whose value would appreciate rather than a fixed rent charge.

Burgesses often supported enclosures which protected their rights. Acts were used to end disputes caused by the increasing use of commons by freeholders at Clun, Lincoln, Northampton and Rhiadr and householders at Godmanchester. Freemen also became more adept at protecting their rights. At York, they had accepted an allotment in lieu of their rights of stray over "Half Year Lands" under the Heworth Moor Act in 1817 or 1818. The owners' commissioner valued the freemen's rights at 1:32 acres as compared to the valuation of the freemen's commissioner of 1:7 acres. The Umpire's determination was 1:8 acres and the owners benefited greatly as the land could now be built upon and became 1,000% more valuable. Cautioned by this, the burgesses insisted upon a set proportion of 2/13 in two subsequent acts for the remaining commons. In 1845, the freemen of Nottingham were advised to try to insist on this as a fair way to safeguard their rights. However the Nottingham Act contained no such clause.<sup>33</sup>

Once agreement had been reached to enclose, the decision remained about how to deal with the freemen's allotment. In early acts, where the freemen still used their rights, they often received a stinted common. The impracticability of giving each one a tiny allotment led the freemen of Basingstoke to choose to have a single common plot instead. At Godmanchester and St Neots, each freeman could have either a small allotment or a share in a common. Most chose the latter. Many towns like Huntingdon recognized the

continued benefits of commoning by stinting their commons to avoid overgrazing. At Lincoln, South Common was simply freed of freeholders' rights in exchange for the freemen's rights over other lands in Canwick. The acts at Basingstoke, Newcastle-under-Lyme and Leicester allowed the freemen to manage their allotments whereas the burgesses of Nottingham needed a separate act in 1850 to gain any control.

By 1800, burgesses generally used their rights less and so acts thereafter often enclosed and leased their allotment, with the profits shared between them as in the cases of Ruthin and Tewkesbury. This dole was often limited to the older freemen and their widows either by agreement as at Aberavon in Glamorgan, or by act as at Lancaster.<sup>34</sup> At Llanelli, the residue after local improvements was divided amongst the burgesses who spent little on the town and reduced their numbers to maximise their income. By 1864, the leasing of Derby's commons with a fair division of the profits was seen as producing more income and as being fairer than allowing the grazing to be monopolised by a few freemen.

By the late 1800s, most borough commons had been enclosed even where the burgesses' opposition was strongest as at Nottingham and Coventry. There had been three main obstacles to surmount. The fears of high costs, created by such examples as Loughor and Grimsby, had deterred boroughs like Conway from enclosing their commons.<sup>35</sup> However after the 1845 general act had reduced the costs, Cardigan decided to enclose its commons. Also, the opposition of vested interests had to be overcome. Some have argued that slum landlords on Nottingham corporation and the lessees of grazing rights at Coventry stirred up the freemen's opposition to enclosure. More research is needed to prove this.



The most difficult obstacle to surmount was the conservatism of the "cowocracy" of burgesses who clung to their often unused rights. Attempts were made to overcome this by general laws. Peel failed to amend in the Municipal Corporations Act of 1835 so that the profits of commons would be transferred to the borough from freemen. This was possibly due to the criticisms of corporate management of freemen's estates like the one at Bath. Attempts to pass general laws about freemen's pastures in 1848 and 1849 also failed. Three economic factors overcame this conservatism. One was that leasing and sharing the rents of the common would produce more income; another was that the freeholders offered ever more generous terms in order to secure real estate near land hungry towns. Finally the general economic and medical harm caused to boroughs and their freemen by non-enclosure were publicised by the growing public health lobby as at Newbury in Berkshire.<sup>36</sup> The restriction of the growth of corporate towns caused by late enclosure has been noted by Hoskins and applied to other towns as well. The next section looks at how enclosure was used deliberately to foster urbanisation in a variety of situations.

### Enclosure and urbanisation

Especially after 1800, the population explosion and the increasing wealth of the middle classes who aspired to mansions with grounds rather than townhouses increased the demand for building land. This was especially true of industrialising areas. As the Welsh Land Report commented in 1896, the 1801 General Enclosure Act had tried to promote cultivation during a crisis but its proponents considered neither the use of acts to seize pastures rather than convert them to tillage nor the use of commons for housing, mining and industry.<sup>37</sup>

The potential value of enclosing land near expanding towns was clear to developers. Apart from housing, such land was wanted either as gardens<sup>38</sup> or as accommodation land<sup>39</sup> for merchants' horses<sup>40</sup> and milkmen's, butchers' and innkeepers' stock. The latter often kept farms.<sup>41</sup> All parties, like those at Knapton near York, knew (as Nash wrote in 1799) of the advantages of enclosure "where there are large common fields adjoining to a great town, which by being divided may be let to town tenants at an high rent". Also concern about the rates due to squatting could be a motive for town enclosures.<sup>42</sup> More distant commons could be enclosed due to population growth; the 1808 Moddershall Heath Act said its value would be increased by "Cultivation and Improvement, and being in the vicinity of the town of Stone and of other Staffordshire Potteries, which is a populous and increasing manufacturing District, it [the enclosure] would not only be advantageous to the Persons interested... but also of great public utility". The Board of Guardians of Bingley in the West Riding petitioned for a general enclosure act in 1844 to reduce legal costs and so allow 20,000 acres nearby to be tilled. Both an increased supply of food for the growing milltown and job opportunities which would reduce rates during the 'Hungry Forties' seem to have interested the Guardians. The latter was cited as a motive in the nearby Oakworth Moor enclosure of 1849 and three moors near Bingley were enclosed under the general act. Such motives will be considered in Chapters 6 and 7.<sup>43</sup>

Late enclosure led to the problems of constriction already identified in corporate towns like Nottingham. Whilst this may have only altered the shape of growing Georgian towns, many builders saw the potential of common land near such towns which led to the growth of satellite towns like New Radford (encouraged by early enclosure<sup>44</sup>) within  $\frac{1}{2}$  mile of Nottingham.



As transport systems improved, more distant bourgeois suburbs grew alongside turnpikes and then railways. The high transport costs ensured exclusivity and commons adjoining such routes became prime targets for developers. New towns developed on former commons especially those which had springs, beaches or industrial potential. Existing towns also expanded over common land. All these types of development will be studied after the unique problem of open fields near towns has been addressed.

### The Mechanisms for Building on Open Fields

Many towns had open fields which could affect their growth. In both corporate<sup>45</sup> and other<sup>46</sup> towns which had neither lammas lands, vested interests nor powerful burgesses, building took place in the open fields. This led to narrow streets and small scale, disordered development. The infrequency of this type of urban growth which Chalklin finds inexplicable,<sup>47</sup> is due to the rare coincidence of these factors. Houses built in Nottingham's fields after 1780 led to riots in which a house was demolished and to prosecutions of the builders by the freemen.<sup>48</sup>

Housing development was easier either by ordered encroachment on pastures (where building was not constrained by narrow strips) or by building on former open fields with consolidated holdings. Liverpool's common field was gradually enclosed by agreement before 1785 as rights fell into disuse and the burgesses' influence declined. It was first used for brick fields and market gardens before building began after 1800.<sup>49</sup>

Speculators could enclose fields by agreement in order to provide land for suburbs. Lee arranged an agreement for Cliff Field in Wakefield, and then developed the suburb of St John's, making the most of the demand for high grade

housing<sup>50</sup> and the enclosure act's mining provisions which prevented building on most of the common pastures. In 1791 he obtained an act for St John's Church to which he subscribed £1,000; this was a prerequisite for an aspiring suburb.<sup>51</sup> The suburb succeeded, but Lee's estate was sold to meet debts.<sup>52</sup> 7½ acres in this field were advertised in 1795 as being "most eligibly situated for building upon". Such agreements often needed acts as at Chelsea in 1809 to give powers to make building leases to the guardian of an infant and the Rector.<sup>53</sup>

Other towns like Leicester enclosed their fields by act which allowed ordered development. The 1764 East Field Act was easily obtained because the burgesses enjoyed no rights there and the corporation's attractive offer to the freemen prevented their opposition when the South Field was enclosed. In the latter case, the land's building potential was clearly an influence.

Lammas lands presented particular problems for developers. The Earl of Leicester was prevented from building on London's Lammas Fields by the owners of common rights who appealed to the Privy Council. He was only permitted to develop a small part into Leicester Square some forty years later. Enclosure acts dealt with such lands in many towns. Some acts sold the rights to fund improvements as at Lichfield and Ross on Wye. Elsewhere determined rightowners like the cottagers of Atherstone obtained a common allotment for their rights which might then be released for building as at Stone and York.<sup>54</sup>

The cheaper and simpler facilities of the 1836 Common Fields Act were used at least once (at the Lees Field, Oldham) to allow building. As late as 1902, despite the activities of the CPS, much of Ham Common Field in Surrey was enclosed for



building by an obscure clause in an act to turn Richmond Hill and other commons into public parks.<sup>55</sup>

However few urban open fields were enclosed by act for building. Such fields had usually been enclosed long before as the agricultural benefits of enclosure were too great to ignore.

### Commons and Wastes and 'Dependent Settlements'

Many commons were only built over some time after enclosure and evidence is needed to show there was interest in building at the time of the act. Both geographers and historians have overlooked sources which show that speculators did use acts in this way. This has hampered their perceptions of how towns grew as in the case of Dalton near Huddersfield;<sup>56</sup> but their models of changing urban zoning can aid our understanding of the use of acts to form suburbs in growing towns.

The most effective of such models combine concentric circles and sectors. The sectors usually follow turnpikes radiating from the town and those in the furthest circle were high status areas with the mansions and villas of the wealthy who wanted easy access to their workplaces whilst being as far removed from them as possible. In 1797, Repton disparaged such houses, "the habitation of sudden affluence" "which spring up like mushrooms near great cities" next to turnpikes.<sup>57</sup> These 'Turnpike Suburbs' usually lay west of the town (as the prevailing westerly winds kept the smoke and smell away) on south facing slopes for good drainage, a view and warmth.<sup>58</sup> Many commons with these qualities were enclosed for mansions and villas. They were often long and narrow as at Bromley in Kent, and colonised by squatters who were removed either before the act as at Handsworth, Staffordshire, or by the commissioners as at Gateshead.

Adverts for enclosed commons at Tettenhall, West Bromwich, Bayston Hill near Shrewsbury and Birmingham Heath show the importance of elevation and prospect to such developments. The 'improving' quality of cultivated land rather than moorland was attractive to prospective mansion dwellers. Thus many adverts commented upon the plots being in "improving Neighbourhoods" unless they were in 'picturesque' wooded and hilly heaths. Some of Tettenhall Wood was left in its virgin state after enclosure in mansion grounds. At places like Egham, Surrey, owners deliberately left plots of common land open as an "adornment of their residences".

As well as such natural advantages, the role of the speculator was important. Although Burgess Hill in Sussex had one dominant developer, most places were developed by several existing owners and speculators who saw the potential of such commons. The resultant lack of control led to club houses at Handsworth which harmed the suburb's quality. Some acts overcame this by giving institutions at Newcastle-under-Lyme, clerical estates at Lambeth and entailed estates at Headingley powers to make building leases which as in the first case were often very restrictive in order to protect the quality of an area. Developers sometimes built churches to provide the necessary moral tone to suburbs like St John's, Wakefield, although the residents often built churches by subscription. An act of the same year as the enclosure established a separate church at Gateshead Fell.<sup>59</sup>

Britain's first large city, London, was the first to experience this trend after the Great Plague. The city's growth over former commons led to Tucker's description of it in the 1700s as a Wen, a term borrowed by Cobbett when he attacked the new building enclosures on Windsor Forest in 1822. These were not "improvements" as some argued but "waste" of the country's resources which would be better used



in tilling good land.<sup>60</sup> This shows that 'improvement' did not only refer to profitable farming investments by the 1700s as Williams noted.<sup>61</sup> In 1801, it was said that the acts within 20 miles of London proved "the pretence of inclosure for the sake of increasing the stock of corn... is entirely done away with, when the tract of common fields contiguous to streets and houses is converted into grass land, orchards and gardens or it may be covered with tenements".<sup>62</sup> This was probably a reference to enclosures at Croydon in 1797 and Teddington in 1799. Similar motives seem to have applied to later acts for Camberwell in 1805 and Lambeth Marsh in 1806 which was enclosed "to facilitate the building of roads for the new Waterloo Bridge". By 1811, streets of new houses had replaced the licensed encroachments there. It is clear that after about 1795, any enclosure within 20 miles of London had the land's building potential as a major motive, as illustrated at Penge where 117 acres of common sold for £102 per acre after 1830. Parts of commons adjoining roads could be used for housing whilst the remainder was farmed or planted as at Godalming.<sup>63</sup> The development of railways led to many such mansions being sold for lower middle class commuter estates.

By the 1800s, the growth of industrial towns like Birmingham, Wolverhampton, Leeds and Huddersfield led to the ribbon development of similar 'turnpike suburbs' on former commons. Older mercantile towns like Hull had seen a similar trend with their wealthiest merchants leaving their townhouses by the late 1700s but in these cases each act usually led to the creation of just one mansion and park. Such men wanted to become landed gentlemen and so they used acts to create parks with mansions like those of the gentry. Hull's leading families used enclosures at Melton, Welton and South Cave to create such parks. Boulton similarly used the Handsworth Act to form a park for Soho House in a cultivated rural landscape adjoining his works and the

Walsall turnpike. However the act also led to the building not just of villas but also of club houses which Boulton found particularly objectionable.<sup>64</sup>

The trend for 'turnpike suburbs' continued in the vicinity of ever-smaller towns during the nineteenth century as with Bayston Hill near Shrewsbury, Lavant near Chichester and the plans for Shoal Hill west of the growing town of Cannock. A subscription for a church at Bayston Hill was started in 1842, as "in consequence of the Enclosure of the Common... the Population is increasing." Sale plots here sold at over £37 per acre and had picturesque views of the Welsh hills and Shrewsbury, 2½ miles to the north on the Ludlow Turnpike. It was stated in 1872 that the enclosure of Shoal Hill would increase productivity and employment whilst settling disputes and preventing nuisances by visitors who gambled and started fires.<sup>65</sup> However, the real profit to be made from the hill was by building villas for tradesmen and mine engineers. This potential had been seen on adjoining land by 1854 and the area around the hill is now noted for its villas.<sup>66</sup>

Even far away from towns, commons adjoining turnpikes were seen as having building potential and sale lots as at Hodnet Heath in Shropshire, were set out for villas.<sup>67</sup> However this land was used for farming which shows that such adverts must be used with care. Sale lots were chosen for their attractiveness to investors and their potential was exaggerated to secure the best price. Also only parts of commons might be suited to building as with the higher part of Birmingham Heath. However with other evidence, such as the average sale prices for the land and contemporary letters, adverts can prove a connection between enclosure and plans for building villas.<sup>68</sup>



As turnpikes improved, attempts were made to develop ever more distant commons as at Keymer, Sussex, in 1828; but only the building of a railway network made the development of such settlements viable. These 'Railway Dormitory Settlements'<sup>69</sup> proliferated on Sussex commons where Tate notes that builders often bought land. Chapman shows that grocers and innkeepers also paid high prices on such commons.<sup>70</sup> Some of these enclosures were linked to the previous building of railways and the siting of stations near commons as at Clayton.

Such settlements also occurred elsewhere. Indeed the first attempt to create a 'Railway Dormitory Settlement' was in the Potteries at Whitmore Heath in 1841. This speculation failed but later ones were more successful and led to 'copycat' enclosures nearby as with Haywards Heath and Oathill in Sussex.

After 1870, the CPS prevented several enclosures for building purposes including one near Mexborough railway station. However some lords used other methods to develop common land which the CPS failed to stop. Colonel Lennard was lord of the Kentish manors of Baston and West Wickham which included Hayes Common. He owned most of the land in the manors - including over 4/5 of West Wickham - and in 1862 supported a line from London to Brighton across his estate. He had already banked up the common to stop carriages passing over it and then he tried to encroach upon it for building puposes. If no common right owner challenged him, he could thus enclose all of the common. Some owners in Baston forced him in 1869 to allow that part of Hayes Common to be regulated under the 1866 Metropolitan Commons Act but there was no such owner in West Wickham prepared to challenge him and 50 of its 75 acres were leased for villas.<sup>71</sup>

One unusual example of enclosures for villas and mansions was in the Wirral. Its commons were in great demand by Liverpool merchants despite having only steam ferry links to the port across the Mersey. The Heswall Hills enclosure was approved in 1846 due to its building potential; it had only survived until then because an act was too expensive before the 1845 general act and encroachments carried a doubtful title. The 1881 Thurstaston enclosure was "promoted by the landowners... principally because it will acquire a high value as building land" as its pure air and topographical advantages would attract "a good class of residents". The opposition of the CPS only secured a 45 acre public allotment for Birkenhead Corporation on top of the hill, because its three proprietors could have enclosed simply by agreement. The moving force was the wealthy shipping magnate, Sir Thomas Ismay. He had bought Dawpool House at the foot of the common in 1880 and then obtained an enclosure to extend his park and re-route a road away from his mansion. The Wirral railway was diverted away from this common - largely because Ismay was its chairman!<sup>72</sup>

The desire for a more long term escape from towns led to the development of holiday resorts, first at spas and later at the seaside. These settlements were independent of large towns for their development. Springs and beaches were often situated on open land and so enclosure could play an important role in their development. Each are dealt with in the next section.

### The Growth of New Settlements

Feudal lords had planted many new settlements on open commons in the Middle Ages,<sup>73</sup> probably so as not to interfere with the basis of the economy, open-field farming. During the age of parliamentary enclosure, three main types



of settlement grew on common land; spas<sup>74</sup> seaside resorts and industrial settlements.

Originally, spas on commons were developed by encroachments licensed by manorial lords like those of the Foleys at Malvern in Worcestershire. This proves that high class residential building was possible by encroachment. This development was rationalised at Tunbridge Wells in Kent by the Rustall Manor Act which was effectively an enclosure, leaving open space for public walks and dividing the profits of the spa's buildings. Acts elsewhere had different benefits. Most importantly, the area around the wells were either secured to developers as at Matlock, or left open to the public as at Buxton (both Derbyshire). Acts at Harrogate in the West Riding and Bakewell and Matlock in Derbyshire also allowed the creation of a pleasant wooded environment to the spas. At the latter, this was due to Richard Arkwright who allowed his "improvement of the rocks" to be exhibited "to the public eye." In 1729, Lord Chandos enclosed and cultivated 135 acres at Chipping Barnet "as contiguous and near the Medicinal Wells as may be." The act obliged him to pay £50 annual rent to reduce "the great and heavy" poor rates and to allow all parishioners free access to the spa to obtain water for themselves. Better road access and an improved food supply for the growing markets at spas resulted from acts. Landowners benefited by gaining large freehold blocks to ensure rational development and at Harrogate they also gained powers to make building leases.<sup>75</sup>

Later acts were more directly intended to help development. The Melksham (Wiltshire) Act coincided with the establishment of a short lived spa but more evidence would be needed to prove a causal link. However, studies of Pitt at Cheltenham in Gloucestershire and Green Price at Llandrindod Wells in Radnor has shown that both used enclosure to build settlements on their allotments. Also the

drainage of the commons at the latter was believed to benefit the spa by preventing miasmatic diseases. The value of enclosures in spas is shown by Bath Corporation which blocked an act in order to prevent building on the Freeman's Common.<sup>76</sup>

By 1750, sea bathing began to replace spas as being considered healthy by the British. This led to the growth of seaside resorts.<sup>77</sup> Particularly in demand were sandy bathing beaches as at Worthing in Sussex, or cliffs for seaviews and planting as in the case of Bournemouth in Hampshire. Enclosure allowed the drainage of coastal marshes which enabled Rhyl in Flint, for example, to expand westwards. Enclosures gave freehold title for building although Littlehampton in Sussex exceptionally was developed by licensed encroachments.<sup>78</sup> Some corporations like Aberystwyth's seized commons for development. The Crown tried to claim sole ownership of the 200 acre Rhyl Marsh in order to sell it but its rights were sold eventually to the freeholders.

The land's long term value lay behind many such schemes. At Weston-super-Mare in Somerset, Richard Parsley and William Cox obtained an act in 1810, two years after buying many auster tenements (elsewhere called tofts, these were ancient tenements which enjoyed common rights) from the lord of the manor. Over 50 acres of prime seafront lots were sold and soon were covered with hotels and lodging houses. However, Parsley used his allotment at first to grow teasles for the Yorkshire woollen industry. Although Pitt arranged Cheltenham's enclosure in a period of growth about 1800, it was only in the next great wave of speculation after 1820 that he developed Pittville. Land prices were rising then, especially around London and the rapidly growing spa of Leamington in Warwickshire, where land had risen in value 1,000 % to £1 per square yard.<sup>79</sup> However Pitt and Kemp at



Brighton developed their estates after the height of the boom and flooded the limited but highly profitable local market for high grade housing. Thus, both their schemes failed to pay.

Development did not depend upon a single owner as shown at Worthing; but without such a controlling influence, piecemeal and disordered development could cause problems about obstructing seaviews. These problems did not arise in four holiday resorts developed by enclosure in the railway age - Rhyl, Llandudno, East Cotham near Redcar and Cleethorpes in Lincolnshire - because there was a controlling influence in each case. This took the form of a single dominant landowner in the latter three resorts and a committee of landowners at Rhyl.

Even institutions like Sydney College Cambridge, the main owner at Cleethorpes, could obtain acts and develop a holiday resort by 99 year leases. The local paper advised the commissioner to lay out the seafront "so as to present those attractions which it is highly capable and which by causing an additional influx of company... will amply repay any additional outlay." A 2½ acre park was laid out and significantly the owners ensured that the costs were met by a rate not sales of prime building land. After the award, over 100 new houses were built on the promenade in ten years and by 1871 the population had doubled; however comprehensive development really postdates this.

As growth was slower at East Cotham than in the other resorts, the main estate there had to take a more long term interest than in the other two cases. For example, a church had to be built subsequently to encourage development. On the other hand, the Mostyns at Llandudno only concerned themselves with the necessary preliminaries for development. They improved communications and acquired the freehold of

the prime sites by an act. They set out a street pattern and their building leases established a certain quality of housing. Once the leases had been made, control of the resort's fortunes, as at Rhyl in 1853, was left to the developers through Improvement Commissioners. In all four places, the building of a railway was an impetus to the enclosure.

Although enclosers appreciated the advantage of a secure title by an act of parliament, agreements were used at both Brighton and Rhyl Marsh to minimize costs. The freeholders at Rhyl knew that the drainage, roads and purchase of the Crown's claims would make the enclosure unprofitable unless the scheme was well managed. Therefore a committee ensured that the whole scheme was executed cheaply and was more carefully planned than at Worthing. A market place was set out and opened in 1848; sale plots and streets were laid out to maximize their building potential. Although the committee achieved much, without the control of a single owner, exercised through restrictive leases, Rhyl never became a high class resort like Llandudno. The resort expanded rapidly over the Marsh after 1839 and as at Llandudno, the commissioners under an Improvement Act took control of the resort's development.

By the 1870s, the greater legislative controls on enclosure protected the picturesque views the speculators wished to capitalise upon at Kynance Cove by limiting the parts which could be built upon. By the 1890s, many believed that local authorities should control the development of such commons. Thus in 1896 Arthur Williams proposed that the mouth of the Ugmor south of Bridgend should be vested in Glamorganshire County Council by provisional order under the 1876 Commons Act. The Welsh Land Commission agreed that this was the best means for "developing this beautiful country" as a seaside resort. Apparently no such order was made and the common



remains open. Some local councils used other legislative means to enclose and develop commons. The 1900 Hoylake and West Kirby Improvement Act attempted to enclose the 398 acre Great Meols Common behind a seawall and a promenade largely for building purposes. The opposition of the CPS allowed only 46 acres to be built upon with a public open space of 54 acres. The greater restrictions on building here than at Kynance Cove indicate the increasing hostility to building on common land.<sup>80</sup>

Commons were not only useful as locations for holiday resorts but also as places where manufacturing industries could be set up.<sup>81</sup> They provided sites for glassworks at Birmingham<sup>82</sup> and Nailsea,<sup>83</sup> for dangerous factories like the explosive works at remote Towyn Trewan and for mills as at Melbourne. Often mills were at the foot of hillsides which had remained open as they were unsuited for tillage. It was thought that large factories were best sited on wastes due to their cheapness and because the workers could enjoy fresh air and gardens which would encourage sobriety and industry.<sup>84</sup> Part of the commons at Torrington in Devon were enclosed and leased cheaply both to provide sites for a wool factory and racking fields to rescue this ailing industry and to provide funds to apprentice poor children. Commons also provided sites for whole industrial settlements like the mining villages discussed in Chapter 3. The availability of land for smallholding to support a cottage industry was an important factor in the colonisation of heaths as in the woollen areas around Leeds and in the South West.<sup>85</sup> Manorial lords encouraged such encroachments, not because of the small fines from the squatters, but due to the beneficial effect of industrialisation upon the rental of their other properties. Merchants depended upon squatting to make the whole system of cottage industry work. Whilst sufficient pasture remained, freeholders did not object as they could

still depasture their stock and the growing poor could be kept off the poor rates by this dual economy - unless trade slumped.

Many of the same pressures identified previously in mining areas led to enclosure in manufacturing areas. Factory masters could enclose either to secure a good title to a mill or to obtain adjoining lands to extend the works, build reservoirs, create bleaching crofts or pastures for their horses. At the time of the first enclosure acts, domestic manufacturers also needed land for their horses which took their cloth to market.

Later acts could mark a change from domestic to factory production which also involved the end of smallholding for several reasons. Firstly the hours of factory work meant that families often only had time for pig keeping or gardening. Also the size of allotments fell as the number of claimants grew and the amount of land left open decreased; this is reflected in the smaller size of sale lots to pay for later acts. The rising land prices meant that workers could only afford to rent a garden instead of being able to farm a smallholding. Some factory masters went further and built houses without gardens either because they disliked the economic independence that gardens gave their workers or to avoid a capital expense. More research is needed but there were certainly disputes in the West Riding between merchants and capitalist factory owners about developing commons by encroachment or enclosure.

The freeholders supported acts as the only effective way to stop further encroachment which increased the rates and reduced their common rights. However especially before 1820, acts often aided the growth of the cottage system. Commissioners and owners sold or leased suitable plots to workers and merchants for dual occupation. Around



Nottingham, acts released land for this purpose which had been unavailable due to the previous tight controls upon squatting. Large owners also could afford to invest in modern husbandry to exploit the growing market, especially as newcomers without gardens had to buy food. The landowners gained so much by enclosure that it was often the factory masters who were more concerned due to its effect upon the rates. For example, Matthew Boulton was worried by the many men who gained settlements by the building of club houses at Handsworth after enclosure. The factory owners' concern about rates led to the Derby improvement act being based on house tax rather than poor rates.<sup>86</sup>

### The Growth of Existing Towns over Commons and Open Fields

Many cottages were built on commons adjoining towns like Plymouth especially if they were unsuitable for villas. Early small scale licensed encroachment was often uncontested as at Deal in Kent.<sup>87</sup> But by 1725, the number of licences at St Pancras in London led the freeholders to agree to level all future encroachments.<sup>88</sup> Such men supported enclosure to gain some land before their common rights became valueless. At towns like Uttoxeter, concern about the rates also led to acts to prevent squatting. Moreover, speculators wanted to use enclosure acts in order to obtain land either for building straightaway or for accommodation land and gardens until the time was ripe for development. John Peyton, an innkeeper of Stratford-upon-Avon used his allotments for depasturing horses and providing guests with fresh food until the time was right for building some 30 years later.<sup>89</sup>

Concern about the title of encroachments was also an important motive for an act. A new railway line to Holyhead in Anglesey in 1850 led to the town's expansion over its commons. In 1859 an enclosure was needed to "settle disputes

and insure the preservation of valuable buildings which have been erected." The high prices paid for sale lots indicate that the enclosure was also intended to promote further building.<sup>90</sup>

Other towns like Tewkesbury and Cambridge expanded over open fields in the early 1800s. The enclosure of Cambridge's East Field in 1807 made the parish of St Andrew the Less 'open' for settlement. The largest allotment was sold in small lots before the award was executed. Although further from the town than the Colleges' allotments, this land was resold in even smaller lots suited for small builders to erect houses unrestricted by lease as to their quality. Vestries rented houses of £10 a year there in order to give settlements to "troublesome parishioners" away from their own parishes. By 1830, Barnwell was "a very populous place and full of bad characters" and two churches were built to deal with these problems.<sup>91</sup>

By the 1840s, working class suburbs could be some distance from a town. An act for Chesterton led to the rapid growth of the working class suburb of New Chesterton on the urban fringe of Cambridge.<sup>92</sup> Cowley, 2½ miles from Oxford, was enclosed in 1849 as "the land will be used for arable and building purposes" and it soon became an industrial suburb. Already the lack of building land around Oxford had led to squatter settlements like Summertown.<sup>93</sup> Industrial expansion often led to such suburbs on new enclosures to accommodate the workers. In seven years 300 houses were built at Trowbridge, a growing woollen town, on new enclosures. These were superior to the "irregular and ill-built" older houses.<sup>94</sup>

Leek, like Chesterton, exemplifies the variety of uses of new enclosures. Small sale lots near the town were sold at high prices to lawyers and silk manufacturers as sites for



factories and houses. Building clubs had already built many houses on new enclosures by 1818, only 13 years after the act. The more distant sale lots on the hills were used for game and plantations.<sup>95</sup>

The Macclesfield Act also came from the desire to release land on its fringes for factories and housing near to a planned canal.<sup>96</sup> Such acts were part of a general 'Spirit of Improvement' sweeping towns and involving other measures like canals. These are discussed below.

### Urban economic growth and 'The Spirit of Improvement'

Enclosures could give a fresh impetus to towns. Even if the land was only used for accommodation, gardens or pastoralism, acts were often part of a policy of town improvement. Acts which encouraged trade and the town's general success raised profits or rents generally far more than any increases derived purely from changing the use of the common.

As early as the 1730s, much of the pamphlet war about enclosing Atherstone's commons focussed on its effect on the town's wealth and development and whether enclosure had aided urban development elsewhere.<sup>97</sup> The fear of harming the cottagers delayed an act for its common pastures until 1786. Equally the proposed enclosure of Beam Heath in 1801-2 caused much dissension at Nantwich in Cheshire. A "very numerous meeting" of its inhabitants unanimously rejected the idea "as being contrary to the good of the town."<sup>98</sup>

Such acts could both release land for building and create work as in the cases of Newcastle-under-Lyme and Cockermouth in Cumberland.<sup>99</sup> The 'Spirit of Improvement' engendered by acts was seen as the means of encouraging hard work at Loughborough in 1746 as well as providing short term

employment, attracting newcomers and making the houses more valuable. After the enclosure in 1760, much of its former open fields were used as leys or temporary pastures as also happened at Atherstone and Newcastle-under-Lyme. Although the lord of the manor did not build much at Loughborough due to entail limitations and his lack of capital, the act still proved remunerative to him. In 1791, Young believed that "very few enclosures have answered better" than this one, as the price of a cow pasture had risen from £10 "to £50 and since even to £70; and the land that was at 7s. is now at 40s."<sup>100</sup>

Many such acts were connected with other developments. Proposed new canals determined the timing of enclosures even in towns like Stone in Staffordshire which were already growing.<sup>101</sup> At Tewkesbury, the act coincided with the construction of a new bridge and other improvements intended to restore the town's declining fortunes. Likewise at Tetbury (Gloucestershire), whose cloth trade was declining, an act aimed to boost the income of the Feofees (who effectively ran the town) and provide potato lots for the poor. However the scheme did not help revive its economy.<sup>102</sup> The wool trade at Kettering in Northamptonshire also declined after 1793 and despite the development of a shoeworks there were high poor rates, much unemployment and great hunger. Many feared an act would increase food prices by the conversion of open fields to pasture. Gourlay however said the land was so poor that the cottage pasture rights were valueless. The bill's solicitor, Thomas Marshall, argued that the act would remedy "the great Distress of the Parish." Certainly the act paid well and improved farming methods and the town's general economy, but it provided no long-term increase in agricultural employment.<sup>103</sup>

Enclosure and drainage acts helped several ports like Pwllheli by improving their harbours. However the Grimsby



Act, which did not improve its harbour but only released accommodation land, did not help the port's growth.<sup>104</sup> Great hopes were raised by enclosure of Saltfleet in Lincolnshire. Its harbour by 1848 had silted up and a clergyman claimed "for its size... [it was] probably the worst place in England". In 1850 the local paper commented "The inhabitants... are in expectation that ere long their almost deserted village will again... assume some of its ancient bustle, as the extensive marshes by which it is surrounded are about to be enclosed; and it is seriously contemplated by the gentlemen and farmers in the neighbourhood to attempt the revival of its ancient market." Although 200 men were employed in 1852 in drainage work, there was no permanent upswing in fortunes. On the other hand, the Toddington Act of 1797 seems to have come from the realisation of the main owner, Thomas Connolly, that this Bedfordshire town's economy had to change; its market function had declined and so in 1799 the market house was demolished.<sup>105</sup>

Where other factors were favourable, enclosures linked to other improvements succeeded as at Cannock in 1861. This scheme was linked to enthusiastic plans like Charles Cotterill's to improve the town's water supply. Lord Hatherton noted at an enclosure meeting how the place was alive with other "great projects" for public rooms and a rifle corps.<sup>106</sup>

A similar 'Spirit of Improvement' had earlier swept though Market Drayton in Shropshire and its adjoining squatter suburb on Little Drayton Common. Already in 1805 the lack of building land in the town led to Little Drayton's rapid growth. By 1851 it was "a populous district, forming a western suburb to the town, chiefly formed of cottage residences, many of which are small, ill-ventilated and have a miserable appearance."

The manorial estate was in trusteeship for much of the early 1800s which allowed so much unlicensed squatting that only 97 acres of common remained by 1850. The manorial court had been replaced by the county court, the police and the vestry as the town's governing influences. The other main owners filled the vacuum left by the manorial estate and engendered a spirit of improvement in the 1840s with the formation of a Gas Company, a news room, and various educational institutions.

An outbreak of cholera in the workhouse in 1849 led the Board of Guardians to decide to build a new one outside the town. The common had already been used for a public building in 1846 when a church was built by licensed encroachment. An enclosure was rapidly arranged in 1850 and the Guardians bought a five acre site. Plots were also given for recreation, gardens, the church, a graveyard and a vicarage. Thus enclosure brought improvement to Little Drayton. "A minor building boom" followed; some plots were re-sold to carpenters and bricklayers who built pairs of cottages. Without bye-laws and planning restrictions, such cottages were built cheaply many of which, although lacking modern amenities, still stand. By 1861 "a number of houses" had been built there.<sup>107</sup>

The improvement of public health by enclosure was becoming more important in many towns. Draining commons was thought to prevent miasmatic diseases. This was a factor even in rural areas where the national commissioners approved enclosures in order to prevent sheep rot and improve public health.<sup>108</sup> Part of Hawksley's advocacy of Nottingham's enclosure was that draining the meadows would prevent disease, but it is hard to prove that this was the decisive motive behind the 1845 act.<sup>109</sup> The best example of an enclosure which aimed solely to improve public health is Wolstanton Marsh. This was an unofficial public tip for the



Potteries and "a breeding place of fever, ague and rheumatic complaints; epidemics frequently prevail." Its enclosure would drain and improve the land and "will thus promote the health of the neighbourhood, which, but for the Marsh... would be a very healthy one." This enclosure was approved in 1898 under a regulatory scheme.<sup>110</sup>

Linked to this issue of public health was that of recreation. Enclosures near large towns were often prevented after 1860 due to concern about loss of recreation land and its effects on public health. Only in towns like Coventry, Newbury and Stamford, where concern over miasmatic disease and overcrowding outweighed fears about the loss of recreation, were enclosures allowed, usually with generous recreation allotments. Elsewhere acts were used to provide public open spaces and parks.<sup>111</sup>

Local improvement could be even more specifically aided by enclosure as at Evesham and Cardigan where improvement acts were funded by enclosures. The Evesham Act was linked to several road improvements to foster the town's market. The local paper felt "the Spirit of Improvement" sweeping the country in 1824 had reached Evesham. Such acts to benefit the locality or specific local institutions together with those connected with recreation are studied in the next chapter.<sup>112</sup>

### Conclusion

Enclosures in the vicinity of towns were influenced by a variety of factors according to local circumstance. This again shows that several enclosures must be studied as unique local events before any attempt is made to generalise upon them. From this approach, certain common trends can be identified. Town enclosures were often part of struggles between local élites. Especially in relatively backward

areas, acts were often used to deprive the burgesses and the inhabitants of their use of the commons. The profits of such acts often went into private pockets or funded local improvements; very rarely did the burgesses benefit. Where they were influential and numerous, enclosures were often delayed until the Victorian era when the freemen either preserved their privileges or gained compensation in lieu.

Individuals gained from enclosures in other ways apart from seizing the rights of others. Acts could be used by speculators to promote urbanisation in many circumstances. Commons and open fields which adjoined towns were often used for working class housing whereas more distant commons in suitable locations were enclosed to provide suburbs or dormitory settlements for middle class commuters. As transport facilities improved, new suburbs became ever more remote from urban centres and even quite distant commons were enclosed for working class housing. Commons near spas and coasts were enclosed to assist the growth of resorts in several ways apart from merely providing sites for building. Especially where there were natural resources such as water power and minerals, commons could be rapidly encroached upon or enclosed to provide dwellings for industrial communities largely dependent upon dual occupation. As time passed, the emphasis upon smallholding declined in such communities as they became more dependent on the factory system of production and the size of individual plots decreased.

Even where former common land was not used for building, enclosures near towns could help the town's development by releasing land for accommodation. In some cases enclosures were used as part of a deliberate policy to forward the town's general development. In such cases contemporaries often noted that a 'Spirit of Improvement' was sweeping the town.



Commons and wastes around many towns were seen as an important community resource which by the vehicle of enclosure could be converted to endow important local projects. This trend - again often associated with a 'Spirit of Improvement' - will be discussed in the next chapter.

## Footnotes for Chapter 4

- 1 G D H and M Cole, eds. William Cobbett, Rural Rides I, (1930) 43, 4/12/1821; S C on Public Walks (P P 1833, XV), MCR (P P 1835, XXIII-VI); 1st Rep. of the R C on the State of Large Towns (P P 1844, XVII); 2nd Rep. of the R C on the State of Large Towns (P P 1845, XVIII); Lord Eversley, Commons, Forests and Footpaths (1910) passim. P M Giles, 'The Enclosure of Common Lands in Stockport', Transactions of the Lancashire and Cheshire Antiquarian Society LXII (1950-1), 92; J L and B Hammond, The Age of the Chartists 1832-1854 (1930) pp.106-25; A H Dodd, The Industrial Revolution in North Wales (Cardiff 1951) pp.81-4 and B Hammond 'Two Towns Enclosures' Economic History II (1930-3), 258-66.
- 2 W G Hoskins, The Making of the English Landscape (1955; Pelican 1970) pp.279-89 cf. C Chalklin, The Provincial Towns of Georgian England (1974) pp.72, 115, 133 and 247-8. Re Nottingham see J D Chambers, Modern Nottingham in the Making (Nottingham 1945) and A Century of Nottingham History 1851-1951 (Nottingham 1952), R Church, Economic and Social Change in a Midland Town (1966); re Stamford see table 18; re Coventry, J Priest, The Industrial Revolution in Coventry (1960) pp.21-4. For other examples of political considerations delaying acts see F M L Thompson, English Landed Society in the Nineteenth Century (1963) pp.224-5 cf. J Chapman, 'The Unofficial Enclosure Proceedings: A Study of the Horsham (Sussex) Enclosure, 1812-1813', Sussex Archaeological Collections CXX (1982), 185-91 re acts to increase political control. Lord Nugent thought opposing the Monks Risborough bill would be a vote catcher, M Turner, 'Economic Protest in Rural Society: Opposition to Parliamentary Enclosure in Buckinghamshire', Southern History X (1988) 102.
- 3 Hoskins, op cit pp.226-7, C S Davies, 'Agricultural Change in East Cheshire 1780-1830' MA University of Manchester 1949, p.88; Giles, loc cit 73-106. Examples of urban geographical studies of northern towns - D Ward, 'The Urban Plan of Leeds and factors which have conditioned its growth' MA University of Leeds 1960; M J Mortimore, 'Landownership and urban growth in Bradford and environs 1800-1960' MA University of Leeds 1963 and 'Landownership and urban growth in Bradford and its environs in the West Riding Conurbation, 1850-1950', Transactions of the Institute of British Geographers XLVI (1969) 109-112; A Dingsdale, 'Yorkshire mill town; a study of the spatial patterns and processes of urban and industrial growth and the evolution of the spatial structure of Halifax 1801-1901' PhD University of Leeds 1974; K A Cowlard, 'The Urban Development of Wakefield 1801-1901' PhD University of Leeds 1974; R J Springett, 'The mechanics of urban land development in Huddersfield 1770-1911' PhD University of



- Leeds 1979; R Dennis, English Industrial Cities of the Nineteenth Century (1984).
- 4 John Hibbert, 'The Congleton Inclosure Trust' Journal of the Congleton History Society II (1977-8) 38-40.
  - 5 I E Jones, 'The Swydd Neithon Enclosure and the Development of Llandrindod Wells' Transactions of the Radnorshire Society XLIII, (1973), 24-33.
  - 6 A Stuart, 'The Growth and Morphology of Coastal Towns in North Eastern Wales' MA University of Wales, Aberystwyth, 1959.
  - 7 P F Brandon, 'The Enclosure of Keymer Common' Sussex Notes and Queries XV, (1960), 181-6.
  - 8 H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842' PhD University of London, pp.19-20 and 'The Chronology of Parliamentary Enclosure in Leicestershire' Econ. Hist. Rev. 2nd ser. X (1957), 267.
  - 9 J M Martin, The Rise in Population in Eighteenth Century Warwickshire (Oxford 1976) p.29; see below fn 97.
  - 10 For unfootnoted references in this section, see Table 18 Enclosure and Corporations.
  - 11 S and B Webb, The Manor and the Borough (1963) I, 4-5, 292-302 and 315; II, 270 and 303 III, 780; J L and B Hammond, op cit pp.42-54; P J Corfield, The Impact of English Towns 1700-1800 (Oxford 1982) pp.90-3, 154-5; J West, Town Records (Chichester 1983) pp.166-8.
  - 12 MCR (P P 1835, XXIII) 378 re St Clears, (P P 1835, XXIV) 1232-3 re Calne
  - 13 MCR (P P 1837-8, XXXV) 16-17 & 20; W Davies, A General View... of North Wales (1813) p.255; A H Dodd, A History of Caernarvonshire 1284-1900 (Caerns. Hist. Soc. 1968) p.239; R Stewart Brown, 'The Town field of Liverpool 1207-1807', Historical Society of Lancashire and Cheshire LXVIII (1916), 69-72; H T Hough, 'The Liverpool Corporate Estate' Town Planning Review XXI (1950) 237-52 show how the corporation took control of the town's wastes between 1500 and 1777 from the manorial lords which was the basis of its later wealth.
  - 14 Derby Mercury 23/7/1789 p.2 c.1 re 61 year building lease of the upper part of the Moorfields; S C on Public Walks (P P 1833, XV) 21.
  - 15 J Barrett, 'Spas and Seaside Resorts 1660-1780', J Stevenson et al, eds. The Rise of Urban Society Open University History Course (Milton Keynes 1977) p.60; M Boddy & J West, Weymouth (Wimbourne 1983) pp.52 & 94; the building leases began c1775, MCR (P P 1835, XXIV) 1388-9.
  - 16 Dodd, op cit pp.239-40, 273 and 400; MCR (P P 1835, XXIII) 172-4; W J Lewis, 'Some Aspects of the History of Aberystwyth' Ceredigion, III (iv) (1959) 297-302 and IV (i) (1960) 19-24; Eddowes Journal 12/4, 19/4, 26/4 & 3/5 1809 and 17/1/1810 p.3 c.2; NLW Aberystwyth Borough Recs. A5 and D1b; Lewis, Topographical Dictionary of Wales II (1848) unpaginated; H Carter, 'The Internal Structure of Nineteenth Century Welsh Towns' Landscape History IV (1982) 52-3; MCR (P P 1835, XXII) 89-91 re Yarmouth.



- 17 MCR (P P 1835, XXV) 1533-4 re Hartlepool. G F Chadwick, The Park and the Town (1966) pp.106-7 re Preston. G A Plume, 'The Enclosure Movement in Caernarvonshire' MA University of Wales 1935, pp.32-3, 188 and 192-3 and 45 & 46 Vic c cxii re Caernarvon. See also Table 24 Section 3 and below pp.172-7.
- 18 S McIntyre, 'Bath: the rise of a resort town, 1660-1800', P Clark, ed. Country Towns in pre-industrial England (Leicester 1981) pp.222, 234 and 236-7; R S Neale, Bath 1680-1850 (1981) pp.96, 108, 253 and 275; MCR (P P 1835, XXIV) 1120-1; Municipal Corporations Bill Inquiry... Minutes of Evidence taken... against the Bill (1835) pp.257-263.
- 19 P J Corfield, 'The Social and Economic History of Norwich, 1650-1850: A Study in Urban Growth' PhD University of London 1976, pp.41, 293, 449, 457, 462-3 and 673-6; Eddowes Journal 29/4/1840; 2nd. Report of R C on the State of Large Towns (P P 1845, XVIII) App. Pt. II, 285; Norfolk Chronicle 3/7/1852 p.3 cols.3 & 7-8. MCR (P P 1835, XXIII) 275 and D Williams, The Rebecca Riots (University of Wales 1959) pp.48-9 and 51-2 re Kidwelly.
- 20 Namier and Brooke, eds. The History of Parliament: The House of Commons 1754-1790 I (1964) 350-1; R Newton, The Northumberland Landscape (1972) 170-1; E M Halcrow, 'The Town Moor of Newcastle-upon-Tyne' Archaeologica Aeliana 4th ser. XXXI (1953) 149-64; JHC XXXIV, 25/2/1774, 504; 28/2/1774, 510; 20/5/1774, 780-1 and 1/6/1774, 794; E Hughes, North Country Life in the Eighteenth Century: the North East 1700-1750 (1952), pp.xiii, 133, 152, 302 and 392; T R Knox, 'Thomas Spence: The Trumpet of Jubilee', Past and Present LXXVI (1977), 83-7; Namier and Brooke, op cit, I, 350-1.
- 21 MCR (P P 1835 XXIII) 446-7; S C on Commons Inclosure (P P 1844, V) Evidence of Ralph Cole, QQ6166-8.
- 22 Lord Eversley, op cit pp.270-3 including the failure of the similar Torrington Corporation bill in 1889; Gloucester Corporation bought many freemen's rights for £7,095 nevertheless to establish a charity - VCH Gloucs. IV (1988), 193.
- 23 See Tables 18 and 24 re Cardigan.
- 24 MCR (P P 1835, XXIII) 559 re Saville.
- 25 See Table 24 and Chapter 5 for this and subsequent references to enclosures for community uses; see also p.187 re Derby.
- 26 F M L Thompson, English Landed Society in the Nineteenth Century (1963) p.224.
- 27 JHC XXXII, 49-50 22/11/1768, JHC XXXV, 25 6/12/1774 and below p.311 re Haslemere; re Marquess of Stafford see Chapter 7 fn 112 and pp.327-8.
- 28 See above pp.107-8.
- 29 MCR (P P 1837-8, XXXV), 89-93.
- 30 ibid re Montgomery. For criticisms of the trusteeship system, see S C on Commons Inclosure (P P 1844, V) Evidence of R F Graham, QQ 4270-6, 4315-9 who suggested



- that in towns like Abingdon, whose marshy commons were unprofitable and too small to divide amongst claimants, the land could be allotted to one party, subject to a perpetual rent charge. This could then be used by the overseers to distribute coal to the poor which would benefit both the poor and ratepayers. See also Table 25.
- 31 MCR (P P 1835, XXIII) 84.
  - 32 StRO D877/189/7/1-3, 8, 11, 13-4 and 16; D877/189/8/5, 17, 19, 20, 23, 25-6 re Burton riots; D Jones, Before Rebecca (1973) pp.40-1 and D W Howell, Patriarchs and Parasites (Cardiff 1986) pp.225-6. See below p.186.
  - 33 The Times 21/5/1845 p.8 c.2. Letter of 'Eboracensis'. Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978), pp.317-8 refers to the two subsequent acts but not to one for Heworth Moor which may be an omission or simply an agreement rather than an act in contradiction of 'Eboracensis'. The pasture masters gave up control of Bootham Stray (163.8 acres of the 811 acres of remaining strays) to the Corporation in 1848 for payments from the compensation money. They are now public open spaces and farmland being distant from built up areas, W G Hoskins & L Dudley Stamp, The Common Lands of England and Wales (1963) pp.112-3.
  - 34 MCR (P P 1835, XXIII) 166-7; See Chapter 1 as to whether Lancaster qualifies as an act.
  - 35 MCR (P P 1837-8, XXXV) 16-17 and 20.
  - 36 Hammonds, op cit p.123 re Peel; Staffs. Advertiser 16/9/1848; WLS Acc 59/1 Potter's Diary 25/5/1849 re Earl of Carlisle's bill to regulate freemen's lands.
  - 37 Welsh Land Report (P P 1896, XXXIV) 214.
  - 38 e g at Birmingham - S C on Public Walks (P P 1833, XV) Evidence of Rev J Corrie, Birmingham, QQ 364-5; C Gill, History of Birmingham I (1952) 363-5; D B Johnson, 'The Growth of an Industrial City: Birmingham 1800-1850' PhD University of Yale 1956, pp.44 and 137-8; Dalbury Lees in Derbyshire was divided into tiny allotments and let for cottage gardens by the various allottees -DLS Ms 9739 Valuer's documents; White Derbyshire Directory (1857) p.184.
  - 39 StRO D603/K/9/1 W Wyatt to R Brown 7/3/1771 re Burton-upon-Trent; T Batchelor, General View of... Bedfordshire (1808) p.450 re Bedford; J Loch, An Account of the Improvements on the Estates of the Marquess of Stafford (1820), App. p.69 re Newcastle-under-Lyme; see also Table 18 re Grimsby.
  - 40 Wolferstan Diary 5/4/1810, 26 and 30/5/1810 and 17/12/1812 re Tamworth merchants.
  - 41 Examples of farmer innkeepers include John Peyton at Stratford (Table 18), Thomas Meek of the Four Crosses, Cannock, Aris 5/11/1798 p.2 c.4, Hanbury at the Fleur de Lys, Norton Canes (both Staffs.) C Bruyn Andrews, ed. J Byng, Torrington Diaries III (1936), 18/8/1793, 307 who commented upon the frequency of such arrangements; Hanbury also had a colliery then - see also above pp.93-4; Sir



- Charles Turner put farms to inns to reform the poor (Table 27); re milkmen, Aris 28/1/1798 p.262; re butchers and cow keepers monopolising commons by hiring rights, see Coventry Table 18 (where they led resistance to an act) & Cheshunt (where an Epping Forest butcher hired a £2 cottage to turn out 1,800 sheep S C on Commons Inclosure (P P 1844, V) Evidence of W W Nash Q 3996; see also Table 25 Section 4.
- 42 JHC XLIII, 31/1/1788, 154, petition to enclose Knapton's fields due to York's proximity; T R Nash, History of Worcs, I (1799) xi; see Chapter 6. The availability of muck as manure encouraged enclosures near towns, Communications to the Board of Agriculture IV (1805) 124-5 re John Kiddle reclaiming heath thus under the 1799 Hevingham and Marsham act "being in the vicinity of the city of Norwich." Farmers like Richard Miller of Brand Hall Farm bought manure (apparently from stables) from Birmingham, 8 miles away, W Pitt, A General View of... Worcestershire (1813) pp.201-2.
- 43 See above pp.51 and 81 and 48 Geo III c94 preamble re Mothersall Heath; Hansard 3rd. ser. LXXIII, 29/2/1844, 426, Table 23 Section 1, Tate and Turner, op cit p.317 -1847 Harden Moor, 1851 Hainworth and Lees Common and 1858 Gilstead and Rombalds Moor. See below pp.195-260 & 330-50.
- 44 J Blackner, History of Nottingham (Nottingham 1815) p.391; R Mellors, Old Nottingham Suburbs Then and Now (Nottingham 1914) p.33; S D Chapman, 'Working Class Housing in Nottingham during the Industrial Revolution', Transactions of the Thoroton Society LXVII (1963), 76-85.
- 45 e g Portsea, Hull and Leeds.
- 46 e g Chelsea and Brighton.
- 47 Chalklin, op cit p.133.
- 48 S D Chapman, loc cit 76-7.
- 49 R Stewart Brown, loc cit.
- 50 Leeds Intelligencer 12/7/1791 p.4 c.3 re sale of 15 acres "desirable" for building "as part of the Land is elevated and commands a very pleasing prospect" of nearby Wakefield.
- 51 As at East Coatham, Lambeth, Tunbridge Wells and Bromley Common. See Tables 19, 21 and 22. Also at Gateshead Fell, R Surtees, History of Durham II (1820) 107. In lower class villages, church building depended on growing moral concern e.g. Ogley Hay and Fradswell, see below pp.139 & 182-3.
- 52 Cowlard, op cit pp.360-367.
- 53 Leeds Intelligencer 12/1/1795 p.3 c.5. T Faulkner, An Historical and Topographical Description of Chelsea (Chelsea 1829) p.61. Within the 20 years this land was built over.
- 54 See Section 3 and Table 24. G Trease, London - A Concise History (1975) p.126; S Jenkins, Landlords to London (1975) p.35. See above p.132 re York.
- 55 C E Higson, 'The Mesne Field in Lees' Transactions of the Lancs. and Chesh. Antiquarian Society, XXXV (1917) 43; G Slater, The English Peasantry and the Enclosure of Common Fields (1907) pp.65-6. See also below p.175.



- 56 For unfootnoted references, see Table 19, Turnpike Suburbs; re Bayston Hill see Table 25 Section 5.
- 57 P Goode, 'The Picturesque Controversy' in G Carter et al, eds. Humphry Repton. Landscape Gardener 1752-1818 (1982) p.38 quoting Red Book for High Legh, Cheshire 1797. Even existing owners could want enclosures to enhance their frontages upon turnpike roads as shown by the following enclosure reports of the national commissioners; 10th. Rep. (P P 1854-5, XV) 513, Ramsden Belhouse, Essex, Spec. Rep. (P P 1854-5, XV) 537-40 Berrow, Worcs. 11th. Rep. (P P 1856, XVIII) 469 Steep, Hants. Spec. Reps. (P P 1859 II, XIV) 523 Crofton Wastes & Newland Manor, Hants.
- 58 Dingsdale, op cit pp.1-6, 204 and 384 summarises the work of urban geographers on this subject; but no other local factors but turnpikes and the prevailing west wind are considered in the models proposed. The demand of merchants for mansions near London and expanding towns without reference to enclosure is discussed by J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986), pp.73-5 and L and J C F Stone, An Open Elite? England 1540-1880 (Oxford 1984) pp.404-5. re owners at Tottenhall Wood enhancing their mansion parks and frontages, see Map 22.
- 59 Surtees, op cit, II, 107.
- 60 No detailed study of London's expansion has been made. By 1583 a law tried to prevent enclosures near London but soon the Privy Council was inquiring into open field encroachments in Chelsea and Kensington, E M Leonard, 'The Inclosure of Common Fields in the Seventeenth Century', Transactions of the Royal Historical Society, new ser. XIX (1905), 231. Josiah Tucker, Four Letters on Important National Subjects (1773), p.45; G and M Cole, eds. op cit, I, 123-4; the enclosures were under acts of 1813 and 1817 - R Whitlock, Royal Farmers (1980) pp.94 and 104. See also below pp.179-80 re Hounslow Heath pp.202 and 343 re Dartford area and p.232 re Lambeth.
- 61 R Williams, Keywords (1976) pp.132-3.
- 62 'Rusticus', Gentleman's Magazine Sept. 1801 pp.808-9.
- 63 re Croydon, see Table 26; re Teddington, The Times 4/7/1800 p.3 c.4 re selling 100 acres allotted on the Heath adjoining 2 turnpikes; this and its situation in "a highly respectable neighbourhood" and "beautiful country" made it "eligible for building upon;" re Lambeth Marsh, see P Brandon and B Short, The South East from AD 1000 (1990) pp.254-5 & below p.232; part of Lambeth Waste was enclosed in 1778 and used with the Glebe for a new parsonage and building leases - JHL XXXV, 360-1, 11/3/1778; no ref in Tate and Turner, op cit; re Penge see Table 17; S C on Commons Inclosure (P P 1844, V), Evidence of W Keen, Godalming land agent QQ656-79.
- 64 K Allison, The East Riding of Yorkshire Landscape (1976) pp.180 and 182-3 and see below pp.286-302 & Table 26; for the prevalence of merchant country seats around Birmingham around 1800 see A Murray, A General View of... Warwickshire (1815) pp.28-9; Ichabod Wright the banker similarly



- used the 1792 Basford enclosure act to extend his estate north of the constricted city of Nottingham on the Mansfield Road to build a mansion house and park with extensive plantations; R Mellors, op cit pp.142-3 and White, Notts. Directory (1844) pp.469-470; there is evidence of smaller mansion house estates and villas growing on newly enclosed land around Nottingham - see Table 23; re Boulton see also pp.233 and 298.
- 65 re Bayston Hill, see Table 25 Section 5; re Shoal Hill, see Staffs. Advertiser 16/3/1872 and Cannock Advertiser 26/6/1909 p.5 c.1; although a Provisional Order was made, the enclosure was probably prevented by the local opposition to the small 4½ acre recreation allotment. See also below pp.218 and 290.
- 66 Staffs. Advertiser 9/9/1854 p.8 c.2, land on the Cannock to Hatherton Road.
- 67 Shrewsbury Chronicle 2/3/1849 11 "desirable building sites" (50 of the 350 acres enclosed) sold on the Wellington and Stoke turnpikes; at Eccleshall, several small sale plots on turnpikes "well calculated for building upon" were auctioned Staffs. Advertiser 6/11/1841 p.2 c.5 and 29/2/1842 p.1 c.1; re enclosed village greens being used for buildings and gardens, see in general Hoskins and Stamp, op cit pp.28-34; re Cambridgeshire, S C on Commons Inclosure (P P 1844, V) Evidence of W W Nash QQ3990-4 and C Taylor, The Cambridgeshire Landscape (1973), pp.185-6 and Village and Farmstead (1983) p.214-5; re Swanwick near Alferton, Derby Mercury 20/7/1815.
- 68 See Table 17.
- 69 For unfootnoted references, see Table 20, Railway Dormitory Towns and Enclosure.
- 70 W E Tate, 'A handlist of Sussex Enclosure Acts and Awards', East and West Sussex County Councils, Record Publication I (1950) 31; J Chapman, 'Land Purchasers at Enclosure: Evidence from West Sussex', Local Historian XII (vii) (1977), 337-41.
- 71 Lord Eversley, op cit pp.245-7; P Knowlden and J Walker, West Wickham Past into Present (W Wickham 1987) pp.162-4. See also below p.175 re the CPS.
- 72 re Heswall, S C on Commons Inclosure (P P 1844, V) Evidence of J Davies, QQ 5176-5224; Spec. Rep (P P 1846, XXIV), 95-7; re Thurstaston, Spec. Rep. (P P 1881, XVIII), 521-552; Lord Eversley, op cit pp.197-8; N Ellison, The Wirral Peninsula (1955) p.77; A Brack, The Wirral (1980), pp.143 and 187-8.
- 73 M W Beresford, New Towns of the Middle Ages (1967); Hoskins, op cit pp.110-3 and 272-8; Hoskins and Stamp, op cit pp.38-40 e g Poole, Liverpool, Hedon, Woodstock, Chelmsford and Petersfield. Other examples of such towns are Bamburgh Newtown and Alnmouth - R Newton, op cit pp.91-2, 154 and 156.
- 74 For unfootnoted references in this Chapter, see Table 21 Enclosure and Spa Towns.



- 75 P Hurle and J Winsor, Portrait of Malvern (1985), pp.8, 10, 49, 51-2, 55-9, 67 and 69; this sufficiency of title was also shown by the development of suburban villas at Harborne Heath after the nailmaster Thomas Green had bought the manor in 1786 and then made short term (49 year) manorial leases of common land on increasing ground rents to cottagers - Aris 4/3/1799 p.2 c.3 and VCH Warks. VII (1964), 22-3; quote re Matlock from Llewellyn Jewitt, The Life of William Hutton (1872) p.290; re Barnet, see Table 25 section 2 and 2 Geo II c19.
- 76 See Table 18.
- 77 For unfootnoted references in this section see Table 22 Enclosure and Holiday Resorts.
- 78 re Littlehampton see S Farrant, 'The early growth of the seaside resorts c1750 to 1840', in The Geography Editorial Committee, University of Sussex, ed. Sussex Environment, Landscape and Society (Gloucester 1983), pp.212 and 216.
- 79 Berrows Journal 2/10/1823 p.3 c.3; 25/11/1824 p.4 c.3 and see Table 21
- 80 re Ogmores see D Lleufer Thomas, The Welsh Land Commission: A Digest (1896) p.318; I Bowen, The Great Enclosures of Common Land in Wales (1914) passim; Lord Eversley, op cit p.273. In 1899, the CPS also prevented the Lord of Colwell Common, I.O.W., who claimed he had bought out all the rights, from building houses there, ibid, p.222.
- 81 For unfootnoted references in this section see Table 23. After compiling this table, further reading has shown that many of the trends commented upon were present in the 1777 Barnsley act; 20 farms were rationalised into 4 to feed the rising population; two commons subject to encroachment were divided "the reason for this being industrial expansion". Open common previously worth up to 3/6 per acre was let as industrial and housing sites for 10/6 per acre or more - J Addy, The Agrarian Revolution (1972) pp.32-3. See also R Brown, General View of... the West Riding (1799) p.288 re "manufacturing farms" up to 16 acres on newly enclosed land occupied by woollen and worsted manufacturers. This was larger than those created by Graham or those at Armley referred to in the early 1800s perhaps as demand reduced the acreage available.
- 82 See Map 10.
- 83 A and N Clow, The Chemical Revolution (N York 1970) pp.277 and 290-1.
- 84 H Lloyd, The Quaker Lloyds in the Industrial Revolution (1975) pp.145-8 re Melbourne; J Carpenter, A Treatise on Agriculture, I, (Stourbridge 1803) 76.
- 85 A H Shorter, W L D Ravenhill and K J Gregory, South West England (1969) p.133.
- 86 See Table 24 re Derby.
- 87 JHC XXXVIII, 6/2/1781, 176 re Plymouth and see above fn 75 re Harborne; Chalklin 'The Making of some new towns c1600 to 1720' in C Chalklin and M Havinden, eds. Rural Change and Urban Growth 1500-1800 (1974) p.243.
- 88 G Tindall, The Fields Beneath (1977) p.86.



- 89 See Table 18.
- 90 Spec. Rep. (P P 1859, ii XIV) 525; Slater, North and Mid Wales Directory (1895) 204; D L Hughes and D M Williams, Holyhead, The Story of a Port (Denbigh 1967) does not mention the enclosure but sees 1845-1914 as a boom period; see Table 17.
- 91 See Table 18; re the use of St Andrew's the Less by overseers to settle troublesome parishioners see E J Hobsbawm and G Rudé, Captain Swing (1970) p.166 and S G and E O A Checkland, eds. The Poor Law Report of 1834 (1974) p.254. See also below p.195, 227-8 and 230-1 re settlement laws and 'open' and 'close' parishes.
- 92 See Tables 18 and 19; C Taylor, The Cambridgeshire Landscape (1973), pp.268-9. VCH Cambridgeshire IX (1989) 6, 8 and 12.
- 93 5th. Rep. (1849 XXII 364); R Samuel, 'Village Labour' and 'Quarry Roughs' in R Samuel, ed. Village Life and Labour (1975) pp.15 and 210-2; VCH Oxon. IV (1979) 199-200. See below p.250.
- 94 VCH Wilts. VII (1953) 136, Pigot's Wiltshire (1822) p.562.
- 95 See Table 17, Staffs. Directory (1818) cxx and W White, Staffs. Directory (1834) pp.697 and 713.
- 96 See Tables 14 and 18 and Map 13.
- 97 WaRO HR 35/5-61 esp. 11 re enclosing and converting town fields to pasture aiding trade and not causing depopulation cf. 12 re trade not open field enclosure aiding large manufacturing towns like Birmingham, Derby, Wolverhampton [enclosed by agreement 1587-9 - G P Mander and N W Tildesley A History of Wolverhampton (Wolverhampton 1960) p.44] and Coventry and harming smaller towns like Bosworth, Nuneaton and Polesworth by the loss of agricultural work - WaRO HR 35/10, 12 and 13; VCH Warks IV (1947) 127-8; J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement' PhD University of Birmingham 1965, pp.62, 100, 163, 165-6, 173 and 183-4; B Watts and E Winyard, The History of Atherstone (Atherstone 1988) pp.28-38; the topic merits more detailed discussion than space here permits. See also p.123.
- 98 C Stella Davies, 'The Agricultural History of Cheshire 1750-1850' Cheetham Society 3rd ser. X (1960), 75.
- 99 See Table 18.
- 100 See Chapter 6, Table 18, HMC Report on the Mss. of R R Hastings III (1934) 47-8 W Gardiner to 9th E of Huntingdon 2/12/1744; Huntingdon Collection Harvester Microfilms, Reel 25, 26 and 28 Hemington to E of Huntingdon, 5/5, 28/8 and 5/11 1758, 8/2/1759, undated 1760 and 15/10/1760; A Young, 'A Month's Tour to Northants, Leics. etc.' Annals XVI (1791), 605.
- 101 See Table 18 and C Hadfield, The Canals of the West Midlands (N Abbot 1966) p.35
- 102 See Table 14. See below p.222 re Tetbury.



- 103 R A Martin, 'Kettering Inclosure 1804-5', Northants. Past and Present I (1977) 413-24; Northants R O L&H XXI Letters re Kettering enclosure - qu. from undated letter of 1802 Marshall to Lord Sondes; J M Steane, The Northamptonshire Landscape (1974) pp.63 and 70; W Pitt, A General View of... Northants. (1809) pp.42, 43, 63, 70, 75, 77, 171 and 241-3; Bruyn Andrews, ed. op cit, III, 208 and 211, 15/7/1793; S A Peyton, ed. 'Kettering Vestry Minutes 1797-1853' Northants Record Society VI (1930-1) passim; F W Bull, A Sketch of the History of... Kettering (1891) pp.38 and 41; S D Chapman, op cit pp.17, 93 and 235; Sir F M Eden, The State of the Poor III, (1797), 261; R Gourlay, 'An Inquiry into the State of Cottagers in the Counties of Lincoln and Rutland', Annals, XXXVII (1801) 514-49 & 577-99 and 'On the Advantages of the Cottage System' XXXIX (1803) 259-60 262 and 264; Thomas Smith, 'On Cottagers Renting Land', ibid, (1803) 244; R Church, 'Messrs. Gotch and Sons and the Rise of the Kettering Footwear Industry' Business History VIII (1966), 140-9. re Long Crendon, E L Jones, 'The Agricultural Origins of Industry', Past and Present XL (1968), 62; Tate and Turner, op cit, p.69; VCH Bucks (1908) 127-8. See below p.252.
- 104 See Table 18.
- 105 N R Wright, op cit p.88; E and R C Russell, Making New Landscapes in Lincolnshire (Lincoln 1983) p.3; J Godber, A History of Bedfordshire (1969), pp.410 and 412.
- 106 Table 23; StRO D260/M/F/5/26/85 Hatherton Diary 20/2/1860.
- 107 Staffs. Advertiser 27/7/1805 p.4 c.4; 15/8/1812 p.1 c.4, 12/9/1812 p.3 c.4, 8/7/1848, and 16/9/1848, 13/10/1849 p.5 c.4; Newport and Market Drayton Advertiser 4/11/1882. Bagshaw Shropshire Directory (1851) pp.263-5; N Rowley, Market Drayton A New History (M Drayton 1983) pp.20, 30-3 and 40; Lichfield Diocesan Register, documents re Little Drayton Church; SLS Deed 4311; Table 16; ShRO A21/58 Little Drayton Enclosure Award E T S 'Enclosure of a Common', Shropshire Magazine VI (iii) (July 1955) 13-16; Harrison, Salop and Staffs. Directory (1861) p.747.
- 108 See Castlemartin above p.34 and Table 27. Enclosure and drainage preventing miasmas and disease was also mentioned at Cartmel - James Stockdale, Annals of Cartmel (1872) pp.326-9; Huntingdonshire - R Parkinson, General View of... Huntingdonshire (1813) p.21; Stourport area - Watson, 'Some Account of the Medical Topography of Stourport in London Medical Repository II (1814) 459-65; Llandrindod Wells - W Davies, op cit 74; S C on Commons Inclosure (P P 1844, V) Evidence of H Crawler Q 5104 and G Philpot, 'Enclosure and Population Growth in 18th. Century England', Explorations in Econ. Hist. XII (1975), 29-46 re medical benefits of enclosure. It was also cited in the national commissioners' reports; 3rd. Report of Inclos. Comms. (P P 1847-8, XXVI) 204-6; Whitley Reed, Antrobus, Cheshire. 309 acres will be tilled "and without the inclosure there is



- no means of getting rid of an unhealthy swamp." Hyssington Marsh, Salop and Montgomery 483 acres; drainage will enable some to be cultivated and provide more work; remainder "will prevent the propagation of disease amongst the sheep". Spec. Rep (P P 1849, XXII) 377; Hailey and Crawley, Oxon. improve land and drainage of adjoining lands and "greatly improve the neighbourhood". 6th Rep. (P P 1851, XXII) 533-4 Kingswood, Herefordshire; increase productiveness of pasture "and a great benefit conferred on the neighbourhood by the drainage of the Meer Land". 7th. Rep. (P P 1852, XVIII), 520, Green Moor, Monmouth; drainage will increase productivity and employment and "improve the sanitary condition of the neighbourhood." Spec. Reps. (P P 1852-3, XL) 662-3 Haughton, Cheshire, cultivation and drainage "which will contribute to the health of the district." 16th. Rep. (P P 1861, XX) 841 Ribbleton Moor, Lancs. "The health of the locality will be much improved by the drainage of the land and trespassing will be put an end to." This shows that it was at least a contributory factor in some enclosers' minds.
- 109 S C on Commons Inclosure (P P 1844, VII) QQ 3192-3241 and 1st. Rep. on the State of Large Towns (P P 1844, XVII), Appendix, 144-8.
- 110 Spec. Rep (P P 1868-9, XVII) 361; Tate and Turner, op cit p.241.
- 111 See below pp.172-7 and Table 24.
- 112 See Chapter 5 and Table 24.



## CHAPTER FIVE - ENCLOSURE AS A COMMUNITY RESOURCE

### Introduction

Amongst academic historians, only Tate and Giles realised that the enclosure of commons and wastes by act might be used to provide funds for various local needs such as the building of Stockport workhouse.<sup>1</sup> Davies noted that Cheshire had a tradition of enclosing commons for such local purposes before the age of parliamentary enclosure.<sup>2</sup> Apart from these three, there has been very little academic research on this aspect of enclosure. Even these historians have not tried to gauge either the frequency of enclosures for such purposes or whether they were characteristic of particular areas and types of settlement. For example, it would be virtually impossible to get agreement for such acts in parishes where the only common land was open field arable as the strips were private property for most of the time.

In their studies of individual localities, antiquarians like Scholes often mention these types of enclosure. However no attempt has yet been made to compare and analyse the details from this underused and large body of research. Bancroft in his study of the Newport enclosure in Shropshire did note that it was "a refreshing reminder that there were many exceptions to the classical type of inclosure" but he does not cite other examples.<sup>3</sup> Material from these local histories together with primary evidence from sources like the printed acts and petitions will be collated and analysed in four sections; enclosures which were used to benefit local interest groups; enclosure and recreation; enclosures to create specific institutions and enclosure and local improvement acts.

Any historian who studies enclosure acts designed to benefit the community must be aware of three problems. Firstly, allotments to charity estates in lieu of their common rights have been mistaken for attempts to benefit them by generous local owners.<sup>4</sup> Details of such allotments were easily available to antiquarians because they were listed in the Charity Commissioners' reports used by many directories in their accounts of the relevant parishes.<sup>5</sup>

Also some acts mentioned in this chapter, such as that for Woodhouse Moor in Leeds, are not usually included in lists of parliamentary enclosures. However they were enclosures in effect as they needed the consent of the freeholders and the lord of the manor, the land was converted from common ownership to severalty and was physically fenced off.

Finally, several acts allotted some common land for workhouse sites as at Ashley Heath in Staffordshire and Laleham in Middlesex. Whilst such provisions suggest that concern about poor rates was an important motive for such acts, it would be wrong to list them, as Giles did, with acts like that for Stockport, the sole intention of which was to create funds to build a workhouse. The whole complicated subject of enclosure and the problem of the poor within the local community is so important that it merits separate attention and so forms the subject of the next chapter.<sup>6</sup>

#### General Acts to allow enclosures for local uses<sup>7</sup>

Many general acts allowed owners to enclose common land for a wide variety of uses such as endowing churches, planting trees or establishing schools. Powers to enclose for these and other purposes under such general acts as the Poor Law Act (1831) or the Public Health Act (1875) were used quite often but this has been generally overlooked or ignored.<sup>8</sup>



Although they often involved only small parts of the common, the importance of these enclosures in facilitating the development of many social institutions should not be underestimated. In particular, their role in allowing the building first of cottages, and then workhouses under the name of 'poor houses' on the wastes has rarely been fully appreciated. This practice was one of several strategies involving the use of common land to cope with the problem of the poor which are discussed in Chapter 6.

#### Enclosure to favour local community groups

In some towns, the commons were controlled very carefully by the freeholders and the lord of the manor to benefit the community as a whole. At Knutsford, for example, the freeholders resisted the sale of any common land in the 1700s, which prevented the town's expansion over the heath. In the early 1800s, some land was sold for a county sessions house and a prison and gradual colonisation by housing took place thereafter. In other cases, the commons were regulated by acts to benefit various deserving groups - like the 80 oldest burgesses of Lancaster - or the whole community as in the case of Pontefract. These acts were often unsatisfactory and subsequent legislation was needed. At Nottingham, the freemen obtained an act in 1850 to transfer control of their allotment from the Corporation to their own committee.

#### Enclosure and recreation

It was shown in Chapter 4 that there was severe pressure to use open spaces near towns for building or gardens. However, even in the 1700s, it was realised in some towns that open spaces for public walks were needed to attract wealthy residents and common land often provided such facilities. The Lower Walk on Shrewsbury common was planted in 1719 and five other walks were set out for public recreation.

Leicester's New Walk was set out in 1785 with the same intention, although after the South Field Enclosure Act, its sides became covered with the local élite's town houses.<sup>9</sup>

Early acts sometimes safeguarded the leisure use of commons, but often only for the recreations of the wealthy. The Rustall Manor Act 1739 expressly forbade further building on the heath at Tunbridge Wells to preserve a rural environment for the spa. Acts as at Newcastle-under-Lyme in 1816 also set out lands for public walks in the new enclosures. Cambridge University used its influence to maximise the width of walks in the Barnwell Act for the students' recreation.<sup>10</sup> Horse races had often been held on commons near towns as in Lincolnshire<sup>11</sup> and on Kersal Moor near Manchester.<sup>12</sup> At Hereford,<sup>13</sup> Oswestry<sup>14</sup> and Newcastle-under-Lyme,<sup>15</sup> race course sites were specifically protected in enclosure acts; but elsewhere, as at Sheffield, acts ended races on the commons. The owner of the Siddals lammas land at Derby had stopped its use as a race course long before it was enclosed. At Langton in the East Riding, the enclosure was popularly supposed to have been entirely inspired by the desire to prevent the 'immoral' practice of racing.<sup>16</sup>

No act before 1841 was used solely to create a public park. Indeed the first example of such provision was not in an enclosure act but in a waste developed by encroachment; Reynolds left land for public recreation when he made building leases of common land at Madeley in Shropshire after 1780. Residents of fashionable suburbs like Clapham near London bought up all the rights on the common and converted it to a public park.<sup>17</sup> A few corporations preserved their commons as parks. Preston, unlike many other milltowns, preserved its common, enclosed it in 1834 and converted it into a public park in 1867. Southampton's 240 acre Saxon Common also became a public park, in this case



by means of an 1844 act.<sup>18</sup> The survival of town commons for public recreation through the Industrial Revolution depended on local circumstance and initiative.

Concern about the loss of open space around large towns and its effects on public health increased after the 1820s with the furore over Hampstead Heath. The Marion Wilson's estate bills, were believed to be attempts to enclose Hampstead Heath and so deprive Londoners of its recreational use. Even agricultural improvers like James Loch criticized enclosures near large towns for this reason while radicals like Cobbett attacked the large owners who profited whilst ignoring the interests of the masses.<sup>19</sup> This criticism led to the 1833 Select Committee on Public Walks which reported that even where provision had been made for public walks as at Shrewsbury, the amount was considered "inadequate to the increasing number of people".<sup>20</sup> Reformers found that continued pressure was needed to overcome the prevalent philosophy of *laissez-faire*. They tried to change public opinion by pressurizing the government to establish further enquiries and reports on the Health of Towns (1840) and the State of Large Towns (1844-5) followed. The slow progress made by reformers shows the amount of opposition there was to overcome. Millward notes that few contemporaries criticised the loss of open space in Lancashire milltowns. Indeed some praised the picturesque quality of a smoky atmosphere and the employment provided by a landscape of industry.<sup>21</sup> Some reformers advocated enclosure to drain unhealthy commons and allow building to prevent overcrowding as at Nottingham rather than to provide public parks.<sup>22</sup>

The recreational lobby began to achieve successes from the middle years of the nineteenth century. Compromise was possible by making recreation allotments in enclosures. After 1838, parliamentary committees had to enquire into the recreational provision in acts, even in the case of an

unpopulated waste like Ogley Hay in Staffordshire.<sup>23</sup> Large recreation allotments were made under the Nottingham enclosure of 1845. The 1845 General Enclosure Act provoked much discussion of the issue of recreation in towns.<sup>24</sup> The national commissioners established by it were to investigate the adequacy of local recreational provision in schemes for their approval. Until 1869, recreation allotments were nearly always made in enclosures near towns; one scheme at Petersfield Heath in Hampshire gave seven of its eight acres for recreation. At Nantwich Barony in Cheshire, 17 of the 32 acres were given over as a park and a recreational allotment. Ten of the remaining acres had to be sold for housing to pay for the act.<sup>25</sup> The recreation lobby grew stronger and the CPS developed as an institutional pressure group to protect commons.<sup>26</sup> The smallness or even sometimes the lack of recreation allotments in schemes approved by the national commissioners were powerful weapons in the hands of the CPS in preventing many enclosures near London in the 1860s.<sup>27</sup> After 1869 they stopped all schemes under the 1845 act<sup>28</sup> and obtained the 1866 Metropolitan Commons Act<sup>29</sup> and the 1876 Commons Act which laid greater stress on the public interest.<sup>30</sup> During this period, many enclosure schemes were abandoned and agreements were made to preserve common land for recreation.<sup>31</sup>

Schemes under the 1876 act often regulated commons for public access. One of the largest of these was the regulation of Clent Hills under a Board of Conservators including representatives of the Sanitary Authorities of six Black Country towns.<sup>32</sup> Even remote areas by the late 1800s had their historical and geographical features protected. Thus in the 1880 enclosure of Llanfair Hills on the Welsh border, 10 acres plus the whole length of Offa's Dyke in the area were allotted out of its 1,640 acres for recreation and public purposes. Other schemes under the act, as at Halifax in 1895, specifically created enclosed parks. At Runcorn,



the Lord of the Manor's interest had to be compensated by a  $\frac{1}{2}$  acre allotment before the public open space could be vested in the Urban District Council. Conflicting interests at Malvern in Worcestershire, made agreement under the general act impossible and a special local act was needed in 1884. A body of conservators was set up to prevent encroachments and to protect the commons for public access whilst maintaining common grazing rights. This protected both the interests of the commoners and Malvern's economic function as a resort.<sup>33</sup>

Apart from General Enclosure Acts, local authorities could use other parliamentary means to enclose common land to create public parks. The first park created by act, at Blackburn in 1841, was converted from common land by a separate local act and similar acts followed as at Bristol in 1861 and Bradford in 1865. The former confirmed the purchase by the Corporation of Durdham Down for £15,000 and its conversion with Clifton Down into public open spaces subject to stinted common rights. Other conversions were effected by local improvement acts, although some like Skircoat and Woodhouse Moors in the West Riding are doubtful examples of enclosures because the land was often not physically fenced. However the fact remains that the ownership and use of the land was altered and the consent of each party was needed which are all important elements of enclosure acts. Parks were also created from commons under the powers of other general acts, such as the 1875 Public Health Act which was used at Bloxwich in Staffordshire.<sup>34</sup>

There is some evidence that enclosures were seen as beneficial by some as a means of preventing cruel sports which were under increasing criticism during the 1800s. Prize fights and animal baiting often took place on commons, especially on county borders,<sup>35</sup> or on extra parochial and extra manorial land so that the authorities would find it

hard to stop them due to disputed jurisdictions.<sup>36</sup> Concerned owners like Lord Dartmouth gave sports grounds and prizes for athletic events to provide rival attractions to such sports.<sup>37</sup> It is noteworthy that only cruel or violent sports on commons involving the masses were attacked - not hunting or shooting, the preserves of the rich.

This trend may have encouraged many modern socialist historians to view enclosure as destroying working class leisure activities for the financial benefit of large landowners.<sup>38</sup> However, as Malcolmson noted, no historian has claimed that enclosure was a deliberate attempt to control such activities as there is little evidence to support such a view except perhaps in the cases of Langton Wold (East Riding) and Allerton (West Riding). Elsewhere, seeming links between enclosure and the deprivation of recreation can be explained in other ways. For example, although the enclosure riot at West Haddon in Northamptonshire was occasioned by an assemblage of people to play football on the field, the rioters clearly opposed the act because it threatened their livelihoods which depended upon their common rights. This act so oppressed the poor that half the owners sold their lands before the award was completed.<sup>39</sup>

However, as demonstrated above, contemporaries knew that enclosure restricted the leisure activities of the poor. One issue in the debate about recreation and enclosure around 1840 was whether leaving commons open for recreation provided meeting places for chartists or opportunities for alternative occupations to political agitation. This issue was raised about enclosures at both Halifax and Bradford.<sup>40</sup> Also, as will be shown in the next chapter, enclosures could be seen as an economic instrument of social control against the masterless men who squatted on the commons.



## Enclosures for ecclesiastical and other institutional uses

There had been a long tradition of enclosing common pastures for these purposes in districts where such land was plentiful. This rarely happened in the champion districts which have been the subject of most studies of enclosure. Small plots of open field land in St George's Field, Southwark, were freed of common rights and enclosed by acts for a reformatory and a workhouse in 1769 and 1772, but these were exceptional. As a result, many historians have underestimated the importance of enclosures for ecclesiastical or other institutional uses.<sup>41</sup>

Although gifts and bequests were the major source of town lands, some of these properties may have had their origins in enclosure agreements.<sup>42</sup> Also, many gifts and bequests were in the form of land in common for burgesses or other local groups as at Nun's Green, Derby, and at Leominster.<sup>43</sup> This land could then be endowed to trustees in severalty for many uses. The Feofees of Rotherham's Common Lands aided the construction of two schools, a town hall and a dispensary.<sup>44</sup>

Common land was also used to provide sites or endowments for barracks, waterworks and workhouses. Especially in early cases or when only small amounts of land were involved like the site of an institution, such lands were donated by agreement rather than by act. The amounts of land involved were too small to harm the common rights of the proprietors and were not worth the cost of a confirmatory act. However sizeable areas could be enclosed to provide endowments; 65 and 55 acres respectively were enclosed in Staffordshire to endow Aldridge Grammar School and Norton Canes Free School. Despite this, when larger areas of land were involved, particularly once the practice of parliamentary enclosure had become more accepted, the parties involved usually resorted to acts.

An example of how this practice changed is afforded by the use of common lands for reservoirs. Early reservoirs on such land tended to be encroachments like Chasewater on the Wyrley and Essington Canal in Staffordshire, licensed by the lords of the manors of Hammerwich, Burntwood and Norton Canes. Later reservoirs on common land tended to be created by parliamentary sanction. They were often in remote hilly areas like Lake Thirlmere in the Lake District and Stainbury Moor in the Pennines to supply large towns like Manchester, Birmingham and Liverpool with drinking water. This was a result of the inadequacy of local water supplies, improved technology and the perception of many corporations of their duty to supply drinking water. The CPS was concerned by this trend and in the Elan Valley Act of 1892 established precedents to protect public access to the land and the landowners' common rights in subsequent acts. Earlier enclosure acts had often included clauses to protect springs (as at Wirksworth in Derbyshire), waterworks and underground piping (as at Macclesfield in Cheshire).<sup>45</sup>

An example of how both enclosure agreements and acts could be used to provide public institutions is afforded by Hounslow Heath Barracks in Surrey. In 1793, at the height of the fears of revolution, part of the heath was enclosed by agreement as the site of a barracks. A similar arrangement was made when the War Office bought 116 acres at Great and Little Warley Commons in Essex for a horse artillery barracks in 1805. In the subsequent 1813 enclosure act for Isleworth, Heston and Twickenham, 268 acres were bought as an exercise ground for the Hounslow Barracks.

The 1813 act also reveals the range of motives which often lay behind the enclosure of commons. The heath was a prime situation for mansions on the main road west of London; the advantages of such commons were described in Chapter 4. After the award, many new mansions joined the earlier ones



upon encroachments. The heath had been notorious for highwaymen who used its isolation to prey upon the wealthy travellers going to these mansions; its enclosure and fencing reduced such crime by destroying ambush sites and preventing easy escape across the heath. Cobbett criticised enclosing the heath for the barracks. He thought that they maintained both the privilege of its rich residents and the corrupt system of government. The evidence of Matthew Sherborne showed that the act could have been motivated more by the need to maintain law and order or build houses than agricultural improvement. When he began farming much of the great tithe allotment in 1833, 15 years after the award, it was still covered with furze. However the promoters may have had plans for both agricultural and building development but these might have been dashed by the post war depression.<sup>46</sup>

The Church of England was the institution which benefited most from the enclosure of commons to provide endowments or sites. Agreements involving the church often needed a confirmatory act because incumbents could not agree to actions which bound their successors. On the other hand, such an act was needed at Clapham in Surrey due to the manorial estate's entail provisions. Although Chalklin does not refer to enclosure as a source of funds for church building in provincial towns during this period, there are several examples of this.<sup>47</sup> Indeed, the very first enclosure act was obtained to provide a site for a new church on waste land at Weymouth. Such acts were required as towns grew in size and new churches were needed. Indeed at Portsea, a chapel built by act on Portsmouth Common Field in 1753 could only accommodate half the number who wanted to attend by 1788 and a new chapel was built on the field. Acts were required on both occasions to enclose the land and suspend common rights on the strips. However attempts to pay for

church building by enclosure acts sometimes provided inadequate funds as at Oldbury in the Black Country, and Coundon and Keresley in Warwickshire.

The desire to augment clerical livings also led to individual acts as at Tettenhall, Staffordshire. The first general enclosure act of 1713 was also of this nature. It allowed the augmentation of poor livings in the populous West Riding by the enclosure of  $\frac{1}{6}$  of a manor's commons up to a maximum of 60 acres. Although only the consent of the lord and  $\frac{3}{4}$  of the owners both in number and size of property was needed, Young noted that this act had never led to disputes. He praised both this and the Colton Act in Staffordshire (where commons were leased and the rent used to reduce the poor rate) as cheap ways of improving small commons which were not worth allotting.<sup>48</sup> This shows that the contemporary drive to promote enclosure did not come entirely from the desire for profit but was motivated in part by ideas of public utility and rational improvement. Many commentators advocated enclosing land in such ways in order to reduce costs and overcome opposition. Of course, these new mechanisms did make enclosure and land improvement more attractive to owners who profited from the process in ways other than increased income. These benefits included reduced poor rates, local improvements without an onerous rate or improved church provision.

Unless and until the special provisions of general acts applied, the unanimous consent of the owners of common rights was needed to enclose the commons for such uses. Lord Spencer proposed to Battersea Vestry in 1770 that part of Penge Common should be enclosed to provide funds for repairing the parish church but he failed to get unanimity.<sup>49</sup> The absence of such consent to an encroachment for a church built on Wortley Green in the West Riding, together with disputes about patronage meant that it could



not be authorised as an anglican church. Later, general acts empowered the lord of the manor and freeholders (who might otherwise lack the legal powers as tenants for life or infants to agree) to allow encroachments for chapels. The 1818 Million Act stated that the lord's consent was sufficient title but the continuance of separate acts and agreements including the consent of the other owners shows that his permission alone was felt to be inadequate. At Little Drayton in Shropshire, a church was built on the common with the consent of all parties under a general act but it was still confirmed under a subsequent enclosure approved by the national commissioners.

Acts could be used not just to build new churches but also to end the life of an old parish church for a variety of reasons. In Gloucestershire, one of Siddington's two parish churches was demolished under the provisions of the act with its furniture sold to defray enclosure costs and its site adjoining the Rectory given to the Rector.<sup>50</sup> The lord of Ettington in Warwickshire used an enclosure act to seize the site of an old church in order to make it a romantic family vault in his park. At Ombersley in Worcestershire, the same was achieved by a church act which coincided with an enclosure act.

In the latter case, enclosure can be seen as part of a wider 'Spirit of Improvement' which swept settlements and linked enclosure with concern about morality and the desire for better ecclesiastical provision. At Fradswell in Staffordshire, an appeal for a parsonage for this demoralised squatter settlement was followed by an enclosure. At Trelleck in Monmouth, the vicar was empowered to raise money to build a vicarage in an enclosure act of 1810. Sir George Harpur Crewe improved his Alstonefield estates and tenantry by a programme of enclosure and road and chapel building. This and other examples of moral

improvement by enclosure coupled to church extension are discussed in Chapter 6. However the mere coincidence of such trends in a settlement does not prove that there was a link. Other confirmatory evidence about the attitude of the leading figures in the community, like the improving Marchioness of Down at Ombersley, is needed to show that enclosure and church extension were clearly part of a wider 'Spirit of Improvement'. Certainly, clerics like Archdeacon Plymley, author of the revised General View of the Agriculture of... Shropshire, felt that the church should support economic improvement as part of its moral and religious duty. He justified his support as a churchman of the temporal ideals of the Board of Agriculture because it was a Board of "internal improvement".<sup>51</sup>

Enclosure acts which aimed to colonise large fens and forests like Needwood in Staffordshire and Charnwood in Leicestershire often included provisions to build churches for the moral needs of the new settlements. Such provisions could also be found in quite small enclosures like Stoke Prior in Worcestershire. When the provisions of an original act were inadequate for this purpose, amendment acts were obtained as at Newborough parish, created on what had been the Borough and 400 Acre Fens.

Tithe commutation could be a strong motive for enclosure; its effects on church landownership and its social position has already been mentioned in Chapter 2.<sup>52</sup> However such acts usually benefited the rector or impropriator, not the church itself. Other enclosure acts had provisions to benefit the church, like one which also augmented the living of Skelton in the West Riding, but these were often only secondary motives for enclosing by act. Most enclosure acts were more actuated by the desire to improve the land rather than by any specific community need but they did provide a legal opportunity to meet such subsidiary requirements.<sup>53</sup>



Several enclosure acts raised funds to erect secular public buildings such as Stockport workhouse and Kingston courthouse. These were generally in towns which were more likely than villages to need such buildings. At Nantwich, two acres were vested in trustees as the site of a cattle market but funds had to be raised by means other than the enclosure to pay for the building.<sup>54</sup> Powers also existed in both enclosure and general acts to enclose commons for military installations, schools, and so on, even into the twentieth century. Several modern acts deal with common land - especially where height or remoteness are needed - two factors which had often led to such land remaining open. A television mast at North Hessary Tor in Cornwall, a nuclear power station at Winfrith Heath in Dorset, and airports such as Towyn Trewan in Wales, were established by acts since 1945. As they ended common rights, fenced the land and changed the ownership and use of the land, they are enclosure acts.

Philanthropists could use the purchase and enclosure of estates to raise funds for private institutions. Gideon Bickerdike bought the Corfham manorial estate at Culmington in Shropshire in 1798 and obtained an act for its commons and wastes in 1800. This was to provide the money for a school for 20 poor Quaker boys at Ackworth in Yorkshire, set up as the Flounders Academy after the sale of Culmington by his heir for £40,000 in 1845.<sup>55</sup>

One act belonging to this group had wider implications than merely providing the site and endowment of an institution. The Newport (Shropshire) Act of 1764 not only used funds arising from the lease of the commons to repair the town's public buildings but also to employ the poor and repair the streets. As such, it also tried to serve as a sort of local improvement act. The limited powers of early acts here and at Kendal in 1767 led to a trend for full-blown enclosure

and improvement acts; indeed, the limitations of the Newport Act led to its amendment into a classic improvement act in 1854. Such acts form the subject of the next section.

### Enclosure and Improvement Acts

Improvement acts developed at much the same time as enclosure acts. After 1750, towns were modifying their traditional forms of government due to the problems associated with urbanization and the awakening of provincial life and civic pride when a 'Spirit of Improvement' swept many English towns.<sup>56</sup> Two major problems with town improvements were the cost and who was going to pay it. Voluntary subscriptions from M.P.s were made in boroughs where landowners had to use their influence to retain control like Tamworth and Hereford. Other solutions adopted in acts included a coal levy at Gainsborough (1769), lotteries as at Westminster Bridge (1738) and loans based on public funds at Southwark (1778).<sup>57</sup> Mainly in the industrial parts of the North and West, where climate, altitude and soil meant that many town commons remained open, another solution was to enclose and sell or lease these commons to fund improvements. Few historians apart from Tate have referred to this use of common land.<sup>58</sup>

This solution was floated unsuccessfully in several places, probably due to the competing local groups who were interested in the commons for their own benefit as at Nottingham and Stamford.<sup>59</sup> The influence of the burgesses at Northampton seemingly prevented any idea of using their common to fund an improvement act. Thus there were simultaneous enclosure and improvement acts for Northampton which were entirely unconnected except perhaps by a 'Spirit of Improvement'.<sup>60</sup> This spirit was noted particularly at



Evesham in Worcestershire, where the enclosure and improvement act was also connected with reconstructing roads and bridges.

Although early attempts might fail due to local opposition, subsequent applications might succeed. The original bill for Leominster in Herefordshire in 1785 failed due to riots but succeeded in 1808 despite opposition. Common rights, especially in the early part of the period under study, were often vital to the local economy. Their loss in order to improve the town's lighting and paving seemed an unfair bargain in the eyes of many townspeople. Physical opposition to such acts by organised mobs with definite aims occurred in 1764 at Newport in Shropshire and in 1815 at Burton-on-Trent in Staffordshire. Both of these riots were forcible attempts made by the more militant freeholders to exercise their common rights on the date when the commons were customarily thrown open to them. News of such riots could be deliberately suppressed. For example, commissioners' letters and a letter to an extra-county paper are the only surviving evidence of the riots at Burton and Leominster respectively.<sup>61</sup>

The declining value of such rights and the growing realisation of the economic benefits to the town from civic improvement led to the success of later schemes elsewhere. The opposition at Cardigan ended in 1854 partly because the desire for civic improvement had outweighed the declining economic value of little used common rights. Apart from Cardigan, other enclosures under the 1845 general act to provide funds for local improvements were not linked to improvement acts.

Often individual improvers like Bell Lloyd at Llanfyllin or new trading elites were the originators of enclosure and improvement acts. They used their influence to overcome

local opposition whilst protecting their interests by the terms of such acts. As such they were behaving like any interest group anxious to derive the maximum benefit from their position of influence. For example, Derby's new manufacturing élite obtained clauses to exempt their factories from the improvement rate and used commons of no use to them to fund the act.<sup>62</sup> Both here and in other industrializing towns like Bolton, the land was leased for building which increased the income to the trustees and so decreased the rates. Even in non-industrial market towns like Stamford, the promoters of an enclosure and improvement bill could hope to profit from the demand for building land.<sup>63</sup> Improvement acts involved the sale of lammas rights at Ross, Launceston, Lichfield and possibly Monmouth. Problems could arise (as Simon noted in an earlier period with feofees of town lands) as to how to prevent the misuse or mismanagement of funds by trustees, especially where there was no effective town government. Accusations of this kind were made at Derby, Stockport and Llanelli.<sup>64</sup> However the experience of Hereford proved that such a system could be both effectual and honest.

Table 24 shows that the funding of local improvement acts by using common land was not an unusual phenomenon and could be a partial solution to the problem of financing improvement. Such acts could also be linked to other motives like estate consolidation and emparkment at Ludlow and Ledbury. In addition, a geographical pattern emerges, with towns in areas with considerable commons and wastes being those in which such projects were considered. For example, there was one cluster of enclosure and local improvement acts in Herefordshire towns.

Another reason for this geographical pattern is that the success of one such enclosure in an area led other towns to follow suit. The successful Hereford Act may explain why all



of the county's other large towns subsequently obtained enclosure and improvement acts. Such concentrations in specific areas again add weight to Hunt's 'epidemic' theory. This theory is strengthened by the fact that such acts in an area usually follow a definite local form. Thus, acts for towns in the mid-Wales borderlands and Shropshire tended to finance the erection of public buildings; but those in Cheshire and around Uttoxeter were used to deal with the problem of high poor rates. The latter concern will be one of the subjects of Chapter 6.

### Conclusion

Despite the pioneering work of Giles and Davies, previous historians have neither appreciated how extensive were enclosures for community uses, nor how wide was the variety of local needs that such acts could help. Commons were seen as a valuable community resource which the mechanism of enclosure could make available to endow a variety of local institutions. Despite problems over inefficient or corrupt trustees, it seems clear that many of the attempts were genuinely intended to help the community as a whole, even if they met with a varied degree of success. Such acts were most frequent in areas with large commons and wastes especially near towns. They were rarely found in open field areas due to the problems of individuals losing what was already their own land for most of the time.

Many factors favoured the use of enclosure acts for community uses. One was the decreasing use of common rights. Another was the difficulty of dividing up commons into economically viable units with so many claimants. A third was the increasing need for churches or improvement acts due to population growth. On the other hand, the common rights being given up for these purposes were often seen as destroying a vital part of the economy of the poor. This was

especially the case in smaller towns in the earlier part of the period under study and caused much discontent and the failure of some bills.<sup>65</sup>

It is true that clusters of similar acts occurred in some areas; however, in trying to divide up acts into groups, it is clear that many types of act overlap and no clear typology can be achieved. This again highlights the individuality of every enclosure act whose timing and framing were conditioned by local factors. For example, some acts mentioned above were also concerned in part with the poor, encroachments and the poor rate. Enclosure acts which were specifically designed to deal with these problems will be the subject of the next chapter.



## Footnotes for Chapter 5

- 1 W E Tate 'The Commons Journals as Sources of Information concerning the Eighteenth Century Enclosure Movement' Economic Journal LIV (1944) 80-1; P M Giles, 'The Enclosure of Common Lands in Stockport', Transactions of the Lancashire and Cheshire Antiquarian Society LXII (1950-1) 73-106.
- 2 C S Davies, 'The Agricultural History of Cheshire 1750-1850' Cheetham Society 3rd ser. X (1960) 72-3 re agreements used to help endow, maintain or provide the sites of schools, poorhouses, workhouses and chapels.
- 3 A G Bancroft, 'The Newport Inclosure 1764' Transactions of the Caradoc and Severn Valley Field Club XVI (1961-7) 120.
- 4 W E Tate, The Parish Chest (1946), p.113; J Simon, 'Town Estates and Schools in the Early Sixteenth and Seventeenth Centuries' in B Simon, ed. Education in Leicestershire 1540-1940 (Leicester 1968) pp.22-3.
- 5 The charity commissioners published such details and books like G Griffiths, The Free Schools and Endowments of Staffordshire (1860) reprinted them; so it was very easy for compilers of directories to obtain such information.
- 6 re Ashley, see below p.202 and Table 25 Section 5; Giles, loc cit 96.
- 7 See Table 24 throughout this chapter for unfootnoted references. Its sections conform to the text's headings.
- 8 See below p.176 re Bloxwich and pp.181-2 for the use of general acts for church sites and endowments.
- 9 Blakemore and Owen, History of Shrewsbury I 581 qu. in Eddowes Journal 29/4/1846, p.2 c.4 'The Centenary of the Quarry'; C Bruyn Andrews, ed. J Byng, Torrington Diaries III (1936), 20/7/1793, 233-6; J W Heath, 'The Quarry Shrewsbury' Transactions of the Caradoc and Severn Valley Field Club V (1909-12), 314-327. See Table 18 re Leicester and above pp.128-9 and 137 re Leicester and p.156 re enclosure and recreation.
- 10 See Table 18 re Newcastle and Table 21 re Tunbridge Wells; re Cambridge B M Add. Ms 35687 fo.391-2 J Buller to Earl of Hardwick 31/7/1807.
- 11 N R Wright, Lincolnshire Towns and Industry 1700-1914 (Lincoln 1982) pp.18 and 107.
- 12 S C on Public Walks (P P 1833, XV), 60 Evidence of Benjamin Bradley QQ 781-791.
- 13 See Table 24 Section 4
- 14 ShRO Whittington Enclosure Act 1777; Mrs Bulkeley Owen, Selattyn, A History of the Parish (c1892) pp.464-7.
- 15 BRL LF 60.3 (17278) Collection of Enclosure Acts.
- 16 Taunton Courier 9/2/1848 p.3 c.3 Cox v Glue & Cox v Mousley.
- 17 VCH Salop IV (1989), 176-7 and Chapter 3; re Clapham, A G Parton, 'Parliamentary Enclosure in Nineteenth Century Surrey; Some Perspectives on the Evaluation of Land Potential', Ag. Hist. Rev. XXXIII, (1985) 57; W Pitt, Topographical History of Staffs. (1817) ii, 246.



- 18 W G Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963), pp.12, 64, 166 and 279; see below fn 34; A Hewitson, A History of Preston (Preston 1883) p.326; G F Chadwick, The Park and the Town (1966) pp.106-7.
- 19 J Loch, An Account of the Improvements on the Estates of the Marquess of Stafford, (1820) pp.204-6; see above pp. 139-40, 155-6 and F M L Thompson, Hampstead: Building a Borough 1650-1914 (1974).
- 20 S J Daniels, 'Moral Order and the Industrial Environment in the woollen textile districts of W Yorkshire 1780-1880' PhD, University of London 1980, pp.132-3 and G F Chadwick, op cit pp.44-50; S C on Public Walks (P P 1833, XV) 339 - Report p.5 and passim re London.
- 21 R Millward, Lancashire (1955) p.80
- 22 See pp.155-6 and Table 18
- 23 A Rogers, Approaches to Local History (1977) p.213; Staffs. Advertiser 10/2/1838 p.3 c.2.
- 24 Hansard 3rd. Ser. LXXV, 5/6/1844, 299-314; esp. Viscount Sandon re recreation allotments for the poor and Messrs. Berkeley, Warburton, Lord J Manners and Col Wood re enclosures of town commons used for recreation; S C on Commons Inclosure (P P 1844, V) Evidence of R F Graham QQ4266-9 re limiting enclosures near towns with 10,000 population except in linear towns where a recreation allotment would suffice as open land was nearby.
- 25 12th. Rep. (P P 1857, IV) 37 re Petersfield; Cheshire R O, Q/DE 1/46, Nantwich Enclosure Award, 1869 and Table 17.
- 26 For the CPS's history, see Lord Eversley, Commons, Forests and Footpaths (1910), passim.
- 27 e g Wimbledon Common, Epping Forest and Epsom Common although "large provision is made for exercise and recreation and other public purposes." 20th Rep. (P P 1865, XXIX); Lord Eversley, op cit, pp.249-250. See above p.142 re why the CPS succeeded at Baston but failed in similar circumstances at W Wickham.
- 28 The Withypool scheme was not approved then due to its inadequate recreation allotment - W E Tate, 'Somerset Enclosure Acts and Awards' Somerset Archaeological and Natural History Society (1948), 26.
- 29 The Anglesey Estate agents were concerned that the CPS's Suburban Commons Act could interfere with their enclosures on Cannock Chase in 1869, see above pp.49-50.
- 30 Hansard 3rd ser. CCXXVII (1876), 526-41 Fawcett and Shaw Lefevre talked of the need for open land in Surrey so the prevalent west winds brought healthy air to London. They argued that enclosures only increased food supply slightly and they attacked the improvements made by lords of manors which the CPS had challenged as the commoners lacked the money to fight them. At Maltby, an attempt to enclose 78 acres used by Rotherham and Sheffield visitors had been blocked before 1876; it only gave 3 acres for recreation



and 3 acres for allotments; a revised scheme of 1879 with 24 acres for recreation and 5 acres for gardens also failed despite threats of enclosure by agreement, due to opposition after the committee stage led by the CPS - Lord Eversley, op cit pp.196-7.

31 Lord Eversley, op cit passim.

32 Spec. Rep. (P P 1880, XVIII) 503-524.

33 W E Tate, 'A handlist of English Enclosure Acts and Awards, Shropshire', Transactions of the Shropshire Archaeological Society LII (i) (1947) 24 and 36; Cheshire R O, Q/DE 1/50 Runcorn Enclosure Award, 1898; P Hurle and J Winsor, Portrait of Malvern (1985) pp.8-11 and 49; Eversley, op cit pp.118-9; see also above pp.144-5 and Table 21 re Enclosures and Spas.

34 In Scotland, laws allowed the Lord to enclose at will which made it easier for authorities to convert commons like Glasgow Green in 1857 to public parks - G F Chadwick, op cit p.89; Bristol Local Studies Library B23941, Clifton and Durdham Downs (Bristol) Act, 1861; Anon, The Downs 1861-1961 (Pamphlet Bristol 1961) pp.12-14; The Southampton Marsh Act of 1844 did much the same for the Saxon Common, Paul Clayden, Our Common Land (Henley on Thames 1985) p.46 and above pp.173-4.

35 Derby Mercury 9/6/1791 p.4 c.2 re prize fight at King's Standing, Perry Common, on the Staffs./Warks. border.

36 Whilst Bodymoor Heath on the Warks./Staffs. border was being enclosed (1845-56), a prize fight was held there. When Adderley went to end the fight, the crowd asked how far his jurisdiction extended. He was a J P in both counties but the question shows the reason for the site's choice, Staffs. Advertiser 20/1/1849 p.8 c.5-6; Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978) p.252

37 Lord Dartmouth gave a 6 acre park for athletic sports at West Bromwich to put "a stop to the brutal system of bull-baiting and other cruel practices" Staffs Advertiser 18/11/1837 p.4 c.2; 2nd Report on the State of Large Towns (P P 1845, XVIII) App. p.7

38 e g E P Thompson 'Patrician Society, Plebeian Culture' Journal of Social History VII (iv) (1974) 390, J L Hammond 'The Growth of common enjoyment' no.3 1933 in Hobhouse Memorial Lectures 1930-1940 (London 1948) and B Hammond, 'Two Towns Enclosure' Economic History II (1930-3) 258 re Sheffield and Lambeth.

39 R W Malcolmson, Popular Recreations in English Society 1700-1850 (Cambridge 1973) pp.107-110; J M Neeson, 'The Opponents of Enclosure in Eighteenth Century Northamptonshire', Past and Present CV (1984) 119-120.

40 See Allerton, Table 24 Section 3; M Hovell, The Chartist Movement (1966) pp.119, 259 and 260 re chartist meetings tending to be on moors and common land.



- 41 K Grady, 'The Provision of Public Buildings in the West Riding of Yorkshire c.1600- 1840' PhD University of Leeds 1980 makes no reference to the use of common land as a resource to fund development or to provide sites.
- 42 J Simon, loc cit pp.5-13. re various origins of town lands.
- 43 re Leominster and Nuns Green see Table 24 section 6
- 44 Grady, op cit pp.122, 127, 147, 156, 429-31; White, Sheffield Directory (1849) and (1856) p.433.
- 45 See Table 24 fn 7.
- 46 re Warley see VCH Essex VII (1978), 169 and 177. 172 acres of the remainder was enclosed by act in 1838, Tate and Turner, op cit p.111; re Hounslow, see VCH Middlesex, III (1962), 91-6; G S Maxwell, Highwayman's Heath (Hounslow 1935); G D H & M Cole, eds. Wm. Cobbett, Rural Rides I (1930) 31/10/1822, 124-5 and 136; C Bruyn Andrews, ed. J Byng, Torrington Diaries II, (1935), 22/6/1789, 79; S C on Agriculture (P P 1837, V) 293, Evidence of Matthew Sherborne, QQ4774-4849. S C on Agricultural Distress (P P 1836, VIII) Evidence of F Sherborne, QQ3996, 4080-1 and 4089 seems to give a different picture saying that in 1836 the land was already growing as much as the old enclosures. See above pp.139-40.
- 47 C W Chalklin, 'The financing of church building in the provincial towns of eighteenth century England', P Clark, ed. The Transformation of English Provincial Towns (1984) pp.292-4 and 304.
- 48 Board of Agriculture [A Young] General Report on Enclosures (1808), pp.130-5.
- 49 S Hodgson, History of Penge (Penge 1927) p.8. Part of Backwell Common in Somerset was enclosed by agreement of the vestry and freeholders in 1787 and let in aid of the vicar's stipend; L C Pearce, Backwell Memories (Backwell 1989) p.44.
- 50 JHC XXXVI, 29/1/1778, 643-4; see also Table 24 Section 4.
- 51 I Bowen, The Great Enclosures of Common Land in Wales (1914) pp.31-3 re Trelleck; See below pp.252-3 and Table 25 Section 5; J Plymley, A General View of... Shropshire (1813) xvi.
- 52 See above pp. 39-41 and 53.
- 53 For examples, see Tate, loc cit 80, fn's 56 and 94.
- 54 Cheshire R O, Q/DE 1/46 Nantwich Enclosure Award, 1869; Kelly's Cheshire Directory (1892) p.365.
- 55 See Table 26 re Culmington.
- 56 M Falkus, 'Lighting in the Dark Ages of English Economic History: Town Streets before the Industrial Revolution', D C Coleman and A H John, eds. Trade, Government and Economy in Pre- Industrial England (1976) pp.248-71; J West, Town Records pp.173-85; M C Buer, Health, Wealth and Population in the early days of the Industrial Revolution (1968) pp.82-7; P J Corfield, The Impact of English Towns 1700-1800 (Oxford 1982) pp.157-8 and 178; J L and B Hammond, The Age of the Chartists 1832-1854 (1930) pp.45-6. J D Money, Experience and Identity: Birmingham



- and the West Midlands 1760-1800 (Manchester 1977) re the awakening of local consciousness; R W Greaves, The Corporation of Leicester 1689-1939 (Leicester 1939) p.32; A Briggs, The Age of Improvement 1783-1867 (1959) pp.46-7, 49-50 re 'Spirit of Improvement'.
- 57 J West, op cit pp.97 and 181-2, N R Wright, Lincolnshire Towns and Industry 1700-1914 (Lincoln 1982) p.97 and Falkus, loc cit pp.260-3.
- 58 Falkus, loc cit, Corfield and Buer op cit, cf Tate, loc cit 80
- 59 As discussed above pp.123-34.
- 60 See Table 18.
- 61 See above Chapter 1 fn.72 and p.131.
- 62 See above pp.128.
- 63 JHC XLIV, 16/3/1789, 203-4; as in 1793, this bill made no progress, probably due to Lord Exeter's opposition; see Table 24 Section 6.
- 64 re Monmouth, see MCR (PP 1835, XXII) Evidence of Thomas Dyke, QQ1503-7 re burgesses' lammas rights on payment to the corporation being "done away with under our paving Act." J Simon, loc cit p.13 and J West, op cit p.185. See also below p.211 re failures of trustees.
- 65 See above p.131 and below pp.206-27.

## CHAPTER SIX - ENCLOSURE AND THE PROBLEM OF HIGH POOR RATES

### Introduction

Many early historians of enclosure, like the Hammonds, argued from literary sources that the process harmed the poor by depriving them of fuel and pasture 'rights', the basis of their economy, often without compensation. Even peasants allotted land had to sell up and become landless labourers because they could not afford the enclosure costs. Especially in early Midland open field enclosures, which led to a greater emphasis on pastoralism, less labour was needed. This caused depopulation which was encouraged by owners who wanted lower rates. These historians described such depopulated villages as 'closed'.

Many subsequent historians have claimed that this argument is flawed. Tate has shown that commissioners usually obeyed the provisions of the enclosure acts and the common law.<sup>2</sup> However some regulations - especially that of 1801 to prevent the agent of an interested party being a commissioner - were broken.<sup>3</sup> It is also true that the commissioners' fairness was only in enforcing "the fair rules of property and law laid down by a parliament of property owners and lawyers."<sup>4</sup> Others have shown that enclosure was only the last stage in the long decline of the English peasantry and Chambers has shown that enclosure in the Vale of Trent did not cause depopulation. However, most economic historians do accept that much depended upon the timing and the nature of the enclosure. For example, the tillage of wastes encouraged settlement and increased employment.<sup>5</sup> Holderness has shown that acts were not used in Lindsey to create 'closed' villages.<sup>6</sup> Despite Hill's and E P Thompson's assertion that enclosure was a clear case of class theft, most of the agrarian historians like Chambers, Mingay and Jones deny that enclosure after 1750 caused



either rural poverty or depopulation. As Turner writes "If Thompson's class robbery existed it was mostly by default and not conspiracy." However Thompson's assertion has been supported by the evidence amassed in Chapter 2 and it will be further discussed in this chapter.<sup>7</sup>

Hill noted that the poor in the 1600s who lived in forests and wastes had greater independence than those living in champion areas. He remarked upon two ways of dealing with the problems of the poor in forests and wastes. One was to enclose and make the poor dependent and industrious wage labourers; the other may be called 'the cottage system' where the poor were allowed to encroach on commons and support themselves and thus have avenues for social advancement whilst saving the rates.<sup>8</sup> However the development and influence of these attitudes have been little addressed in the period of parliamentary enclosure.

This chapter seeks to establish and explore the motives for parliamentary enclosure which involved concern about the poor and the rates, especially in areas of large scale squatting.<sup>9</sup> It will also explore how the poor were treated by enclosure and the role of enclosure in the local development of capitalist agriculture. Those acts which were concerned with the problem of high poor rates can be divided into four main groups, which can usefully serve as the subdivisions of the chapter:-

Acts to reduce the rates from the profits of new enclosures.

Acts which provided the sites or endowments for workhouses.

Acts which provided for the customary rights of the poor or which provided assistance over and above the poor rates.

Acts which aimed to relieve the ever-increasing rates and other social problems connected with encroachment by 'closing' villages. The wider contemporary issue of whether to encourage or discourage squatters will also be addressed.<sup>10</sup>

### Acts to directly reduce poor rates

The concern about the rising poor rates during the population explosion of the late 1700s was manifested both in a large body of literature, such as Eden's State of the Poor (1797)<sup>11</sup> and the Royal Commission on the Poor Laws, and in the subsequent amendment act of 1834. Low poor rates were major selling points for estates as at Marston Montgomery, Derbyshire, and in Warwickshire.<sup>12</sup> In 1834, a Suffolk solicitor stated that the first questions of any purchaser of land was "what is the amount of the poor rate? and again, are the poor well managed or not? and the answers to a great degree regulate the price." Some lands could neither be sold nor let due to high rates according to The Agricultural State of the Kingdom of 1816. Even in the boom of the 1790s, owners in Lindsey were concerned about the poor rates. Young believed in 1808 "The great object [behind enclosures] is the reduction of poor-rates; a burden which of late years proceeded with so rapid an increase as to threaten very great evils to the landed interests." Owners argued that enclosures at Kingsclere in Hampshire and Buckland in Buckinghamshire would achieve this by providing more employment or by increasing the amount of land to be rated; but Young believed it could be best achieved by allotments to cottagers or allowing them to rent land.<sup>13</sup> Some owners devised an alternative way of using enclosure acts to solve the problem; leasing or selling commons to reduce the poor rate directly.



This type of enclosure act developed from two trends. The first was when individuals enclosed parts of the common and paid compensation to the freeholders via the poor rate.<sup>14</sup> If all consented, this could be done by agreement - but disputes at Egham and Stanwell in Surrey led to acts. This was the easiest and cheapest way to recompense the commoners according to the size of their property and was often useful where rates were high due to squatting as on Enfield Chase. When the Crown, as lord of this chase, enclosed a plot equivalent to its rights by act, 200 of the 1732 acres allotted as pasture to the parish of Enfield were enclosed and let in aid of the land tax and poor rates. As Gonner wrote "such inclosures... are undertaken on account of the burden incurred in relieving the poor."<sup>15</sup>

Some of the first enclosure acts followed this trend; the latest one was the Mangotsfield Act of 1788 in Gloucestershire. Such an act may have been needed if an offer had been accepted to buy Prees Heath in Shropshire in 1820 to help the poor of Whitchurch in the Post War Depression; but it is unclear whether this scheme was intended to 'help' the poor either by reducing the rates directly or by providing them with work or by creating a fund to help those who did not claim relief. There is often the same lack of clarity in petitions and notices which only refer to provisions to supply funds "for the use of the Poor".<sup>16</sup> Without survivals of evidence in estate or parish deposits, only bills or acts can be studied to see how exactly the poor were to benefit. Acts which aimed to provide for the poor separately from the poor rate form the subject of the third section.

The second trend was far more widespread especially where encroachment had increased the poor rate or where open commons caused social and legal problems as at Natland. Many vestries in Middlesex, Surrey, North Wales and Staffordshire

had allowed parishioners to encroach to keep them off the poor rate.<sup>17</sup> Such cottages, as at East Bengeworth in Surrey, often reverted to the overseers when the builders died. The squatter settlement at Cottesford Heath in Oxfordshire began in this way in 1754.<sup>18</sup> Attempts were often made to force these cottagers to pay rents to the Overseers as at Great Wyrley or to other local bodies such as Milwich school (both in Staffordshire). These rents, like those from gardens, made less direct contribution to the rates than leasing common land. However they encouraged hard work and could be used to police the poor.

Migrants often tried to make such encroachments despite local opposition. Extramanorial wastes like Cheslyn Hay attracted them and the Great Wyrley vestry used an act to confirm its claim to the rents of their cottages as part of a strategy of using enclosure to police the poor.<sup>19</sup> Overseers at nearby Cannock claimed they could evict migrants from such cottages and demolish them unless a rent was paid towards the rates. Elsewhere, grazing rights on commons like Tarn Moor at Skipton (West Riding) were leased to help the rates. From such expedients developed enclosure acts to lease commons in aid of the rates. Not just pastures could be involved; nine Surrey manorial lords petitioned in 1756 to plant trees on otherwise useless wastes and sell the timber to fund poor relief.<sup>20</sup>

Such acts were used in industrialising areas like Skipton to which many poor people were attracted especially after 1750 by the prospect of finding work, as well as gaining fuel and food from the common and shelter from a cottage encroachment. This influx was welcome until there was a recession as at Congleton in Cheshire in 1795 which led to an act to lease the common in aid of the rates. Such acts helped the ratepayers but harmed both the poor themselves



who lost their common 'rights' and those persons too poor to pay the rates. Such losses often caused discontent and even a riot at Burton-upon-Trent in 1815.<sup>21</sup>

A few urban commons were leased for 99 years for building but often the results were disappointing; the tendency of Walworth Common to flood delayed development for 30 years and the proceeds of Newcastle Marsh was only 1/3 of that anticipated. Also the advantages of building leases might not be immediately obvious. Amending acts were needed at Newcastle and Congleton to make such leases. Other commons were either let for 21 years as at Colton, or sold as at Burton-on-Trent, with the proceeds being invested to produce an income. Some acts included such allotments amongst a more general apportionment - for example 1/8 and three acres of Newton Heath, Lancashire, was allotted to its Overseers and its rent considerably reduced the rates.<sup>22</sup>

Arthur Young commended such acts as the cheapest way of sharing the benefits of a small common which was not worth allotting. Middleton, the Middlesex Board of Agriculture reporter, likewise advocated the adoption of the model of the Walworth Act which he claimed had "answered completely" by 1807. Even as late as 1870, Arthur Fletcher, a character in a Trollope novel, supported a general bill to lend government money against parish rates in order to drain 300,000 acres of common land. This would increase both the nation's wealth and cereal production whilst the proceeds would be used to reduce the poor rates.<sup>23</sup>

Certainly owners who saw the benefits of such acts in their own area copied them. Eight of the acts and proposals<sup>24</sup> are linked by a short time span (1782-1820) and a small geographic area - Staffordshire and its north eastern borders. The close proximity of Uttoxeter, Marston Montgomery, Wensley and Snitterton, and Colton and the

coincidence of timing of their very similar proposals shows an especially close link between them and adds weight to Hunt's epidemic theory of enclosure. However the last of these acts at Codsall Wood in 1820 was a failure. The common was too small and costs had risen so much that 37 acres had to be sold, leaving only 1.4 acres to vest in the Overseers. Escalating costs also meant that such enclosures were only subsequently undertaken by agreement, as at Natland in Westmorland in 1844. Other deterrents to owners were their desire to retain rights or to obtain land and also the danger of trustees misappropriating the funds.<sup>25</sup>

In acts like that for Kingston-upon-Thames, the money raised was not just used to reduce the poor rates directly but also to provide work for the poor - at Uttoxeter and Kendal by workhouses. Such acts form the subject of the next section.

#### Enclosures associated with sites of poor houses

Parish poor houses on common land had come into being either by deliberate appropriation by overseers under the 1601 Poor Law Act or by squatters' cottages coming into parish control. Acts at Great Wyrley and Castle Donnington in Leicestershire in 1778 gave ownership of such cottages to the overseers with the rents being applied to the rates.<sup>26</sup> Overseers could make any claimant for relief move into a poor house where, increasingly after 1700, the able bodied had to work at spinning or gardening to help maintain themselves. As such, they were workhouses. In 1722, overseers were also empowered to buy or hire houses where the able-bodied poor had to work or else be denied relief. Attempts were made to use commons as gardens and endowments for workhouses in the same way as other institutions discussed in Chapter 5. At Kingston-upon-Thames in 1697 a



bill aimed to enclose land to grow flax and hemp so that paupers and children could be taught how to weave linen and make canvas cloth in schools of industry.<sup>27</sup>

Some workhouses were established by agreement even when as much as 43 Cheshire acres at Fulshaw were involved in 1772. The lord's agreement was needed; this was refused at Eardisland in Herefordshire, but Cannock vestry obtained the Earl of Uxbridge's consent for a plot for a workhouse. Such encroachments were part of a wider drive for improvement at Newton Heath in Lancashire. A school and possibly a parsonage and a chapel were built on encroachments here before an enclosure act with allotments in aid of the poor rate culminated the process of improvement.<sup>28</sup>

Such encroachments could require an act which allowed other changes to be made in local poor law administration as in the case of Streatham. Some acts for commons included clauses to provide sites for workhouses. Those few in underpopulated rural areas seem to have been merely for a cottage to which claimants would have to go to receive relief; thus in the seven parishes involved in the Trelleck and Llandogo (Monmouthshire) Act, only three acres were allotted in each parish for poor houses. More often these provisions were made in places with high poor rates due to squatters, like Ashley Heath in Staffordshire and towns like Oldham in Lancashire. Here an amendment act allowed the workhouse allotment to be leased in aid of the poor rate because the site had become "valuable as building land as Oldham hath become very populous... and numerous Buildings have lately been erected".<sup>29</sup> The workhouse allotment at Crayford in Kent was eventually leased for private houses as this would more greatly aid the rates.<sup>30</sup> Similarly a workhouse was never built on the intended allotment at Tidenham in Gloucestershire. Even if an act did not specify

an allotment for a workhouse, commissioners would entertain requests for sites, as at Checkley in Staffordshire, as long as all parties agreed.<sup>31</sup>

Such provisions were very important in towns. Before 1798, negotiations had started under the 'Guardian Act' to buy up to 100 acres of Birmingham Heath for the parish poor when "a few individuals" decided to enclose by act without any such allotment. A counter petition led to an amendment allotting 30 acres to the overseers which was used for a workhouse, an asylum and gardens but most of the land went to the landowners.

In towns like Market Drayton and Bedford, new workhouses were linked more indirectly to enclosures and a 'Spirit of Improvement'. Market Drayton's new workhouse was built on land bought under the Little Drayton enclosure.<sup>32</sup> Samuel Whitbread's reforming influence ensured that Bedford's workhouse was comfortable. However the poor, like the rioters who tried to demolish the new workhouse on Nacton Heath, hated them.

In the growing towns of Kendal and Uttoxeter, money was raised by enclosing commons for community purposes. Both towns decided to spend the money on new workhouses as the best way to reduce poverty. This foreshadows the Utilitarianism of the 1834 Poor Law Report and Amendment Act. Thus this philosophical solution to the problem of poverty originated in part from the practical solutions devised by parishes to deal with their poor.

A comparison of the experiences of Stone and Uttoxeter reveals how differences in the disposition of common land led to different solutions to the problem of poverty. The towns were only 12 miles apart in Staffordshire. Both had increasing poor rates due to the influx of poor people but



Stone, unlike Uttoxeter, did not sell its common to build a workhouse. Instead in 1792, the parish obtained an act to build one by a rate; its commons were enclosed by an act of 1798 and 74 acres were allotted as a stinted common. The difference in approach was due to the nature of the commons. Uttoxeter had a common pasture contiguous to the town with many squatters. Stone had no such land adjoining the town and so it had no problem with squatters. Its common land was largely an open arable field over which the householders exercised pasture rights. The difficulties of appropriating such land for community purposes have already been outlined in Chapter 5. Thus the device of allotting a stinted pasture from the open arable was the natural way to deal with the common rights of so many claimants. Stone was a large parish with commons in its outlying townships, which were more attractive to squatters. Therefore its workhouse served the whole parish unlike Uttoxeter's which just served the town and it was the acts for the outlying commons in Stone parish like Moddershall Heath and Milwich which dealt with the problem of squatting.<sup>33</sup>

The funds raised by the Kendal Act for its fell were intended from the outset for a workhouse with the residue being used for lighting and paving. The Act also left the High and Low Tenterfells open to assist the main local employment of the poor, the manufacture of woollen cloth.<sup>34</sup>

Despite these acts, the only act which solely aimed to build a workhouse from the sale of common land was at Stockport. Plans to fund local improvements by selling this milltown's moor were abandoned due to the pressure of immigration upon the rates. The plots sold well due to their building potential and a workhouse was built; but the trustees seem to have misused the funds. This may explain why this idea was not used elsewhere.

More rural areas with large wastes could not afford their own workhouses but they too faced the problems of growing numbers of poor, as in the Welsh borderlands and Shropshire where the Gowers had large estates. Their steward, John Gilbert, drafted an act of 1782 to help such parishes to obtain acts in order to unite and build workhouses. These would stop the unemployed contracting "habits of idleness" who thus "become vicious... to the great Terror and frequent Injury of their fellow subjects." Many such workhouses were built in Shropshire by 1800 on commons like Forden Heath in 1792 by licensed encroachments. As such they were enclosure acts. Some, like Plymley, thought workhouses actually exacerbated the problem by attracting the poor into the area. Gilbert's successor as agent, John Bishton, was more hostile to squatters. He believed enclosures rather than building workhouses would convert an independent, idle and immoral class of squatters into obedient labourers which was a motive for the Great Wyrley Act in which he was involved. The squatters' 'rights' of gathering wood for besoms, grazing stock and so on were ignored in the act for this place, notorious for its beggars and criminals. The act also reduced the squatters' independence in other ways as will be discussed in the last section of the chapter.<sup>35</sup>

Even where the poor's 'rights' were respected by an allotment, this could be used to build a workhouse rather than benefit the poor. At Laleham, 13 acres were allotted to the poor. As this was too small for a stinted pasture, it was vested in the overseers who could either let the land for 21 years to aid the poor rates or for 60 years to raise funds for a workhouse. By destroying their economy, the coming of the Post-Napoleonic War Depression resulted in the poor "flocking to the workhouse". When the poor of Woodhay in Hampshire opposed an enclosure agreement in 1725, the owners agreed to the minister's solution: "In consideration of the damage that the poor... might receive thereby, 'twas



agreed that a workhouse for the benefit of the poor should be set up at the parish charge." [my underlining]<sup>36</sup>

Conversely, other owners perceived their long term interests were better served by allotments which helped the poor to avoid requesting relief and thus removed the need for workhouses. Acts which aimed to do this by making allotments for the customary rights of the poor or by giving them aid over and above the poor rates form the subject of the next section.

#### Enclosures which made direct provision for the poor

Whether the poor had 'rights' on common land was debatable. They certainly used commons for grazing animals, collecting turf and peat, fruits and wood,<sup>37</sup> digging shallow mines and quarrying. Often rights were only held to belong to ancient messuages, sometimes called toftsteads, with occupiers of later cottages only exercising 'privileges' by the permission or neglect of the common right owners and as such they could be ignored in acts. The cases of Saxham in Suffolk and Stokesby and Letton in Norfolk were unusual exceptions to this.<sup>38</sup> In 1795, Lord Kenyon ruled that cottagers could only enjoy common grazing 'customs' not 'rights' as they had insufficient land to winter a beast, the rule to determine how many animals an owner could depasture. These usages only became rights after 'time beyond mind' until the 1832 Prescription Act which established minima of 30 or 60 years uninterrupted enjoyment of rights according to circumstance. Also these rights were held to belong to the owners of cottages not the poor who were often only tenants. Even the poor with rights were often unable to prevent the owners from calling them 'privileges' and seizing them as Henry Homer (a Warwickshire

commissioner) noted. Many enclosers would have agreed with Boulton that "the argument of robbing the poor was fallacious. They had no legal title to the land".<sup>39</sup>

The justice of all this is a matter of opinion. Certainly Arthur Young believed 95% of acts "injured" the poor because although parliament was "extremely tender of property", the customary rights of the poor were often not respected; and only in 1830 at Monks Risborough in Buckinghamshire in 1830 was there ever a commissioner appointed to protect the poor.<sup>40</sup> What is relevant to the argument here is that despite the contrary claims of commentators like John Billingsley and Eden, these customs were often vital to the poor. If they went unrecognised in an enclosure, the economy and the independence of the poor were harmed.<sup>41</sup> This made them more likely to need relief unless increased employment from cultivating the land provided an alternative income. The labourers at Kingsclere in Hampshire became supporters of an enclosure for this reason.<sup>42</sup>

The major 'right' that the poor enjoyed over common land was that of depasturing stock. As this was often vested in owners rather than tenants of cottages, allotments for such rights were often added to the owners' farms as at Fincham in Norfolk. A pamphlet of 1816 attacked this practice at Ashill in the same county.<sup>43</sup> It even happened when, as in many Nottinghamshire and Northamptonshire acts, either the proportions to be allotted to owners of land and toftsteads or the exact acreages to be allotted to each toft were stated;<sup>44</sup> for unless the act proscribed it, owners could put their allotments for tofts to their farms. Except in East Anglia, where Young drew attention to this practice, its prevalence can only now be determined by detailed research of awards and estate papers. Even Middleton, who attacked



the idleness and criminality of cottagers, advocated a law that allotments for cottage rights must be put to their cottages to encourage industry and reduce theft.<sup>45</sup>

Even when the poor owned their cottages, the enclosure costs and the smallness of their allotments led to these plots being sold as at St Neots in Cambridgeshire. Thus poor cottage owners fared no better than tenant cottagers, like those of Guilden Morden in the same county. Some enclosures allowed the poor to accept payments in lieu of lost rights. This happened at Bisley in Gloucestershire because the number of claimants made any complete division impracticable and at Chilvers Coton in Warwickshire in order to allow the lord to increase his allotment. Pitt, a county reporter, believed that if they received land, not money, the poor "instead of being obliged to remove, would be induced to build small cottages upon their own property."<sup>46</sup>

Often owners justified their ignoring or only giving small plots in lieu of the poor's pasture 'rights' by claiming that these rights were rarely exercised as on Wymondham sheep walk in Norfolk which was monopolized by jobbers "who have hired small plots contiguous for the purpose." The poor of Cheshunt in Hertfordshire wanted their common stinted to stop this practice but their threats only gained them a 100 acre plot in an enclosure. The lords of Astwood in Buckinghamshire claimed their 1613 enclosure agreement would stop overstocking by wealthy inhabitants. In the mid eighteenth century, Stephen Tempest of Broughton Hall in North Yorkshire observed that large owners were responsible for overstocking most open commons. However where the poor did exercise their 'rights', as at Flintham in Nottinghamshire, the larger farmers could support enclosure to protect the pasture.<sup>47</sup>

Attempts were made in various ways to prevent the poor selling their allotments. At Wooton in Oxfordshire and Raunds in Northamptonshire, the poor were exempted from having to pay their fencing costs. The pasture and fuel allotments at Over in Cambridgeshire and Kingsclere in Hampshire were also exempted from legal costs. The small owners at Steeple Aston in Oxfordshire were exonerated from the expenses of the act.<sup>48</sup> At Northwold in Norfolk and Little Wilbraham in Cambridgeshire, allotments were made indivisible from the cottages.

The poor often protested against the loss of their pasture rights as at Gillingham in Dorset in 1809. In 1833, an act for Stretham in Cambridgeshire was delayed by riots despite a promise of an exclusive allotment to the cottagers. They feared allotments in lieu of their cottages' rights would be put to their landlord's farms as happened at nearby Abington Piggots.

Some owners recognised the benefits of having land as a stinted common for the poor. At Sow in Warwickshire, 30 acres were so allotted and a 100 acre allotment to non-freeholders for fuel and pasture led to the survival of a peasant economy based on making besoms.<sup>49</sup> Such allotments tended to be made where, as at Nazeing in Essex and Snettisham in Norfolk, there was a large resident owner who had the wealth and paternalistic concern to help the poor. In the former case, Mr Palmer even lent the poor money to buy stock whilst the latter act proved that profits could still be made whilst the poor were treated generously. As there was a dominant owner in such cases, allotments were often embodied in agreements rather than acts. Thomas Dowdeswell of Pull Court, Bushley in Worcestershire, enclosed the parish's commons around 1771 by agreement. He was lord and almost sole owner of the manor and a noted Whig. He gave a 25-acre stinted pasture to those who rented under £10 a year



and also laid a croft with sufficient pasture for a cow and an orchard to those cottages without land so that the poor could bring up their families more decently. He also built animal sheds, gave the cottagers grafting stocks and lent money to buy livestock. By 1792, the numbers 'on the parish' fell from 16 families to just two old men and many cottagers had turned from profligacy to industry.

The lords were also concerned about the well-being of the squatters at Balsall Heath in Warwickshire in the manors of Berkswell and Balsall. In 1796, the Governors of Lady Katherine's Hospital obtained an act for Balsall. It named 30 cottagers and 24 encroachers whose lands were to be allotted to the lords. However each cottage was to have land to the minimum value of 16/- allotted to it and encroachments were to receive allotments as if they were old enclosures. At Berkswell in 1802, Mrs Wightley received 42 encroachments as part of her 1/20, with fixed rents and long leases. Parts of the 1/20 were put to the encroachments as were "necessary for their convenience." The actions of this charity and these resident owners contrasts to those of Piggot who left Abington Piggots for Bath after his enclosure had harmed the poor.<sup>50</sup>

Despite the protests of the poor about the loss of 'rights', when they were given the option of a stinted pasture at Hethersett in Norfolk - which was double the value of their rights - they preferred to have their own plot. This wish to own land, noted previously as a motive for enclosure, could harm the poor.<sup>51</sup> For example, it led to many leases or sales of lots due to lack of capital at Harston in Cambridgeshire.

Some acts granted a pasture to trustees to manage for the poor. An 1814 amendment act allowed the trustees to let the 100 acre stinted pasture at Cheshunt due to the problems of illegal stocking and the poor being unable to buy stock.

Young believed most stinted pastures, like that at Sedgford in Norfolk, were inadequate for the poor. The allotment at Stanwell in Middlesex was too small to allow all the poor to graze stock and so it was let to allow doles to be distributed - but only to cottagers paying over £5 a year in rent and not claiming relief. Middleton believed that the £30 produced from this 30 acre allotment was more beneficial to the poor than letting them graze stock on the common, probably because many could not afford to buy animals. The Hammonds have since challenged this due to the restriction upon who could receive doles.<sup>52</sup>

Some like Sir Edward Littleton opposed vesting allotments in trustees. A non-resident owner, Sir Willoughby de Broke wanted such an allotment in the Gailey (Staffordshire) act of 1773 because of the "distressful times." Littleton replied that Gailey's very few poor folk could easily find alternative common grazing nearby and, like Graham in 1844, he felt that trustees often mismanaged and embezzled such funds. Littleton believed these allotments would "go ultimately in aid of the poor rates only? And will not this be to give them not to the Poor but to the Rich?... Such of the Inclosure Acts in which the Poor are particularly considered... respect only such Poor as, by the connivance of the Lord and Freeholders, have erected dwellings and taken inn [sic] some trifling Inclosures out of the Wastes. There is none of These in the present Case."

Although Littleton wanted to maximize his allotment in an area near his home estate, he was right about Gailey and the provision for the poor in previous enclosures. As in those acts discussed in section one, such allotments were often intended more to reduce the rates than to help the poor. Also such a provision was only made where the 'cottage system' prevailed.<sup>53</sup>



The same problems arose in enclosures where the poor enjoyed fuel 'rights' or 'turbary'. Owners often enclosed commons simply to prevent these rights ruining the soil; the Attleburgh (Norfolk) petition of 1812 actually specified this as a motive. Again the loss of rights harmed the poor; it was claimed that the loss of turbary at Croydon in Surrey had put 900 on the rates. Even when acts recognised these customs again the allotments for them were often added to farms as at Ewelme in Oxfordshire. In Welsh borderland acts, the poor did not even bother to claim such rights.<sup>54</sup> In some cases, the poor were paid money in lieu of their fuel rights. At Aldermaston in Berkshire, they received a dole funded by charging each acre allotted with 1/- per year. At Brightwell in Oxfordshire, they received rent allowances to enable them to buy fuel so that the owner could cultivate the common. Even when turbaries were awarded to the poor, later rent increases could make such allotments nugatory. The fen reeves who controlled the turbary at Northwold in Norfolk, forced tenant cottagers to give up their rights to their landlords or face higher rents.<sup>55</sup>

As with stinted pastures many turbaries were vested in trustees as at Stratfield Mortimer in Berkshire and Lower Heyford, Oxfordshire. These were often let later and the profits used as at Fincham in Norfolk, Thorpe Satchville in Leicestershire and at Warwick to give coal to the poor.<sup>56</sup> A confirmatory act was needed to allow the turbary at Wavendon Heath in Buckinghamshire to be leased in this way.

Martin has shown that fuel allotments were inadequate and grew smaller over time in the Warwickshire Felden as they were held to increase the rates. Howlett in 1787 believed that the 'cottage system' and the poor's common 'usages' increased the rates throughout England. Billingsley argued that depriving the poor of their 'rights' by the 1790 Wedmore Act in Somerset had reduced the rates by making them

industrious, whereas rates had trebled in nearby unenclosed parishes. However it appears that the enclosure had reduced the rates here only because it made these particular commons productive by ending overstocking and flooding. Fuel allotments were even smaller in champion areas because there was less suitable land and the strips were 'owned' except when common rights were exercised. Thus the four acres at Easington had to come from balks between the strips; one owner believed that the loss of fuel rights here would pauperize 60 families.<sup>57</sup>

Such plots were often too distant and small to be of any use. The fuel rights alone at Foulden in Norfolk were considered worth more than the allotment to the poor for all their rights. The turbary allotment at Haddon Hill near Dulverton in Somerset was so poor that the turf was not used as fuel but reduced to ashes and used as fertilizer. Although Young noted that 300 acres was not an unusual turbary allotment, the 400 to 500 acres at Nevin in Caernarvonshire was "not half enough" and increased the rates. Even the 543 acre turbary allotment at Haminiog in Cardiganshire led to a riot.<sup>58</sup> Riots were frequent; when the Duke of Bedford tried to sell the turbary rights on Streatham Common in Surrey, the peasants, who feared an act, fired the furze. The poor of Penmorfa petitioned Sir W W Wynn that the loss of their turbary would throw many on the rates. Despite receiving a 100 acre turbary and the right to buy their encroachments cheaply, there were riots here. The gulf between the law and popular belief is shown by those rioters at Maulden and Lopham who claimed that the whole commons belonged to the poor. Gradually the harm done to the poor by such inadequate allotments was recognized. By 1810, the opposition to the "Robbery" of the poor by ignoring their fuel rights secured a 200 acre fuel allotment at Stoke Poges in Buckinghamshire. The harm done to the poor by



previous acts was recognised by M.P.s in 1834, who rejected the Bucklebury bill because it would deprive the poor of pasture and turbary rights.<sup>59</sup>

Commentators like James Willis of Sopley in Hampshire and Young had already recognized in 1800 that the lack of fuel and pasture allotments increased the rates.<sup>60</sup> Young believed that poor rates did not increase so much where the poor were treated well. He proved that squatters on Mousehold Heath at Blofield in Norfolk actually reduced the rates. He thought that it was the loss of pasture rights which caused the rising rates in newly enclosed parishes like Letcombe Basset in Huntingdonshire. Gourlay believed that if cottagers could rent pasture, as at Harlaxton in Lincolnshire, "it would encourage industry, preserve quietness and lower poor rates." All three writers supported the general principle of enclosure so long as the poor were protected.

Some owners like those at Northleigh in Oxfordshire realised that enclosure would "tend to the Ruin of many Families, who may become burthensome to the Public". Many residents of Chipping Norton in Oxfordshire opposed an act largely because the town's numerous poor would lose their fuel rights. The experience of previous acts confirmed such fears. There were no enclosures in part of Cambridgeshire for 25 years after the Abington Piggots Act due to its effects on the poor and the rates. William Pearson doubted that the enclosures of Lake District fells had achieved the expected benefits as they had impoverished the labourers whose privileges of pasture went unrecognized.<sup>61</sup>

Some accepted that even if the loss of 'rights' harmed the poor like those of Corse in Gloucestershire, "the small losses of individuals should not stand in the way of certain improvements on a large scale." However other owners realised that any gains from increased production could be

more than offset both by higher poor rates as at Lingfield in Surrey and by more intangible losses resulting from impoverishing the cottagers. Acts which did the latter increased crime, demoralisation and social tensions especially because the younger sons of artisans and peasants could no longer make a living from the common; as Beard noted, many Shropshire squatters were descended from impoverished artisans. Thus to protect the poor in an enclosure was not just a 'moral' action; it prevented social divisions and it could save money. Social engineering through the agency of enclosures in areas of squatting was often an important consideration.<sup>62</sup>

Some of these allotments were used to help the very poor, like those cottagers paying under £5 rent at Walton-upon-Thames in Surrey, but often the benefits were restricted to ensure moral order. For example, some owners tried to discourage immigration by limiting benefits to parishioners. Some of the Aldermaston trustees wanted to do this by only giving doles to toftsteaders but did not know how to identify them cheaply. Some enclosures excluded outsiders by naming those parishioners entitled to doles either in the act, like that for Turnworth in Dorset, or in the award, as at Cobham in Surrey.<sup>63</sup>

More often the benefits of allotments were used to encourage hard work. Thomas Wilkinson of Penrith in 1812 advocated using 1/20 of Yanworth Moor in Cumberland as a pasture for the poor. However "by the poor I do not mean those who have but a weekly support from the poor rates, but those that have a little of their own, yet from the pressure of the times, although industrious, can hardly make ends meet." He did not wish enclosure to reduce these cottagers with under three acres to being labourers dependent upon relief. Similarly, Middleton advocated a clause in a general act to allot a few acres of commons to be let to provide coal for



the "industrious" poor. Allotments were often limited to those not receiving relief as at Stanwell, and at Napton and Upper Easington in Warwickshire. Radicals attacked the "feudal" control intended to be vested in the trustees of cottage allotments at Kingsclere in Hampshire. Only cottagers who had stocked the common for 20 years or been resident for 30 years could benefit and anyone who left the area for three months forfeited his plot. The owners believed that this would force those living on the common like vagrants and gypsies "to adopt more regular habits." Thus these allotments were instruments of 'social policing' - often only those who behaved well, worked hard and did not claim relief were helped. Such 'self help' attitudes formed the basis of the idea of 'less eligibility' in the 1834 Poor Law Report.<sup>64</sup>

The Hammonds believed that the loss of common rights and the whole enclosure movement was a deliberate assault on traditional peasant culture. Holderness and Chambers, whilst disagreeing with this view, do accept that enclosing wastes destroyed a vital part of the cottagers' economy. As such, whether by design or accident, the enclosure movement did replace the cottagers' feudalistic economy by a more capitalist system. Holderness even adds weight to the 'deliberate assault' theory when he notes that the whole 'cottage system', formerly encouraged by many vestries, was attacked after 1770. It was now considered harmful to the rates because it facilitated migrants gaining settlements and it was an inefficient means of production. As late as 1844, the system of allowing acre garden encroachments was praised as a means of increasing production at Mansfield in Nottinghamshire; yet in 1849 the residual waste was enclosed for turnip husbandry as it was "of scarcely any pecuniary value and affords no employment of labour."<sup>65</sup>

The 'cottage system' had also been attacked since 1600 because of the demoralisation (i.e. the loss of morals) it caused. During the crisis of the 1790s many county reporters, like Bishton, felt that the 'cottage system' and common 'rights', led to idleness and crime as the poor did not have to 'work' for their living. As Middleton wrote "commons are entirely defective in the great article of labour; but no sooner does it [enclosure] take place, than the scene is agreeably changed from a dreary waste to... all animation, activity and bustle." These writers believed the independence given by common rights bred a disrespect for authority, a dangerous trait in the age of the French Revolution. In 1785, it was said that "many farmers... will not employ any cottager who is possessed of any kind of beast" due to the independence it gave them. Sinclair advocated enclosure as "it compels the cottagers to reside in villages or towns, where they are more usefully employed, both for themselves and for the public, than if they remained idling away their time in the country".<sup>66</sup>

Boulton also disliked the cottage system; he believed that the commons of Sutton Coldfield encouraged squatting and idleness which increased, not decreased, the rates. Many factory masters like him disliked high rates and believed that their businesses should not be rated. This angered many landowners who argued that such men should pay rates and fulfil their paternal duties to the poor. Many like Young believed that "the miseries of the poor... are wholly owing to manufactures and trade." The criticism of the lack of paternalism shown by businessmen exemplifies the division between the personal relationships of feudalistic landed society and the impersonal ones of capitalism although this division was not always clear cut. Those like Boulton with both a landowning background and landed ambitions often did look after their own workforces.<sup>67</sup>



Such criticisms of the cottage system were still advanced as late as 1844. Crawter believed that enclosure would not make many commons more valuable but they would be more productive, employment would be increased and they would no longer be "nurseries for petty crime." In 1872, the failed plan to enclose Shoal Hill in Staffordshire and the scheme to manage Hackney Commons were promoted to prevent crime.<sup>68</sup>

Other commentators believed that the independence the poor gained from the common made them more industrious and loyal. The encroachments for cottages and gardens at Upottery in Devon enabled the squatters to gain sufficient capital to keep a cow and obtain a lifehold interest in their plots. Young felt that if the poor were given capital to keep animals as at Snettisham in Norfolk, problems of high rates and crime would be reduced. He like James (Rector of Bolnhurst in Bedfordshire), John Carpenter (a West Midland agronomist) and many others saw that unless enclosure provided alternative avenues for social promotion to the cottage system, the poor would not fight for an oppressive social and political system. As early as 1773, 'Humanus' wrote to Aris's Birmingham Gazette that in all future enclosures, each cottager should be granted three acres in order to reduce the rates and encourage their industry which they had already shown by their efforts to build their cottage and garden. Although Young believed the unprofitable Isle of Axholme should be enclosed, he was told that in its open state, "the proprietors work like negroes and do not live so well as the inhabitants of the poor house: but all is made amends for by possessing land." Young argued that commons should be enclosed but with small plots for the poor to rent cheaply. He felt the cottagers of Osbournby in Lincolnshire worked harder as each received at least three acres in the award which many used to keep a cow. The 20 cottagers of Bourn Heath were allotted their three acre

plots by the 1799 Bromsgrove (Worcestershire) Enclosure Act, which allowed them to "live comfortably on their own premises."<sup>69</sup>

"A Philanthropist" in the Staffs Advertiser of 1816 praised the industry of the encroachers in Cheadle and attacked the fact that an act had deprived them of their land. Some dispossessed squatters like Britton Abbot, who lost his "comfortable habitation" in the 1769 Poppleton (West Riding) Act, reacted by building a cottage on a verge and raising a family of eight on a rood of land and his wages as a labourer. However, such cases were rare; a letter writer in 1830 believed that when the poor lost their land they also lost their independence and their reluctance to ask for relief. He cited the case of Shottesbrook, Berkshire, where the loss of the poor's allotments in 1717 had led to the first parish poor rates.<sup>70</sup>

A synthesis of these two long-established and seemingly contradictory views was achieved by the 'allotment movement' which distinguished between harmful common rights and beneficial common encroachments - or preferably allotments - for gardens.<sup>71</sup> As previously noted, the cottage system had been intended to allow the poor to supplement their income and to encourage industry in areas of mining and cottage industries as at Connor Downs in Cornwall.<sup>72</sup> Mingay noted that many owners in the 1700s devoted more time to their estates and the local poor; Sir Charles Turner built cottages for the industrious poor who wished to settle on his estate but used his position as a J.P. to remove any idle migrants from his estate. Although Byng contradicted this in the 1790s, his linkage of absenteeism with a breakdown in what Donajgrodski has called 'social police' shows that many saw the need for greater paternalism in order to avoid revolution. In the 'Age of Reason' and under growing pressure from the bourgeoisie, many aristocrats felt



they had to justify their status. The idea of being "a caretaker for future generations" had been a way of doing so since the 1700s. As Lord Tollemache said in 1881 "The only real and lasting pleasure from the possession of a landed estate is to witness the improvement in the social conditions of those residing in it."<sup>73</sup>

The allotment movement was a natural extension of this growing concern and had its origins in the 1760s and early 1770s with owners like Styleman and Dowdeswell and the writer Arbuthnot. Although the latter thought that commons encouraged idleness amongst the poor who refused work, saying they had to look after their animals or cut furzes, he did advocate attaching up to four acres to cottages rent free as pasture.<sup>74</sup> This distinction between harmful common rights and the benefits of cottagers renting, rather than encroaching, plots was accepted by William Marshall, a noted agriculturalist, and even by Middleton, the arch critic of the 'cottage system'.<sup>75</sup>

The development of the allotment movement symbolizes a basic socio-economic change. In a feudalistic era, the ideas of unwritten customs, commonalty, personal relations between lord, vestry and cottager and the lack of any sizeable money exchange (except token fines) made a system of cottage encroachment natural. As capitalism grew in influence, the idea of written rights, severalty, impersonal relationships and a money exchange often based on market forces made the allotment system more acceptable. Both systems accepted the principle of 'self help' but the notion of industry was more important in the allotment movement.<sup>76</sup> Although, as Evans notes, the allotment movement "as a means of tying labourers loyally to the land would have been largely unnecessary if common rights had been properly safeguarded at enclosure", this takes no account of the Zeitgeist - the movement towards severalty and capitalism.

As Dobb noted, the whole enclosure movement going back to the middle ages marked a final stage in the transition from feudal to capitalist relationships in a community. Snell's work demonstrates this in one key way. His study, (based like this work more on the written word than on econometrics) showed that enclosure reduced the poor from self sufficiency and partial independence to total wage dependency. Encroachment was a relic of an era dominated by feudalism and commonalty; allotments belonged to an era dominated by capitalism and severalty.<sup>77</sup>

The allotment movement gained more acceptance during the crisis years of 1790s usually with small plots used for gardening or pig keeping rather than for arable or pasture to encourage the poor to work hard. This motive was apparent even where large pasture allotments were made; the cowkeepers of Westbury in Wiltshire, unlike the horsekeepers, were allowed allotments because they were "useful members of society." Davies, the Welsh reporter, noted that many county reports around 1794 opposed giving three acres to each cottager because it inhibited their industry. However he still felt that those renting two to five acres were often "the most industrious and constant labourers" and that "in the present rage for enclosing waste lands... an allotment... in a convenient situation" could be so used as smallholdings.<sup>78</sup>

Gradually large allotments became less popular. Young believed the "wretched" attempts at tillage by cottagers at Glentworth on Lincoln Heath proved that they should be given pasture or garden allotments. At Weston Colville in Cambridgeshire, poor cottagers had already chosen to grow food rather than depasture stock on their allotments. This meant that very few of them had claimed relief even in the scarcity of 1800-1. Field gardens were advocated as a solution to the problem of growing poor rates, unemployment



and the Swing Riots in many pamphlets and in the Royal Commission on the Poor Laws of 1834.<sup>79</sup> Giving the poor smaller plots would oblige them to garden rather than keep stock. A debate arose about the optimum size of plots in order to give the poor sufficient land to support themselves but not enough to depasture cattle. By 1834, the consensus was  $\frac{1}{4}$  to  $\frac{1}{2}$  acre was the most that a labourer could manage.<sup>80</sup>

As Davies realised, the enclosure of commons provided an opportunity to create such plots. The Kenley agreement in Shropshire led to 30 acres of the glebe allotment being let to the poor at low rents. Mr Shakerley enclosed a 50 acre Cheshire warren and let it cheaply to his labourers as pasture, crofts for fodder and gardens for potatoes.<sup>81</sup> Potato cultivation was seen as having a major role to play in feeding the poor. Some institutions like Birmingham's overseers and the Feofees of Tetbury's Town Lands,<sup>82</sup> and owners as at Dilhorne in Staffordshire<sup>83</sup> actually chose to use their allotments as potato gardens although this was not specified by the acts. Holliday claimed that a Dilhorne cottager could support a family of 14 with a cow and a rood of potato ground to augment his wages.<sup>84</sup> The Board of Agriculture promoted potato cultivation as a way of sustaining the poor in the famine years of 1795 and 1800-1.<sup>85</sup> The 1801 scheme at Walsall to enclose wastes to benefit the poor probably was intended for potato gardens whose rents would also reduce the rates.

Increasingly the provision for the poor within acts changed from pastures and turbaries to field gardens. Already at Snettisham in 1762 there was a mixture of grazing and arable allotments. Such allotments or 'field gardens' were often not in lieu of rights but at the 'generosity' of the owners who hoped to reduce the rates. Thus in 1795, the Duke of Somerset divided the village green at Kirkwhelpington in Northumberland into allotments for his tenants. Enclosures

like Tidenham in Gloucestershire, where all the poor enjoyed the field gardens allotted, were unusual. Instead gardens, like turbaries and pastures, were often used as a form of social policing and their enjoyment was restricted to certain groups. Following the notion of self help, some gardens were used to make the able-bodied work for their sustenance as at Birmingham Heath. More often they were only allotted to those not claiming poor relief and of good character and industry, as at Potterne in Wiltshire.<sup>86</sup> Clerics like Alison at Kenley, the Bishop of Bath and Wells and Rector Demainbray at Broad Somerford, Wiltshire, were in the forefront of this movement which they hoped would promote the comfort and independence of labourers.<sup>87</sup> By 1886, 36 Oxfordshire clerics administered gardens, many of which were former allotments.<sup>88</sup> Demainbray was especially influential. He gave  $\frac{1}{2}$  an acre to each cottage plus 8 acres for gardens. He publicised his success in reforming the poor by his evidence to parliamentary commissions and by publishing pamphlets.<sup>89</sup> This led to his example being copied in nearby enclosures, although the poor at Potterne gave up their gardens and lived on the parish. Despite this, there was generally a great demand for allotment gardens by the poor especially "in manufacturing districts" according to witnesses to the 1843 Select Committee on Allotments.<sup>90</sup>

The nearest the government came to instituting a national scheme of allotments in this era of *laissez-faire* were three enabling acts. In 1782, an act allowed overseers to enclose 10 acres for the poor.<sup>91</sup> This was increased to 20 acres in 1819 and to 50 acres in 1831 and several authorities took advantage of this.<sup>92</sup> At West Looe in 1829, two small 22 acre commons were used as allotments to good effect;<sup>93</sup> but the weavers of Westbury only kept working on their gardens until their labour had met the poor rate that the plots were worth.<sup>94</sup> The 1832 act was used at Kempsey where the poor



were a problem to the wealthy residents. It also seems to have been used by Battersea vestry which led to a riot by those who had formerly exercised lammas rights.<sup>95</sup>

The idea of spade husbandry to support the poor on common land tended to surface at crisis periods. As early as 1772, a bad harvest led a Chelmsford gentleman to give the poor "little slips of waste ground by the roadside +c", potato seed and dung.<sup>96</sup> In 1790, Byng advocated that convicts should reclaim moors. There were two schemes in 1819, one to cultivate 10,000 acres of waste by gardening and another to create small farms on Dartmoor for "industrious families".<sup>97</sup> In 1827, a 'General Association to improve labourers and all classes by encouraging industry and reduced poor rates' advocated enclosing waste land for gardens rather than selling it to speculators whose schemes had failed as at Brecknock Forest.<sup>98</sup> In 1850, the enclosure of Cannock Chase in Staffordshire was advocated to create work<sup>99</sup> and there was renewed interest in vestries enclosing wastes like Wetley Moor for the poor of Stoke-on-Trent to garden.<sup>100</sup>

Such allotments remained very small in the 1800s, both because of the belief in spade husbandry and also because of the increase in land values. Harvey showed that in six bills of 1839, only 34 out of 16,500 acres were allotted to the poor.<sup>101</sup> Nevertheless, attempts were made to ensure that the poor should receive some land as field gardens in all acts. Around 1800, Beatson argued that in a general act, 1/8 acre should be given as an inalienable allotment to each cottage as had happened in the Sierra Morena in Spain. Young had argued in 1801 that such allotments should be made to the parish and given to the chargeable poor in lieu of relief.<sup>102</sup> In 1833, Pryme tried to get a rule accepted that all acts should make an allotment like that in a Huntingdonshire enclosure of 1830 to be let as gardens at low rents with the proceeds being applied to the poor rates.

He alleged that within a year, this allotment had made the poor "industrious, provident, steady, happy and comfortable." They had not joined in the Swing Riots as they once would have done. Despite this example and a clause that such an allotment need not be made if it was inconvenient or unnecessary in their case, Pryme's attempt failed.<sup>103</sup>

Although such allotments became increasingly frequent, even where the poor had no common rights, they were still only let to "deserving" men as at Eccleshall, Staffordshire, in 1841.<sup>104</sup> Some men like the Reverend R Jones, a tithe commissioner, continued to disapprove of using commons in this way as the soil was poor, the allotments were often distant from villages and tempted the poor to erect more cottages nearby, away from the parish church.<sup>105</sup> He wanted a system of leasing old enclosures near cottages as gardens but the support of M.P.s like Sharman Crawford overcame such opposition during debates on the 1845 General Enclosure Act. This required garden and recreation allotments to be made in all future enclosures unless there was either a lack of poor people in an area, or the common was too far distant from a settlement or there was no suitable land. Lord Lincoln felt that this new act was needed as "in 19 cases out of 20, committees of this House sitting on Private Bills neglected the rights of the poor." However the poor of Foulmere, Cambridgeshire in 1845 still feared that unless their rights were compensated they would end up in the poor house like their neighbours in Thriplow.<sup>106</sup>

Most enclosures now had allotments for field gardens with the rents used for poor rates, doles or coal. The trustees could still restrict these allotments to the 'deserving' poor as at Gallon in Radnor.<sup>107</sup> While the requirement for garden allotments was ignored in some places, despite the numerous poor in the case of Llanfechell in Anglesey, owners at other places like Dalbury Lees found gardens the most



profitable use of their freehold allotments. Although the National Commissioners were criticised after 1869 about the lack of garden allotments (only 2,233 acres out of 614,800 acres enclosed since 1845), enclosures after 1845 did make more provision for the poor. Even in the remote Llanfair Hills (Shropshire) enclosure of 1880, 15 of its 1,640 acres were allotted as gardens. This was an area of large encroachments, albeit by farmers rather than the poor.<sup>108</sup>

As Tate noted, it is impossible for any individual researcher to determine whether the 15 examples he found of good treatment of the poor were exceptional amongst the 6,000 or so enclosure acts. Mingay thought that "in only a small proportion" of acts was land set aside specifically for the poor in the late 1700s. Homer in 1769 believed the poor "rarely received any compensation" for their "privileges" at enclosure. Bowen's analysis of Welsh acts also showed few examples of allotments to the poor before the 1845 General Act.<sup>109</sup> However, despite Tate's warning, the evidence of Young and other commentators does allow some trends to be identified about the treatment of the poor. More often than is generally supposed, owners saw it to be in their enlightened self-interest to make some sort of allotment of stinted pastures or turbaries. Many of these still survived as late as 1963.<sup>110</sup> A few acts, as at Nazeing, were entirely intended to benefit the poor. Other acts, as at Saxham, treated the poor better than their legal right. A third group of acts, as at Stanwell, although harsh, aimed in various ways to encourage the industry of the poor so that they would not claim relief. Increasingly allotments in such acts were of gardens rather than of pastures but these attempts at social engineering sometimes failed as at Potterne. Although these allotments were usually small and inadequate and the major motive of such acts was often agricultural change, considerations about the poor played a vital role in enclosures especially where

there was large scale encroachment.

As late as 1861, land was wholly enclosed for gardens at Bedworth Heath, but in this case the enclosure was also intended to prevent further squatting. This, together with fears of rising poor rates and the policing of existing squatters, could be important motives to enclose commons liable to encroachment. Such acts form the subject of the next section.

### Enclosure Acts and the problem of cottage encroachment

Many vestries had allowed their 'surplus' poor, especially after the population explosion of the late 1700s, to make cottage encroachments as a means of reducing the poor rate and to encourage industriousness.<sup>111</sup> The parishioners of Dilhorne in Staffordshire could encroach up to two acres to prevent them from being a charge on the parish. Some owners at Chatteris believed that allowing cottages, even without land attached, saved the rates. This strategy of using common land as a safety valve had physical limits as a resource especially because many migrants also encroached on open commons, despite the settlement laws.

Such commons generally were an obvious refuge as stock could be grazed, fuel gathered and cottages built. The resulting lifestyle has many parallels to the modern 'twilight economy'. The 1661 Settlement Act had actually said from "defects in the law" the poor tried to find those parishes with "the best stock, the largest commons and wastes to build cottages, and the most woods" to settle in "and when they have consumed it, then [go] to another parish and at last become rogues and vagabonds."<sup>112</sup> Squatting had been especially frequent since the 1600s in parishes with large commons or wastes and domestic or factory industries,<sup>113</sup> especially near towns such as Corley near Coventry and



Westbury in Wiltshire.<sup>114</sup> Mining areas like Pulley Common near Shrewsbury and Kingswood near Bristol had also attracted cottagers and the local owners viewed them in the latter case as "a set of ungovernable people".<sup>115</sup> As in the third world nowadays, the poor migrated to any adjacent parish where they could find the means for their support. For example, the enclosure at Donington in Lincolnshire, doubled the rates because a charity estate's income had been improved by £600 which attracted the poor to obtain settlements there.<sup>116</sup>

The number of squatters increased where there was unemployment and over-population in the vicinity of available commons. It was natural for the poor to migrate the minimum distance to retain links with kith and kin.<sup>117</sup> Squatting was extensive in moors, woods and heaths throughout England and Wales, for example in the Welsh borders, Cheshire, East Suffolk<sup>118</sup> and Surrey.

The poor had an ideology to support such actions. Encroachment had a long tradition of popular legality in both Wales (with the custom of ty uannos<sup>119</sup>) and England. This was based on a part of the myth of the 'Norman Yoke' that common pasture had belonged to the folk not the lord until the imposition of feudalism after 1066.<sup>120</sup> These ideas became more sophisticated in the writings of Gerard Winstanley whose followers, the Diggers, farmed St. George's Hill on the commons of Walton on Thames in 1649.<sup>121</sup> Similar ideas were current amongst early socialists like Thomas Spence after 1760 and influenced the Anarchist movement.<sup>122</sup> The squatters at Ellerdine Heath in Shropshire believed that common land enclosed in a night by turning a sod became freehold after 21 years uninterrupted enjoyment but an enclosure agreement deprived them of the ownership of their cottages and their use of the commons. The seizure of cottages was illegal as no fines had been paid and there was

over 20 years continuous enjoyment; but after assurances that the agreement was lawful and that the cottages would be repaired, the squatters caved in. The latter was a frequent tactic used to deal with those squatters in Shropshire who, like the 40 cottagers at Astley Abbots, claimed ownership of their cottages.<sup>123</sup>

Lords often prevented cottagers claiming their freehold by perambulating the manor at least once every 20 years and opening any encroachments. The squatters were then brought to the manorial court where they had to pay a small fine. The freeholders could only object if the encroachments left them inadequate pasturage. Lords rarely destroyed encroachments, and indeed often encouraged them, including those by migrants. This was not so much for their small customary fines - although at Whixall and Prees in North Shropshire these amounted to quite considerable sums - but as a cheap means of development.<sup>124</sup> The lord's farm tenants would encroach and improve the land<sup>125</sup> as at Chesterton in Cambridgeshire, Cardinham in Cornwall, Tottington in Norfolk<sup>126</sup> and High Offley in Staffordshire<sup>127</sup> which he could then seize at enclosure and obtain a market rent. He might also hope to obtain more of the common on enclosure by claiming pasture rights from such encroachments if they had not been thrown open. As described in Chapters 3 and 4, a lord might also encourage squatting to assist mining or industrial developments on his estate. Also a philanthropic lord like the Bishops of the manors of Farnham in Surrey and Horton in Dorset, and Lord Abergavenny at Rotherfield in Sussex influenced perhaps by Young and Cobbett, allowed cottage encroachments in order to prevent poverty and depopulation whilst encouraging industry and increasing food production.<sup>128</sup>

Conversely, it was the very weakness of manorial control which had allowed some vestries to permit their own poor to



encroach and outsiders to follow their precedent. This weakness had several causes. Non residence at Alstonefield and the division of the lordship between two parties at Ashley, eight parties at Uttoxeter or even all the freeholders at Ipstones (all Staffordshire) were two reasons. The ownership of a manor by an institution at Wainfleet in Lincolnshire and Gamlingay in Cambridgeshire or by an estate in trusteeship at Little Drayton in Shropshire, were others. Clerical owners like the Dean and Canons of St George's at Long Crendon in Buckinghamshire were especially likely to allow encroachments either through sympathy or inefficiency. Lapses in holding courts could lead to freeholders challenging the very existence of manorial rights which exacerbated the problem of encroachment at Milwich in Staffordshire. At Fradswell in Staffordshire and Headington in Oxfordshire, doubts about jurisdictions allowed encroachments to go unchallenged. The six manors of Chailey parish in Sussex made co-ordinated action against squatting impossible; only two of the manors were enclosed to stop encroachments. The Crown's agents were ineffective in preventing encroachments in both its Welsh manors, like Llanhir and St Harmons in Radnor as well as its Forests and Chases; indeed agents themselves encroached like Thomas Johnes who thus gained 7,000 acres near Hafod in Cardiganshire.<sup>129</sup> Even vigilant lords like the Butes in South Wales found large commons hard to patrol.<sup>130</sup> Squatting was even more frequent where there was no lord as on the extra manorial lands of Threapwood and Great Wyrley.

Owners who closed their parishes to squatters and demolished cottages forced labourers to move to parishes 'open' to settlement like Wainfleet and Kingsclere. Vestries were keen to offload their own poor and often "certificated" paupers to live on open commons in nearby parishes; half the poor at Hothfield in Kent, were certificated migrants.<sup>131</sup> This migration was often to nearby towns which could be 'open' to

settlement even if enclosed, where ownership was divided.<sup>132</sup> A Reading vicar accused overseers in small parishes of bribing their poor to go to his parish and then demolishing their cottages, whilst speculative builders in Reading were "ready to run up cottages which spring up around us like mushrooms." Barnwell near Cambridge also experienced a similar phenomenon. Some owners in North Wales also built cottages, knowing that vestries which supported the cottage system would pay the poor's rents.<sup>133</sup>

Hostility to squatting came first and foremost from the freeholders. They opposed encroachment generally due to the loss of pasture, but they particularly opposed squatters' cottages due to the harm done to grazing by cutting fuel as at Farnham and the hazard of increased rates. At Aston and the Forest of Morfe in Shropshire, at Tidenham in Gloucestershire and at Chailey in Sussex, owners complained that squatting increased the rates. Lord Abergavenny's benevolence in allowing squatter cottages led to outsiders gaining settlements which exacerbated the same problem at Rotherfield. Complaints about outsiders gaining settlements by squatting were also voiced at Biddulph and Chatteris in Cambridgeshire. By 1844, Surrey owners often opposed licensing such encroachments at manor courts as "the parties build cottages upon them, which raises a pauper population" and increased the poor rate. Even where the size of the common or the number of squatters was quite small, as at Munslow in Shropshire and Ganarew in Herefordshire, their effect on the poor rate could lead to enclosure.<sup>134</sup>

In many places, the landowners were concerned that encroachment could lead to the complete disappearance of the commons in such mining areas as Walsall Wood in Staffordshire. Often the encroachments covered much of the commons; for example in the Staffordshire Moorlands the proportion varied from at least 1/8 of Horton's commons to



280 out of the 310 acres at Biddulph. In most cases the amounts were probably even greater than indicated by the awards which often did not allot or even refer to encroachments made over 20 years before. The amount of encroachment at Fradswell, Milwich, Moreton, Ashley Heath, and at Alton in Worcestershire can be seen by consulting Maps 14-18. The acceleration of such encroachments is shown at Farley Common near Alton where the encroachments doubled from 15 in 1813 to 30 in 1819. The numbers of encroachers also shows the impact of squatting. At Ipstones, there were 55 such cottages allotted. At Dilhorne, 97 of the 165 holdings in the parish in 1816 were under five acres. Such happenings were not confined to the West Midlands. The trebling of population in Windsor Forest between 1676 and 1801 was attributed to squatters. 100 cottages were built between 1670 and 1700 on Enfield Chase.<sup>135</sup>

Sometimes lords too wanted to end the 'cottage system'. Wyrley Birch was praised for "exterminating... very poor cottages" at Handsworth. Both Welsh lords like Lord Lisburne, Lord Mostyn and Mr Bulkeley Owen and the Governors of Bethlem Hospital at Wainfleet in Lincolnshire felt that the system threatened to ruin their estates. The latter were advised in 1811 to hold manorial courts to prevent the growth of this system but the failure of the strategy seems to have led to an enclosure in 1813. The Archbishops of Canterbury gained considerable rents since the 1700s from encroachments for small houses upon Lambeth Marsh near London. In 1806, an enclosure act was obtained, partly for building purposes but also to destroy these brothels and beerhouses. Similarly, lords around Newbury discouraged squatters because they were poachers who encroached upon other people's rights. Lords like Sir Edmund Antrobus at Horton and Mrs Holliday at Cheadle (both Staffordshire) also found that the small fines from squatters were not worth the censure of their tenants and neighbours and the problems of

collection from squatters who claimed freehold title. Thus both lords gave up these encroachments in return for a larger manorial allotment at enclosure. One lord near Newbury allowed 10 paupers to have life tenancies of cottages but because they would not pay the nominal rent of 1/-, he let the cottages go to ruin. Lord Bute solved the problem of collecting small fines on his isolated Cowbridge manor by auctioning the cottages after offering them to the occupiers at a valuation. Thus the feudalistic relationship of a customary tenant paying a token fine to a manorial lord was replaced by capitalist relationship of a tenant paying a market rent to a freeholding landlord. Although legal, many thought this was unfair because the cottagers had no reward for their improvements.<sup>136</sup>

Apart from the large owners and some lords, the poorer owners and the parish's own cottagers also saw the danger of squatters gaining a settlement; at Ipstones they gave £100 towards an enclosure act to keep "undesirables from out of the area."

As noted in Shropshire, the era of parliamentary enclosure also saw a hardening of progressive opinion against the system of squatting due to its moral, social, economic and political dangers. Despite Tate's opinion that these arguments were a mixture of "business acumen and oleaginous piety", their frequency reflected a genuine fear that immigrants would lead to the decay of moral order. As early as 1605, when James Clifford allowed miners to build cottages in Broseley parish, a freeholder called them "lewd persons, the Scum and dreggs of many counties from whence they have been driven." According to Matthew Boulton, Handsworth Heath before 1762 contained "a few miserable huts filled with idle beggarly people, who by the help of the common land and a little thieving made shift to live without working". Complaints were made of the demoralisation of



squatters at Pontesbury in Shropshire, of their idleness at Corse Lawn in Gloucestershire and of their thieving at Chailey in Sussex, amongst many other places. This immorality was held by Monk in Leicestershire to result in idleness, misery and high rates.<sup>137</sup>

The very location of squatter colonies away from traditional parochial centres, often on extra-parochial or extra-manorial land<sup>138</sup> where jurisdictions were frequently in doubt, made many fear places like Threapwood on the Flintshire/ Cheshire border as potential centres of disturbances when social unrest was high. In 1813, Plymley advised Shropshire owners to build cottages to rent in order to stop the poor building "miserable erections upon inconvenient places within the wastes"; this would bring about "that subordination of the lower rank of society, which in the present times is much wanted."<sup>139</sup> Although critics believed the cottagers rarely attended any place of worship or educated their children, this is not wholly true. The distance of these isolated colonies from parish churches in "a world of themselves" led to the growth of nonconformity there which did not necessarily preach the same conformist ideology of the state's established church. Such fears led to attempts at church extension as at Threapwood itself and Bayston Hill.<sup>140</sup> As Port argues, such church building was not motivated by religious zeal but by the fear of social disorder. The myths of 'ty uannos' and the 'Norman Yoke' provided an ideology of resistance against those who sought to "steal" the common from them. Commentators like Bishton saw enclosure as a means of integrating squatters into society by destroying their source of economic independence.<sup>141</sup>

This concern about the problems of the poor also focussed on their support and feeding. Bad harvests always increased interest in the problem of the poor; few forgot the impact

of a bad harvest and bread riots upon the French nobility in 1789, although ideas of noblesse oblige, christian duty and philanthropy may also have contributed to the élite's concern about the poor. It was often claimed that the unproductive commons and wastes could be converted to cereal production and thus provide employment for a group popularly believed to be idle.

Some contemporaries saw that continued large scale squatting would create an impoverished subsistence peasant economy. By 1800, influenced by Malthus,<sup>142</sup> many feared that, as in Ireland, over-population would lead to subdivision of holdings and grinding poverty in both North<sup>143</sup> and South Wales. On Lord Bute's South Wales commons, there was so much squatting that "it seemed as if an Irish estate had been transferred and filled in as patchwork amongst the Welsh mountains." Similar fears were expressed about Rhoshirwaun in Caernarvonshire. As Mills notes, there were "very few 'close' parishes in the poor law sense of the term [my underlining]" in Wales, due to the large wastes and the fact that they were not '[en]closed' in the late eighteenth century sense of the word. The connection between the terms 'close' and '[en]closed' parishes is not accidental and it will be discussed in detail below.<sup>144</sup>

Even with the lord's support in manorial courts, it was very hard for the freeholders to prevent encroachments generally and thus to stop migrants gaining settlements. Although owners sometimes encouraged the 'cottage system' either to keep families off the parish or because they were frightened to interfere,<sup>145</sup> they often agreed without the lord's consent to throw open encroachments. They used the turmoil caused by the 1843 Rebecca Riots to destroy encroachments at Llangyfelach and Llandybie in Glamorgan.<sup>146</sup> These agreements were often made at vestry meetings,<sup>147</sup> with the overseers' consent because the cottage system had actually increased



the rates when migrants encroached.<sup>148</sup> To prevent this, vestries bought up cottages as at Crowborough or used their powers to destroy vacant ones, as at Pontesbury.<sup>149</sup>

These agreements either to open encroachments or to destroy cottages had provisions for a fighting fund to meet any prosecutions as in the case of the Lickey Hills.<sup>150</sup> Such a fund was necessary when the first Marquess of Bute's agents converted some squatters on Hirwaun Common into tenants without the freeholders' consent. The Aberdare parishioners in 1788 demolished 35 of the squatters' dwellings and prosecuted the Marquess.<sup>151</sup> The parishioners of Orsett in Essex obtained a legal precedent by a prosecution in 1816 which prevented a migrant gaining a settlement by buying a cottage encroachment; the parish was 'closed to further squatting by an act in 1825.<sup>152</sup> Legal actions to eject cottagers were taken out by owners (especially in Wales as at Begelly<sup>153</sup>), the vestry (as at Betley in Staffordshire<sup>154</sup>) or the manorial lord (as in the cases of Yeovil Marsh in Wiltshire and Linton in Herefordshire<sup>155</sup>). Lord Lisburne was advised in 1797 to take out prosecutions in the name of a commoner to stop squatting on his Welsh estates.<sup>156</sup> A prosecution at Yately in Hampshire stopped an encroacher from enlarging his plot.<sup>157</sup>

Court cases about encroachments, as at Llanhir in Radnor, and common 'rights', as in the case of Sandhurst in Berkshire, were rarely an effective answer. In the words of the enclosure petition for Attleburgh in Norfolk, turf cutting had been "carried onto a very great extent without means of prevention, except by Actions at Law against Persons... many of whom are paupers, or totally unable to pay the Damages."<sup>158</sup> The expense of court cases and the opposition and persistence of the poor made such a course of action lengthy, ineffective and dangerous. Surrey owners opened encroachments, destroyed cottages and took out court

cases, but it was stated in 1844 that these were "not sufficient means totally to stop the system." Welsh freeholders feared their stock would be maimed if they interfered with squatters. Even when the freeholders pulled down squatter cottages, they were quickly rebuilt. Indeed Young praised the tenacity of the cottagers who were only rarely "absolutely stopped" by the freeholders.

As early as the 1600s, it was realised by freeholders in the Warwickshire Felden that enclosure was the only effective way to stop encroachments.<sup>159</sup> Several witnesses to the 1844 Select Committee on Commons Inclosure expressed the same belief, despite the costs of an act. Already at Milwich, attempts to deal with encroachers by court cases had failed and an act had effected a compromise between the two parties.<sup>160</sup> Again, the lord's clearance of cottages at Handsworth had to be followed by an enclosure act to prevent renewed encroachment. Despite this, some allotments, as at Leek in the same county, were colonised by artisans in building clubs. Even in the countryside, waste enclosures often increased the number of cottagers engaged in rural trades, as Chambers noted. However, these new cottagers were either capitalist owners or occupiers who paid a market rent for their land rather than squatters or feudal tenants who only paid an acknowledgement. As such they were entitled to their residence according to capitalist theory.<sup>161</sup>

The prevention of squatting was rarely stated as a motive for enclosure in petitions or preambles except at Iron Acton in Gloucestershire, Ganarew in Herefordshire and Ravensmoor in Cheshire. This was either to avoid drawing attention to what might be considered an oppressive action or because petitions normally followed a form of words of proven acceptability to parliamentary committees.<sup>162</sup> Even in the age of the national commissioners, only at Llanfechell Mountain on Anglesey and Marian Llysfaen in Caernarvonshire,



was it directly alleged that "The inclosure will put an end to squatting, which threatens, if continued, to pauperize the parish."<sup>163</sup> However this motive can be clearly identified where other documentary evidence survives in the form of vestry minutes,<sup>164</sup> parliamentary reports,<sup>165</sup> Hansard and newspaper reports,<sup>166</sup> estate correspondence,<sup>167</sup> diaries,<sup>168</sup> or even the solicitors' correspondence.<sup>169</sup> Such sources have been underused or totally ignored by historians trying to appraise the motives for the enclosure movement. For example, the author is unaware of any other research on this subject which has used vestry minutes.

The timing of such acts also indicates the role of encroachment in initiating an act. Some, such as that at Horton in 1808, were obtained 20 years after the last perambulation and must have been designed to prevent both the squatters gaining freehold status as well as further squatting. The importance of the 20 year rule is shown when Samuel Wolferstan bought Pipe manor. Two tenants persuaded him to hold a perambulation as "a necessary point before 20 years end from last in May 1791."<sup>170</sup>

Often lords like Sir W W Wynn at Arwystli in Montgomeryshire made a preliminary survey of all the encroachments before enclosing. Negotiations about terms for an enclosure, as at Whittington in Shropshire, often revolved around encroachments. All this points to the important role encroachments played in decision making about the enclosure of commons and wastes.

However acts in such areas could have a mixture of motives. The 1806 Forest of Morfe enclosure involved the resolution of grazing disputes, the introduction of arable turnip husbandry and emparkment as well as the prevention of encroachments.<sup>171</sup> Similarly Blagg's correspondence as solicitor for the Cheadle Act demonstrates the diverse

motives and expectations of landowners involved in a commons and wastes enclosure. This was one of a series of enclosures in an area of large scale encroachment in which Blagg acted as solicitor. The epidemic could have been caused by Blagg's desire for business but a more powerful consideration was probably the realisation of the problems caused by squatters which accounts for other acts - at Leek and Horton - in which Blagg was not involved.<sup>172</sup>

The lady of the manor, Mrs Holliday, wished to extend her estate for agricultural improvement and she gave up her rights to the sizeable encroachments. For the Duke of Devonshire's agent, consent entirely depended upon profit from improved land use. Other owners wanted the land for plantations for aesthetic or medical reasons; large woods were planted both here and at Whiston and at Moddershall Heath. However most freeholders decided to enclose due to the level of encroachment around the town. At Fradswell Heath in the same county there was a similar mixture of motives, although the dominant concern again was encroachment. Partiality against squatters was clearly shown in Blagg's letters and was ensured when Richard Smith sold his common rights in order to act as commissioner.<sup>173</sup> This and evidence from other midland enclosures like those at Melbourne in Derbyshire and Penkridge in Staffordshire contradict the impression of Tate that commissioners acted fairly.<sup>174</sup>

At Tisbury in Wiltshire, an enclosure act was used to determine the share of each of its townships to the high poor rates. The commissioners divided the ecclesiastical parish into three poor law parishes and decided what share of the poor rate and the existing debt was chargeable to each parish. The Dee Navigation Company in 1791 used an act to confirm an award of common land between itself and adjoining manors and to make its allotment a separate



township called Sealand which would maintain its own poor. The company recruited its workers from other parishes and used its ownership of Sealand to prevent any houses being built. The act enabled the company to avoid paying any poor rates on its land.<sup>175</sup> But despite such unusual acts, there were really three main motives behind such acts - to close parishes to further squatting especially by outsiders, to remove squatters or to reform them. These are dealt with in turn.

As at Ipstones in Staffordshire, enclosures did 'close' villages to further encroachment especially by outsiders. To commentators like William Pitt in 1809, 'closed' was simply short for enclosed; his use of 'closed' and 'open' respectively to mean parishes which were enclosed to prevent settlement or unenclosed which allowed settlement is clear in his General View of ... Northamptonshire. Even champion parishes could also be 'closed' to exclude the poor. In 1796, Eden blamed the common open field at Deddington in Oxfordshire for the high rates "whereas the neighbouring parishes have been inclosed many years, and many small farms... have been consolidated, so that many small farmers... have been obliged to turn labourers or procure small farms in Deddington or other parishes that possess common field. Besides the neighbouring parishes are, many of them, possessed by a few individuals who are cautious in permitting newcomers to gain a settlement."<sup>176</sup> These individuals achieved this by using enclosure to create large tenancies beyond the means of peasants and preventing cottage building by their tenants. As Mills implies was the case of Wales, only after 1800 did the terms gain their current usage; an open parish becoming any one where outsiders could get a settlement and a close parish one where they could not and also the native poor had been driven out to nearby open parishes.<sup>177</sup> The origins of the terms show that enclosure - at least originally - was used

to close villages to further encroachment and thus inhibit population growth - but it rarely led to mass evictions and an absolute decline of population.

Whether or not an act caused depopulation depended upon the change in land use and whether this reduced the number of labourers required. Most commentators who noted that enclosure caused depopulation were observing the effect of converting open field arable to pasture (as in the case of John Byng and Burford in Oxfordshire) rather than enclosures of pasture. This was often the case with open fields in areas of heavy clay soils which were unsuited to improved tillage. In 1794 John Wedge noted how the enclosure and conversion of open fields to pasture in the heavy soils of the Warwickshire Felden had reduced employment and caused "the hardy yeomanry" to migrate "to Birmingham, Coventry and the manufacturing towns". Certainly 390 acres of Grandborough open field were laid to pasture after the award.<sup>178</sup> Fears that conversion of open fields to pasture resulted in unemployment, poverty and depopulation were voiced in counter petitions at Raunds in Northamptonshire and Newport Pagnel in Buckinghamshire. This was how some engrossing farmers (as was admitted even by a defender of enclosures like "A Constant Reader" in Aris's Birmingham Gazette of 1771) managed with fewer labourers. Thus at Merton in Oxfordshire, the act ended existing leases which led to the formation of larger farms; the evicted tenants became poor labourers, many of whom left due to the mean relief offered. A gentleman bought Swaffham and the next village in Norfolk and converted 20 farms into seven which reduced the population. However such use of enclosure to make profits by ridding the parish of small tenant farmers appears exceptional. Holderness shows in Lindsey that such engrossment largely predated enclosure and the latter did not cause depopulation. At most, enclosure only prevented



the rapid population growth which took place in Lindsey's open parishes.<sup>179</sup>

Conversely, as both Howlett noted about Donington in Shropshire in 1786 and Redford noted generally about the era 1800-50,<sup>180</sup> waste enclosures - exactly the type intended to prevent further encroachment - could actually increase population by colonising the land for arable production or, to a limited extent, for improved pasture. Colonisation for mining and industry could also continue on suitable enclosed wastes and indeed accelerated at Kingsley, Cannock Chase and Handsworth in Staffordshire and Munslow in Shropshire.<sup>181</sup> Chambers noted that the population of Nottinghamshire villages enclosed by act grew faster than all but that of industrial villages. Although many Nottinghamshire acts involved open fields, they also included a large amount of wastes. The conversion of the latter to arable could have increased employment and thus account for the population growth Chambers observed. However, as previously noted, many wastes whose soils and climate were unsuited to arable, as in the north and west of England and most of Wales, remained unimproved pasture or became wooded game reserves after enclosure. Clearly the motives to enclose these commons were similar to some of those in mining and industrial areas; to seize encroachments and prevent further squatting as Slater showed about a Montgomeryshire act of the early 1800s.<sup>182</sup>

The Lord of Windlesham in Surrey, Lord Onslow, knew that enclosing its extensive wastes would not pay - indeed in 1864 the common remained unimproved - yet he promoted an act in 1812. Why? To establish his claims to "encroachments [which] are perpetually taking place... very many slips have been taken off the Waste of which cottagers and others are in possession" and to prevent more squatting. Moors in Staffordshire also attracted the local surplus population which led to enclosures. When the enclosure of Hardiwicke

Heath in Sandon was first proposed, encroachment was cited as the main reason for an act. The examples of such geographically diverse places as Shipley in Sussex, Ruislip in Surrey, Gamlingay in Oxfordshire, Moreton in Staffordshire, Abberley in Worcestershire, Tidenham in Gloucestershire, Wainfleet in Lincolnshire and Penboyr in Carmarthenshire show how enclosure was often primarily intended to prevent encroachments especially by outsiders.

All this can only be appreciated by looking at several sources of evidence. At Corse Lawn, whilst enclosure was publicly advocated as a way of ending overstocking and replacing tithes with a corn rent, criticisms of the cottagers by commentators and the destruction of squatter cottages and farmers' encroachments reveal a hidden agenda for the act - the problem of squatting. The way in which enclosure resolved a lengthy dispute about encroachments at Milwich can only be understood by studying the vestry minute book, newspaper notices of meetings, petitions and the award itself. Only the testimony of witnesses to Arthur Young, show how the Chatteris Act stopped the increase of cottages which migrants, as at Crowborough, often bought to gain settlements. The House of Lords Committee Book shows how owners at Gratwood Heath in Staffordshire tried to prevent migrants gaining settlements as early as 1719. By preventing further squatting, such acts must have retarded population growth.<sup>183</sup>

In North Wales, the fear of a potential peasant economy led to a series of acts. The Rhoshirwaun Act, the first in Caernarvonshire, stopped encroachment and made the squatters tenants. This dependent status and the loss of common rights was a means of policing the existing squatters as well as preventing new ones. Similar acts followed, as at Llanddeiniolen and Nevin, and all were met by violence. In 1808, the Snowdonian squires met to oppose encroachment and



to enforce the acts.<sup>184</sup> Such enclosures continued into the 1860s as at Llangwm. Thomas thinks that these enclosures verify Fried's maxim that "it is in the struggle over systems of tenure and ownership that the contest between social systems for the control of an area is to be understood."<sup>185</sup>

Chambers argued that, although enclosure converted the peasantry into wage labourers, it was not catastrophic because it provided more employment for the poor. Although the 1797 Raunds enclosure counter petition claimed otherwise, Chambers believed that the movement to towns was due to rural population growth not enclosure. This was not always the case. Firstly, open field enclosures for pastoral farming caused unemployment once short term work in fencing and ditching had ended. Chambers' example of Queniborough in Leicestershire, where conversion of arable to pasture in 1793 did not lead to depopulation, is worthy of consideration. An act had been blocked in 1730 because only half of its 80 families would have been needed to farm the land afterwards; even those who were stockingers needed labouring work to supplement their income. This would have increased the low poor rate although houses were to be demolished once their tenants had died and it was believed that the poor could emigrate to the plantations for work. Yet the 1793 act did not close the village; the stockingers apprenticed migrants who thus gained settlements and the population increased after enclosure. As Chambers himself infers, this population increase was due to the stocking industry, and not any employment created by the act.

Secondly, waste enclosures prevented squatting by the surplus population of the area. Where the land was not improved, these persons had to migrate for work and as Hutchinson noted after the Skelton enclosure in Cumberland, growing industrial towns were an obvious refuge.<sup>186</sup>

Villages were closed not just to encroachment by outsiders, but also by the villagers. They had to accept the capitalist notion of selling their labour to accumulate capital to acquire property. In addition, the loss of common rights was for many the last stage of their conversion from an independent peasantry into a capitalist and, as Snell remarks, a wage-dependent proletariat. As Chambers himself noted, "The appropriation to their own exclusive use of practically the whole of the common waste by the legal owners meant that the curtain which separated the growing army of labourers from utter proletarianization was torn down." Martin also views enclosure as a catalyst in converting village traders into labourers in South Warwickshire by the loss of their common rights. Mills has used the work of the sociologist Tonnies to express these socio-economic changes caused by 'closing' a village. The parish society previously identified by its *gemeinschaft* - the solidarity associated with small communities - was replaced by a society identified by its *gesellschaft* - its large scale, capitalist and contractual relationships. Mills accuses owners who drove the poor from out of their sight by plantations, park extensions and so on of pseudo-*gemeinschaft*. However this criticism can only be justly directed at some owners; as noted above, many lords showed a growing social concern, if only for their own preservation.<sup>187</sup>

The research for this thesis has shown that such enclosures were rarely used to physically remove squatters. It may have happened in Northumberland at Doddington Moor<sup>188</sup> and Wark<sup>189</sup> and at Iver Heath in Buckinghamshire. Encroachments in the latter case had been helped by the division of the manorial estate between two heiresses. The act in 1800 was occasioned by two purchases immediately beforehand. The first united the manorial estate and the second united the advowson which may indicate at first sight that both parties were only



interested in land acquisition. However the two purchases seem more to have been a necessary preliminary for an agreement to enclose so that migrant squatters on Iver Heath could be removed. As Snell notes, the act "coincides with the introduction of a (rare) handsome, leather-bound examination and removal book which bears witness to the unprecedently large number of removals which thereafter took place every year." Concern about this problem is also shown by a 36 acre poor allotment. Despite the removals, the population of the heath still grew - albeit probably more slowly - and it became a parish in 1862.<sup>190</sup>

The opprobrium of removing squatters meant that few lords would consent to an enclosure for this purpose unless there was much local support. The motive for these clearances by enclosure were threefold. At Tettenhall and Gateshead it was to reduce the rates and to create suitable environments for 'turnpike suburbs'. Force was used at Gateshead under a clause allowing the commissioners "to level and remove all such cottages being built on the waste as were prejudicial to the purposes of the enclosure."<sup>191</sup> The only other example of the use of violence against squatters was at Hirwaun in 1860 where the motive for the clearance appears to have been changing perceptions of the squatters' morals.

Where lords wished to remove squatters in the vicinity of their parks, they tended to use more subtle methods to try to avoid public censure. The overseers of Ganarew in Herefordshire were unable to destroy the encroachments on Little Doward Hill which increased the population and the rates. A committee was formed to stop these encroachments "either by act of parliament or otherwise." The act of 1833 even cited this problem as its motivation. Blakemore used the act to buy nearly all the open land and extend his park. The Act succeeded in closing the village and indeed the population increase was reversed.

# CENSUS RETURNS FOR GANAREW

1801	1811	1821	1831	1841	1851
88	74	118	148	123	147

After the enclosure, the allowance to the assistant overseer was reduced "in consequence of the Inclosure of Doward" and the owners and tenants appear to have been satisfied by the bargain of a 30% reduction of poor rates for their common rights.

When Lord Aylesford bought the open manor of Meriden in Warwickshire for £2,100, he too obtained an enclosure act in 1783 in order to remove the squatters, extend Packington Park and build a new approach from the main road. This contrasts with the lord lieutenant, Viscount Beauchamp, who faced similar problems only two years later at Dunnington Heath. He acquired the heath by an act confirming an arrangement with the lord of the manor and the other owners, cleared the cottages and improved the approach to Ragley Hall. However he did rehouse the squatters in a model village. Although Aylesford was considered, like his fellow Tory, Blakemore, a "kind and indulgent landlord", his attitude contradicts this. His solution to the problem of the poor was to remove the squatters from his purview, and to improve the morals of the remaining poor by building a church in 1787 and their industry by establishing a workhouse in 1792. Those who turned to crime were to be dealt with by an Association for the Prosecution of Felons set up in 1784. Byng commented that this abnegation of paternalistic duty would cause hunger and lead the poor to democratic solutions suggested by the French Revolution.<sup>192</sup>

Similarly, Bulkeley Hughes used an enclosure at Llanfechell Mountain on Anglesey in 1861 to destroy squatter cottages and farms which were "an eyesore" to his home. This caused



much local anger which surfaced in the Welsh Land Report of 1894.

Mass evictions were rare because most lords only wished to assert their ownership of the land in order to control either the squatters themselves or their economy like the slate miners of North Wales. Threats and the occasional eviction of a leading squatter were usually enough as at Llanddeiniolen to make the others accept the lord's ownership. The Duke of Beaufort offered leases for three lives to the cottagers of Tidenham in Gloucestershire who claimed freehold status but threatened to evict their leaders. Both the Balsall Heath Act in Warwickshire and the Kilkewydd Act in Shropshire, even had schedules of encroachments to be allotted to the lord. Where there was no lord, the cottages could still be allotted to other parties, like the Overseers of the Poor at Great Wyrley.

Other lords merely wanted to offload awkward and unprofitable tenants like the nailers of Lye Waste or the besom makers of Rock (both in Worcestershire), and so allowed the squatters to buy their freehold. As at Horton in Staffordshire, the payments helped to defray the enclosure costs and so the owners were keen to force encroachers to settle up. Those who did not pay could be evicted as was threatened at Cheadle and Wakefield. Legal advice was taken at Rock in Worcestershire when squatters defaulted on their purchases. Sometimes encroachments were sold above their heads; encroachments with occupiers were advertised for sale under the Caverswall Act. There were few philanthropists like the Rector of Oldswinford who bought the cottages at Lye Waste for those too poor to buy their own.<sup>193</sup>

The fear of losing ownership of their cottages led many squatters to obstruct the commissioners, often violently as

in all the Caernarvonshire acts in the Napoleonic era. Riots were only reported either to intimidate the squatters as at Dudleston Heath in Shropshire or where much damage was done as at Sheffield. Often the rioters were treated leniently as in the former case possibly to avoid further riots.<sup>194</sup>

Although the 20 year rule normally applied to ownership of encroachments, much depended upon local circumstance. At Sheffield, where the encroachments were valuable and the lord was influential, the act gave him all those made within living memory which led to riots.<sup>195</sup> Some cottagers gained short term rewards for their resistance. The Dudleston cottagers were promised leases for 21 years or two lives at low rents. At Cottisford in Oxfordshire, 40 cottagers resisted ejectments under the 1848 enclosure and gained 14 year leases at 5/- per annum but by 1883 these had risen to up to £5 a year.<sup>196</sup> The Nevin bill in Caernarvonshire allotted encroachments of under 20 years enjoyment to the other owners. The promoters could not understand how the "idle and dissolute" cottagers who had no legal right to their land could complain about this except from the same "spirit of opposition" shown to all local enclosures. An amendment was added to compensate the squatters for their improvements by Lord Stanhope whom the promoters dismissed as "a madman".

Many acts were a compromise with those squatters who were strong and numerous enough to secure freehold status. The resistance of the Llanhir squatters led to a clause allowing them to buy their plots cheaply at only £5 an acre as compared to only £2 per acre at Milwich, 60 years or so earlier. Such deals often resolved long-standing disputes which were a major motive for enclosures of commons and wastes.



Enclosure costs in these areas could be great; even an agreement at Biddulph cost £7.59 per acre. Raising the funds to meet the costs to enclose such land which would often not be increased intrinsically in value required the squatters to buy their land. Even so at Ganarew the whole common had to be sold to defray costs because the squatters only had to pay the unimproved value of their encroachments, less 1/20 for every year of occupation. The more usual formula was to sell the plots at a valuation simply based on their unimproved value as at Dilhorne and the Forest of Morfe. However the encroachers at Horton had to pay the improved value and so the £4,075 raised from them defrayed all the costs. This was the case apparently with the evicted squatters' holdings on the Llangwm Hills in Denbighshire. Enclosure acts often did not end problems about squatters and common rights. It took 30 years before the land at Middle Bourne in Hampshire was fenced in the 1890s in order to prevent the poor pasturing stock and gathering fuel. In Oxfordshire, two cottages were built on a fuel allotment under the 1802 Headington Act and Brazenose College left open 1/3 of its allotment at Cowley in 1853, after trying to clear it of livestock.<sup>197</sup>

The poet John Clare attacked the way in which the loss of commons impoverished and reduced the independence of his class and many commons and wastes acts did this deliberately in order to convert demoralised, idle and independent squatters into moral, industrious and dependent tenant labourers. This social engineering through enclosure was also present in open field acts. The enclosure of the commons and open fields at Loughborough in 1744 was advocated both to increase their value and to encourage habits of industry because "such commons are the real cause of idleness." The ending of 'shackage' rights on the open fields of Stiffkey and Morston in Norfolk meant that "the manners of the people are much ameliorated - less wandering

and idleness." This motive was even more frequent in commons and wastes acts, especially those influenced by men like Bishton which were noted in Section 3. At Handsworth and Great Wyrley, enclosure and the activities of entrepreneurs like Boulton and Gilpin respectively were held to have improved the poor. Both the debate about the 'independence' of the poor and the detail and operation of many acts discussed above show that the promoters aimed to end the independence of the squatters.<sup>198</sup>

After such acts, the landowners hoped that both small farmers as at Ashley Heath and 'idle' cottagers enjoying feudalistic tenure would either leave or become industrious. The owners thought that although the improvement might drive some men away, like a few farmers at Loughborough, it "would soon bring more inhabitants" to replace them. Sylvester has noted how Monmouthshire enclosures led to the replacement of customary encroachments by leaseholds which increased rents without any depopulation.<sup>199</sup> Similarly, the worst cottagers moved away from East Woodhay in Hampshire, leaving only respectable tenants. Although rarely mentioned by name, such acts for commons and wastes also cleared the commons of gypsies.<sup>200</sup>

Short-term employment was often to be found in fencing for two years as at Somercotes in Lincolnshire or even longer<sup>201</sup> but acts like that for Buckland in Buckinghamshire in 1842 had more long-term aims. The enclosure and planting of 8,000 acres at Godalming in Surrey was proposed in 1844 as it would "employ more people than it does in its present state."<sup>202</sup> Similar arguments were used by Lord Cawdor at Penboyr in Carmarthen in 1865. These aims echo those of the nine Surrey lords who had petitioned in 1756 for powers to enclose commons for woodland, as the planting, felling and sawing "would employ many poor persons."<sup>203</sup> Also the new wage-earning proletariat were dependent on their social



superiors for employment. Thus the remaining cottagers at East Woodhay became "a respectable class, looking to the wealthier classes for labour."

This motive is further exemplified by acts which aimed to provide work for squatters, as Watt claimed was his intention at Llanhir. The promoters of the Nevin act believed that it "will excite the cottagers to active industry by the prospect of constant work." This could be necessary due to the decline of mining as in Cornwall<sup>204</sup> or domestic industry as at Kettering and their transition to capitalist exploitation of resources and labour as at Llanddeiniolen. Even a depression in factory industries could lead to enclosures, like those at Keighley, designed to create employment. Farm owners like Edward Walwyn felt that enclosing parishes like Much Marcle in Herefordshire would solve the problem of the poor cottagers by improving the local economy. Some Shropshire owners thought that enclosing Hopesay Hill would allow them "to put our surplus population upon it, which we can now get no employment for." Ambitious proposals to enclose large commons and marshes aimed to provide work and sites for homes for labourers or dispossessed yeomen as an alternative to emigration are discussed in Chapter 7. Even acts involving largely open field land, as at Braunston (Rutland) and Over (Cambridgeshire), were also concerned with creating employment and thus reducing the poor rate.<sup>205</sup>

Many acts tried to "re-moralize" squatters. The agreements for Biddulph and Aston in South Shropshire show that concern about squatting could specifically be a moral concern. The advocacy of enclosure by Young at Wychwood Forest in Oxfordshire, Wedgwood at Cranbourne Chase and Radford at Tansley in Derbyshire focussed on moral improvement. In 1809 the Crown commissioners advocated the enclosure of Windsor Forest so that its poachers could be removed from their

encroachments and gathered into villages, each with a constable. This was done at Fordwells after the 1853 Wychwood Forest enclosure. Such concerns also applied in Staffordshire acts like those for Fradswell and Alstonefield, the last open and the most backward of the Moorland parishes. Its lord was a High Church Tory, Sir George Harpur Crewe. His predecessors had only been concerned to stop encroachments by others<sup>206</sup> but he was convinced that his religious duty was to improve and civilise the parish despite his lack of money and his knowledge that enclosures at the time [1834] were unlikely to pay. He saw enclosure as the key to civilizing and improving the area. It "will make a vast difference by tending to concentrate and civilise the wild folk who dwell among the hills. The roguish will be brought into light by new roads, opened into the recesses where they have carried on in darkness their bad practices. The idle will be stimulated to work for their own maintenance and the industrious will be encouraged to persist in improvements, now open to the public gaze and approbation." His vision also embraced building churches. Similar initiatives involving not just church building but also establishing temperance halls and Bands of Hope were taken at this time during enclosures both in Staffordshire at Bishops Wood, Coven Heath and Kingsley and in Hampshire at Kingsclere. The Moorland owners congratulated themselves in 1851 upon improving what had been "a waste both physically and morally" both by dams, enclosure, tillage and plantations and by church and school extension.<sup>207</sup> The same considerations could also apply to champion areas; the inefficient cultivation of open fields were held to have "generally lowered the character" of Luffenham in Rutland and Ricall in the West Riding as compared to adjoining enclosed parishes.<sup>208</sup>



Not all the intentions of enclosers bore fruit. Welsh acts often failed to stop sheep stealing.<sup>209</sup> Owners like Earl Fitzwilllliam, who gained a 30% return on his investment at Helpstone in Northamptonshire, did increase their rentals but Clare saw that this enclosure had resulted in the irregular 'catch work' system and a loss of self respect and morals amongst the poor.<sup>210</sup> Although this act and one at Rock failed to improve the morality and industry of the poor, enclosers claimed many successes. For example, the curate wrote that the enclosure of Messingham in Lincolnshire had increased the population, improved their manners and industry and had led to mud and straw cottages being replaced by brick and tile ones.<sup>211</sup> A Newbury steward claimed that whilst commons encouraged idleness and low morals, acts at East Woodhay and Kingsclere had not only increased employment but also at the latter "there is a spirit of industry and... every prospect of improvement." Its lord only supported the act because it was thought that the rates will be "very materially diminished." Opinions could differ about the success of an act; Scott claimed the Chatteris act had "encouraged industry and good morals"; Young disagreed, blaming the doubling of the rates on the inadequate provision for the squatters. Although the claims of promoters are not absolute proof of their altruism, these examples at least show that the problem of the poor was a real and weighty concern.

This concern was also manifested in acts which tried not only to provide work but also to change the mode of development from encroachment to enclosure in order to promote rational improvement. In 1821, Augustus Brackenbury felt that the cottage system in Cardiganshire had failed because the poor lacked the capital to improve the land. Hence a pauper population had grown which the cultivated land was insufficient to support. He argued that enclosure acts had released land for the landowners' capital to

improve and provide work, food and cottages to rent for the poor. Many landowners shared the view that a change to capitalist agriculture and increased cereal production was necessary to avoid social dislocation and revolution.

The various manifestations of these fears - and indeed the specific issue of the use of enclosure to protect the élite from discontent by providing more food is studied in detail in Chapter 7 - but they did include Select Committees on Enclosure between 1795 and 1801 and attempts to obtain a General Enclosure Act or at least acts to enclose large wastes.<sup>212</sup> These fears led to enclosure petitions like that for Wath upon Dearne in the West Riding in 1801 which commented upon the need to relieve the poor and reduce the high food prices.<sup>213</sup> Later acts were linked with areas of riotous discontent like the declining domestic woollen districts of Gloucestershire and Wiltshire after 1830. They were part of an attempt by owners like those at Bisley to introduce more efficient capitalist systems of production to replace the inefficient domestic system and to create new wealth in order to regenerate economic activity. Owners like those at Westbury and Lord Egremont at Petworth after the Swing Riots also encouraged emigration as an alternative solution to such economic problems.<sup>214</sup>

Whilst some conservative-minded Tories like Blakemore, Aylesford and the Earls of Shrewsbury tried to hide from the problem of poverty behind model landscapes created by enclosure, more Evangelical Tories like Harpur Crewe improved the landscape by cultivating wastes. Like Clare, he lamented "the loss of the wild and picturesque character which the country formerly had" but, unlike Clare, he felt that with "the increase of population in this kingdom, no land which is capable of being cultivated can be allowed to lie idle, for the gratification of the eye." Crewe was echoing one of the many dilemmas that aristocrats faced with



the problem of poverty in a changing society which their attitude to enclosure often exemplified. In contrast to Whig improvers, Crewe found Benthamite utilitarianism anathema, as shown by his opposition to the 1834 Poor Law Amendment Act. In this detestation of utilitarianism both he as a landowner and Clare as a spokesman for the poor concurred. Even the radical Cobbett praised the old paternal owners and attacked the nouveaux riches whose wealth was based on the capitalist accumulation of money. But even Crewe, a traditional paternalistic Tory, realised that change of some sort was needed to solve the problem of poverty although his analysis and motives were very different to most improvers. These issues are also discussed in the next chapter.<sup>215</sup>

Benthamite Utilitarianism was espoused by many improvers at this time. Even owners with radical sympathies adopted the goals of rational improvement, efficiency and profit when dealing with squatters. James Watt junior had radical sympathies and yet he tried to force the squatters at Llanhir to pay him rent. When he retired from business he determined to enclose and improve his estates. He arranged an act in 1840 allowing the squatters to buy their encroachments cheaply which not only allowed improvement but also defined the legal position of the squatters and prevented further encroachment.

This act shows that the climate was changing. Even before the 1800s the interests of the poor were sometimes protected especially when their proximity to London as at Stanwell, Laleham and Cheshunt enabled them to organise resistance more effectively than poor Welsh cottagers.<sup>216</sup> Even in Wales before the Reform Act of 1832, the actions of oppressive owners like Lord Newborough led to the loss of the bill for Llanwnda and Llandwrog in 1826 but only due to expatriate Welshmen in London.<sup>217</sup> Consciousness of the harm done to the poor was raised by men like Sholtze who linked the increase

of acts from 160 between 1700 and 1760 to 3,000 between 1760 and 1817 with the doubling of paupers from 1/10 to 1/5 of the population. But after the Reform Act, the election of radicals and men like John Walter, the proprietor of The Times, as M.P.s dedicated to champion the poor meant that bills to enclose commons where the poor were numerous could be defeated. The labourers of Bucklebury in Hampshire, led by Walter, stopped the lord's bill to enclose the common for a new house and a park. Walter also successfully delayed the nearby Kingsclere bill, until the growing parliamentary strength of the Tories and the influence of the Duke of Wellington secured an act in 1840.

These bills were often the subject of full Commons debates which provide vital evidence about the motives of their promoters. The argument of radical M.P.s that the harsh Utilitarianism of the 1834 Poor Law Amendment Act meant the House must protect the poor, seems to have influenced parliamentary committees and especially paternalistic Tories like Harpur Crewe. The Tory Lord Ellenborough only promoted the unsuccessful 1834 Common Fields Bill as it would increase the demand for labour at a time when the poor were alarmed due to the Poor Law Amendment Act. The failure of his bill largely revolved around whether it would help or harm the poor. These paternalistic Tories, like Byng 30 years before, feared that the harsh treatment of the poor would drive them to democratic solutions.<sup>218</sup>

### Conclusion

As Palliser accepts was the case in the Staffordshire Moorlands during the Napoleonic War, the issue of poverty was often the main factor in the decision whether to enclose or not.<sup>219</sup> It was a factor in some acts which enclosed commons in order to generate funds to reduce the poor rate, although such acts could simply be a useful way to cheaply



divide the proceeds of an enclosure amongst the owners according to the size of their property. Enclosures also provided sites and land for workhouses although these tended to be small scale except in the case of Stockport. Finally, they could help the poor by recognizing their 'illegal' or customary usage of the common by allotments although these were few and far between and generally inadequate.

The issue of the poor was especially important where there were many squatters. Apart from a few cases where squatters were ejected, enclosure of such wastes aimed to prevent further encroachment, to stop the increase in the poor rates and to destroy the squatters' independence by making them tenants. This allowed freeholders to gain some return for their diminishing common rights, particularly as encroachers took the best land and ruined it by cutting fuel. It was also often part of an attempt at social engineering intended to deal with social and moral problems and to control masterless men by converting them from idle and independent cottagers to industrious and dependent labourers. Thus such acts integrated them into the capitalist system of individual ownership and wage labour whilst helping to increase food production with the aim of avoiding famine and possible revolution. In the centuries after the Civil War, the enclosers triumphed over the proponents of the 'cottage system' although the allotment system represented a compromise between these two policies.

Agricultural change was often not a major factor in enclosing commons and wastes, as most of the land remained as pasture. Even where commons were enclosed for tillage, this was often a response to revolutionary situations paralleling that of France in 1789. The example of France made more impact on the governors than the governed and much of the history of early nineteenth century Britain was influenced by three competing philosophies of how to retain

the wealth and position of the élite:- the conservatism advocated by the Ultra Tories; the paternalism of Evangelical Tories; and the moderate Whig reforms in alliance with the middle classes. The latter reforms were often intended to wean the middle classes away from the working classes by adopting Benthamite solutions which were more concerned with efficiency - a watchword of the new capitalists - than compassion. This contrasted with reforming Whigs of the 1770s whose treatment of the poor had been far more compassionate.

The poor in areas of sizeable commons and wastes very rarely gained; they lost common rights, the basis of domestic industry and their independence and the opportunities for younger children to encroach to gain a livelihood. Gains like increased employment were often short-term with permanent jobs depending upon whether there was any change in land use which required more workers. They rarely gained any adequate allotment for turbary or grazing unless the owners were paternalists, or the cottagers had influential allies, or lived near London or were prepared to take extra parliamentary action.

Such opposition was far more common than has often been supposed. There is evidence of deliberate suppression of the news of riots by the élite which has led some historians to underestimate the prevalence of enclosure riots. Opposition was most dramatic where there were a large number of poor harmed - as in towns like Sheffield or in areas of large scale squatting like North Wales. In such places, common rights were often a vital part in the economy of the poor who also stood to be reduced to tenants. In both cases their economic and thus their social independence was deliberately being attacked; pace Turner, enclosure was often part of a 'conspiracy' to rob and 'improve' the poor by making them more industrious and deferential.



Similar arguments about increasing employment and making the poor industrious and moral could also apply to enclosures in champion areas. However such areas by their very nature could not have experienced large scale squatting and thus the problems which were seen to require the kind of social engineering associated with enclosures in commons and wastes often did not apply to the same extent.

The evidence offered in this chapter confirms many of the opinions of the Hammonds about the harmful effects of enclosure upon the poor - although Beckett's recent comment that this was not so true of champion areas must be admitted. However open fields formed only a minority of the land enclosed by act according to Chapman and this thesis has indicated the prevalence of squatting upon the commons and wastes of England and Wales. The evidence gathered here also adds weight to Snell's argument that historians should place more stress on "so much literary evidence on the losses of the poor." Again the danger of a statistical approach without recourse to primary written sources, a recurring theme in this thesis, is illustrated.<sup>220</sup>

If the poor could be controlled and managed, then so too could the whole landscape; the arrogant belief of the Age of Reason in social engineering to create model societies was linked to the creation of model landscapes which could help ideal societies to flourish. This is discussed in the last chapter.



## Footnotes for Chapter 6

- 1 J L and B Hammond, The Village Labourer 1760-1832 (1911)
- 2 W E Tate, The English Village Community and the Enclosure Movements (1967) Chapters 8-10 and 16.
- 3 See Bunny Table 26 re how the system had been abused, above p.51 re Moddershall Heath and Table 25 Sect. 5 re Cheadle. See below p.239.
- 4 E P Thompson, The Making of the English Working Class (Pelican 1982), pp.238-9.
- 5 J D Chambers, 'Enclosure and Labour Supply in the Industrial Revolution', Econ. Hist. Rev. 2nd ser. V (1952-3) 319-43 reprinted in E L Jones, ed. Agriculture and Economic Growth 1650-1815 (1967) pp.94-127. J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement', PhD University of Birmingham 1965, pp.30-2 re Felden enclosures in Warks. in the first wave of acts (1760-80) leading to depopulation by conversion to pasture. Many acts in growing towns led to arable being converted to pasture (e g Newcastle under Lyne, Atherstone and Loughborough) but obviously without depopulation, see above pp.123, 136-8 and 152 and below pp.240-2 and 251. Tudor enclosures for sheep farming did cause depopulation, E M Leonard, 'The Inclosure of Common Fields in the Seventeenth Century' Trans. of the Royal Hist. Soc. n s. XIX (1905) reprinted in E M Carus-Wilson, ed. Essays in Economic History II (1962) 252-3, T Williamson & L Bellamy, Property and Landscape (1987) pp.105-6 re Hasbach, Northants. & p.111 re Middle Claydon, Bucks. and roaming bands of sturdy beggars. Although government fears of their effects were exaggerated, such concerns did result in both anti-enclosure legislation and the 1601 Poor Law and 1662 Settlement Acts to keep the poor within their own parishes, see J Thirsk, ed. The Agrarian Hist of England and Wales IV 1500-1640 (Cambridge 1967), 240-53. A Redford, Labour Migration in England (1926) pp.62-3; Chambers, loc cit 322-3; Lord Ernle, English Farming Past and Present (1936) pp.243-4.
- 6 B A Holderness, '"Open" and "Close" Parishes in the Eighteenth and Nineteenth Centuries', Ag. Hist. Rev. XX, (1972) 126-139. He shows that enclosure was not used to eject the poor from closed parishes. He maintains that 'closing' parishes was a process separate to enclosure and had been completed in much of upland Lincolnshire before 1750-70, the start of the parliamentary enclosure movement.
- 7 E P Thompson, op cit p.238; C Hill, Reformation to Industrial Revolution (Pelican 1969), pp.270-4; Chambers and Mingay, The Agricultural Revolution 1750-1880 (1966) Ch. 4. M Turner, 'Economic Protest in Rural Society: Opposition to Parliamentary Enclosure in Buckinghamshire', Southern History X (1988) 115.
- 8 C Hill, The World Turned Upside Down (Pelican 1975) pp.50-6.



- 9 See Table 25 Section 1 re the rising poor rates nationally and locally.
- 10 See Table 25 Sections 2-5 respectively for unfootnoted references in these four sections.
- 11 Sir F M Eden. The State of the Poor (1797) not only illustrates the contemporary concern about the poor but also contains a discussion of previous works on the subject. For a modern discussion see, Geoffrey Taylor, The Problem of Poverty 1660-1834 (1969).
- 12 J M Martin, PhD thesis, p.165 and 'The Parliamentary Enclosure Movement and Rural Society in Warwickshire', Ag. Hist. Rev. XV (1967) 22-3 qu. a Billesley farm advertised to let in Aris 24/5/1756 p.4 c.1 with only two houses in the parish and "trifling" taxes. Billesley was enclosed in the fifteenth century - VCH Warks III (1945), 58.
- 13 S G and E O A Checkland, eds. The Poor Law Report of 1834 (1974) pp.137 and 140-4. re high rates and inability to let farms see Lord Ernle, op cit, pp.322-4 and Board of Agriculture, The Agricultural State of the Kingdom in 1816 passim. See Table 25 Section 5 re Buckland & Kingsclere and Table 25 fn 110 re Fuller. Board of Agriculture [A Young], General Report on Enclosures (1808) pp.14-15.
- 14 re Stanwell see Table 25 Section 4; often these lands as at Stanwell were added to parks; see also p.292.
- 15 re Egham see R Whitlock, Royal Farmers (1980) p.104; re Enfield see Table 27. E C K Gonner, Common Land and Enclosure (1912) p.62.
- 16 See Walsall Notice 1801 & Hethe, Oxon, 1772, Table 25 Sect. 4. JHC LVI, 13/3/1801, 166, Fulham enclosure petition with produce applied "for the Benefit of the Poor of the Parish."
- 17 The wider issues of encroachments in such areas is discussed below pp.217-9 and 227-57. J Middleton, General View of ... Middlesex (1807) pp.47 and 117. See Table 25 Section 5 re Dilhorne, Rhoshirwaun and Penmorfa and above pp.92-3 re Llanwnda and Llanwrog.
- 18 Surrey Quarter Sessions Order Book 1666-68 IX (Surrey C.C. 1951) p.22; F Emery, The Oxfordshire Landscape (1974) pp.164-5.
- 19 See Table 25 Section 5 re Great Wyrley..
- 20 StRO D1054/7/4 Cannock Vestry Order Minute Book 1812-47 7/4/1816; re General Timber Preservation Act, see Table 28.
- 21 See Table 25 Section 4 re Gailey, Staffs, and below pp.211; re such references re riots see below fn 59.
- 22 See Table 25 Section 5.
- 23 See above p.181; Middleton, op cit p.132. A Trollope, The Prime Minister I (1875;1973) 339-41. See below pp.285, 340 & 342 re physiocratic ideas of increasing the national wealth by enclosure.
- 24 Newcastle-under-Lyme 1782 and 83, Marston Montgomery 1785, Uttoxeter 1787, Colton 1792, Congleton 1795, Burton-on-Trent 1812, Wensley and Snitterton, 1819 and Codsall Wood, 1820.
- 25 See below pp.211 re problems with trustees.



- 26 Eden, op cit, III, clxix; StRO D1054/7/4 Cannock Vestry Min. Book 7/4/1816; see Table 25 Section 5 re Great Wyrley & H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842' PhD University of London 1956, pp.219-21.
- 27 Eden, op cit, III, clxxx; re the history of workhouses see R Pointer, English Society in the Eighteenth Century (1982) pp.147-8, J L and B Hammond, op cit pp.145-8 and The Age of the Chartists 1832-1854 (1930) pp.56-7, S and B Webb, English Local Government: English Poor Law History I (1927), 212-3; D Marshall, 'The Old Poor Law 1662-1795' Econ. Hist. Rev. 1st ser. VIII (1938), 38-41, and The English Poor in the Eighteenth Century (1926), Chapter 4, and M Bruce, The Coming of the Welfare State (1968 edn) pp.39-56 and 89-103. re Kingston-upon-Thames, see JHC XI, 718 and 725.
- 28 StRO D1054/7/4 6/2/1814 to 5/5/1816; Anglesey refused to open a new colliery to employ the poor at their request but he did lease a mine on easy terms to John Turner to try to ease the problem; re Newton Heath, see Table 25 Section 5.
- 29 I Bowen, The Great Enclosures of Common Land in Wales (1914) pp.31-3 re Trelleck and Llandogo; Table 23 fn 15 re Oldham.
- 30 Table 19.
- 31 See Tables 25 Sect. 5 re Tidenham and 24 fn 3 re Checkley.
- 32 See above pp.154-5.
- 33 S R Broadbridge, 'The Old Poor Law in the Parish of Stone', North Staffs Journal of Field Studies new ser. XIII, (1973) 11-26; see Table 14; re Uttoxeter, see Table 25 Section 2.
- 34 See generally Table 24 Section 6; JHC XXXI, 31/1, 14/4/1767, 104 and 302; H of L Cttee Bk. XXXV, 3/6/1767.
- 35 G Taylor, op cit pp.31-3. Such "enclosure acts" include one for Gressenhall workhouse under the Mitford and Launditch Poor Act - W Cobbett, Parliamentary Debates XVIII (1813) 4/5/1775, 627-31, and see Table 25 Section 5. See pp.227-57 and esp. p.251.
- 36 Quoted by E P Thompson, Whigs and Hunters (1975) p.134.
- 37 R W Bushaway, 'Custom, Crime and Conflict in the English Woodland' History Today XXXI (v) (May 1981) 31; re destroying berries by enclosure, see Hereford Journal 23/9/1812 p.4 c.2; see also Cranbourne Chase re nuts, medicinal roots, fragrant flowers and coppice wood for hurdles being gathered - Table 25 Section 5.
- 38 A Young, 'Inquiry into... Applying Wastes to...Support... the Poor' Annals XXXVI (1801), 522; Young's Agricultural Report on Norfolk p.169 re Stokesby and p.95 re Letton qu. in Gonner, op cit p.364.
- 39 Kenyon quoted in Middleton, op cit pp.51-2 and used by commissioners at Whiston, Staffs. StRO D239/Whiston; SLS Deeds 13776 Fregleton case re grazing rights on Morfe Forest, S C on Commons Inclosure (P P 1844, V) Evidence of W Blamire QQ364-5 and Homer all cited the time beyond mind



- principle; H Homer, Essay on the Nature and Method of Ascertaining the specifick Share of Proprietors upon the Inclosure of Common Fields (1769) p.22, re usages becoming rights see P Clayden, Our Common Land (Henley on Thames 1985) p.18 and R L Greenall, A History of Northamptonshire (Chichester 1979) pp.86-7 and above Chapter 2 fn 104 re Crowle, where 50 year's enjoyment constituted a right; re the expropriation of rights see above pp.30-1 and 53-4. Boulton quoted from BRL Matthew Boulton Papers Letter Book Q [150] Boulton to Hawkesbury 17/4/1790.
- 40 See fn 4 above, Gonner, op cit pp.82 and 95, W E Tate, 'Opposition to Parliamentary Enclosure in Eighteenth Century England', Ag. Hist. XIX (1945), 137 and 141-2, Chambers and Mingay, op cit pp.86-7 and E J Evans, The Forging of the Modern State, Early Industrial Britain 1783-1870 (1983) p.143; A Young, loc cit, 539. Turner, loc cit, 102.
- 41 re value of common rights to the peasantry see Lord Ernle, op cit pp.299-301 cf pp.158-9 where he doubts the value of common pasture rights to the poor; R Samuel, 'Village Labour' in his ed. Village Life and Labour (1975) p.6 and D R Mills, Lord and Peasant in Nineteenth Century Britain (1980) pp.101-2; re enclosure harming the poor see *ibid*, pp.104-5. Eden, op cit I, xix; re Billingsley see Table 27 re Wells. For the most recent summary of the debate amongst historians about the value of common rights to cottagers and the adequacy of their compensation in enclosure acts, see J Thirsk. ed. op cit, VI, 1750-1850 (Cambridge 1989) 721-4 and 860-3.
- 42 Table 25 Section 5 re Kingsclere. For contemporaries arguing that enclosure encouraged both long term employment in cultivation and in the short term by hedging, ditching and reclaiming land see E Lawrence, The Duty and Office of a Land Steward (1731), A Young, Political Arithmetic (1774) pp.72-3 and 148-55, Middleton, op cit pp.125-6 and S C on Commons Inclosure (P P 1844, V) Evidence of F Marston, Q2427 re labourers welcoming a general bill for increased employment. This was echoed by the poor at a Cornish borough - Hansard LXXV 3rd ser. 5/6/1844, 309-10. Brackenbury's plans to use common land for a house on Mynydd Bach, Cardigan, led to riots from fears it would reduce employment, D Evans, Before Rebecca (1973) pp.35-6 and Table 26.
- 43 Young's Agricultural Report on Norfolk re Fincham, qu. in Gonner, op cit p.363. K D M Snell, Annals of the Labouring Poor (Cambridge 1985) pp.176-7.
- 44 J D Chambers, Nottinghamshire in the Eighteenth Century (1966) pp.183-4 and Reading University, Tate Mss 1093/11/2/8; Northampton Public Library, Northants. Enclosure Acts vol VIII e g Peterborough, 1811 2/5 to landowners, 3/5 to messuages, cottages and toftsteads. At South Mimms the amounts cottagers received depended on their rent - 40/- cottagers got 1½ acres, £10-14 cottagers got 2½ acres under the 1777 Enfield Chase (Middx.) Act



- Table 27. See S C on Commons Inclosure (P P 1844, V) Evidence of J Higgins, QQ1330-5 re definition of toft as a common right belonging to a cottage.
- 45 Middleton, op cit pp.49-52.
- 46 ShRO A21/58 Little Drayton Enclosure Award, 1852; Table 25 Section 5 re Bisley. See A W A White. 'Economic Growth in Eighteenth Century Warwickshire', PhD University of Birmingham 1972, pp.35-6 and above pp.84 & 104; W Pitt, General View of... Northants. (1809) p.258. P Mantoux, The Industrial Revolution in the Eighteenth Century (1928; 1961), p.170 re enclosure costs and the poor.
- 47 A Young, General View of... Hertfordshire (1804) pp.44-5. T Batchelor, General View of... Bedfordshire (1808) p.235; A Young, loc cit 610 re Wymondham; see also Leck Fell, Lancs. Table 25 Section 5. See also Lord Ernle, op cit pp.158-9. Similar accusations were made of monopolizing cow keepers at Coventry stirring the poor to oppose enclosure - Table 18. The poor at Nuneaton, Atherstone et al rented out their rights - WaRO HR 35/13. M Reed, 'Enclosure in North Buckinghamshire 1500-1750', Ag. Hist. Rev. XXXII (1984), 136-7; S Tempest Religio Laici (1764); Chambers and Mingay, op cit, p.91.
- 48 W H R Curtler, The Enclosure of Our Land (Oxford 1920) p.162; re Over and Kingsclere, see Table 25 Section 5.
- 49 re protests over loss of such rights at Haut Huntre or Holland Fell near Boston, Lincs., see J Thirsk, English Peasant Farming (1957) p.214 and Table 26. A W A White, op cit p.47 and J M Martin, PhD thesis pp.137-8 re Sow - see also Mills, op cit p.104 re a similar situation at Tadley, Hants.
- 50 T R Nash, Collections for a History of Worcestershire I (1781) 181; VCH Gloucs. VIII (1968) 278; Shrewsbury Chronicle 15/1/1796 p.3 c.1; qu. Richard Davis, General View of... Oxfordshire (1794); VCH Worcestershire IV (1924) 45-9; re Balsall, 36 Geo III c41, 42 Geo III c11 and VCH Warks IV (1947) 30, 86 and 91.
- 51 re general desire to own land or possessive individualism see above pp.42 and 53 and below pp.283 and 312-4.
- 52 J L and B Hammond, The Village Labourer (1911) p.86. Young's Agricultural Report on Norfolk p.158 re Sedgford, qu. in Gonner, op cit p.364.
- 53 re Graham see Woolhampton, Berks., Table 25 Section 4 re Gailey; re trustees under enclosure acts generally mismanaging funds see above p.187 and Table 18 re Llanelli, Table 24 Section 6b re Derby and Table 25 Sect. 3 re Stockport and below p.215.
- 54 JHC LXII, 21/1/1812, 44; S C on Commons Inclosure (P P 1844, V) Evidence of Blamire, QQ342-3 re definition of 'turbary' and 'estovers': re Croydon see Table 26.
- 55 S C on Commons Inclosure (P P 1844, V), Evidence of Mickleburgh Q2623.
- 56 The advantage of leasing the turbary at Casterton Fell, Lancs., instead of digging fuel from it was commented upon in *ibid*, Evidence of Wilson Q1638. Young's Agricultural



- Report on Norfolk pp.176 & 89 re Thornham, & Old Buckenham being turbaries under trustees & p.107 re Fincham, qu. in Gonner, op cit pp.363-4.
- 57 J Howlett, Enclosures, A Cause of Improved Agriculture, of Plenty and Cheapness of Provisions (1787) pp.79-80 re Easington, see Table 26.
- 58 J L and B Hammond, op cit pp.100-2 and see Table 25 Section 5; a 425 acre turbary was allotted at Christchurch, Hants. D S Young, The Story of Bournemouth (1957) p.28. S C on Commons Inclosure (P P 1844, V) Evidence of C Bailey, QQ2688-94. See Table 26 re Mynydd Bach.
- 59 See also Sandhurst Table 24 fn 66; re Penmorfa and Bucklebury, see Table 25 Section 5; re Maulden see Table 27. Turner, loc cit, 107 re Stoke Poges, Bucks.; its lord, John Penn, spent much of his life improving his seat here see Chapter 7 Section 1 & 3 re similar improvers. Fuel 'rights' were generally more respected in enclosures than were 'rights' to fish and fowl. An anonymous Lincolnshire writer of 1796 noted that the refusal of commissioners to allow any equivalent whatsoever for fishing and fowling rights led to the poor "violently opposing" enclosures in fishing and fowling countries - quoted in J Thirsk, op cit p.212. re riots see above Chapter 1 fn 75 and pp.52, 131, 186 and 200.
- 60 Rev J Willis, 'On Cows for Cottagers', Annals XL (1803) 554-67, and A Young, loc cit 518; conversely poor rates were reduced where the poor had pastures and crofts assigned to them, as by Charles Chaplin at Blankney, Young, General View of... Lincs (1813) p.459.
- 61 JHC XXVIII, 10/3 and 10/4/1758, 127 and 180; JHC XXXII, 28/2/1769, 253; see also D Hey, Yorkshire from A D 1000 (1986) pp.193-4 re opposition at Ackworth enclosure in 1772 due to injury to the poor; WaRO HR 35/10, 11 & 13 and above Chapter 4 fn 97 re opposition in 1736-7 to Atherstone's enclosure as poor rates would rise; however enclosers proved that Nuneaton's poor rates had decreased since its act. C M L Bouch and G D Jones, The Lake Counties 1500-1830 (Manchester 1961) pp.238-9.
- 62 re Corse, see Table 25 Section 5; J Beard My Shropshire Days on Common Ways (Birmingham 1948) pp.180-4.
- 63 40 Geo III c86, Walton-upon-Thames Act, and see fn 121. For a discussion of historians' use of the notion of social control in the 1800s see A J Donajkowski, 'Introduction' in his ed. Social Control in Nineteenth Century Britain (1977) pp.9-19. For the reasons for the preference of the use of the term 'moral order' here see S J Daniels, 'Moral Order and the Industrial Environment in the woollen textile districts of West Yorkshire 1780-1880', PhD University of London 1980, pp.296-7; re Turnworth see Clayden, op cit p.21; re Cobham, Law Times Reports XXIII (1871) Regina v Inclosure Commissioners of England and Wales, 778-82.



- 64 Bouch and Jones, op cit p.239 qu. T Wilkinson, Thoughts on Inclosing Yanworth Moor and Round Table... (Penrith 1812). Middleton, op cit p.124. J M Martin, PhD thesis, pp.137-8 and 'Village Traders and the Emergence of a Proletariat in South Warwickshire 1750-1851' Ag. Hist. Rev. XXXII (1984), 185; re Kingsclere see Table 25 Section 5. re the use of the concept of 'social police' rather than 'social control' for this period, and Donajgrodski, '"Social Police" and the Bureaucratic Elite: A Vision of Order in the Age of Reform' in Donajgrodski, op cit, p.51
- 65 The 'deliberate assault' theory is discussed in D Jones, 'Rural Crime and Protest' G Mingay, ed. The Victorian Countryside II (1981) 570-1; cf B A Holderness, 'Rural Society in S E Lindsey, Lincs. 1660-1840' PhD University of Nottingham 1968, pp.275-7 and 293; J D Chambers, loc cit 336-8; White Nottinghamshire (1844) p. 442; Nat. Inc. Com. Rep. (P P 1849, XXII), 353-4.
- 66 Snell op cit, pp.172-3 makes the same point that demoralised or the poor were "never so well off" were 'moral' statements not material ones. R H Tawney, Religion and the Rise of Capitalism (1926) pp.257-8; Tate, op cit pp.162-5. Young, loc cit 521-9 and 540-7; Sir J Sinclair, General View of the N Counties (1794) p.207; for reports attacking the independence and idleness of squatters see Bishton, General View of... Shropshire (1794) p.24 [& above p.205 fn 36 and Table 25 Sec 5 re G Wyrley]; J Billingsley, General View of... Somerset (1797) p.52; W Davies, General View of... S. Wales II (1815) 482; Middleton, op cit pp.47, 117, 125 (here quoted) & 343 - he cites original reports for Gloucs. p.50 and Herefs. p.28; John Clark, 'On Commons in Brecknock', Annals XXII (1794), 632; many of the criticisms in these reports are summarized in Lord Ernle, op cit pp.228 re Herefordshire and Salop, 229 re Worcestershire, 237-8 re Hampshire, 238 re Hertfordshire and 246-7 re Lincolnshire; re not employing cottagers with a beast, see Anon, Political Enquiry into the Consequences of Enclosing Waste Lands and the Causes of the Present High Price of Butchers' Meat (1785) p.48.
- 67 BRL Boulton Papers Letter Book Q Boulton to Hawkesbury, 17/4/1790 and see Tables 19 and 23 2f re Handsworth and 24 fn 107 re Derby. re industrialists and the poor laws, H Peet, Liverpool Vestry Books I (Liverpool 1912), 131 re 27/3/1744; E Roll, An Early Experiment in Industrial Organisation (1968) pp.140-2; Eddowes Journal 24/2/1808 p.2 c.2 and Shrewsbury Chronicle 31/7/1818, p.2 c.2 re canal poor rates; S G and E O A Checkland, op cit pp.152-5 and esp. re divisions between owners of land and factories, Shropshire Conservative 26/2/1838 p.3; G Mingay, ed. Arthur Young and his Times (1975) pp.140-1. Byng thought smallhold cultivation of wastes should be encouraged instead of trade - Bruyn Andrews, ed. John Byng, The Torrington Diaries III (1936) 25/6/1792, 118. See also ibid II (1935) 22/6/1790, 209 and III (1936) 4/6/1792, 32-4 re criticisms of industry and W Marshall, The Rural



- Economy of the West of England I (1796), 290-1 re the harm done by a woollen mill at Modbury, S Devon.
- 68 S C on Commons Inclosure (P P 1844, V) Evidence of H Cawter QQ5064-72; see also Jones Q71, Blamire QQ513-6, Graham QQ4203-4, 4225-6, 4241, 4248-58 and Woolley Q4122; 5th Rep. of Metropolitan Commons Inclosure Comms (P P 1872, XVIII) 257; re Shoal Hill, see above p.141 and below p.290. T Hardy, The Mayor of Casterbridge (1886;1964), pp.254-5 re the fictional Mixen Lane. E P Thompson, 'Patrician Society, Plebeian Culture' Journal of Social History VII (iv) (1974), 386. For a summary of such beliefs and relevant historiography, Mills, op cit p.101 fn 14.
- 69 C Vancouver, A General View of... Devon (1808) p.294; Aris 20/12/1773 p.1 c.1; A Young, loc cit 508 and 542, Political Arithmetic (1774) p.149 and General View of... Lincolnshire (1799) pp.35 and (1813) p.17. Although Snell, op cit p.169 found a quote of Young's that after an enclosure "many an idler would then be employed", the body of evidence is that Young did generally support the cottage system; W E Tate, op cit p.152; J Carpenter, A Treatise on Agriculture I (Stourbridge 1803) 178-9; W Pitt, General View of... Worcestershire (1813), pp.22 and 59. He argued that parts of new- enclosed fern lands at Millbrook and Sandy, Beds, should be put to the cottagers' gardens, J G Gazley, The Life of Arthur Young 1741-1820 (Philadelphia 1973) p.427 & Table 28.
- 70 re Cheadle see Table 25 Section 5; Hereford Journal 3/2/1830 p.4 c.4-5; Leeds Intelligencer 8/1/1798 p.3 c.3 quoting Thomas Bernard 'An Account of a Cottage and Garden near Tadcaster', Communications to the Board of Agriculture I (1797), 404; see below pp.286-302 re landscape parks and pp.285,340 & 342 re physiocratic idea of tilling wastes to add to the state's wealth. R Williams, The Garden and the City (1973) pp.99-100 re Thomas Bewick's praise of the industry of Northumberland cottage encroachers in 1780s; squatters could become farmers by "severe self denial and the most exhausting industry", C Taylor, Dorset (1970) pp.154-5; a Pulley Common cottager was similarly praised, Table 25 Section 5.
- 71 See above p.196. re the allotment movement see J L and B Hammond, op cit pp.82, 85, 101, 107, 110-1, 120-2, 128-31, 136, 154-60 & 242; D C Barnett, 'Allotments and the Problem of Rural Poverty 1780-1840', E L Jones and G E Mingay, eds. Land, Labour and Population in the Industrial Revolution (1967) pp.162-83; N H Everett, 'Country Justice; The Literature of Landscape Improvement and English Conservatism...', PhD University of Cambridge 1977, pp.243-8; G Mingay, Rural Life in Victorian England 1800-1900 (1977) p.179; M I Thomis, Responses to Industrialisation (1976) pp.130-2; R C Gaut, Worcestershire Agriculture (Worcester 1939) p.288; J P Dodd, 'Shropshire Agriculture 1793-1870', PhD University of London 1981, pp.68-70; J Thirsk, ed. The Agrarian History of England and Wales VI 1750-1850 (Cambridge 1989) 724-7 and 966-7.



- 72 West Briton 19/7/1875 and above pp.86-91 & 148-50.
- 73 G Mingay, English Landed Society in the Eighteenth Century (1963) pp.272-4; see Table 27 re Turner and his concern about the poor; C B Andrews, ed. op cit, II (1935) 6/6/1790 238, 21/6/1791, 322-4, III (1936), 10, 13 & 14/7/1793, 193, 200 & 202 and IV (1938), 4/6/1794, 48-9 re the Duke of Bedford's new kennels at St Neots, Hunts. whose poor were neither allotted turbary nor pasture nor potato grounds under the act which led to "Democracy, that Anarchy." -see also Table 25 Section 4. J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986) p.481 qu. 6th Duke of Westminster in 1983; H A Clemenson, English Country Houses and Landed Estates (1982) p.86; she doubts if all owners shared Tollemache's view.
- 74 J Arbuthnot, An Inquiry into the Connection between the Present Price of Provisions and the Size of Farms (1773).
- 75 Middleton, op cit pp.124-6, P Horn, William Marshall (1745-1818) and the Georgian Countryside (Abingdon 1982) p.12.
- 76 All this tends to support the growing influence of the Protestant Work Ethic - see M Weber, The Protestant Ethic and the Spirit of Capitalism (1930) first written 1904-5; R H Tawney, op cit.
- 77 E J Evans, op cit p.143; Snell, op cit pp.166-174; re Dobb, see above p.53.
- 78 Holderness, op cit p.295; D Davies, The Case of Labourers in Husbandry (1795) p.103 and Eddowes Journal 12/10/1796 p.3 c.1 re Duke of Northumberland cf Earl of Winchelsea ibid, 29/6/1796 p.4 c.2-3 and J Plymley, General View of ... Shropshire (1813) pp.113-6 and 119; W Davies, General View of N Wales (1813) p.85; re Westbury see Table 25 Section 5.
- 79 A Young, op cit (1813) p.460; K E Carpenter, ed. 'The Aftermath of the Last Labourers' Revolt', British Labour Struggles; Contemporary Pamphlets 1727-1850, (Harvard 1972) passim, but especially M Gore, Allotments of Land... (1831); S G and E O A Checkland, op cit pp.278-94; Hereford Journal 24/2/1830 p.4 c.2 re D. of Buckingham in Bucks. and Capt. Bromley at Lindfield, Sussex.
- 80 S G and E O A Checkland, op cit pp.281-2. S C on Commons Inclosure (P P 1844, V) Evidence of Marston QQ2465-8 reckoned  $\frac{1}{2}$  to  $\frac{3}{4}$  acre; see also Woolley, QQ4169-70 and Davies QQ5229-52 who reckoned  $\frac{3}{4}$  acre.
- 81 Annals XXXVI (1801), 331-3.
- 82 See above p. 153 and Table 18.
- 83 See below pp.227-57 and 330-47.
- 84 W Pitt, General View of... Staffordshire (1813), pp.171-2.
- 85 Staffs Advertiser 1/8/1795, p.2 c.4, 27/9/1800 p.3 c.4 re Sir John Sinclair's recommendation of potato cultivation had led to an extra 50,000 acres being planted; W Pitt, General View of... Worcestershire (1813) p.93 re day labourers renting waste land for potatoes.



- 86 R Newton, The Northumberland Landscape (1972) p.66, no ref. in Tate and Turner, op cit; S C on Commons Inclosure (P P 1844, V) Evidence of Marston QQ2452-4 affirmed that garden allotments should only be let to "industrious men"; re Tidenham and Dilhorne see Table 25 Section 5.
- 87 Hereford Journal 3/2/1830 p.1 c.2 re the Bishop of Bath and Wells; G Kitson Clark, Churchmen and the Condition of England 1832-1885 (1973) pp.168-75.
- 88 D McClatchey, Oxfordshire Clergy 1777-1869 (Oxford 1960) p.108.
- 89 J L and B Hammond, op cit p.85 and R C on Poor Laws (P P 1834, XXXVII) 372.
- 90 S C on Allotments (P P 1843, VII) pp.42 (quoted), 82, 90, 93, 101, 115, 126, 137, 219-21 (re Demainbray at Broad Somerford), 227 and 297; J L and B Hammond, The Age of the Chartists 1832-1854 (1930) pp.126-30.
- 91 Eden, op cit, I, 58-9 and W G Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963) p.79.
- 92 J L and B Hammond, The Village Labourer 1760-1832 (1911) p.160.
- 93 S G and E O A Checkland, eds. op cit pp.286-7.
- 94 See Table 25 Section 5.
- 95 In 1872, a scheme at Kempsey to enclose 473 acres (of which 260 acres were waste) failed. It was proposed to add 7 acres to the 32 already enclosed to increase the lots rented to labourers with large families from 1/8 or 1/4 acre to 1/2 acre - 27th Ann. Rep. Nat. Inc. Comms. (P P 1872, XVIII), 219; Shrewsbury Chronicle 19/5/1837, p.2 c.4.
- 96 Gazette and New Daily Advertiser, 27/4/1772.
- 97 Bruyn Andrews, ed. op cit, II, 12/6/1790, 170-1; Shrewsbury Chronicle 12/2/1819 p.4 c.2 and 18/6/1819 p.4 c.2; Eddowes Journal 2/6/1819 p.2 c.6 and 16/6/1819 p.4 c.4; similar ideas lay behind 'Owen's Philanthropic Plan', Staffs Advertiser 23/8/1817 p.2 c.2-5 to buy land for the poor to farm; some Owenite co-operative villages were set up; at Manea 150 acres were worked in common; they all failed - C Taylor, The Cambridgeshire Landscape (1973) pp.204-5. The Bishop of Exeter 'exposed' them and Tory papers attacked any Whig tolerance of them, Cambridge Chronicle 8/2 p.2 c.2-3, 15/2/ p.2 c.1-3, p.4 c.2 and 7/3/1840 p.1 c.6.
- 98 3rd Rep. to S C on Emigration (P P 1827, V) QQ3709-33; see below pp.312-29 re enclosure and improvers.
- 99 Staffs Advertiser 14/9/1850 p.3 c.2.
- 100 ibid, 28/10/1848 p.8 c.1 Staffs. poor law union clerks re vagrancy; 2/12/1848 p.3 c.1-2 re spade labour on the country's wastes to reduce vagrancy; 16/12/1848 p.5 c.1-5 meeting to form a Staffs. Society to promote emigration; 31/3/1849 letter "Self Supporting Paupers" re efforts to provide opportunities for spade husbandry in several northern towns; see also Chapter 7.
- 101 S C on Commons Inclosure (P P 1844, V) QQ5275-9 re Wirral commons being too valuable for building to be used as allotments. Hansard 3rd Ser. XLVII, 23/4/1839, 470-2;



- Times, 24/4/1839 p.3 c.3-4. The figures were:-
- 3 out of 1,300 acres at Great Milton, Oxon.
  - 5 out of 1,700 acres at Clun, Salop
  - 6 out of 1,882 acres at Comberton, Cambs.
  - 10-20 out of 10,000 acres in a Northumberland bill.
  - 0 out of 1,200 acres at Topley, Derby.
  - 0 out of 500 acres at Rathkeale (sic).
- 102 R Beatson, 'On Cottages', Communications to the Board of Agriculture I (1800), 107; A Young, loc cit 522-3.
- 103 Hansard, 3rd Ser. XVII, 8/5/1833, 1065-7. This argument was repeated in S C on Commons Inclosure (P P 1844, V) Evidence of Woolley, QQ4160 and 4166.
- 104 H R Thomas, 'The Enclosure of Open Fields and Commons in Staffordshire' Staffs. Historical Collections (1931), 97.
- 105 S C on Commons Inclosure (P P 1844, V) QQ115-6.
- 106 Hansard 3rd Ser. LXXIII, 29/2/1844, 430-1 re Sharman Crawford's advocacy of garden allotments in the 1844 Commons bill; ibid, LXXX, 1/5/1845, 25 - Speech of Lord Lincoln. See below pp.344-7 re 1845 general act.
- 107 Bowen, op cit pp.54-5.
- 108 See above pp.175-6; re encroachments, see ShRO mf Sir Baldwin Leighton's Diary 29/4/1867; Bowen, op cit pp.42-5.
- 109 Reading University, Tate Mss 1093/11/2/8; G Mingay, op cit pp.275-7; G Slater, The English Peasantry and the Enclosure of Common Fields (1907) pp.126-8 gives 14 examples of acts which had special provisions for the poor and estimates only 1% of acts made any such provision; Bowen, op cit pp.42-5.
- 110 Hoskins and Stamp, op cit pp.119-20, 122-4, 137, 169, 180, 194-5, 206-7 and 251 cite examples of such existing allotments.
- 111 See above p.199, D R Mills, op cit p.168 and D W Howell, Land and People in Nineteenth Century Wales (1977) pp.28-9 which cites the acceptance of this by Welsh owners and Sussex Weekly Advertiser 3/1/1803 qu A Young, loc cit. Similarly, Westminster vestry placed orphan paupers with cottagers on Wimbledon Common - G Taylor, op cit p.32.
- 112 S G and E O A Checkland, eds. op cit p.242 re Settlement Laws which meant the poor could only receive relief in their native parish unless they gained a 'settlement' elsewhere.
- 113 See above pp.86-91, 148-50, 203-4 and Table 23 2a-g.
- 114 Table 25 Section 3.
- 115 R W Malcolmson, '"A set of ungovernable people": the Kingswood colliers in the Eighteenth Century', J Brewer and J Styles, An Ungovernable People (1980) pp.89-96; an imaginary squatter settlement, Wodgate, was described in B Disraeli, Sybil: or The Two Nations (1845; 1926) pp.164-170.
- 116 A Young, General View of... Lincolnshire (1799) p.78.
- 117 H C Darby, 'The Age of the Improver 1600-1800', in H C Darby, ed. A New Historical Geography of England after 1600 (1976) p.12 shows that migration from the countryside to towns was short distance according to the impression of



- contemporary agricultural reporters and the research of modern historians. E J Buckatzsch, 'The constancy of local populations and migration in England before 1800', Population Studies V (1951-2), 62-9 shows that most apprentices in Sheffield came from villages within a 15 mile radius. The same was true in S E England.
- 118 C S Davies, 'The Agricultural History of Cheshire 1750-1850' Cheetham Society 3rd ser. X (1960) 17 and 60-4 re many encroachments on Delamere Forest of over 40 years before 1812 Act, part of the many complicated claims which delayed the award until 1819; 14 and 17 re the Tollemache manors and large scale encroachment e g Bunbury; 19-20 re freeholders requesting encroachments at Wildboarclough and Kettleshulme; and generally, 70-1. D Mills, op cit p.102 re Suffolk.
- 119 S C on Commons Inclosure (P P 1844, V) Evidence of Jenkins, QQ3252-4 and Welsh Land Report (P P 1896, XXXIV) 576-9.
- 120 William Marshall, Rural Economy of Yorkshire I (1796) 54-5 qu. Fitzherbert re the origin of commons and customary tenure after the Norman Conquest. C Hill, Puritanism and Revolution (1958) pp.50-122.
- 121 C Hill, ed. G Winstanley, The Law of Freedom and other Writings (1973). G Woodcock, Anarchism (Pelican 1963) p.46 re how the Diggers had no influence on subsequent political movements.
- 122 T R Knox, 'Thomas Spence: The Trumpet of Jubilee', Past and Present LXXVI (1977) and above p.126 re Newcastle Town Moor. Owen's villages of co-operation also farmed their land in common, see above fn 97. See generally G Woodcock, Anarchism (Pelican 1963). Even Middleton, op cit, p.120, advocated the Japanese system of allowing a neighbour to take over any uncultivated land to get the wastes cultivated; however he probably meant colonisation by large farmers rather than peasants.
- 123 J Beard, op cit pp.180-4; M C Hill, Shropshire County Records (1952) p.91 and Dudleston Heath Table 25 Section 5; VCH Salop IV (1989) 224. Owners in S Yorkshire similarly wished to obtain acknowledgements from cottage encroachers in the small metal trades, see Table 23 2c and P J Nunn, 'The Landed Estate in South Yorkshire 1700-1850' PhD University of Sheffield 1985, p.413.
- 124 See above pp.47-9 and Vancouver, op cit pp.293-4; J R W Whitfield, 'The Enclosure Movement in N Shropshire', Caradoc and Severn Valley Field Club Transactions XI (1939-42), 56.
- 125 See above p.86 re Clun Forest, Salop.
- 126 See above p.48 re Tottington; S C on Commons Inclosure (P P 1844, V) Evidence of Ralph Cole, QQ5794-5884 re Cardinham.
- 127 Although complaints about encroachments were a major motive for the latter act, there were only 3 cottages on the waste - above pp.48-9 and Staffs Advertiser 9/12/1809 p.4 c.3.



- 128 See Chapters 3 and 4; re Farnham, A Young, loc cit 501-2; re Horton, W Reitzel, ed. The Autobiography of William Cobbett (1967) pp.107-8.
- 129 re Oving, Bucks. whose Rector praised the system, R C on Poor Law (P P 1833, XXVII), 155. The manorial rights here were disputed anyway - VCH Bucks IV (1927) p.85. re Long Crendon, E L Jones, 'The Agricultural Origins of Industry', Past and Present XL (1968), 62 & Chapter 4 fn 103. Above pp.154-5 re Little Drayton; R Samuel, op cit pp.210-2 re Headington; R Colyer, 'The Hafod Estate under Thomas Johnes and Henry Pelham, 4th Duke of Newcastle', Welsh Hist. Rev. VIII (1977), 274-5, Welsh Land Rep. (P P 1896, XXXIV) 201-2, below p.310 and Table 27.
- 130 Above pp.89, 93, 95 & 97 re Hirwaun, Senghennydd, Miskin and Glynrhondda commons in the Bute estates in Glamorgan and J Davies, Cardiff and the Marquesses of Bute (Cardiff 1981) pp.39-40.
- 131 Eden, op cit, III, 211. For a case study of the effect of settlement laws and certification in towns, see D Ashforth, 'Settlement and Removal in the urban areas, Bradford, 1834-71' in M E Rose, ed. The Poor and the City: the English poor law in its urban context 1834-1914 (1985) pp.58-91.
- 132 See above pp.199-200 and 203-4.
- 133 S G and E O A Checkland, eds. op cit pp.84-5 re N Wales and 249 re Reading; no reference to enclosure in Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978) or J H Risdale, 'The Growth of Reading', BA University of Birmingham 1949. See above p.151 re Barnwell.
- 134 See Table 25 Section 1 and fns 12-13; S C on Commons Inclosure (P P 1844, V) Evidence of R Bray QQ5340-66 esp. 5345-53; re Chailey, Annals XXXVII (1801), 221; re why some Welsh freeholders and tenants opposed enclosure, D Williams, The Rebecca Riots (Cardiff 1959) pp.51-2, 77-81.
- 135 See above p.90 re Hope, Salop. and pp.96-8 re Alfreton, Pontesbury and S Staffs.. 179 acres of encroachments & 782 acres of common awarded at Whiston, StRO D239/ Whiston, Whiston valuation "Cottages". 251 of 1928 acres at Horton, StRO Q/RDc 69, Horton Enclosure Award. For other statistics e g 131 of 562 acres at Ashley, see Table 25 Section 5. Rev F Brighton, Tale of Ipstones (Dudley 1937) pp.155-7, StRO D554/160 re Farley Common -see also Table 26 re Alton; Whitfield, loc cit 56 re Prees; D M Palliser, The Staffordshire Landscape (1976) p.128. Mills, op cit p.102 re Windsor Forest & Enfield Chase.
- 136 D W Howell, Patriarchs and Parasites (Cardiff 1986) pp.69-71 re Lisburne; S C on Commons Inclosure (P P 1844, V) Evidence of Graham, QQ4203 and 4228. D Lleufer Thomas, The Welsh Land Commission: A Digest (1896) pp.322-3. re Wainfleet see H Fuller, 'Landownership in Lindsey c1800-1860' MA University of Hull 1975, p.83; re Lambeth, above p.140. BRL, Matthew Boulton Papers Letter Book Q [150], Boulton to Hawkesbury, 17/4/1790.



- 137 B Trinder, The Industrial Revolution in Shropshire (Chichester 1981) pp.71-2; VCH Salop IV (1989), 223. Despite his opinion, Tate found many such complaints since 1616, e g in the S C on Commons Inclosure (P P 1844, V), QQ774, 1811, 3091 and 4182-4242, Reading University, Tate Mss 1093/11/1/34; W Pitt, General View of... Leicestershire (1809) p.328.
- 138 Bagshaw, Derbyshire (1846) p.29 and S and B Webb, English Local Government I, The Manor and The Borough (1963) 132.
- 139 Lord Hanmer, A Memorial of the Parish and Family of Hanmer (1876) pp.278-81; W Davies, op cit p.266; Lewis, Topographical Dictionary of Wales II (1848) 398; D Sylvester, The Rural Landscape of the Welsh Borderland (1969) p.290; C R Fay, Huskinson and His Age (1951) p.216 re granting a site for a chapel; Plymley, op cit pp.225-7.
- 140 S C on Commons Inclosure (P P 1844, V) Evidence of Woolley Q4122 re Ashdown Forest's colonies being in "a world of themselves" (re encroachments here and in St Leonard's Forest by farmers, ironmasters and squatters, complaints about them and current usage, see P Brandon, The Sussex Landscape (1974) pp.154, 158-62, 185-7, 190, 194, 197-9, 205, R Samuel, 'Village Labour' in R Samuel, ed. op cit p.8 and Hoskins and Stamp, op cit p.155); Evidence of Graham QQ4182-4242 re squatters in Newbury area, esp. Q4231 re disinclination of squatters to go to a place of worship; A Everitt, 'Nonconformity in Country Parishes' Ag. Hist. Rev. XVIII Supplement (1970), 188-99; H Burrows, 'Religious provision and practice in some mainly rural poor law districts of the lowland marches 1815-1914' PhD Wolverhampton Polytechnic 1991.
- 141 M H Port, 600 New Churches: A Study of the Church Building Commission 1818-1856 and its Church Building Activities (1961) esp. pp.5 and 9; See also Table 25 Section 5 re how commons gave them the means of independence of their social 'betters' as at Headington Quarry, R Samuel, op cit pp.15 & 141-232; re Bishton see above p.205, & those like him, p.217.
- 142 T R Malthus, An Essay on the Principle of Population (1798; Pelican 1970) esp. pp.270-1 re his dispute with Arthur Young re giving land to cottagers, and 93-103 re his arguments that the poor laws exacerbated the problem of poverty.
- 143 A H Dodd, The Industrial Revolution in North Wales (Cardiff 1951) p.80. See also Mynydd Bach, Table 26.
- 144 Welsh Land Report (PP 1896, XXXIV), 210; quoted by J Davies, op cit p.40. Mills, op cit p.168. See below pp. 240-1.
- 145 S C on Commons Inclosure (P P 1844, V) Evidence of T F Lewis, QQ1224-6.
- 146 D Williams, op cit pp.81, 83 and 239-40.



- 147 Table 24 re Uttoxeter, and Table 25 Section 5 re Ganarew, Milwich and Ipstones. Also see Cannock parish records, StRO D1054/8/1/1 1715 agreement of owners re encroachments and /3 re opening encroachments, 20/4/1813, 27-8/3/1815 & 16/4/1816, resolution to level all encroachments immediately.
- 148 S C on Commons Inclosure (P P 1844, V) Evidence of Marston, Q2428.
- 149 G Taylor, op cit pp.41-2. See above p.199.
- 150 HRO B47/S14 Horton Freeholders Agreement and see Table 23 2g. Already in 1675, 480 commoners on the 4,100 acres of Bromsgrove Lickey stopped the lord's encroachment, L T C Rolt, Worcestershire (1949) p.55.
- 151 J Davies, op cit p.40.
- 152 The English Reports CV (1910) King's Bench Division XXXIV [4 M & S, 562-5] King v Inhabitants of Horndon-on-the-Hill, 942-3; Tate and Turner, op cit p.111.
- 153 D Williams, op cit p.81.
- 154 Staffs Advertiser 7/5/1853 p.4 c.5.
- 155 Taunton Courier 7/4/1847 p.7 c.2 and Hereford Journal 26/3/1834.p.3 c.5.
- 156 D W Howell, op cit pp.69-71.
- 157 Leeds Intelligencer 16/8/1798 p.3 c.1, Gunner v Brown which created a precedent to prevent this.
- 158 JHC LXII, 21/1/1812, 44. The act also allotted 57 acres to the poor and 20 acres to repair the church whose patron later allotted 24 acres as gardens to the poor, Lewis, Topographical Dictionary of England I (1848), 110-111. See Table 24 Section 5a re Sandhurst.
- 159 S C on Commons Inclosure (P P 1844, V) Evidence of Crawler Q5073, Col Wood Q6238, Lewis, Q1278 and R Banks, QQ3015-22; A Young, loc cit 506-7. See Table 26 re Mynydd Bach. J M Martin, thesis, pp.136-7; see Chapter 2 fn 112 for other references to Martin.
- 160 See Tables 19 and 23 Section 2f.
- 161 Chambers, loc cit, 319-43.
- 162 See above p.13.
- 163 18th Ann. Rep. Nat. Inc. Comms. (P P 1863, XXVIII), 465. Bedworth Heath also cited the prevention of encroachments as its motivation.
- 164 e g Ganarew, Milwich, Uttoxeter.
- 165 e g Welsh Land Report (P P 1896, XXXIV), 587 re Llangwm Hills.
- 166 e g at Bucklebury, Over and Kingsclere in the Times.
- 167 e g Mostyn's letters about Penboy and Wynn's letter about Llangurig.
- 168 e g Harpur Crewe re Alstonefield.
- 169 e g Blagg in the Staffordshire Moorlands 1805-31.
- 170 Wolferstan Diaries, 25/6/1810.
- 171 See above p.45 re overgrazing dispute and below p.303 and Table 28 re emparkment and improvement.



- 172 See above pp.3, 43-4 and 102-8 and Table 1 re Hunt's epidemic theory; StRO D239/2/4/Cheadle, Solicitors Bills Cheadle Enclosure 1807-14 (£1,009/5/3½d, including £577/17/9d. for obtaining bill).
- 173 See above p.101 and below pp.305-12 re acts & planting for aesthetic or medical reasons. Whiston has "been greatly improved by inclosures and plantations of trees", W Pitt, A Topographical Hist. of Staffs. I (1817) 233 and see Map 21 re Moddershall; StRO D239/2/4/ George Bramwell to Blagg 6/10/1808.
- 174 T Dugmore, Observations on Inclosing the Manor of Melbourne (1800). Littleton believed that both commissioners embezzled him and Wyatt, who became Lord Lichfield's agent during the enclosure, favoured Lichfield in valuing exchanges and in siting allotments. For examples of tenants, agents or surveyors employed by estates serving in acts involving those estates, see above Chapter 2 fn 134.
- 175 See Table 27 & R E Sandell, 'Wiltshire Enclosure Awards', Wiltshire Records Society XXV (1969), 128.
- 176 JHC LII, 19/6/1797, 661, Raunds petition uses open and close thus and attributes migration to manufacturing towns to enclosure; W Pitt, General View of ... Northamptonshire (1809) p.29 talked of 'open parishes' and criticised their thatched mud cottages; p.40 spoke of 'the open or common field parishes'; thus open = unenclosed, closed = [en]closed.; G Taylor, op cit pp.41-2. D R Mills, op cit pp.90 and 99. Mills creates a useful model of open and closed hamlet and champion parishes pp.116-140. Eden, op cit p.283.
- 177 See above re Hothfield, Kent; cf Sarah Banks, 'Nineteenth-century scandal or twentieth-century model? A new look at "open" and "close" parishes' Econ. Hist. Rev. 2nd ser. XLI (1988), 51-73, who sees "that the idea of 'open' and 'close' parishes was first introduced and developed as part of an emotive campaign to reform the settlement laws." Her analysis of the Victorian usage of such terms may be correct, but their previous usage is not mentioned; the research of Holderness, loc cit, is limited to Lindsey and he fails to see that although acts were rarely used to eject the poor, they were used to prevent immigration. Thus neither refer to the derivation of the terms and their original link with enclosure and the prevention of further encroachment. See also J M Neeson, 'Parliamentary Enclosure and the Disappearance of the English Peasantry, Revisited' Research in Economic History Suppl. V (1989) 115 fn 10 re the usage of 'open' in the 1700s. The article demonstrates that in Northamptonshire, enclosure did lead to the disappearance of a freeholding peasantry as a class, many of whose economy had depended upon domestic industry and smallholding.



- 178 For contemporary reports of enclosure and depopulation see J Wedge, General View of... Warwickshire (1794) pp.20-1 [quoted], re heavy arable soils in five East Midland counties being converted to pasture by enclosure acts between 1750 and 1800, see J Thirsk, ed. The Agrarian History of England and Wales VI 1750-1850 (Cambridge 1989) 48-9, T Davis, General View of... Wiltshire (1794) p.88, W Pitt, General View of Leicestershire (1809) p.16 and J Holt and R W Dickson, General View of... Lancashire (1815) p.393; T R Nash, op cit I (2nd edn 1799) xli re "the great profit of inclosed farms arises from their being converted to pasture more easily, and consequently employing fewer labourers." Similar fears about laying down arable to pasture causing unemployment were expressed at Easington - Table 26. Bruyn Andrews, ed. op cit, I (1934) 33, 5/6/1781, re Burford, (where a 1773 act in one township reduced corn production but increased beef and mutton, Tate and Turner, op cit p.213 and A Young, General View of... Oxfordshire (1813) p.91) III (1936) 19/8/1793 314-5 re the wide new enclosed depopulated pastures of Northants and Leics. He also noted depopulation linked to engrossment rather than enclosure at Southoe & Hamerton, Lincs. II, 19/7/1790 258-9 and 21/6/1791 322-4; W Pitt, General View of... Northamptonshire (1809) pp.58-63 and 256-8; J M Martin, thesis, loc cit pp.30-2 and 178-88.
- 179 JHC LII, 19/6/1797, 661, re Raunds and JHC XLI, 541-2, 2/5/1794 re Newport Pagnell. The Verneys enclosed nearby E Claydon in the 1740s and converted it to pasture, Williamson and Bellamy, op cit, p.111. Aris 26/8/1771 p.1 c.1 reply to letter 5/8/1771 in London papers which blamed enclosure for less corn, high poor rates and depopulation. A similar letter had been written re open field enclosures in London Chronicle 10/9/1765 p.1c.1-2; see Chapter 4 fn 97 re Atherstone's enclosure and whether converting urban open fields to pasture caused depopulation or aided urban growth - see also Chapter 6 fn 61; J L and B Hammond, op cit pp.98-100; Holderness, op cit pp.125, 260, 272-3, 275, 332-3. J M Neeson, loc cit, 111 & 'The Opponents of Enclosure in Eighteenth Century Northamptonshire', Past and Present CV (1984), 120-3 & 131-2.
- 180 J Howlett, An Enquiry into the influence which enclosures have had upon the population of England (1786), A Redford, op cit pp.60-7 who both distinguish like A Young, Political Arithmetic (1774) pp.72-3 and 148-55, and Nathaniel Forster, An Enquiry into the Cause of the Present High Price of Provisions (1767) pp.117-21, between the effects on population of enclosure of arable for pasture and common pasture for arable. However Howlett's use of Wistow and Foston (Leics.) as an example of commons and wastes enclosure leading to depopulation was questioned by Chambers, loc cit 329-30. See also M C Buer, Health, Wealth and Population in the early days of the Industrial Revolution (1968 edn), pp.72-4; he, like Young,



- ibid, ridicules R Price, An Essay on the Population of England (1780) who argued enclosure caused depopulation, by referring to Price's claim that the nation's population decreased whilst in reality a population explosion took place. D Sylvester, op cit pp.144 and 263.
- 181 Improvers of the pasture of former wastes were praised e g Trans. of the Soc. of Arts XVI (1798) 232-61, silver medal to John Peart for such improvement, including 20 acres of ling allotted him under the 1788 Grassington (Yorks) Act and Comms. to the Board of Ag. IV (1805), 30 & 32.
- 182 Chambers, loc cit 324, 338. The Flintham farmers did want to enclose to practice convertible husbandry and get more pasture for manure, Table 26. G Slater, op cit pp.119-121. According to a letter, cottage encroachment started on this unnamed hill in the 1780s. 30 or 40 cottages with 6 acres or so each were granted to the lord. Note that in mining and industrial areas, development continued after enclosure but on a more capitalist footing in which the allottees could now benefit as freeholders. Also there would be no further harm to their common rights by squatting, see above pp.88-98 and 149-150.
- 183 A G Parton, 'Parliamentary Enclosure in Nineteenth Century Surrey' Ag. Hist. Rev. XXXIII (1985) 51 and 55; re Staffs. Moorlands enclosure and encroachment in general see R W Sturgess 'A Study of Agricultural Change in the Staffs. Moorlands 1780-1850' N Staffs Journal of Field Studies new ser. I (1961) 78-80 and 'The Response of agriculture in Staffordshire to the price changes of the nineteenth century' PhD University of Manchester 1965, pp.34-5, 415-7.
- 184 N Wales Gazette 8/9/1808 qu. A H Dodd, op cit p.76.
- 185 See above pp.92-3. C Thomas, 'Colonization, Enclosure and the Rural Landscape', Nat. Lib. of Wales Journal XIX (1975-6), 137 quoting M H Fried, 'Land Tenure, geography and ecology in the context of cultures' American Journal of Economics and Sociology XI (1952), 391-412.
- 186 Chambers, loc cit 319-43; Chambers and Mingay, op cit pp.98-103 also claims that surplus population, not peasants dispossessed and impoverished by enclosure, migrated to form an urban proletariat. M Turner, Enclosures in Britain 1750-1830 (1984) pp.77-8 summarizes this and Crafts' opinion that enclosure neither increased rural employment nor population; re Queniborough, JHC XLVIII, 20/2/1793, 230, Hunt, thesis, pp.114-121 & W Pitt, General View of... Leicestershire (1809) pp.46 and 70-3. Unlike Chambers' opinion of Pitt as "a strong critic of enclosure", he praised most enclosures, criticizing only those in Leicestershire and Northamptonshire which led to depopulation by turning arable to pasture (see fn 179). He wanted Staffordshire's wastes to be enclosed for arable and praised "picturesque" enclosed landscapes in Wolverley, Worcs. see below pp.302 & 311-2, Pitt, General View of... Staffordshire (1794) pp.102-8 and General View of...



- Worcestershire (1813) pp.27-9. The Duke of Rutland's enclosures were also cited by Chambers (329-30) as examples of converting open fields to pasture not stopping rapid population growth; but only his paternalism allowed peasant holdings to continue after 1800 - Table 27. re Skelton, see Bouch and Jones, op cit p.235.
- 187 Chambers, loc cit 336 & 338, Martin, loc cit and Hill, op cit p.271; Mills, op cit pp.116-140, based on F Tonnies, Community and Society (New York 1963). See above pp.219-20 re growing concern about the poor.
- 188 R Newton, op cit p.107; no reference to an act in Tate and Turner, op cit.
- 189 Northampton Mercury 3/2/1777 p.1 c.2 and Tate and Turner, op cit p.200 re Wark commons and wastes being enclosed and the town being depopulated.
- 190 VCH Bucks III (1925), 286-93; Snell, op cit p.221; Turner, loc cit, 106-7 notes opposition from larger owners to the manorial and tithe allotments.
- 191 Table 19 re Tettenhall. R Surtees, History of Durham II (1820), 107 re Gateshead. See Table 19 and above pp.138-42 re turnpike suburbs.
- 192 See Table 26. Since compiling Table 25, more facts have been found in D M K Agutter, Meriden: its People and Houses (Meriden 1990) esp. pp.11 and 63. It was such acts which led Thomas Wright, A Short Address to the Public on the Monopoly of Small Farms (1795) p.15 to say enclosures were "injurious to the peasantry" due to "the destruction of the peasant's cottage, whereby he loses the opportunity of raising stock." Alberbury was Leighton's freehold and hence the forcible removal was of tenant cottagers not squatters and thus it is not an example of force to remove squatters in an enclosure.
- 193 re manorial lords' increasing disinterest in owning cottages see above pp.96-8 - Loch, Gower's agent, changed his mind; he stopped subletting at Ketley, making the squatters the estate's direct tenants in the 1810s, but in 1835 he told the Dudley estate to sell its cottages as they harmed its reputation; this may show the influence of the growing public health lobby. At Wakefield, 11 encroachments totalling 9 acres were to be sold if the occupiers refused to pay the commissioners' valuation - Leeds Intelligencer 23/3/1795 p.4 c.4. Staffs Advertiser 6/2/1813 p.3 c.3 re Caverswall. See Table 23 fn 31 re Oldswinford and above pp.92-3 re Llandeiniolen and Llanrug.
- 194 See Chapters 1 fn 72 Table 25 Section 2 re Burton-upon-Trent and also Table 24 Section 6b re Leominster. The 1798 Gringly on the Hill (Notts) riot was only reported in Yorkshire to prevent local riots, Leeds Intelligencer 6/8/1798 p.3 c.1. Turner, loc cit, 110 re Princes Risborough, Bucks. where rioters against an enclosure notice were promised exemption from prosecution if they signed a paper for the enclosure. See generally Chapter 6 fn 59 re riots and enclosure.
- 195 See Table 23 fn 25 re Sheffield.



- 196 R Samuel, loc cit pp.15-16; Tate and Turner, op cit p.218.
- 197 D Mills, op cit pp.101-2 and R Samuel, ed. op cit 154-6, 210-2. See above p.151.
- 198 See above pp.152-3 re Loughborough; A Young, General View of... Norfolk (1804) pp.168-9 re Stiffkey; 'shackage' was the right to put pigs, poultry etc on the 'shack' or stubble left after harvest. Snell, op cit p.172 refers to T Stone (1787), Billingsley (1797) and Sir Thomas Baring (1832) advocating enclosure to conquer immorality and idleness. Many Lakeland owners had similar beliefs, S C on Commons Inclosure (P P 1844, V) Evidence of Wilson, QQ1661-2 James Reeves, ed. John Clare, Selected Poems (1964) p.23; G Mingay, Rural Life in Victorian England (1979) p.17; J W and A Tibble, John Clare: A Life (1972) pp.52-6. Clare's impression has been confirmed by J Neeson, 'Parliamentary Enclosure and the Disappearance of the English Peasantry, Revisited', Research in Economic History Suppl. V (1989) 104. T Williamson & L Bellamy, op cit p.102, accept this motive for enclosure.
- 199 Sylvester, op cit pp.385 and 407.
- 200 re gypsies on waste ground - see R Samuel, 'Comers and Goers', in H J Dyos and M Woolf, eds. The Victorian City Images and Realities (1973) pp.127-8. Lakeland farmers wanted to enclose to remove gypsies, Bouch and Jones, op cit p.239. Gypsies may have been the "injurious nuisance" which led to the Coven Heath Enclosure, Spec. Rep. of Nat. Inc. Comms. (P P 1850, XXIII), 359.
- 201 S C on Commons Inclosure (P P 1844, V) Evidence of Wilson, Q1543; J W and A Tibble, op cit, pp.52-6, 2 years after the act, Clare joined a 'catch work' gang, fencing and planting.
- 202 ibid, Evidence of W Keen, QQ818-20.
- 203 Table 28.
- 204 Examples- 3,000 acres by the Daveys, Redruth mining adventurers, including a 500 acre model farm in 1869; Lord Falmouth at Cambourne, 1840-70; 483 acres approved by national commissioners at Tregoss Common, 1873, to increase work 1872:- R M Barton, ed. Life in Cornwall in the late Nineteenth Century (Truro 1972), pp.184, 187 and 222.
- 205 Staffs. Advertiser 14/9/1850 p.3 c.2 encouraging enclosure of Cannock Chase to prevent the emigration of local yeomanry; Shrewsbury Chronicle 12/2/1819 p.4 c.1 see also ibid, 18/6/1819 p.4 c.2 re cultivating Scottish highlands rather than encouraging emigration; see Table 13 for other examples of enclosures to provide employment. See above pp.135 and 153 re enclosure to provide employment and below pp.344-5 re advocations of enclosure to prevent emigration. Enclosing Braunston's arable would provide more work and nearly double its value so that owners could more easily pay the rates which had nearly doubled in five years. R Gourlay, 'An Inquiry into the State of the Cottagers in the Counties of Lincoln and Rutland', Annals



- XXXVII (1801), 530-1. The letter probably meant the 1816 Arwystli act of 1816 motivated to stop not increase encroachment - see Table 25 Section 5.
- 206 See above p.48; see also Table 28 re Windsor Forest.
- 207 The importance of new roads in enclosure also stressed by Baldwin Leighton concerning the enclosure by agreement of Wattlesborough Heath, Table 26, and by Holliday in Dilhorne in the Staffs. Moorlands, Table 28, also see above pp.99-100 and Table 15. The surviving commons at the ironworkers' settlement at Coven Heath were enclosed 11 years after the lord had built a chapel there - White, Staffordshire (1851) pp.444-7 cf. Kelly, Staffordshire (1880) p.95 which states 1857. Staffs Advertiser 30/8/1851 p.5 c.2-4 'Opening of New Church and Schools at Knypersley'. This was seen specifically as part of the improvement of Biddulph Moor. At Waltham Chase (Hants.), praised by Cobbett for supporting 200-300 cottages and for its timber, an 1825 bill failed; a church was built in 1834 and in 1863 the remaining 157 acres were enclosed for profitable cultivation. W Cobbett, Rural Rides (Penguin 1967) p.481, Oct. 1826, Lewis, Topographical Dictionary of England IV (1848), 444, 18th Ann. Rep. Nat. Inc. Comms (P P 1863, XXVIII), 465. See also above pp.182-3 re church extension.
- 208 Rep. and Mins. of S C on Commons (P P 1877, X) Evidence of Wood (Assistant Commissioner) QQ380; this was because the best labourers leave unenclosed parishes as "the farmers have no work for them at winter time." Evidence of Martin (Lord Exeter's agent) QQ798-9); re Ricall, *ibid*, Evidence of Coleman, Lord Wenlock's agent, QQ1148-9. See above p.44.
- 209 S C on Commons Inclosure (P P 1844, V), Evidence of T Davies QQ4720-4744.
- 210 J W and A Tibble, *op cit* pp.52-6. F M L Thompson, English Landed Society in the Nineteenth Century (1963) p.223. He includes £2407 for a new farm on Helpstone Heath but the Tibbles, p.226, state that Fitzwilliam's heath allotment remained unimproved in 1825, five years after the award and 16 years after the act. Also Turner, *loc cit*, 112, notes rent reductions from 1817 here.
- 211 J Mackinson, Some Account of Messingham (1825) quoted in J Thirsk, English Peasant Farming (1957) pp.296-7. See Table 26.
- 212 See below pp.321-45; re Brackenbury see Table 26.
- 213 Nunn, *op cit* pp.423 and 434.
- 214 Schools Council History Project, Britain 1815-51 (1977) pp.83-93.
- 215 J W and A Tibble, *op cit* pp.142, 227, 284, 289-90 and 292-3; G and M Cole, eds. W Cobbett, Rural Rides (1930 edn) I, 8 and 173; II, 8, 121, 130, 133, 166 and 240 re Jews and II, 3-4 re squirearchy; Reitzel, *op cit* pp.127-9, 131-2, 189-91, 193, 195 and 201. See Chapter 7 *passim* and Table 26 re the Earls of Shrewsbury and Alton Towers; re



- Sneyd see D Spring, 'Ralph Sneyd: Tory Country Gentleman', Bulletin of the John Rylands Library XXXVIII (1955-6) 535-55 & Sturgess, thesis, pp.132-146, 175 re the Sneyds.
- 216 See above p.46 and Table 25 Section 4 re Stanwell and Cheshunt and Section 3 re Laleham; however the opposition in these three cases did not prevent enclosure - they only delayed an act or secured the poor better terms.
- 217 See above pp.92-3.
- 218 Staffs Advertiser 23/8/1817 p.2 c.2-5 re Sholtze; Hansard 3rd ser. XXI, 11/2/1834, 203, re Lord Ellenborough and XXV, 31/7/1834, 787-93 re the bill's failure; re radicals' use of the Poor Law Amendment Act, see Over, Table 25 Section 5; see also above pp. 49 and 225.
- 219 Palliser, op cit pp.127-8.
- 220 J V Beckett, 'The Disappearance of the Cottager and the Squatter from the English Countryside: the Hammonds Revisited' in B A Holderness and M Turner eds, Land, Labour and Agriculture (1991) pp.49-67; see above pp.17 and 43 re J Chapman, 'The Extent and Nature of Parliamentary Enclosure' Ag. Hist. Rev. XXXV, i, (1987) 25-35. Snell, op cit pp.143-4.

## CHAPTER SEVEN - LANDOWNERS, THEIR ESTATES AND THEIR COUNTRIES

### Introduction

The unique qualities of the British aristocracy, which contributed to their country enjoying the first modern industrial revolution, have been considered by many historians since Habakkuk's article in 1940 raised the issue.<sup>1</sup> Except in primary industries before 1850, their role has largely been seen as facilitators rather than innovators or entrepreneurs. Their motives, apart from profit, have been largely viewed in personal terms - social responsibility, status, local or family tradition, intellectual excitement or debt.<sup>2</sup>

However the "crucial"<sup>3</sup> role that aristocrats played in the Agricultural Revolution has been seen almost entirely in terms of farming profits. Flaws in this model have already been shown in the enclosure movement, the main enabling process of the change. Profits were also made by using allotments for mining and building; alternatively financial benefits could accrue from lower rates. Moreover, acts could legitimize the establishment of institutions and the seizure or commutation of rights. Most of all, the letters and actions of aristocrats show that they were not always profit-orientated. Certainly enclosure was part of the change from feudalistic to capitalistic attitudes<sup>4</sup> but it resulted more from possessive individualism, which Stone sees as being unique to England, than classic profit-motivated capitalism.<sup>5</sup>

The notion of 'improvement' - the alternative model to explain economic actions at this time - had been a major influence on English entrepreneurs since the 1650s and



spread even more amongst the educated classes during the Age of Reason and the Enlightenment; Jane Austen's hostility to it permeates her books.<sup>6</sup> Enclosure allowed man to show his new self-awareness of his power to improve the world, an idea noted at the time and explored by Cosgrove and Everett in their work on ideas of landscape. Indeed, Turner describes England after the changes wrought by landowners as a manscape.<sup>7</sup> The vision and powers of aristocrats to make improvements justified their status in the Age of Reason. The ideology of improvement did not only refer to land as in the idea of an improving book. Briggs even calls the latter part of this period 'The Age of Improvement'. The influence of these enlightened ideas of improvement on enclosers elsewhere in Europe is accepted, which begs a question; why should Britain's aristocracy have been different?<sup>8</sup>

The usual answer to this is the greater influence of the profit motive upon British aristocrats.<sup>9</sup> Yet research has shown that their enterprise was not wholly due to profit. For example, their duty to conserve and improve their estates as custodians for future generations has been accepted as one motive.<sup>10</sup> In addition, enlightened ideas actually made more impact upon British than European aristocrats and was also an important reason for their survival. As Hampson asserts, "Britain and France together provided the main impetus behind the Enlightenment." The new ideas had disseminated more widely in Britain and had more opportunities for expression than elsewhere in Europe. Stone thinks that there was greater homogeneity of cultural values between the aristocrats and the bourgeoisie in Britain where there were also no legal barriers to social promotion from the bourgeoisie. Thus the admission to landed status was an achievable goal for those who wished to improve themselves and enclosure could provide avenues to accumulate land.

Not only did enlightened ideas make a greater impact on the British aristocracy, but they also had more opportunity for expression in what was already a constitutional monarchy whose nobility enjoyed greater influence although less privilege than others in Europe. The political power of the British aristocracy also meant that, according to Lefevre, "it could legislate according to its own interests, as the corn laws and enclosure acts clearly show." These interests were not necessarily in profit but also in self preservation as is shown by how many aristocrats supported enclosures to increase food supplies and later accepted the repeal of the Corn Laws. British aristocrats were also better placed to improve their manorial wastes than were their continental counterparts because they had the legal right to enclose them under certain conditions. Elsewhere, waste enclosures were largely made by enlightened rulers, influenced by physiocratic ideas of increasing their nation's wealth.<sup>11</sup> The perception of the openness of the aristocratic oligarchy and the influence of enlightened ideas of improvement upon it probably explains how the British landed élite avoided the revolutions endured by nobles in absolute monarchies.<sup>12</sup>

This chapter assesses whether the 'improvement' model can be applied to the enclosing activities of the British aristocracy. It will also shed light not only on the motives of enclosers but also on the ideologies which actuated enterprize generally at this time. The role of enclosure in creating parks and in developing land beyond the park as a suitable landscape of plantations or game reserves is examined as are the motives for the improvement of entire estates. These themes are interrelated; many owners used acts not only to extend their park but also to plant woods and to improve their home estates in terms of appearance, productivity, morality and social relations.<sup>13</sup> Finally the role of enclosure to meet food shortages and thus prevent threats to the landed élite and the social order is studied.



There were several ways to enclose commons and wastes to form parks apart from an act. Sole owners of manors could enclose at will despite the Tudor anti-enclosure laws to prevent depopulation. Where there were other owners, lords could encroach under the Statute of Merton, providing they left sufficient commonage. This statute was often either ignored<sup>15</sup> like the Tudor laws or overcome, especially in Crown Chases and Forests, by royal licence. An alternative was to negotiate an agreement. All of these means were used before 1700 for the enclosures and emparkments noted by Kerridge in the Vale of London.<sup>16</sup>

After 1700, many sole owners still enclosed at will to form parks like Burton Agnes in the East Riding. Single owner manors which also had large wastes were particularly attractive to men like Grenville who bought Dropmore in 1792 in order to build a mansion with a 600 acre park. Other lords, like Thomas Anson at Shugborough in Staffordshire, bought out the other owners in order to enclose. Such behaviour could lead to the desertion of villages like Nuneham Courtenay in Oxfordshire which apparently gave rise to Oliver Goldsmith's critical poem, The Deserted Village (1770). The cottagers were often moved to model villages to enhance the environs of the park. It was only after 1860 that the CPS prevented some such enclosures at will.<sup>17</sup> However, even the Shaw Lefevres, one of whom became the leader of the CPS, emparked a common by means they later criticised. Charles Shaw Lefevre bought the Manors of Putnam in 1817 and Hazel in 1818 and gradually bought out or extinguished all other interests. As sole owner, he ended all customary and common rights on Hazeley Heath to create the park at Heckfield Place in Hampshire.<sup>18</sup>

Game parks had long been formed by royal licence in forests like that of Ralph Wolseley's in 1469 in Cank Forest.<sup>19</sup> Some lords like Sir William Compton at Compton Wyniates in 1520 and Sir Arthur Capel at Hadham Hall in 1635 were licensed to empark their own land both to circumvent the Tudor anti-enclosure laws and to raise money for the Crown.<sup>20</sup> Both Henry VIII and James I emparked commons themselves which caused much anger,<sup>21</sup> but it was Charles I's policy of claiming huge areas of land as forest and thus liable to fines when emparked which really brought the system into disrepute.<sup>22</sup> Such licences were limited to Crown manors and Forests after the Civil War as power was diffused more widely and rights were protected under Common law. Licences were granted thereafter often to ministers like Arlington at Euston in the Brecklands by Charles II, and Newcastle at Clumber in Sherwood Forest by Queen Anne. Subsequent licences were granted at market prices to raise money, not as a token of esteem.<sup>23</sup>

After 1750, the growing ability of opposition to organise itself meant that the Crown had to pay compensation for loss of common rights even where it was lord as at Egham in Windsor Forest.<sup>24</sup> By 1816, Huskisson felt that, despite the Duke of Wellington's popularity, the "interests are too complicated" to allow either the enclosure of the New Forest or an encroachment for him to build a mansion. The Crown could only temporarily enclose 6,000 acres for naval timber and Huskisson feared "years of claims and compensations", so instead the Duke bought Strathfield Saye nearby.<sup>25</sup> Some such encroachments, like one of 7,000 acres made at Hafod by the Crown agent in Cardiganshire, Thomas Johnes, were illegal and paid little to the Crown.<sup>26</sup>

Any manorial lord could allow other owners to make encroachments for parks as on Hounslow Heath (noted in Chapter 5<sup>27</sup>) or on Cannock Chase in the case of an extension



to Shugborough Park. They often treated their own old encroachments as freeholds, like the Earl of Shrewsbury who built Alton Towers on a Staffordshire warren. Where manorial courts were weak or non-existent, encroachers like the Duke of Argyll and Pitt the Younger legitimized park extensions by a payment to the rates to compensate the freeholders for their loss of common rights. After his enclosure bill failed in 1782, Lord Spencer used the same expedient at Wimbledon whose vestry allowed others to follow suit.<sup>28</sup>

Emparkment by exchanges and agreements had occurred during the Tudor and Stuart period in Northamptonshire and at Stowe in Wiltshire in 1610.<sup>29</sup> At Wiseton in Nottinghamshire, Acklom used an agreement not only to create a park but also woods and model farmsteads on the nearby hills. Even a noted encloser by act, the Second Viscount Dudley, preferred to use an agreement to add open field land both to his home farm and Himley Park because it was cheaper. Likewise Sir George Cornwalle used an agreement to extend his park and build a lodge at Moccas Court in Herefordshire.<sup>30</sup>

Agreements could provide land to exchange in order to allow park extension. After Sir Charlton Leighton enclosed Wattlesborough Heath in Shropshire by agreement, he rebuilt Alberbury village away from Loton Park and extended his park over the former village, removing the demoralised and recalcitrant by force.<sup>31</sup> Where lords lacked sufficient rights to secure all the land they wanted, they could, like Sir Thomas Wentworth at Greasbrough in the West Riding, pay compensation to the other owners to gain extra ground.

By 1750, an emparker often needed an act, unless he was the sole owner, to enclose. Even before then, influential commoners, especially near London, could mount legal opposition to emparkers of commons and wastes under the Statute of Merton. When a London merchant enclosed some

common woods near Faversham in 1606 for a hall and farms, the locals demolished a farm and took a suit to the Star Chamber.<sup>32</sup> Acts overcame such opposition at Stanwell<sup>33</sup>, Whitcliff<sup>34</sup> and Eynsham, and were used to avoid such problems at Four Oaks and Clewer. Resistance often succeeded after 1860 where the CPS could ally itself with wealthy commoners like Augustus Smith of Ashlyns, who in 1866 stopped Berkhamstead Common being added to Ashridge Park.

Emparkers needed acts for other reasons. Beauchamp needed one to buy out the other owners at Dunnington Heath. Tenants for life, like Foley at Kidderminster in Worcestershire, needed freehold control of common land to sell part of it as a site for a hall. A better title may have been wanted for a park both on former common land like Painshill in Surrey or even on old enclosures like Patshull in Staffordshire. Some emparkers as at Greystoke in Cumberland could not get the agreement of the other landowners to enclose. Even if an agreement was reached as at Soughtin in Flint a confirmatory act could still be needed. At Boynton in the East Riding, exchanges were necessary to create a park. An act might be needed to raise a loan or remedy any of the legal problems described in Chapter 2, like the legal commutation of tithes at Empingham in Rutland. The common of Beacon Hill, in Staffordshire, was needed to provide the prospect for a mansion to round off an old enclosed estate.<sup>35</sup>

Commons and wastes were favoured sites not just for reasons of taste but also because they were still open and available for development. Mingay comments that emparkment was largely in areas of commons unsuited to intensive farming like the Yorkshire Wolds. Although at least five cases of emparkment did involve seizing open field strips as at Himley, commons were more appealing as they were less valuable, harder to let and less convenient for many existing farmsteads. South Yorkshire's wastes were under pressure by the 1700s, partly



by the growth of gentry parks and woods,<sup>36</sup> as were wastes elsewhere, like Peasemoor Heath in Berkshire.<sup>37</sup> Commentators like Richardson praised using wastes like Painshill for parks rather than land capable of tillage. Indeed such land fitted the notions of the picturesque which had developed by the 1750s from the unnatural formality of Capability Brown to the rugged naturalness of Repton.

Many students of literature, gardening and geography like Everett and Daniels have studied ideas of landscape or man's interaction with and view of the world around him.<sup>38</sup> They see a close link between social change, ideas, human behaviour and attitudes to the landscape. As Cosgrove wrote "the estate landscape became in the Eighteenth Century a critical arena of cultural tension between factions of the ruling class." This tension, between Tories and Whigs, reflected their differing attitudes to change. For the Whigs, their new mansions and landscape parks "represent the victory of a new concept of landownership after their triumph in the 'Glorious Revolution' replacing absolutism and fiefdom by liberty and property." For many conservative Tories, their parks represented a retreat from the unwelcome economic and social changes of the eighteenth century.<sup>39</sup>

Littleton acknowledged the potential of acts to convert commons into suitable landscapes for new mansions. Had his father enclosed Shoal Hill

"and got an allotment of Freehold Land on the part best suited for Building, he might have made then the most beautiful thing of its sort in Staffordshire... [but] in those days inclosure was not expeditiously conducted and Inclosure Commissioners were among the most dishonest of Professional Practitioners in Private Property, temporarily in their Grip."<sup>40</sup>

Thus for reasons of legality, fashion and philosophy, owners used enclosure acts to create or extend parks mainly over

commons and wastes. Table 26 alone gives 59 examples and others like Maer<sup>41</sup>, Teddesley Hay<sup>42</sup> and Handsworth<sup>43</sup> (all Staffordshire) are cited elsewhere. Cases like the latter are hard to classify as bourgeois or gentry parks due to their scale and because they form part of the same desire to own personalised property around a home. A few acts aimed to secure historical sites for intellectual reasons like Warkworth Castle in Northumberland, Castell Dinas near Llangollen and Caer Caeradoc in Shropshire.<sup>44</sup> Acts were more often linked either to the building of new houses (in 16 cases) or changes to existing halls (in 22 cases), or general estate improvement as at Trevince in Cornwall<sup>45</sup> and Darlaston in Staffordshire.<sup>46</sup>

A direct link, not approximate coincidence, is needed to prove a causal relationship between enclosure and emparkment. Flintham Hall in Nottinghamshire was rebuilt and its park created when it was sold 25 years after the act. However the freehold allotment around the hall, as at Strensham in Worcestershire (see Map 35), made it more valuable as having potential for a park. Martin noted that this was often a selling point around 1800. Similarly, the 18 year old heir of the Leaton estate in Shropshire may have persuaded his brother to enclose as he planned to build a mansion. But the close coincidence of mansion building and enclosure is strong evidence of a causal link. The building of Backwell House by Thomas Keedwell in 1813 seems to be connected to the 1812 Backwell award. Comparison of early O.S. maps with the award in Somerset R O would show if the hall was built on the common or exchanged old enclosures, how the Keedwell's acquired the site and if roads were moved. Any family papers or the lord's papers at Longleat could shed more light. The latter does contain Keedwell's letter about his successful exchanges under this act.<sup>47</sup>



The acts used several forms and mechanisms to solve each particular problem faced by emparkers. One was a lack of funds. The Bishop of Winchester was allowed to lease common land at Ropley in Hampshire to fund the rebuilding of Lawday House. Acts provided funds for mansions to be improved by increasing rentals at Easington in Warwickshire, and by allowing the sale of entailed estates at Prees in Shropshire.<sup>48</sup>

Where encroachments to extend parks needed legitimization, as mentioned in Chapter 6,<sup>49</sup> acts sanctioned the payment of a rent to the freeholders by means of the poor rate at Clewer in Berkshire and apparently at Egham.<sup>50</sup> A similar type of enclosure occurred in 1852, when Sir Denis le Marchant bought 32 acres of Chobham Common near his house in Surrey with the proceeds being "invested in public works for the general benefit of those interested."<sup>51</sup>

Another problem was how to deal with many small owners. When Lord Bute enclosed some plots about 1810 in Luton near Hoo Park which were "too expensive to enclose separately" he obtained an act to allot 18 acres to satisfy the various small claims.<sup>52</sup>

As with historical sites, owners who wanted to add particular parts of a common to their parks could specify them as part of their allotment in the act. This usually involved small owners like Greathead at Warwick and in such cases were only secondary motives for the acts. At Haut Huntre in Lincolnshire, Earl Fitzwilliam received all of Dog Dyke which was near his garden; however this act dealt with 18,092 acres and drainage seems to have been the main motive. Such specific allotments were made in at least thirteen cases such as Melbourne in Derbyshire.

However, by custom it was only the lord could specify his allotment, like Foster at Wolvey in Warwickshire and James Mackenzie at Hunshelf in Yorkshire, although commissioners considered convenience to the old enclosed lands of all proprietors in their award.<sup>53</sup> Where an emparker could not get all the land he wanted by right, he could be allowed to buy land at a valuation like James Trecothick at Croydon. The Duke of Northumberland at Warkworth was explicitly allowed to buy out the rights of each burgess.

Removing encroachments near a hall was a particular aim. A specific clause allowed the Lanes to remove those encroachments "near the Mansion House" at King's Bromley where "the right thereunto has been reserved by Entry or Payment of Rent." Other owners, like Banks at Soughtin, suffered if they were not so specific. Although he personally supervised the bill's passage through parliament, the eventual act did not allow him for example to buy all the encroachments from the Crown.

Many owners used exchanges and purchases generally to extend parks. Fowkes noted this 11 times in Nottinghamshire alone between 1700 and 1900, five at least of which were linked to landscape gardens and house improvements and two, Bunny and Strelley, were directly linked to acts. In both cases there was only one owner and emparkment may have been an additional or alternative reason for those legal or mining-related motives previously suggested.<sup>54</sup>

Acts were often arranged to allow large-scale exchanges of old enclosures to increase the size of the park. Indeed after manorial allotments, it was the most frequent method used to do this, occurring in 28 of the 59 acts. The solicitor's bill for Popham at West Bagborough in Somerset shows that exchanges to create a park was the main purpose of an act as can be seen graphically on Map 23. In the two



acts linked with the building of Eastnor Castle as well as the Tittensor Act,<sup>55</sup> the acreage of exchanges far exceeded that of land enclosed. The importance of exchanges is shown by the Bishops Newton Amendment Act, needed to legitimize an exchange in order to create Norton Place in Lincolnshire. Exchanges led to disputes about the siting of allotments and the valuations of the property exchanged at Yarkhill when Edward Foley gained the glebe to extend Stoke Edith in Herefordshire. The Earl of Shrewsbury made many exchanges to acquire the heights around his hall to plant for aesthetic purposes.<sup>56</sup>

Emparkers often had to make purchases before any act. At Prees, Sir Richard Hill bought the freehold of the manor from his landlords before enclosing.<sup>57</sup> Likewise Edward Walwyn bought out the other heirs to his estate at Much Marcle in Herefordshire. More frequent were emparkers like George Leeds at Croxton in Cambridgeshire who maximized their allotment by buying the rights or estates of other owners before enclosing. Sir George Strickland became the sole owner of Boynton by an exchange with the school and extinguishing tithes. Tithe commutation for land was used in 10 cases at least to maximize allotments. William Moseley bought the tithes at Bobbington in Staffordshire before the act, but apparently only to avoid any opposition. Lords could attempt to enfranchise copyholds for an allotment to extend their parks successfully at Hunshelf or unsuccessfully at Cobham in Surrey. Indeed manorial rights in the soil of commons were used in all but 14 of the 59 cases in Table 26 to maximize allotments.

Thus many wealthy men who wanted to build a mansion, bought an open manorial estate, enclosed and built a house and rearranged the property. Agents like Peter Nevill at Long Riston in the East Riding and William Fillingham used their earnings, skill and privileged knowledge to create gentry

estates. Fillingham had surveyed the estate and had acted as commissioner in the adjoining manor of Flintham before buying Syerston in Nottinghamshire. Landowners also looked for such estates, like Abbot Upcher at Sheringham in Norfolk, before enclosing and building their mansions. After the award, estates could be built up from sales of land by those who waited to command a better price after an act or who were forced to sell due to costs. At Cherry Burton in the East Riding, for example, Fowler bought 350 acres in the 20 years after the act. Those who used such methods for more large-scale improvement are discussed in Section 3. Purchasers of sale lots could also use them for mansions; but when Brackenbury tried this at Mynydd Mawr, Cardiganshire, the xenophobia of the Welsh peasantry forced him to give up. Such purchases were particularly frequent around London at Enfield Chase and other growing towns as noted in Chapter 4.<sup>58</sup>

Owners could use acts to move roads either to improve access to their estates or to deny access to others. Pipe Wolferstan wanted a new road to be laid out under an act from Statfold Hall to his land at Shuttington.<sup>59</sup> Some owners built mansions on commons near turnpikes to ensure easy access to towns. Thus Norton Place and Fillingham Castle were built near Ermine Street close to Lincoln and William Fillingham built a hall on the Fosse Way away from Syerston village.<sup>60</sup>

Many owners, like Sir Francis Dashwood at West Wycombe in Buckinghamshire in 1750, moved intrusive roads away from their homes without any act.<sup>61</sup> Acts were used to close or move roads to allow park extension in at least 13 of the 59 cases in Table 26. In Staffordshire alone, Lane at King's Bromley, Littleton at Penkridge<sup>62</sup>, Vernon at Hilderstone<sup>63</sup> and Peel at Drayton<sup>64</sup> used acts in this way, even when in the final case the common was nowhere near the house.<sup>65</sup>



Edward Foley ensured that the Tarrington and Yarkhill Acts confirmed that the new route of the Hereford turnpike should be at a distance from his park. Such clauses could harm other owners. Rousby, owner of the adjoining village, failed in his petition against Sykes' bill to move roads to extend Sledmere Park in the East Riding even though this would inconvenience his tenants. Some of the commissioners' decisions about roads led to court cases, as at Feckenham in Suffolk.<sup>66</sup>

Many of the former roads often became approaches to the park as at Soughtin and Nuneham Courtenay. Conversely an enclosure road might be set out to form the boundary between two parks as at Sewerby in the East Riding. The broad road which ran through Settrington village was narrowed by an act to allow the park to be extended. The Eynsham Act allowed Robert Langford to build an approach road to his mansion across the residual open common and to plant ornamental clumps alongside. The Dunnington Heath Act specified approach roads to Ragley and gave powers to build an entrance lodge.

Some acts involved moving or altering churches. At Easington and Ombersley, old churches were included in parks. Not just the church, but most of Escrick village and the whole village at Croxton were moved away from the new halls.

The desire for privacy and territory was shown in other ways. The acquisition of common land by enclosure acts avoided any building overlooking parks at Melbourne and West Bromwich. Lord Onslow acquired but did not enclose the open fields next to his home at Merrow in Surrey. Ascoghe Bourchette's desire for privacy at his newly-built Willingham Hall dominated the proceedings of the Tealby enclosure in Lincolnshire and led to his large purchases of land adjoining his demesne. Repton, the famous landscape

gardener, reflected this desire when he wrote that "the pleasure of appropriation" came from "the unity and continuity of unmixed property" "which cannot be injured" by neighbours. This 'terramania' is discussed in Section 3.<sup>67</sup>

The variety of links between acts and emparkment is shown at Grinshill in Shropshire. Whilst most allotments were farmed, Gardner used his to enlarge Sansaw Park, but General Hill only created a park and model estate at Hardwicke Grange subsequently after acquiring the remainder of Hardwick Heath. Its "clod covered cottages" were replaced by "handsome cheerful houses... fruitful fields... plantations... admirable roads" and a windmill was converted to a ruined fort. Although the heath was not added to the park, the landscape viewed from the Grange was enhanced in a manner befitting a war hero.

General Hill, like many other landowners, was concerned about the landscape beyond his park. The ways in which such owners used enclosure acts to develop not only parks but also their estates generally reflect their individual philosophies. Certainly the style of each of the three leading landscape gardeners fitted the political and social attitudes of their employers and some trends can be identified. Thus the formal 'perfection' of nature by Capability Brown as at Burghley was a product of the Age of Reason. Repton's picturesque landscapes, which tried to blend his aesthetic improvements with nature, belonged to the ages of romanticism and improvement. Loudon's gardenesque style fitted an era of greater scientific interest in nature where owners often had less space to use as in middle class villas. Also a clear distinction can be drawn between Brown who isolated the park from the outside world and Repton whose work gradually evolved to manipulate the land beyond the park to create a wider aesthetically pleasing landscape.<sup>68</sup>



Many industrialists saw their parks as a handy escape from their works. Boulton used the Handsworth Act to build a mansion near to Birmingham and his works in a park and cultivated land. He thought that "ye quietude & fresh air of Soho will do you more good than ye smoak & Noise of Birmgm." The purchase and improvement of the heath cost Boulton about £100 per acre. His park was further extended by the Birmingham Heath Act.<sup>69</sup> Boulton had a gentle background and aspired to landed status. His son pursued this ambition by buying Great Tew in Oxfordshire. Likewise Richard Arkwright moved from Rock House which overlooked his works to the more remote Willersley Castle as befitted his desire for landed status. These men contrasted with Benjamin Gott who ensured his mill and Armley Hall were intervisible.<sup>70</sup>

This illustrates a major contrast. Some parks were a retreat from the world which was hidden behind wooded hills. Repton worked at both Armley and Oulton but he was much prouder of the latter where a former common beyond the park was only partly revealed. Lord Somers, an Ultra Tory, used two acts at Eastnor to ensure that he was monarch of all he surveyed from his new mock castle. He wanted to obliterate the real world and the growing demand for democratization which threatened his status. He paid for this by sales and by the rents from slums at Somerstown in London which actually exacerbated the unrest which so worried him. The same applied to a Staffordshire Ultra Tory, Ralph Sneyd, described by Sturgess as a man outside the Age of Improvement. He reacted to the Reform Act by extending his park - in this case without the aid of an act - so that Newcastle-under-Lyme "that foul smithy" would not disturb him.<sup>71</sup> This retreat from the outside world by such Tories as Aylesford and Blakemore was often assisted by enclosures which allowed them to acquire land near the park and moving away the poor by enclosures without considering their fate.<sup>72</sup>

The most introspective emparker was the 15th Earl of Shrewsbury. His lack of paternalism is shown by his exchanging plots in Alton village for allotments of common land so that he could plant the hills and become owner of all he could see. The Swiss gardens in a closed valley with fountains, colourful shrubs, a cottage for a Welsh harpist to aid reflection and unusual garden furniture was an artist's canvas upon which a picture in the Earl's mind took physical reality. Its surreal qualities are similar to a Dali painting. The Earl's bust surveys his work with the inscription "He made the Desert smile." He wanted to exclude the evils of the world which he hoped a Catholic Resurgence would reform.

Such owners were criticised by reformers like Sir Thomas Bernard when he wrote of a labourer who had raised a large family on one rood of waste.<sup>73</sup> Building "picturesque villages" of such cottages on commons let at low rents to "useful" persons "around a park" would create a "more animated and grateful" landscape than using the land for "those useless uninhabited and uninhabitable pigmy models of Grecian Temples and Gothic Castles which a perverted taste has rendered so numerous."<sup>74</sup> Similar criticisms were levelled by Cobbett at villas on London commons and by Welsh peasants at Brackenbury's home because they prevented the land being farmed to give much needed employment after 1815. Painshill had only been meritorious because the land was otherwise useless. Bernard would have praised Gott who used his mill rather than a temple as a focus in his park because, rather than escape from the business world, he wanted to make it artistically acceptable and perhaps use his home to intimidate his workforce. Although Armley's commons and wastes had been previously enclosed by act in 1793, the two events do not seem to be linked *prima facie*.<sup>75</sup>



Many emparkers were more paternalistic than Ultra Tories like Somers. This has been seen as part of a more positive reaction mainly by Whig owners to the social and economic changes and the political movements after 1750.<sup>76</sup> Repton largely worked for Whigs whose adaptability to a changing world is reflected by its inclusion in the view from their homes. Both evangelical Tories like Harpur Crewe and reforming Tories like the Earl of Harrowby were also more paternalistic than reactionaries like Sneyd. The Earl did develop a demesne at Sandon dominated by woodland, especially on newly enclosed land, but he took an active interest in agricultural improvement and in his country.<sup>77</sup> When these more paternalistic Tories enclosed to extend their parks, they built estate villages not just for dispossessed villagers as at Nuneham Courtenay<sup>78</sup> but also for squatters as at Iron Cross. Even the very conservative Cecils, although they used acts to extend Burghley Park and keep the town of Stamford at a distance, maintained a paternalistic interest in this their pocket borough.<sup>79</sup>

Whigs were often concerned, when enclosing and emparking commons, about what lay beyond their parks. Like those earlier Whig owners such as Dowdeswell at Bushley<sup>80</sup> and Wyndham at Felbrigg<sup>81</sup> who protected the poor in their enclosures, the utilitarian Upcher took an interest in the social relations between the classes when he built Sheringham in Norfolk after the enclosure in 1809. His house overlooked a cornfield where workers could be seen at harvest, thus "humanising as well as animating beautiful scenery". Such Whig improvers created home farms, plantations to beautify the entire estate, estate villages and new farmsteads upon newly enclosed land. Thus Viscount Anson, a Foxite Whig, used much of the formal park at Shugborough, created largely on an open field village for a 2,000 acre home farm. Like Acklom at Wiseton, the radical 11th Duke of Norfolk built model farm houses on new

enclosures which could be seen from his hall set in a 5,000 acre park at Greystoke. Although many later Whig improvers were imbued with the less paternal attitudes of Utilitarianism, this did at least mean that they still took a concern in improving the lot of the poor - even if this was in a rather uncompassionate and uncaring way as with Watt at Llanhir - unlike the conservative Ultra Tories. Such improvers will be dealt with in section 3.<sup>82</sup>

Greystoke - like Handsworth - shows another purpose for creating mansion parks or extending parks - status. At the former, the park was a conscious challenge both to the Tory political hegemony of the Lonsdales in Cumberland and to their park at Lowther. The nouveaux riches like Boulton at Handsworth sought admission to the landed elite by enclosure and emparkment. Professional men like the lawyer Wallwyn at Much Marcle, the solicitor Nash at Hinxton in Cambridgeshire and the land agent Fillingham at Syerston all used enclosure in this way. The cleric Norgrave Pemberton used his inheritances to create a new landed estate at Millichope Hall at Munslow in Shropshire with a park extended by enclosure. This trend is very evident amongst Hull merchant families with Boldero at South Cave, the Williamsons at Melton and Welton and the Sykes at Sledmere who all used enclosure to landscape their parks. F M L Thompson views Sir Christopher Sykes - an early Whig improver not just of his park but also of his entire estate - as typifying the two generation rule from commerce to landed status. Vanity was also important; in West Heslerton church is a tablet saying that those impressed by "the present appearance" of the newly-enclosed Wolds should "extol the name of Sykes." The political role of country houses like Greystoke and the rivalry they could cause between status-seeking owners have been remarked upon by Beckett and Stone although the views of Habakkuk and Perkin that England was "a federation of country houses" are now viewed as an exaggeration.<sup>83</sup>



Despite criticisms by some of the wasteful expenditure on parks, most agronomists, like Marshall<sup>84</sup> and William Pitt, accepted that commons could be used for parks or woods. In his aesthetic appreciation of the potential of enclosure, Pitt praised picturesque farming as practiced on Knight's enclosed home farm at Wolverley.<sup>85</sup> Many landlords like Hatherton, who created a 1,700 acre home farm from heathland on Cannock Chase, were motivated by notions of improvement and beauty, not profit. The control owners wished to display in their country often extended beyond the park, except amongst those who wished to shut out the changing world outside. Owners who planted beyond the estate were motivated by several desires, two of which have been identified here - the desire for status through game reserves and the aesthetic improvement of their estates. These and other motives are examined in the next section.

#### Game and woods<sup>86</sup>

Lords had sole rights to game in their manors and timber on the wastes unless altered by custom or licence. Game rights, an important status symbol, were mainly exercised over woods and wastes but preventing poaching in such open areas was very difficult. Also stock could destroy saplings in commonable areas and rights of estovers - to fallen branches - could be abused by the commoners. Enclosure created fenced off reserves and woods. Whilst this limited the area over which game could roam, illegal estovers and poaching could be prevented, mantraps could be set legally and saplings could be protected.

Many early royal licences as at Annesley in Nottinghamshire set up game parks. Once large landscape gardens became fashionable in the 1700s, game parks like that at Clumber could be converted to a home farm and a garden for a mansion.

Lords of unproductive wastes used encroachments to generate income by warrens and plantations. Warrens especially could be a cause of disputes with the freeholders through loss of pasture as at Dudmaston Heath in Shropshire and Cannock Chase.<sup>87</sup> This was avoided by agreements either to make encroachments for woods as at Arwystli in Montgomeryshire<sup>88</sup> or to make a park as part of a general enclosure as at Shirlett Forest in Shropshire in 1625. In manors where the lord was sole owner, or almost so, he could accomplish this at will which explains several accounts of plantations on unenclosed commons.<sup>89</sup> A lord did not have to be a sole owner to enclose a common at will for planting where only his tenants kept stock like Fulmoldeston in Norfolk.

Where agreement was impossible, rights were disputed or other manors were involved, the issue of game could give rise to enclosure acts. These could be used to reduce the nuisance of game rights to other owners. In Nottinghamshire, the 1779 Calverton Act aimed to reduce damage to the village's farmland by deer from Thorney Wood Chase.<sup>90</sup> Other acts not only reduced the damage of game to farmers but also clarified rights and title to land in hays and chases. In Staffordshire, fears over title in what was claimed to be a hay delayed an act for King's Bromley from 1783 until 1799. The legal importance of the precedents created by acts was realised by owners in the vicinity of chases, hays and forests. Sir Edward Littleton compiled a book of evidence with the Alrewas Hay act as well as deeds and legal cases about common and game rights on Cannock Chase and elsewhere. This ensured that he was ready for any legal problems if and when the Chase was enclosed, a project which greatly interested him.<sup>91</sup>

However the main beneficiary of acts in hays and chases was the lord who often gained a freehold game preserve as a result. For example, John Turton used the 1725 Alrewas Hay



Act to convert his rights over the Hay into a freehold game park adjoining Orgreave Hall in Staffordshire. Lord Rivers tried to get a freehold game park as well as a rent charge of £1,000 a year in 1803 when the freeholders proposed to enclose Cranborne Chase which would have prevented problems with poachers. Acts for such forests and chases were particularly promoted in order to increase food production at crisis periods like 1800-1.<sup>92</sup>

Parks could also be created on ordinary manorial wastes. Disputes about warrens on Perry Common were resolved by an 1811 act which allowed one joint lord, John Gough, to create a large private wooded game reserve. An 1805 act may have led to Billsmoor becoming the last old style park in Northumberland.<sup>93</sup> Much of the lands enclosed around Sheffield in Yorkshire and at Ashover and Belper in Derbyshire were used as game reserves. This could fly in the face of economic sense. Gough ignored the demand for land for mansions or farms near Birmingham to create his game reserve. The lord of Weston-super-Mare took his allotment on a headland and used it as a game reserve, leaving speculators to develop the beach area as a resort.<sup>94</sup>

Manorial allotments often adjoined areas already used for game. A summer residence on an encroachment on Mold Mountain was allotted to the lord together with much of the mountain. This land was part planted and part left as open moor for hunting.

Lords like Houlston and Lyttelton still used enclosures to create game reserves from commons after the 1845 general act. However after 1865, the CPS made this difficult for all except sole owners in a manor. The lord of Walton in Gordano in Somerset wanted to make its common a game reserve. However he made encroachments before he had bought up all the land in the manor which allowed a commoner to stop him

by court cases in 1892 and 1893. 30 years before he would probably have enclosed by act, as he had sufficient land both to satisfy the commissioners about consents and to gain most of the common.<sup>95</sup>

Many of these reserves on former commons, like Witton Heath, Eccles Common and Shouldham Warren in Norfolk, involved plantations to encourage nesting.<sup>96</sup> However some enclosures involved planting for other purposes. The lord of Hotham in the East Riding used his allotment for both a warren and a plantation. Many parks on royal wastes had also been for both game and timber as at Annersley.<sup>97</sup> In ironworking areas, some lords like Weld at Shirlett Forest planted commons as parks not just for game but also for charcoal. The Pelhams of Laughton in the Weald enclosed land solely to plant trees for charcoal.<sup>98</sup> Enclosures to encourage plantations had long been advocated but facilitative acts dating back to Henry VIII had failed due to the resistance of commoners.<sup>99</sup> Then in 1756, the lords of nine Surrey manors petitioned to enclose their commons to plant timber in order to create work and use the proceeds to reduce the rates. It echoed Hanbury's idea of plantations for charity which the commoners had restricted by grazing their stock upon his plantations on lammas land at Church Langton in Leicestershire. The report of a select committee on this petition led to a general facilitative act to allow individuals to plant commons by agreement.<sup>100</sup> Only a few men, like Thomas Gilbert at Whiston and Earl Gower at Tittensor in Staffordshire, used this act.

Proposals for such general acts often came from areas like the Bagshot sands in Surrey, Berkshire and Hampshire whose acid soils were suited for conifers but not for agriculture. The 1756 bill had originated from this part of Surrey and in 1776 the Rector of Windlesham proposed an act to enclose 3,000 acres of Bagshot Heath for trees to benefit the



owners, 250 acres of which were to fund a workhouse and a school. The reporters for these counties in the 1790s also advocated enclosing heaths for planting. The Drivers stated that planting firs on parts of Botley Common and the 2-3,000 acres of Bagshot Heath in Hampshire would pay well.<sup>101</sup>

William Driver bought 236 acres at Bournemouth on a continuation of the Bagshot Beds to plant and other owners copied his example, albeit for aesthetic reasons as well as profit.<sup>102</sup> Away from these beds, the Herefordshire reporter likewise believed that the county's "waste and unimproved lands... should be put into such state of cultivation as they will admit of, from the growth of wheat, to a plantation of Scotch firs" by a general inclosure act.<sup>103</sup>

Supporters of planting commons knew that any profits would be long term - although, as Beckett points out, woods often paid better than the same area of farmland - so they had to use arguments such as patriotism, family duty and beauty. The Drivers wrote that no "gentleman can... say he has discharged his duty to his family when he... has neglected to pursue those measures, which, in a few years, would increase his property so amazingly." John Holliday, the improver of Dilhorne, wrote an allegorical poem comparing the shelter given by oaks planted in the Staffordshire Moorlands to the shelter the oak walls of Nelson's navy had given Britain. He thought the "Friends of Improvement" should promote a general enclosure and cultivation of wastes by crops and woods to increase "The Wealth of Nations" in a deliberate allusion to Adam Smith. Planting lands was already a fashion amongst landowners to improve a park and its environs aesthetically but despite these arguments, and the interest of many influential supporters, there was no further general act specifically to encourage planting.<sup>104</sup>

However without an effective general act, local acts were needed which could fulfil several aims linked to planting.

As on common pastures discussed in Chapters 2 and 6, disputes over encroachments for timber in hill areas like Bradfield in Yorkshire could only be ended by an act. Other acts, like that of 1668 for Horton in Gloucestershire, simply preserved existing woods on common land. The rights to these woods were very valuable. In enclosures of former common woods in Staffordshire, the size of the manorial allotments - 21% at Abbots Bromley and even more on Cannock Chase - show the relative value of timber and game on otherwise poor land. Thus the Crown received 3/7 of Enfield Chase, 12/22 of Exmoor Forest and 1/3 of Needwood Forest.<sup>105</sup>

Many parts of commons were planted because they were too poor to use for anything else. Thus much of Sandy Warren in Bedfordshire was planted with larches as were small plots of commons at Ascot and Warmington in Northamptonshire and Bushey Common at Great Leigh in Essex.<sup>106</sup> Profits could come from shipbuilding; the New Forest Act of 1698 (which allowed temporary enclosures to protect saplings) and the acts for many royal forests in the early 1800s (if the Crown allotments could not be sold well) were intended to grow oaks for naval timber. A 1792 panic circular sent at the start of the French wars to County Grand Juries about the lack of timber seems to have increased interest in planting oaks. In this context, the Society of Arts prizes for planting and poems like Holliday's acquire a deeper significance; fear of revolution increased by the French Wars was influencing the economic behaviour of the landed élite. Certainly plantations on commons appear to have increased after 1792, although not necessarily of oaks. In 1807 the Chairman of the Shropshire Quarter Sessions still could "not recollect any considerable plantations of Oak made on newly enclosed Common." Fears of external and internal threats to national security and enclosure is a theme returned to in the last section.<sup>107</sup>



The agricultural and industrial uses of timber were also stressed by supporters of enclosure on common land. Witnesses to the 1756 Commons committee stated that there was a lack of trees for cooperage and tanning as well as shipbuilding and smelting. Land under the 1803 Godalming Act in Surrey was planted and a witness in 1844 felt that a further 8,000 acres of open common could be enclosed and planted for hop poles. Efforts to plant Bradley Common in this area was attempted but doubts were expressed as to their success on such poor soil. All these witnesses in 1756 and 1844 agreed that enclosure and planting would also increase employment. Certainly Weymouth used his planting programme on former commons to provide work for those harmed by his enclosures. Much of Wheal Squire Common in Cornwall was planted without an act by unemployed copper miners to help improve and beautify Tucker's farm.<sup>108</sup>

Timber on enclosed commons also could be used for pit props as at Cannock Chase. In 1774, Cumbrian commons were enclosed by agreement of all the owners in a 15 year rotation for pit props<sup>109</sup> and one local mineowner, Curwen, also saw plantations on new enclosures as a sinking fund. Many owners seemed to look upon planting in this way. James Bent told Wedgwood when he bought Maer that the commons due to be enclosed would be very valuable owing to the lack of crate wood in the pottery trade. The same seems to have been a motive for the Moddershall Heath Act.

Maer and Moddershall Heath also illustrate a theme mentioned in the first section - the desire of owners to plant commons near their parks to beautify them. They could also do so around towns like the spas of Bakewell and Matlock to attract visitors. Not just the landed élite wanted a wooded environment to their homes. The plantations around Mapperley House after an enclosure in 1792 led many Nottingham merchants to live at Basford. The woods created to beautify

Windsor Great Park and to provide naval timber after the Windsor Forest Act led "the stock jobbers" to build mansions at Sunning Hill. Wealthy potters were attracted to Moddershall Heath and Alton by the beautiful and healthy woods. Clemenson cites examples of plantations around home estates on old enclosures in Northumberland and mentions the Earl of Yarborough in Lincolnshire<sup>110</sup> who seems to have planted a good deal of common land. Whig improvers like him, the Second Marquess of Stafford at Tittensor and Curwen at Claife in the Lake District planted to create a picturesque landscape for their countries not just for their seats. This may have applied to the Reverend Wilding's plantations on the Long Mynd in Shropshire, but it was certainly the case with the First Duke of Northumberland. He planted 1,000 of the 4,445 acres of Corbridge Fell, well away from Alnwick Castle, enclosed under a 1776 act. Large plantations were made on the Derbyshire moors in the early 1800s by the Dukes of Devonshire, Portland and Norfolk.<sup>111</sup> Such woods on a home estate, as at Felbrigg, also sheltered the mansion. Often they were part of a general plan to improve the area and the lot of the poor as in the case of Martin Ware at Tilford in Surrey, Samuel Sandbach at Llangerniew and John Holliday at Dilhorne.<sup>112</sup>

When more conservative owners planted beyond their park, like Lord Shrewsbury at Alton, Joseph Cradock at Gumley and Somers at Eastnor, they mainly did so to improve the view from their home and, in the case of Harrowby at Hardwick, to allow longer rides from the hall through their estate.<sup>113</sup> The Fifth Earl of Stamford planted a million trees around a race course on land specifically allotted to him by the Kinver Act of 1801.

Although the radical Josiah Wedgwood II, like Littleton at Teddesley<sup>114</sup>, planted at Maer as a backdrop to his home and to provide walks for contemplation, the woods also



beautified the road for travellers between Shrewsbury and the Potteries. He still managed his nearby pottery and his home was only a temporary escape from the business world.

Vanity often prompted Whig owners to plant prominent hills and even to erect monuments to themselves like Pelham's Pillar at Brocklesby and the Lord Stafford's column on Tittensor Common. Barr Beacon was planted as a status symbol and the Great Barr Act both allotted the woods to the manorial estate and allowed its extension to enhance the view from Barr Hall.<sup>115</sup> The same applied to Sir Lawrence Palk's enclosure and plantation of Haldon Hills in Devon. The most notable example of such an act was for the Duke of Wellington's Monument and woods on Black Down Hill above Wellington in Somerset. Plantations were also made on a specific allotment at Stoke Prior for St Godwall's Chapel.<sup>116</sup>

There were other rewards for status-seekers. Although John Curwen wrote to his agent about acquiring common land because he was "so fond of planting", he admitted that he planted 1,269,000 trees to outdo Johnes of Hafod who boasted that he would plant a million trees a year. Curwen earned gold medals for this and for planting 220 acres at Claife bought for £1,760 under an enclosure. Other owners won Society of Arts medals for planting new enclosures like Nicholas Ashton at Weaverham. This had "induced other gentlemen in the County of Chester to plant upon similar soils." However, as with the Reverend Lloyd at Aston Moor in Shropshire, most of the other plantations were very small compared to the total amount of land enclosed.<sup>117</sup>

There were other motives. Sykes at Sledmere and Lord Talbot at Salt Heath planted shelter belts for crops. Lord Rolle encouraged the poor to encroach at Woodbury Common in Devon by planting.<sup>118</sup>

Many of the arguments about planting otherwise useless wastes, such as to create work, were often mentioned in the national commissioners' reports from 1845. Enclosing and dividing commons like Bagley Wood, Berkshire, between the timber and pasture owners would stop both damage to saplings and the underwood ruining the pasture. Planting commons like Norton in Hampshire would ornament adjoining estates. Other commons were intended for planting although this was unstated in the reports. Thus a leading Shropshire land agent said in 1844 that Clunbury Hill should be enclosed, its sides planted and its summit tilled.

Despite the CPS and the facility of the 1845 act, one lord did plant an open waste near his home. Only Haste Hill in Haslemere in Surrey remained open after the 1803 Godalming Act. Hodgson, a banker, bought the Lyth Hill estate in 1867 and Denbigh House in 1868, to the south of Haste Hill. He rebuilt the house and by 1889 had bought 3,000 acres including Godalming and Haslemere manors and planted the wastes with large numbers of firs which gave Haslemere an "unusually beautiful aspect." It is unclear how Hodgson obtained the agreement of the remaining commoners to plant the hill unless it was a freehold allotment under the 1803 act which had been left undeveloped.<sup>119</sup>

Thus open land adjoining parks was often planted to create a suitable environment. Ideas differed about which trees were preferable. Wordsworth in the Lake District attacked the use of conifers, preferring a more artistic combination of trees. However he also believed in a comprehensive policy of improvement with better agriculture. Improving farmers thought that views could be enhanced by enclosed landscapes of mixed farmland rather than trees. Caird praised the cultivation of part of Tittensor Heath at Groundslow Farm in 1850 but called the 500 acre plantation made by Lord



Stafford "entirely waste and unproductive." William Pitt praised picturesque enclosed landscapes with hedges, well designed cottages and scenes of industry. As mentioned in Chapter 6 Section 3, Bishton and Middleton contrasted this with the idleness of the vista of an open waste.<sup>120</sup> Such attitudes towards improving the estate beyond the park will be considered in the next section.

### Enclosure Acts and improvement<sup>121</sup>

Even when enclosure led to purely agricultural change, many Whig aristocrats were not always motivated by increased rents, but the idea that improvement was their duty as rational men. At Dunston Heath, cited in Chapter 1 as a seeming example of enclosure for profit, Sir Francis Dashwood built a lighthouse to guide travellers in 1751 and established plantations and a bowling green in anticipation of enclosure. This was seen "as a social symbol as well as a sign of man's determination to tame and make safe a hitherto lonely and dangerous tract of country"<sup>122</sup> but an act was delayed as Dashwood wanted to buy all the land there first.

Many owners used acts to acquire land in a ring fence to improve their status.<sup>123</sup> As Habakkuk wrote "Landowners did not acquire their land in order to develop it, but in order to enjoy it. It was the basis for a certain sort of political and social power and a certain style of life."<sup>124</sup> Improvement by enclosure could be 'conspicuous behaviour' as necessary as conspicuous consumption to achieve a social position. These two related motives, land hunger or "terramania" and fashionable farming, both largely to gain status, are examined in turn.

Acts helped to improve whole parishes and not just the commons. According to a commissioner "the great objects" of the Barton-under-Needwood Act in Staffordshire, were "the

Road & Drain clauses." The facility of acquiring or consolidating land by acts also allowed fields to be enlarged and old enclosures to be rationalised. However this facility also allowed an owner to satisfy a hunger for land "to increase his social and landowning strength." Legal costs were cheaper for both exchanges and purchases,<sup>125</sup> but also acts led to sales by making an owner decide about the disposition of his lands and, especially if a peasant, whether he could afford to keep and improve his allotments.

Both men wanting land near their homes and new owners could buy lots sold to defray the costs of an act. Table 17 shows how these prices rose over time. The high price Littleton paid for poor heath land adjoining his home estate is clearly shown and led to his animosity to enclosure commissioners. Marshall, writing in 1790 about small owners buying land in enclosures, recalled how "some years back, the same species of frenzy, - Terramania - showed itself here as it did in other districts. Forty years purchase was then not infrequently given."<sup>126</sup> Owners often paid over 30 years purchase - the norm based on the land's rental and a 3.3% return - to buy specific lands to extend their demesne; Harrowby paid 43 years purchase for land before the Hardwick act which, if invested, would have produced double its rent.<sup>127</sup> However this also enhanced the estate's general value as a high premium was given for a ring-fenced mansion estate. It appealed to an instinctive desire for territory upon which the owner's distinctive mark was left, whether by monuments or by what Clemenson describes as an "Improving Landscape."<sup>128</sup>

Acts also enabled land acquisition by allotments for manorial rights and tithes as mentioned above. Pre-enclosure purchases were often made by those keen to acquire land, as



Martin noted about the Phillips family and the Earls of Northampton in Warwickshire. Other examples are given in Table 27.<sup>129</sup>

The motives for acquisition varied. For some entrepreneurs like the Phillips, it was to gain landed status. Unlike most of their class, the Phillips used enclosures mainly to acquire, not to improve, land. Existing owners looking to enhance their status like the Moseleys at Bobbington (Staffordshire) and Jervis at Cheswardine<sup>130</sup> (Shropshire) also used acts to acquire land adjoining their parks as shown by Map 38. The Seventh Earl of Bridgewater, Viscount Beauchamp<sup>131</sup> and perhaps the 10th Earl of Northampton used enclosure to increase the size and rental of their estates in order to strengthen their claim to an elevation in the peerage.

More often the land was acquired not just for its intrinsic value as a status symbol; to enter landed society, one also had to follow the fashion of interest in improved farming symbolised by "Farmer George" at Windsor. This was part of a general spirit of improvement, innovation and enterprise. Phyllis Deane noted that farmers generally had the same positive attitude to innovation found throughout the Industrial Revolution. Canal mania in Leicestershire was seen as part of the "spirit of enterprize" of the time.

This improving spirit influenced many aristocrats. Owners at agricultural shows were said to be following "the rational and honourable pursuit" of studying improvements. Howell thinks that Welsh enclosures after 1790 were not just due to high corn prices but also "the current climate" when farming was, as said in 1815, "a fashionable study as well as amusement."<sup>132</sup> Thus those seeking status had to improve their tenant farms and also have model home farms with woods for shooting and walks to show visitors. Although Habakkuk

has questioned the role of home farms in agricultural change, because he believes that they were mainly run to provide food, it must be admitted that they did allow experimentation.<sup>133</sup> William Childe in Shropshire saw his as a way to move amongst the nobility, inviting "any gentleman ... to visit Kinlet and be a witness of his efforts in the cultivation of an ungenial soil." This was despite the cost; he "neither spared Pains or stopped at any Expence to bring his Flock to the highest perfection."<sup>134</sup>

Thus the ideal was not just a ring-fenced estate but also one with a large park and home farm, picturesquely arranged farms, villages and plantations and no poverty. Visits to large landed estates like Lord Hatherton's would be incomplete without viewing the plantations, prize breeds, the home farm and its idiosyncracies in buildings, machinery or methods.<sup>135</sup>

Many Whig aristocrats had impressive home farms often organised like large research institutes and enclosing land near parks allowed large scale demesne farming to be pursued. The Fifth Duke of Bedford used the Husborne Crawley act to extend the home farm to 3,000 acres next to his 3,500 acre park at Woburn. Coke's home farm, on old enclosed land, was 3,000 acres by 1800. Several Staffordshire owners followed their example and engaged in improving enclosures often connected to park extension and model home farms. Anson<sup>136</sup> and Talbot, who were both related to Coke, improved their home farms and engaged in large enclosures at Alrewas<sup>137</sup> and Salt Heath. Tennant at Little Aston<sup>138</sup> and Littleton at Teddesley Hay<sup>139</sup> improved their parks and extended their home farms - in the latter case to 1,700 acres - on former waste land. Inge at Thorpe Constantine and Pigot with his 1,200 acre home farm at Patshull both



seemingly farmed newly enclosed wastes adjoining their estates. The same happened elsewhere in England such as at Winterbourne Monkton in Wiltshire.

This improvement often extended to the entire estate as in the case of the Dukes of Rutland, another enlightened Whig family. Indeed, Clemenson's list of great waste enclosers, like "Turnip" Townshend, Coke of Norfolk, Lord Yarborough and Sykes of Sledmere were mainly Whigs.<sup>140</sup> To this list could be added in chronological order, Wray, Turner, Windham, Bedford, Curwen, Whitbread, Moira, Anson and Hatherton.<sup>141</sup>

The prominent role of Whig aristocrats like "Turnip" Townshend, the Duke of Bedford and "Coke of Norfolk" was due to their general exclusion from political power and represented an alternative means of acquiring status. Thus Sir Robert Bernard obtained seven acts between 1771 and 1773 and he eventually retired from radical politics in 1774. The same exclusion from politics could also lead some Tories like William Knox of Slebach and Talbot and Catholics like the Swinburnes to concentrate on enclosing and improving their estates. Some engaged in enclosure because they did not share their fathers' political interests, such as Glynne and Hanmer in the Dee Estuary. Equally for a politically ambitious man like the 11th Duke of Norfolk at Greystoke in Cumberland, enclosure could increase his reputation - as Parker believes of "Coke of Norfolk" - or help create a demesne befitting his ambitions - as Rapp observes in the case of Samuel Whitbread in Bedfordshire.

The timing of such improvements often depended upon family considerations. Edward Marcle had to buy out several co-heirs to obtain an act to improve his estate in Herefordshire.<sup>142</sup> Flintham was only enclosed when it became part of the Disney's marriage settlement with the

Ffytches.<sup>143</sup> Apart from mere "terramania", the Earl of Bridgewater and the Marquess of Stafford both invested their inheritances in enclosures amongst other developments to create improved estates for their heirs. The debts of the Rutland estate led the trustees to engage in large-scale enclosures and improvements during the minority of the Fifth Duke.

Philosophical motives also applied; the impact of the earlier 'Scientific Revolution' influenced men like the Duke of Bedford who employed Edmund Cartwright, the famous inventor, to experiment on his extended home farm. The Society of Arts published papers like those of John Curwen about his experiments.<sup>144</sup> Talbot claimed much the same motivation in the 1840s when describing his drainage and improvements. Aesthetic pleasure was important to more conservative enclosers like the Tories Thomas Johnes of Hafod, George Baker of Bulbeck in Northumberland and the conservative Whig William Madocks at Traeth Mawr.

Improving social relations was important to some enclosers, like Nicholas Styleman, the radical Thomas Dowdeswell and Humphry Repton and his associates at Felbrigg and Sheringham in Norfolk. George de Ligne Gregory built a small hall at Hungerton in Lincolnshire in 1785. In 1795, he enclosed at Lenton (Nottinghamshire) and Harlaxton (Lincolnshire), perhaps concerned about food shortages and the condition of his labourers. Certainly at the latter, he gave his cottagers two pastures and rebuilt their cottages. His heir saw improvement differently; on an estate of £12,000 a year he built a £200,000 mansion to rival nearby Belvoir Castle.<sup>145</sup>

Clemenson notes six ways in which owners showed their power and prestige beyond their parks - by agricultural change, trees beyond the park, estate buildings, the diversion of



roads and railways, the moving or closing of villages and the building of new model villages, churches and schools.<sup>146</sup> Many examples of this were given in Sections 1 and 2 and Table 27 has many others. One early example who may have been a role model was the "eccentric" Whig Sir Charles Turner. His broad vision of improvement included experimental farming, personally improving moors to let as arable and the building of cottages, farms, roads and even a small port to distribute produce. Even on a relatively small estate, he had a 1,000 acre home farm.

Canals often played a vital role in improvement as generally noted in Chapter 3 and Table 14; Rutland's trustees invested in the Grantham Canal to help develop the Belvoir Estate in the 1790s. But of all improvements, enclosure was most often the key to landscape change. It allowed owners to take control of the landscape and to prove their abilities and useful role to their peers, country and critics. Thus, when Young saw a Buckinghamshire common near the home of the new President of the Board of Agriculture, Lord Carrington, he wrote,

"Are these four thousand acres to be under the eye of a President of the Board of Agriculture, and remain in this state? No: I will hope for better things; his ideas are perfectly correct on this subject, and there is energy enough in his character to render ideas active and efficient. I think he will not sleep quietly in his bed till something is done"<sup>147</sup>

Young acknowledged the role of aristocrats when at Kedleston in 1770; "this is one great national advantage of the nobility and gentry improving the environs of their houses, whether they design it or not." In the next year a nearby common was enclosed by act. Similar improvements of adjacent commons connected to mansions and park alterations can be observed in at least ten other cases in Tables 26-28.<sup>148</sup>

Owners could develop these wastes in two ways. One pioneered by Turner and copied by the Duke of Bedford and Lord Hatherton was for the estate itself to improve and lease land. The other was by improving leases, as used by Pigot at Patshull and Sykes of Sledmere. This allowed the enclosure and improvement of entire estates often beyond the capital of even the wealthiest owner. Four owners - Whitbread, Bernard, the Third Duke of Rutland and the Fifth Duke's trustees - obtained 32 acts between them and Coke alone was responsible for no less than 12 acts in Norfolk. The 10th Earl of Pembroke, more cheaply, enclosed 12 manors by only two acts.

Town commons adjoined some mansions and their enclosure could result from a desire to facilitate an owner's control of a town like the Cecils at Stamford.<sup>149</sup> However the Earl of Warwick and Mrs Middleton Biddulph at Chirk had a broader view of enclosing town commons as part of improving towns near their mansions. The influence of such improvers led to an epidemic 'Spirit of Improvement' sweeping not just towns and villages under enclosure, like Messingham, Scotter and Saltfleet in Lincolnshire, but also entire counties as was remarked upon in the East Riding and Northamptonshire in the 1790s<sup>150</sup>; where leadership was lacking so too was this spirit as in the Scottish highlands, Cornwall, Devon and Monmouth.<sup>151</sup> In 1813, Hassall claimed the "progress of improvement" in Pembrokeshire was due to "the spirited example of several intelligent gentlemen of landed property" like the leading enclosers William Knox and Lord Cawdor. Batchelor claimed the Duke of Bedford did the same through his enclosures and improvements for his county. Improvers influenced their areas through newspapers, journals and agents<sup>152</sup> as well as social events like agricultural shows and societies. Young's account of improvements in an adjoining Yorkshire parish together with an 1800 drainage act was held by Loughborough to have led the Staxton owners



to enclose their wastes. Young's proposals to enclose waste land to assist the poor led Pipe Wolferstan to support an act at Shuttington. This new type of 'enclosure mania' was different in emphasis to "terramania"; it was part both of the wider 'Spirit of Improvement' and the drive to prevent food riots during the French Wars which is discussed in Section 4.<sup>153</sup>

This 'Spirit of Improvement' permeated Staffordshire between 1796 and 1812 when a county agricultural society was set up. Despite the work of Gilbert, Holliday and the Second Viscount Dudley, Pitt wrote in 1796 "upon the whole to the eye of the intelligent agricultural stranger, it would convey the idea of a country just emerging from a state of barbarism." Both he and Young in 1790<sup>154</sup> noted how much of the county remained waste. Yet in later books, Pitt added examples of improvers, many of whom had developed their home farms by acts. Patshull Farm, probably extended by an act in 1799, was "on a magnificent scale" and a "great ornament to the country". A nabob's son needed such praise to gain acceptance in landed society; before Pigot's father bought Patshull the Bishop of Carlisle said he "sho'd be sorry to have some Indian nabob or West Indian planter in possession of an old English Commoners noble seat." Again William Tennant, descended from a London merchant, would have welcomed Pitt's praise of his "conspicuous" "vast labour and expense" in the Shenstone enclosure of 1811; but the failure to mention its profitability shows that Tennant wanted status not money.

Whilst some owners improved their wastes without acts, either by agreement as at Heugh or because they were sole owners as at Ford (both Northumberland), such expensive improvements often required acts to overcome entail restrictions upon leasing and borrowing. Thus some sole owners like Robert Rousby and Sir Edward Swinburne obtained

acts which although termed estate acts were in effect enclosures. Powers to make 99 year leases were needed at Trafford Moss to attract investment to expensive drainage work. The amounts could be very limited however; Littleton was only allowed to borrow £8,000 to improve allotments at Teddesley.<sup>155</sup>

These improvements were sometimes desperate attempts to clear debts. This consideration may have applied to the Fifth Duke of Marlborough at Kidlington in Oxfordshire and more certainly to Champneys at Mold, Wrottesley at Wombourne and Weymouth around Longleat. Some investments paid off. The trustees of the Fifth Duke of Rutland cleared the estate's debts. The 11th Earl of Pembroke was said to have trebled his rental by investing £200,000. Although this was an exaggeration, he was one of the most efficient and capitalistic of the great enclosers.

However this conspicuous spending often ruined the family. Leeds at Croxton<sup>156</sup>, the Pigots and Tennants had to sell their estates. Much of Sir Joseph Scott's allotments at Great Barr remained uncultivated and he had to go into exile.<sup>157</sup> Littleton left huge debts and the Duke of Bedford nearly ruined his estate. Coke eventually had to employ Blaikie as an agent due to his careless and lavish spending. Although Parker asserts that "his estates were run for profit not for show", Blaikie told the family lawyer that Coke would be ruined unless he economised.

Littleton could not stop his overspending for the first 39 years of his inheritance. He admitted, "Improvement of surface, Planting and Flora and Evergreens have been... my passion and have gained for me the character of a Farmer. I could not command these objects without enclosing and improving my Land... it is the 'Spirit of Improvement' and Order which impel me - not the Economy of a farm." Thus,



aged 64 and ever more heavily in debt, he enclosed Calf Heath in 1856, after spending 45 years in the unprofitable improvement of Cannock Chase. The same applied to many neighbours. He saw that Talbot's home farm was poorly run "but he is determined that all he has shall be the best." He thought many of Talbot's investments did not pay. Even Talbot said of himself that he was both looking after "'Number One'" and "advancing the profession of agriculture." This and his purchases forced the family to try to sell remote estates and to expand their directly exploited colliery.

Clearly profit was not the main motive to such men or to Hanmer who left £130,000 in debts or to the Second Marquess of Stafford and Lord Yarborough who under-rented their estates. Brisco had to stop improving 5,000 acres of waste in 1796, commenting that "none but Gentlemen of considerable monied property should engage in it, for 8 or 10 years must elapse before they will find a return of their money." But even very wealthy men like John Knight and the Duke of Bedford could not keep investing in large waste enclosures due to this delay.<sup>158</sup> Thus profits can neither explain their actions nor those of Samuel Whitbread, who reduced his involvement in his lucrative brewery and invested heavily in buying land enclosures and agricultural improvement.

For many such men, despite their personal concern for the poor, long-term improvement came before the short-term interests of the poor.<sup>159</sup> The Duke of Bedford ended the poor's 'usage' of the commons to promote his schemes. The Second Marquess of Stafford in his efforts in Sutherland to create a capitalist economy based on fishing, textiles, mining and sheep farming caused the infamous clearances. The end justified the means, even for Young who praised the Duke of Bedford and ignored the complaints of those that he usually championed, the poor.

These long term improvements were also seen by such men as solutions to national economic, social and political problems. Influenced, like foreign enlightened despots, by physiocratic ideas, Young, Boulton and Pitt in Staffordshire advocated enclosure of wastes and Crown Forests to increase the national income and to produce more food and work and prevent unrest. These observations, especially when made during timber and food shortages, led to many enclosures of Crown forests.<sup>160</sup> Forests were often the subject of spectacular and expensive schemes of improvement and this government policy gave the wealthy middle classes opportunities to buy into the landed élite.

Since the 1770s, these men had often found improving poor quality wastes did not pay.<sup>161</sup> Whether later improvers engaged in enclosure from self-confidence, the 'Spirit of Improvement', or paternalistic duty, it does seem profit was often only a hope not an expectation.<sup>162</sup> Thus "the fortunes which have lately been expended in the IMPROVEMENT OF ENFIELD CHASE [enclosed 1777] are too well known; and it is feared will throw a damp on the further improvement of the ROYAL WASTES; a concern of some importance to these kingdoms."<sup>163</sup>

Two London merchants, John Stewart and John Christie, bought the Crown allotment at Brecknock Forest in 1820 but their lack of expertise led to its re-sale due to bankruptcy in 1827. At Exmoor Forest, the buyer's motives were less speculative and sprang from ideas of rational improvement and the desire for status. A noted improver, Knight planned to turn the 15,000 acres bought in 1815 into a mansion park with a huge home farm run as a business unit like one of his family's ironworks. His ambitious plans were flawed. He ignored the moor's height, he planted no shelter belts, his experiments with breeds failed and he could find no lime. The improvements of Knight and Madocks<sup>164</sup> and the former's



ideas of large-scale demesne farming parallel those of the Duke of Bedford and similarly encouraged other improvements in their countries. Knight represents an interesting mixture of a business background and a shared interest with many aristocrats in rational development and agricultural change. Above all he typifies the arrogant confidence in improvement which was the spirit of the age.

By the mid 1820s, it was realised that such large improvements were beyond any one man's resources. A group of men with local experience were needed; as Cowling commented about Christie in 1827, he was "not acquainted with the subject, and employs persons who have no interest in it and possess no local knowledge of the country." Such failures explain the survival of England's most unpromising royal forest, Dartmoor. The plans for its enclosure reveal much about the motives of improvers - to reduce unemployment and hunger, prevent emigration by encouraging settlement and help the balance of trade.

A 1791 bill would have built a church and aimed to produce both profit and settlement.<sup>165</sup> Marshall believed that Dartmoor could be enclosed and opened up by a canal.<sup>166</sup> Young did not know how it and Exmoor could be "left to the wretchedness of common-right" when there was "a want of bread" and dear prices.<sup>167</sup> After 1819, the idea of reclaiming its entirety had died down. As noted in Chapter 6, there were schemes to open up parts of the moor to small owners like a £45,000 railway project to encourage flax production and "domestic colonization." This would reduce both the poor rates and imports to Ireland.<sup>168</sup> The Prince Regent offered a premium to whoever could grow the greatest acreage of flax.<sup>169</sup> In 1827, Tredgold and Cowling projected the spade cultivation of 120,000 acres in 30 acre lots.<sup>170</sup> Cowling felt that although it would never pay farmers to enclose areas like Dartmoor, parts of many large moors were

suited to spade husbandry if disputes over rights could be overcome<sup>171</sup> and there was adequate capital, local knowledge and close supervision.<sup>172</sup> By 1844 it was felt that, except for some low-lying areas, the enclosure of Dartmoor would never pay.<sup>173</sup>

Apart from royal forests, some entrepreneurs also planned reclaiming huge marshes like Traeth Mawr and much of Morecambe Bay. The latter did lead to the smaller scale act to reclaim and enclose land at Cartmel involving the iron masters, the Wilkinsons. As late as 1840 there were plans to drain Morecambe Bay and part of the Wash. Such ideas were too adventurous and costly even for the super-confident Victorians to effect.<sup>174</sup>

Most improvements by the 'agricultural middle classes' - professional farmers, agents and surveyors - were on a lesser scale due to their relative lack of capital and more realistic approach. In Somerset, apart from Knight, John Billingsley and Richard Locke undertook much useful improvement. Williams believes that this "second tier of improvers... had a greater influence on their local areas than did their more publicized predecessors and contemporaries."<sup>175</sup> Their influence was spread by their own books and county reports, as in the cases of John Darke and Carpenter in Worcestershire. They undertook improvements personally and used acts to increase their estate and status. Darke built himself a mansion from his profits.

Such professional men believed in their technical skills to improve upon nature; but in other cases, the mania for improvement was undertaken by people motivated not by such a practically grounded belief but by blind self confidence. This was aided by parliament's willingness to pass enclosure bills without considering their practicability. This had been complained of in 1777<sup>176</sup> and Young admitted that the



1800 Crop Returns proved that many northern commons remained waste after enclosure acts due to attempts to grow corn on lands that were too high. Other reporters noted similar failures elsewhere.<sup>177</sup>

The post war depression led parliament to act more responsibly. An 1819 bill for the crown manor of Esclusham-above-Ditch near Wrexham was rejected as its climate, soil and altitude (above 500 feet) made enclosure unviable. Its supporters could not estimate the cost "to make the lands productive" whereas John Maughan knew as a commissioner "That several Inclosures have not paid the expenses, from the natural poverty of the land." The bill was probably a gamble to clear debts, which accounts for the unusual inclusion of mortgagees in the counter petition.<sup>178</sup> The noted improver Curwen tried to recommit the bill, opposed by Wynn. Waithman, a radical from Wrexham, supported the bill as the poor gained little from the common, but would get work in its hedging, ditching and cultivation; but the attempt to recommit the bill failed. The committee report was ordered to be printed - a rare event and an indication that parliament would no longer support unviable bills. Bills were occasionally blocked after 1820 but it was only the CPS which virtually stopped the process of enclosure after 1869.<sup>179</sup>

It was reported earlier in 1819 that Montgomeryshire tenants had refused to till wastes, enclosed "at a most extravagant expense", which "have been allowed to become open again" with only the commissioners as beneficiaries.<sup>180</sup> Critics often felt that many acts resulted from the greed of professionals like Isaac Davies, a Brecon surveyor, who promoted several enclosures in the 1860s.<sup>181</sup> Nash doubted if enclosures "would so often have been applied for to Parliament if the solicitors, surveyors, commissioners etc. had not gained more by them than the owners."<sup>182</sup>

Apart from the middle classes, the great estates also undertook major schemes of waste improvement but not on the scale of Knight unless they formed a consortium as in the drainage of the Fens. As such, the four Montgomeryshire waste enclosures of the Earl of Powis and Sir W W Wynn between 1810 and 1816 of over 30,000 acres, alluded to in 1819, were exceptional. Far more typical than these owners was the Second Marquess of Stafford who promoted the enclosure and drainage of 600 acres of the Wildmoors in Shropshire in 1801. However after many years of inaction, it was a new agent, James Loch, who revitalised the scheme in order to provide work for unemployed ironworkers at Ketley who would otherwise have been on the estate's hands as the sole local ratepayer. Greater concern for the poor was shown here than in Sutherland due to the lord's greater awareness of the problems on his home estate. The scheme changed from being an improvement with hopes of long-term profit, to one of duty to Stafford's country.<sup>183</sup>

The Marquess also enclosed at Newcastle and Tittensor<sup>184</sup> in Staffordshire during Loch's agency. To meet criticism of their improvements before 1820 in the midlands and Sutherland, Loch wrote a justification of their work, An Account of the Improvements on the Estates of the Marquess of Stafford. This book, described as "the great apologia of the Improvers", shows the importance of praise and status to such men.<sup>185</sup> Wordie thinks that apart from hopes of profit, "both men were deeply and sincerely interested in improvement for its own sake and there was a strong element of public-spiritedness and regard for the national interest in their motivation... the second Marquess derived a real sense of satisfaction from contemplating his improvements." Short-term profit at least was not the Marquess's aim; his "general preconceived plan" of improvement absorbed the whole of his free rents between 1803 and 1823<sup>186</sup> The two men's motivations were very different. Loch was interested



in rational improvement whereas Stafford cared little about new farming methods and was rarely seen by his tenants. He was more concerned about the landscape and his dynastic ambitions.<sup>187</sup>

Wordie believes that such aristocrats caused an agricultural revolution between 1780 and 1820 by spreading ideas, their exemplary 'Spirit of Improvement' and their investments - 20% of their rents in the early 1800s.<sup>188</sup> Most contemporary commentators would have agreed although Pitt, whilst praising such "public spirited gentlemen", thought the most improving farmers in his county were "the proprietors of 200 or 300 acres, who farm it themselves."<sup>189</sup> Also Table 27 shows that the influence of this 'Spirit of Improvement' predates 1780. In 1735, a Gloucestershire farmer suggested an enclosure to an agent "the generality of the nation being soe much improv'd by enclosing."<sup>190</sup>

Despite his emphasis on the influence of the 'Spirit of Improvement' upon the aristocracy, Wordie thinks that they were mainly motivated by profit. They alone were rich enough to wait for long-term returns on waste enclosures and it was only incidental that improvement "operated to the general good."<sup>191</sup> This view is contradicted by those owners who ruined themselves by unprofitable acts and who were actuated by status acquisition, scientific interest and improvement. As Eric Richards wrote of the very estate studied by Wordie, the Gowers "siphoned away from the productive system enormous amounts of money for the purpose of the most expensive competitive display. Their aristocratic values placed the ownership of land above all else and this necessarily guided their capital into some of the least productive zones of the national economy." Historians accept that European rulers enclosed due to notions of improvement, physiocratic ideas and the English example.<sup>192</sup> Whyte contrasts fashion-inspired Scottish enclosers who were more

concerned about conspicuous consumption than profit with their utilitarian English equivalents.<sup>193</sup> If such motives applied elsewhere, the onus seems to be upon historians to show that they did not apply in England and if not, why not.

Indeed there were many motives for owners to enclose land and improve its cultivation, apart from profit. One of the most important was the idea that it was mankind's duty to improve itself and the world. Many novels reflected the debate about the progress of mankind and whether perfection was possible,<sup>194</sup> and this was reflected in attitudes of owners to their estates.

Even where profits were a motive, Mingay notes that aristocrats saw the "attendant benefits" of enclosure and believes that ideas of noblesse oblige and fear of revolution were major influences in their enclosures.<sup>195</sup> The owners of Wath Upon Dearne in 1801 thought Earl Fitzwilliam would support an enclosure from his "personal attention" to the West Riding's "interests in general and those of the poor." 1/3 of the men were on relief and even "the common necessities of life are beyond the reach of the industrious labourer." Nunn views his eventual consent here in 1810 and at Malton previously in 1790 as the result of this pressure and a sense of paternalistic duty. Mee similarly sees social duty as the motive for the family's industrial activities.<sup>196</sup>

Such fears of the political results of not feeding and supporting the poor in crisis years like 1801 which influenced the timing of enclosures are examined in the next section.



## Enclosure, noblesse oblige and the fear of revolution

Enclosure was seen by some aristocrats as simply a means to control their environment; others felt that it was also part of their moral duty to improve their countries. Many of them believed that it would benefit the national interest, imbued by physiocratic notions of increasing the national wealth and Adam Smith's ideas of political economy. But many also saw an even more urgent reason to enclose - the need to provide the poor with food and employment during crises.

Enclosure at these times could be the means of protecting not just aristocrats' status but also their very lives. Although there were panics in 1766, 1772 and 1784-5, it was after the French Revolution that the élite really feared revolution, especially in the crises of 1791, 1795, 1800-1, 1809-12, 1815-22 and 1830-2. These were often linked to depressions or food shortages. The latter regularly threatened public order; Rudé noted 2/3 of English riots in the 1700s were about food.<sup>197</sup> Even before 1789, the Secretary of War, Lord Barrington, felt that the 1766 food riots would escalate into an insurrection.<sup>198</sup>

Whether this fear was justified is debatable, but it was widespread and did influence the actions of the landed élite and their representatives in government. In 1791, the Home Office knew the marching times of armed forces to Birmingham where an uprising was feared on the anniversary of the French Revolution. Barracks were built in factory towns and J.P.s would not even enter Sheffield, the expected centre of any revolution.<sup>199</sup> In 1792, Pigot sold Chetwynd in Shropshire very cheaply and fled abroad because "of a foolish fear of this Country being involved in a revolution similar to that going on in France."<sup>200</sup> In 1831, Lord Dudley said England "is no longer a Country fit for a Gentleman to

live in" due to the Reform agitation. In 1833, there was a report of panic sales of aristocratic estates which apart from Tixall, was unfounded.<sup>201</sup>

Especially at times of poor harvests and high prices, many aristocrats promoted enclosures of commons and wastes in order to convert them to arable farming. Some historians like Ernle have accepted that the need to increase the food supply and thus reduce prices was as important as profit in causing the burst of acts during the Napoleonic Wars. Around 1800, many risky schemes of reclamation and enclosure, like Madocks' work at Traeth Mawr, were welcomed as patriotic attempts to increase food supplies or to provide employment. Thus the drainage and enclosure of low-lying pasture at Stafford would allow uplands to be released for arable. No work was of "greater national importance" due to the recent food shortages commented the Staffs. Advertiser of 1802. The paper noted in 1805 that, largely due to enclosure, 100,000 more acres were under corn thus providing much needed food and work. In the same year, Carpenter believed a general enclosure of wastes was "so beneficial to the national prosperity" that "patriotic worthies" would soon bring this about.

Other historians dismiss such accounts as propaganda to hide the enclosers' true motives of cashing in on high prices. By 1820 even the great improver, James Loch, felt that many of these "indiscriminate" enclosures "arising out of the high nominal prices of grain" had not repaid the investment and had destroyed healthful and picturesque places of recreation. However this was in his book justifying his master's improvements and he appears to have been trying to gain public sympathy by gainsaying many populist arguments. In a more reliable source, George Harpur Crewe wrote in his private diary in 1839 that picturesque landscapes had to be sacrificed to feed the masses.<sup>202</sup>



The correlation between price movements and the number of acts has been taken as proof that price rises were the main cause of enclosure; but equally the correlation could prove that hunger, feelings of noblesse oblige and fear of discontent were also reasons for enclosure. The growing interest in farming as a fashion coincided with a period of food riots. The French Revolution occurred at the same time as a change in aesthetic notions of landscapes; the number of agricultural landscapes at the Royal Academy trebled; Repton's red books increasingly included distant ploughed fields. Detailed critical study of the arts, fashion, society and of what those involved said and did is needed before any justifiable opinion can be proposed.<sup>203</sup>

Thus the comments in the 1801 Crop Returns - whose very compilation shows concern about food shortages - used by Turner to support the price rise mechanism as the impetus for enclosure, can be read very differently when the socio-political context is considered. The incumbents of all places enclosed by act since 1760 were asked whether the acreage of wheat had increased or decreased and many remarked upon their figures. One key passage quoted to support the price theory is worth quoting at length; the incumbent of Morland wrote that:

"the late scarcity and dearness of grain has induced great numbers to plough and sow more land by  $\frac{1}{4}$  than is consistent for good husbandry in this parish and although the produce... has been very abundant... yet there is great reason to believe it would not be sufficient for home consumption nor will it ever be possible to supply the manufacturing towns of (?) and Lancashire without foreign importation of grain and the enclosure of more commons in Westmorland. I'm very well assured that the lower classes of people in (?) must have died of want the last two years if they had not procured bread corn from wastes lately cultivated in Cumberland."<sup>204</sup>

These words are open to another interpretation; that the shortages have led to enclosures to stop people starving and

more are needed to avoid dependence on imports during the crisis of the French Wars. This carries the implication that enclosure was necessary for external security against France and internal security against bread riots. Certainly such remarks must be judged by what they say without the preconception given by the agricultural profits model for enclosure. Incumbents often expressed their concern as at Abdon and Clee St Margaret in Shropshire that their parishes were not self sufficient in corn. In Somerset, the conversion of wastes at Locking to arable meant there was now sufficient corn for the parish to feed itself; at Yatton, "much more land was broken up in consequence of the times." Such comments have a significance which historians ignore at their peril.<sup>205</sup>

Certainly in Northamptonshire, Pitt attacked acts which converted arable to pasture. Neeson indicates other opponents of enclosures criticized landlords like the Duke of Buccleugh and Lord Sondes for putting profit before concern for the poor by the loss of work and corn at times of dearth. Conversely, supporters of enclosure argued in private letters that acts as at Kettering actually helped the poor by providing work.<sup>206</sup>

Enclosures to convert open fields to pasture had long been held to weaken social order. It was claimed in 1765 that such acts in Leicestershire meant "that there was not a sufficient quantity of grain last year to support the inhabitants, who were obliged to be supplied from the neighbouring counties with bread... The practice of inclosing fields was first begun by gentlemen, who by a luxurious way of living had impaired their estates" and used enclosure as a "pretext" to raise rents.<sup>207</sup>

Such criticisms of owners and the effects of their enclosures were largely exaggerated; what was more often a



change in emphasis from arable to pastoral farming, rather than the wholesale conversion of open fields to pasture, only occurred in some areas. However the existence of the debate shows that concern about the effect of enclosure upon the poor was real on both sides and many feared the social consequences of reducing the amount of arable land. Arthur Young would only support a general act which protected the poor. William Marshall had advocated setting up a Board of Agriculture in 1790 "to take cognizance, not of the state and promotion of AGRICULTURE, merely; but also of the CULTIVATION OF WASTES and the PROPAGATION OF TIMBER: bases on which, not Commerce only, but the political existence of the nation is founded."<sup>208</sup> He maintained that if the Board had been set up then and not in 1793 and his "GENERAL BILL OF INCLOSURE" had been enacted, "it is more than probable that the distressing scarcity, which this Country experienced, in the summer of 1795, would not now have lain a reproach, on the POLITICAL ECONOMY of the island." Many county reporters to the Board like Thomas Davis and Rudge justified the temporary harm done to the poor by enclosure by the need to feed the people.<sup>209</sup>

Influenced by such writers, the vogue for enclosure and rational improvement and the hope of profit, many of the landed élite saw it as their duty to till the nation's great wastes in order to prevent bread riots and reduce the number of independent squatters. Thus the Vicar of Wastwell in Oxfordshire wrote that Wychwood Forest, "the best nursery for idleness and thieves in this Kingdom" and "so easily converted into tillage" should be enclosed, especially as "the land under cultivation at present in this kingdom, is insufficient to produce a proper quantity of food for its inhabitants." The triumph of enclosure over the 'cottage system' provides an alternative explanation to the second phase of enclosure in the early 1790s. The need to feed the

poor efficiently by enclosure became more important than the desire to make them feel 'shareholders' in the national interest by the 'cottage system'.<sup>210</sup>

This shift of opinion is illustrated in the career of Waithman. Like several others in the crisis of 1800, he had proposed a scheme "to promote the inclosure of common lands... to benefit the poor"; but he was disillusioned when "about 2,000 acres of common were soon afterwards enclosed but not one inch was given to the poor. For the portion of the common to which every poor man was entitled, was bought up for about £12 or £13 and fell into the hands of the great landowners; so the cottagers did not get their cottage gardens for growing vegetables unlike one example in Staffordshire he knew of where cottagers benefited greatly from their cottage allotments." Despite this, by 1819 he supported the Esclusham bill purely because it would have given work to the poor.<sup>211</sup>

With the desire to reduce the independence of the rural poor and the preference for capitalist exploitation of resources, solutions to the problem of the poor increasingly focussed upon enclosure and garden allotments rather than a 'cottage system' of smallholdings. The enclosure of wastes by act allowed capitalist development using wage labour, colonisation by means of leases to farmers, labourers and tradesmen and large-scale efficient food production to feed the poor. The latter might have small allotment gardens to encourage their industry but they were to have no chance of smallholding or using the common in order to subsist independently of wage labour.

For a mixture of all these reasons, attempts were made to obtain a general act either to enclose all wastes or at least to permit local enclosures without a further act of parliament. Already in 1789, Joliffe had introduced a



permissive bill to allow owners to enclose their share of the commons by licence of the county jury. Its failure angered Young who thought it "unexceptionable" as it would have reduced both the harm done to peasants and cottagers by enclosure and the parliamentary fees for each act.<sup>212</sup>

Tate believed that the shortages of 1795, "made it imperative that there should be designed a better method of enclosure". A bill similar to that of 1789 failed but a select committee was appointed and reported that a general enclosure was in the national interest.<sup>213</sup> The President of the Board of Agriculture persuaded the government in 1796 to support a general act due to "the high price of provisions and the circumstances attending the late harvest" but it was defeated by vested interests. The "circumstances" were riots about prices and against the Seditious Meetings Bill which aimed to stop Jacobins using high prices to gain popular support for "the introduction of French principles". Young believed that the failure of a general act had caused these riots but warned that "general riot... increase scarcity, and that revolutionary confusion inevitably brings famine and all its horrors in its rear." He had turned against the French Revolution in 1792 due to a plan to divide all commons amongst the poor which was "the fruits of a democracy... a government... chosen by people of no property." Thereafter, his support of enclosures as at Holderness were couched in terms of the increase of public wealth and how they reflected "the confidence which every rational man feels in the GLORIOUS CONSTITUTION... by which property is safe, and equal protection is given to all - from the peasant to the prince." The failure of two more general bills in 1797 merely led to a petition from Devon for a new bill.<sup>214</sup>

The crisis of 1800-1 led to fresh calls for a general act or, at least, local acts to open up large wastes to tillage.

The shortages caused comment by diarists<sup>215</sup> and filled the newspapers every week with reports of food riots. Throughout the 1790s, but especially in years with poor harvests, food riots had led the rich to find ways of providing cheap food. After the 1792 Terror, in Emsley's words "the propertied classes began advocating philanthropic measures born out of self interest"<sup>216</sup> but the crisis of 1800 led to even greater efforts. Urban food riots led to urgent meetings to find ways of reducing prices, preventing profiteering and reducing wheat consumption. Owners who sold their own grain cheaply or made their tenants do so, were highly praised. Forestalling and regrating were criticised as causing high prices and details of punishments for this were widely reported as was the level of food imports.<sup>217</sup> The papers reminded "monopolizing Farmers, Regraters and Forestallers whose conduct... alarms the lower orders" "that the artificial Scarcity of Wheat was one of the Instruments employed by the French Revolutionists in overthrowing the lawful Government of their Country, and in producing all the consequent massacres and devastations." Lord Moira was told that fixing corn prices would avoid "the dreadful evils... which bid fair without early and effectual remedy to shake our whole society to its foundations."<sup>218</sup> However accurate the analysis was, the warning was clear - feed the poor cheaply or face revolution. Certainly Leicestershire owners believed this; they met "to take into consideration the best means of alleviating the present distresses of the poor and of counteracting the wicked and dangerous purposes of designing persons who would make those distresses the pretext for riotous meetings."<sup>219</sup>

It is in this context of shortages, riots and fears of a French-style Revolution coming to Britain that the attempts to obtain a general enclosure act, the establishment of Select Committees about enclosing wastes and crop returns and schemes to enclose large wastes should be seen. As Young



wrote in 1800 in support of a general enclosure "Go ahead do something: TRY TO FEED THE PEOPLE."<sup>220</sup> Already in February, when the shortages were greater than in 1795, Archdeacon Plymley believed that higher returns from commercial investment had led to a lack of investment "in landed cultivation tho' the increase of population has called aloud for more land to be cultivated... The enclosure of waste lands is a most prominent feature in which the legislature may be useful".<sup>221</sup> The Yorkshire Grand Jury's resolutions calling for a general enclosure were circulated by the Board of Agriculture to all other juries for debate at their summer assizes. In both Leicestershire and Staffordshire, "the general spirit of these resolutions" were adopted.<sup>222</sup> However as with all previous attempts,<sup>223</sup> these petitions and the Board of Agriculture's thoroughgoing general bill, inspired in McCahill's words "in the wake of severe food shortages", were again rejected. Only a facilitative act to reduce the costs of future parliamentary acts, inspired by the Duke of Bedford, was passed in 1801.<sup>224</sup>

It was now left to local initiative to obtain individual enclosure acts in order to prevent food shortages. "The alarming scarcity of corn and hay" "forcibly stimulated" the owners of Inglewood Forest in Cumberland to petition the lord for an enclosure in 1800. The Board of Agriculture offered prizes for the best essays "on the conversion of Grass Lands into Tillage" which it published in 1802 and 1804. The Society of Arts published its survey that acts had trebled rents on average and that some Lincolnshire rents had increased tenfold. Newspapers also encouraged investment in local waste enclosures by repeating these and other reports of high returns and by their praise of patriotic improvers.<sup>225</sup>

A new 'enclosure mania' occurred, prompted by these shortages and the idea of improvement, and continued through

the early 1800s. As Holland noted about Cheshire in 1808 "The scarcity [of]... a few years ago acted as a powerful stimulus to the enclosure of waste lands in this county and the spirit which was then excited has still by no means subsided". The herd instinct amongst investors is a common trait as William Pitt noted about 'canal mania' and it can be observed in 'railway mania' and the 'Staffordshire coal mania' after 1860 as well as this new 'enclosure mania'. Like all manias, it was characterised by many unviable schemes to enclose unpromising wastes which could only hope to pay in the unusual conditions of a siege economy. Indeed the lessee of Kirton-in-Lindsey in Lincolnshire invested £3,000 in enclosing and improving his estate after a 1793 act which he could not expect to recover during his lease despite the high wartime prices. As Joan Thirsk commented, this was an example of how "the psychological effect of change" led people to exceed their "economic limit".<sup>226</sup>

Improvers like the President of the Royal Society, Sir Joseph Banks of Revesby Abbey in Lincolnshire, were in the forefront of acts like those to drain the East and West and Wildmoor Fens in 1801. He said that these particular acts were "no injury to the poor" and had the merit of "making the kingdom larger" by 40,000 acres whilst allowing 20,000 acres of old enclosure to be cultivated. The tithe allotments would fund the building of churches for the anticipated new settlements and the drainage channels were designed by John Rennie for barges. By 1805, he felt the increase in cultivated land by this enclosure was more significant than Napoleon's victory at Austerlitz in increasing food supplies during the wars and also in reclaiming £2 million of land.<sup>227</sup>

In the midlands, many attempts were made to enclose large areas of waste around 1800 as at Charnwood Forest in Leicestershire "which the pressure of the Times seems now



more than ever to call for". Its lords only answered a long standing appeal to enclose this last remaining waste in the county, after the previously mentioned county crisis meeting. They promised to support a local bill if a general enclosure act was not passed, although an act was only obtained after another noted improver, Lord Moira, was persuaded of its benefits in 1808.<sup>228</sup>

One area of concern was Birmingham and the Black Country. The Second Viscount Dudley's acts of 1784 seem to have been caused as much by concern about feeding the growing population as by mining development. Riots in 1783, which had obliged him to call in the army, were followed by the enclosure and tillage of wastes and the re-establishment of a corn market in Dudley in 1788. Carpenter noted in 1805 that much ideal pasture here was left as badly cultivated arable. This echoed a fear of 1785 that "the rage... for inclosing waste lands to encourage tillage" would increase meat prices and harm the wool industry.<sup>229</sup>

Both Pitt and Young thought that the huge wastes of South Staffordshire should be enclosed. Pitt calculated in 1794 that enclosing the county's 100,000 acres of wastes would increase the national capital and tax revenue, employ 20,000 and feed 40,000. He felt that even "impracticable spots" could become woods or warrens and he advocated a general enclosure act.<sup>230</sup> In 1791, Young was amazed that there were nearly 30 miles of "contiguous wastes" all "highly and cheaply improveable" "in the vicinity of the vast manufactures." These wastes meant that vegetables had to be brought up to 30 miles and corn above 50 miles to "this great market" and the Staffs. and Worcs. Canal carried fruit worth over £7,000 a year in tolls.<sup>231</sup> Young felt that it was "a disgrace to the political institutions of a kingdom whose government, trembling lest the people should want bread to eat, are constantly encouraging such wastes as these to

remain, even at the gates of such a market as Birmingham!" He felt that farming was neglected in such areas in favour of industry; "All the activity and industry of this kingdom is fast concentrating where there are coal pits; the rest of it has but one object, which is the cultivation of the soil, and to open, for a market, as immediate a connection with coals and manufactures by means of inland navigations, as possible."<sup>232</sup>

Canals were to prove very important in opening up these large wastes<sup>233</sup> by reducing the local price of lime<sup>234</sup> as at Great Barr near Walsall. It had been argued in 1792 that a canal to Walsall's lime mines would help the 'Spirit of Improvement' by carrying lime "which is now become of such general Use in the Improvement and Cultivation of Land... so essential to the Wealth and Prosperity of this Kingdom." The enclosure of Great Barr and Aldridge in 1795 was part of Scott's plans to develop the wastes by lime burnt with coal from family mines at Bradley carried by canal. The family estate consisted "of about 2,500 Acres of Old inclosed Land and a Common or Waste, adjoining, of about 3,000 Acres, very desirable to be inclosed, lying about Eight miles Distance from ...Birmingham."<sup>235</sup>

The building of canals for lime and for supplying the large local market with food led to adjoining enclosures at Erdington and Witton (1801) and Shenstone (1811) where a branch canal was built to carry lime, coal and manure.<sup>236</sup> The Birmingham and Fazeley Canal also encouraged the nearby Curdworth and Minworth Act. The Alrewas enclosure of 1802 included land at the junction of the Coventry and the Trent and Mersey Canals. When encroachments and canal side plots were sold there, the soil was said to be easily improvable and the canals and turnpikes meant that "Coals, Lime, Materials for Building, Draining and Fencing and Manure of every Kind, may be procured at an easy rate."<sup>237</sup>



Although canals, high corn prices and increased rentals did play a role in the large number of enclosures in the vicinity of Birmingham around 1800, they are also explicable by the fear of not feeding the populace as well as individual notions of rational improvement in the absence of a thoroughgoing general act.

This fear was particularly displayed in the proposals about 1800 for large forests like Cannock Chase or Wood and Needwood Forest. Pitt claimed the former covered over 25,000 acres alone and was all cultivable but the desire of its lord to obtain a fixed acreage allotment was to delay the enclosure until the 1850s.

Although not an owner, Matthew Boulton organized the enclosers at Needwood and overcame the opposition of the large owners. His motives were a mixture of ideological belief and self-interest. He supported enclosure in principle as open commons led to idleness.<sup>238</sup> He believed an act here would produce sufficient bread for 35,000 people which would help the balance of trade and generate taxes. In this both he and Pitt reflected the ideas of Adam Smith and the physiocrats. It would prevent France starving Britain into surrender and it would stop those who were believed to be fomenting revolution by forestalling and regrating. He feared revolution; his house had been threatened during the Priestley Riots of 1791 and there had since been bread riots in Birmingham. Also high prices had increased his wage bill. Thus ideology and realpolitik rather than profit led him to support this act and probably contributed to others in the area.

Certainly the Needwood Act and other common and waste acts in the county at Newton Regis, Little Aston, Teddesley and King's Bromley, increased the cultivation of turnips and barley according to both Pitt and White's Directory of 1834.

Pitt reported the enclosure of 15,000 acres of waste in the decade previous to 1805<sup>239</sup> and the county's gross produce did not decline until 1828 "because a great quantity of land had been brought from a state of waste into a state of cultivation."<sup>240</sup>

Some felt that enclosure, although helping to feed the masses, would cause disaffection amongst the peasantry whose loss of 'rights' would force them to sell up and become labourers without avenues for social mobility. Even the radical Cobbett hankered for the old paternal landlords who allowed the poor to enjoy these 'rights'. He attacked the zeal of the business classes and especially the Jews for enclosures, which in the vicinity of London were largely for building.<sup>241</sup> Young's attacks on enclosures which harmed the poor influenced radicals like Samuel Pipe Wolferstan, who was keen anyway to enclose Shuttington to extend his estate and to obtain a new road.

The fear of revolution continued after 1800, although the focus was increasingly moving from the rural poor to the urban poor as the main threat to the social system. This fear contributed to schemes for enclosing and colonizing the wastes in order to prevent the unpopular necessity of emigration. Robert Moore, a fictional millowner in the well-researched Shirley by Charlotte Bronte, planned to improve his part of Yorkshire after the Luddite Riots of 1812 by expanding his mill, building houses and roads, endowing a Sunday School and enclosing Nunnely Common. This would make him rich whilst providing for the homeless, the hungry and the unemployed from far and near.<sup>242</sup> This fictional character did embody the attitude of many of the improving middle classes of the time. This attitude was reflected in many of the ambitious projects previously mentioned such as the drainage and reclamation of Traeth Mawr and the Fens and the cultivation of royal forests, which were all intended to



promote settlement. This intention was frequently praised by newspapers and is illustrated as a motive by the provision of new churches in such areas to cater for the expected colonists.<sup>243</sup>

As Young had been in 1773, Pitt in 1794 was astonished "that the colonization of distant countries should have been so much encouraged, while the cultivation of our own country remains so far from being finished or perfected."<sup>244</sup> At later crises like the Post War Depression, the 1830 Swing Riots and the Hungry Forties, emigration was advocated as a solution to the problem of the impoverished labourers and yeomen and societies were set up to assist such people.<sup>245</sup> However criticism of this policy continued while many felt that Britain's own wastes should be colonized first. In 1819, a Welshpool freeholder wanted enclosure allotments to be let to the poor at low rents to help stop emigration<sup>246</sup> and the Shrewsbury Chronicle echoed Pitt that it was "singular that this rage should operate so strongly... when so many hundred thousand acres are still totally uncultivated in the Highlands of Scotland, where the manures are the same and the ground has only to be cleared from heath, instead of the labours of a life being wasted in hewing down trees and draining swamps."<sup>247</sup> As one of the county's leading owners, the Marquess of Stafford, had begun such a rational improvement in Sutherland, his agent could well have placed this comment in the local paper.

This criticism continued into the Victorian era. In 1850, one Staffordshire correspondent criticised landlords forcing yeoman tenants to emigrate by their high rents at a time of free trade whilst Cannock Chase "(in the midst of one of the most populous counties in England) should be permitted to remain a barren waste which if let in convenient allotments, under leases at moderate rents, that part which is capable of being cultivated, might be brought under agricultural

improvement and give employment and encouragement to persons who are now seeking to repair their shattered finances in a foreign land".<sup>248</sup> However the low rents which resulted from the repeal of the Corn Laws meant the lord of the Chase would not enclose until he was ready to develop his mines.<sup>249</sup>

However, attitudes and society were changing during the 1800s. As Everett notes, the idea of improvement was of declining significance; improvement focussed on the duties of rulers whereas the growing radicalism of the 1800s focussed on the rights of the people and was inimical to the basic beliefs of landed society. Cosgrove points out that the ideology of 'nature' had justified the natural rights of man to liberty and the right of private exploitation of nature in the 1700s. A century later, such attitudes were dangerous anachronisms in a society moving towards democracy and away from laissez-faire social policies.<sup>250</sup>

Sir Robert Peel saw the repeal of the Corn Laws as part of a strategy to enable the landed élite (of which his family were parvenus) to survive these changes. He felt that estates had to modernize to meet the challenge of free trade, a policy which his family's commercial background led him to recognize as vital to prevent economic distress and political unrest. He, like many others, saw Chartism as a knife and fork issue; if the state did not feed the poor it lost its right to govern. Thus he dropped his "strong objections" to the 1845 General Enclosure Act,<sup>251</sup> not only to encourage modern farming methods but also because the bill as amended did not interfere with the "rights and enjoyments of the people" and cause discontent. He then both promoted an act to allow owners to borrow money for drainage and also used the new enclosure act to drain his own estates at the time of the repeal. Liberal papers claimed that the repeal did not harm farming. For example, the Taunton



Courier reported the sale of the Clun Forest (Shropshire) enclosure lots in 1847 at nearly twice the price of the Clun Borough lots of 1842. However this fact went unreported in Shropshire's Tory paper, Eddowes Journal.<sup>252</sup>

Peel was allying himself with enlightened and progressive opinion led by Lord Worsley, the Whig M.P. for Lincoln and eldest son of the Earl of Yarborough. He had originated the pressure for further general enclosure acts in the 1830s. Newspapers like the Stamford Mercury looked forward to how a general act would allow the enclosure of the furze moor of Corringham Scroggs in Lincolnshire because it would provide short-term employment and increase the nation's resource of cultivated land. However, Peel still faced opposition from Ultra Tories. For example, Colonel Sibthorpe opposed the 1845 bill as he had seen "so many dangerous results from innovations - for instance the Reform Bill, which had done everything to cause revolution, railroads, and other dangerous novelties - that he felt disposed to oppose everything savouring of innovation." Some conservatives even tried to turn capitalist arguments to their advantage. Pye felt that owners had invested "in an extended cultivation of our native soil" around 1800 due to legislative encouragement when scarcity approached famine. Thus it was unfair to import cheap grain and "confiscate the capital... invested on the faith of that protection in a time of danger and scarcity."<sup>253</sup>

Despite this, Peel obtained these measures albeit at the cost of his career and a revolution in party politics; but he had removed any real threat of the violent overthrow of the political and social system. Although 1832 was a constitutional breakthrough, the repeal of the Corn Laws in 1846 represented the real change in the balance of power between the industrial middle classes and the landed interest; as Denison wrote to Fitzwilliam in 1847 "the

Popular or Democratic principle has made very great strides... especially... since Peel broke up the Conservative Party... and put the trading interest in the ascendancy over the land."<sup>254</sup>

Peel's career had created a mood of compromise and assimilation which ensured a peaceful transition to a capitalist democracy with an anachronistic privileged nobility. Evolution not revolution would be the story of British political development. Changing attitudes to, and the use of, enclosure had played an important role in this. An 1876 debate about commons showed how times had changed. The home secretary noted food was not so short as it had been at the time of the 1801 General Enclosure Act and material prosperity and health were now more important considerations. Enclosure had virtually ended.<sup>255</sup>

### Conclusion

The attitudes of aristocrats towards enclosure and also the landscape were many and various. However these responses can be broadly arranged into three main groups all of which were related to their political, economic and social outlook.

Firstly there were the Tories who shut the real world out of their home estates to differing extents. At Meriden and Ganarew, this involved removing squatters from the vicinity of the park; at Alton, the Earl of Shrewsbury created a totally closed environment even giving up land in what could have been the estate village. When such owners planted, it was either to hide the outside world or to beautify their own estates or to create game parks. Some Tories like Byng, Aylesford and Harpur Crewe were more paternalistic in their attitudes to the poor but most found progress and



improvement anathema to their conservative beliefs. The only improvement they countenanced was a return to the ordered paternalism of feudal England.

The second group comprised the great improvers. Primarily Whig in membership, these men were interested in the improvement of all their estates and used enclosure to develop large home farms in their parks. Their ideas came from a belief in the perfectability of man and the ideas of the Enlightenment, especially those of the physiocrats. They found an ideology, necessary to justify their privilege in the Age of Reason, in the idea of improvement. This notion was eventually embodied in the Whig interpretation of history based upon what these men saw as their unique contribution towards creating a model society in England. They accepted change to a greater or lesser extent, but believed that they should direct and manage it and only make concessions when necessary to avoid revolution. The Utilitarian notion of 'the greatest good of the greatest number' excused any short-term economic harm done to the poor by enclosure. The 'greatest good' did involve feeding the people, albeit rather more from fear of revolution than from any genuine concern for their fellow man which some Tories like Harpur Crewe could display. They did show more compassion to the poor on their home estates either due to their greater awareness of the potential harm done to the poor or because of their desire for admiration from visitors. Thus 'improvement' both justified and protected their status.

The third group were the nouveaux riches who often bought estates and tried to improve them to acquire status. Apart from the schemes of professional farmers, many of their enclosures failed to pay due to their lack of expertise and over-confidence born of their success in business and an arrogant belief in their ability to improve upon nature.

Like the Whigs, they were not primarily motivated by profit. Members of both groups lost huge sums of money especially in waste enclosures after 1800 which could have been more profitably invested in commerce. Both were more concerned about damage to the political and social system from food shortages and were influenced by the idea of political economy expressed by Adam Smith and the Age of Reason.

The precise motives to improve wastes varied between owners even within these groups. For example, improvers could be motivated by either status acquisition or status protection or simply landscape improvement. While all improvers hoped for profit, this was often not the prime consideration. This again shows the need to re-evaluate the parliamentary enclosure movement based upon individual studies of the persons involved in each enclosure. The British aristocracy have been seen as different from those elsewhere because of their facilitative role in the Industrial Revolution and their greater willingness to derive profit from innovation. While accepting this was true of many aristocrats, it was their greater acceptance of the ideas of the Enlightenment, rather than their greater affection for profit, which distinguished the British aristocracy from those abroad. Although not capitalist as regards their attitude to profit, there were elements of capitalism in the aristocracy's attitude to enclosure. The very acceptance of the development of commons by enclosure rather than by the 'cottage system' of encroachment was part of the triumph of order, impersonal money relationships and capitalistic exploitation over unstructured development, personal relationships and a semi-feudal economic system. It paralleled the triumph of the factory system over the domestic - or cottage - system of industrial production. Indeed these socio-economic changes provide a context to which the various attitudes of landowners to enclosure were in part responses.



Many landowners believed in the economic basis of political discontent. Large waste enclosures in crisis years must be seen as part of a policy of feeding the poor to avoid revolution in what was hoped would be a profitable activity. Although this concern predates 1789, it was the French Revolution which concentrated the minds of aristocrats upon the dangers to the political economy and the social structure of food shortages. This linkage between economic distress and political discontent was apparent as late as Peel's acts which were part of an attempt both to reduce food prices which had contributed to Chartism and to force Tory owners to accept change and a free market economy. However as Everett noted, the ideal of improvement gradually died after 1820 and its death parallels that of the enclosure movement.

## Footnotes for Chapter 7

- 1 P Mathias, The First Industrial Nation (1969); H J Habakkuk, 'English Landownership 1680-1740' Econ. Hist. Rev. X (1940) 2-17.
- 2 For a discussion of these issues, see D G Brown, 'The Economic Development of the Marquess of Anglesey's Cannock Chase Estate 1842-1891' MA Wolverhampton Polytechnic, 1985 esp. pp.1-3 and 111-2. See also J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986) esp. p.236.
- 3 Lord Ernle, English Farming Past and Present (1936 ed) p.161. M S Anderson, Europe in the Eighteenth Century (1961) pp.50-3 and J R Wordie, Estate Management in Eighteenth Century England (1982) p.40 think that England's profit-motivated noble estates prevented the late enclosure experienced in Lorraine, Brittany and some German states.
- 4 P Deane, The First Industrial Revolution (1979) pp.123-4 re new entrepreneurial attitudes in agriculture and industry in the Industrial Revolution; P Kriedte, Peasants, Landlords and Merchant Capitalists (Leamington Spa 1983) p.165 re the Dobb v Sweezy debate whether capitalism grew from feudalism or was a totally new system. See above p.53.
- 5 L & J C F Stone, An Open Elite? England 1540-1880 (Oxford 1984) pp.283-4.
- 6 e g Walter Blith, The English Improver (1649) re enclosing woods for tillage quoted by W G Hoskins, The Making of the English Landscape (Pelican 1970) p.138, A Yarranton, The Improvement Improved by a second edition of the Great Improvements of land by clover (1663) and England's Improvement by Sea and Land I (1667) & II (1681); T Tanner, ed. Jane Austen, Mansfield Park (1814;1966) pp.12-14, 24-6, 33-5, 84-93 & 458.
- 7 N H Everett, 'Country Justice; The Literature of Landscape Improvement and English Conservatism with particular reference to the 1790s' PhD University of Cambridge 1977. D Cosgrove, Social Formation and Symbolic Landscape (1984) and M Turner, 'The Landscape of Parliamentary Enclosure' M Reed, ed. Discovering Past Landscapes (Beckenham 1984) p.132.
- 8 A Briggs, The Age of Improvement (1959); F E Huggett, The Land Question and European Society (1975) p.94.
- 9 L & J C F Stone, op cit pp.283-4.
- 10 Beckett, op cit p.321
- 11 N Hampson, The Enlightenment (1968) pp.53-6. Stone, op cit p.423. G Lefebvre, The French Revolution... to 1793 (1962) p.80; Huggett, op cit pp.80-94 and 120-1; Encyclopaedia Britannica Macropaedia (1989) IV, 486; M S Anderson, op cit p.53; P Kriedte, op cit pp.106-7 re ending common rights by Verkoppelung in Schleswig Holstein and by Vereinodung in Allgau, Switzerland. The former might be mentioned by A Young, 'On Mountains', Annals XL (1803), 579-603 where cottage encroachment was aided. H Thorpe, 'A



- Special Case of Heath Reclamation in the Alheden District of Jutland 1700-1955', Trans. Inst. of Brit. Geographers XXIII, (1957), 87-121; S C on Waste Lands (P P 1801, IX) 225 re Frederick of Prussia who spent £6 millions from 1763 to 1783 to improve his lands including authorizations and premiums to end common ownership. A Grab, 'Enlightened Absolutism and Common Lands Enclosure. The Case of Austrian Lombardy', Agricultural History LXIII (1989), 49-72; the interest of this Enlightened Despot, Joseph II, in improvement is shown by his giving an Italian farmer 20,000 florins interest free for 10 years and 500 acres of the Bannat of Temeswar to grow rice, Aris 15/5/1786 p.3 c.1. 3rd Rep S C on Emigration (P P 1827, V) Evidence of W Cowling, QQ3743-4 re the Tsar hiring a foreign expert who failed to cultivate waste at Rabova near St Petersburg. These show that enlightened despots could promote improvement for its own sake and to encourage others, rather than for short term profit.
- 12 Barrington Moore, Social Origins of dictatorship and democracy (Penguin ed 1967) Chs 1 & 2 about the greater amenability of British nobility to democratic ideas cf. the European nobility.
  - 13 H A Clemenson, English Country Houses and Landed Estates (1982) pp.75-8 notes this also.
  - 14 For unfootnoted references in this section, see Table 26.
  - 15 E Kerridge, Agrarian Problems in the Sixteenth Century and After (1969) pp.99-102.
  - 16 E Kerridge, The Agricultural Revolution (1967) p.175.
  - 17 R Millward, 'Leicestershire 1100-1800' in N Pye, ed. Leicester and its Region (1972) p.250 and Table 27 re Baggrave and Acton Reynald each being villages deserted by emparkment; M Batey, Nuneham Courtenay (1970); see above pp.122, 142-3, 175 and 179 re the CPS.
  - 18 L Ellis Tavener, The Common Lands of Hampshire (Hants. Co. Council 1957) p.60; W G Hoskins & L Dudley Stamp, The Common Lands of England and Wales (1963) p.281; Lord Eversley, Commons, Forests and Footpaths (1910) pp.146-54.
  - 19 D M Palliser, The Staffordshire Landscape (1976) p.90.
  - 20 Hoskins, op cit p.164; L E Munby, The Hertfordshire Landscape (1977) pp.152 and 154.
  - 21 J Steane, The Northamptonshire Landscape (1974) pp.211-2; P C Archer, Historic Cheshunt (Cheshunt 1925) p.65; J M Robinson, The English Country Estate (1988) p.52.
  - 22 C Kirby, 'The Stuart Game Prerogative', English History Review XLVI (1931) 248-9; G Davies, The Early Stuarts 1603-1660 (Oxford 1952) p.81.
  - 23 D V Fowkes, 'Nottinghamshire Parks in the Eighteenth and Nineteenth Centuries', Transactions of the Thoroton Society of Notts. LXXI (1967), 74-5 and 79 gives other examples.
  - 24 R Whitlock, Royal Farmers (1980) p.104.
  - 25 C R Fay, Huskisson and His Age (1951) pp.208-9.
  - 26 See Table 27 and above p.230.
  - 27 See above pp.179-80.



- 28 W E Tate, The Parish Chest (1946) p.265.
- 29 Steane, op cit pp.208-211.
- 30 Table 27.
- 31 See above pp.246-7 re similar actions against squatters.
- 32 Hoskins & Stamp, op cit pp.51-2. The result is not known.
- 33 Table 25 Section 4.
- 34 Table 24 Section 6. The Castle Dennis Act, Cornwall, allowed the Crown to enclose its share of a common whilst the rest remained open -Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978) p.82.
- 35 See Chapter 2 passim and pp.37-8 re how acts were needed to legitimize exchanges and pp.39-41 re tithes.
- 36 G Mingay, The Gentry (1976) p.93; B E Coates, 'Parkland in Transition: Medieval Deer Park to Modern Landscape Park' Trans. Hunterian Arch. Society IX (1969) 132-150 and 'Park Landscapes of the East and West Ridings in the time of Humphry Repton' Yorks. Arch. Journal XLI 1965, 465-480.
- 37 Berrows Worcester Journal 14/5/1772; newly erected house with coach houses suitable for an inn or hunting box on Bramham Moor -Leeds Intelligencer 24/9/1798.
- 38 Everett, op cit; S J Daniels, 'Moral Order and the Industrial Environment in the Woollen Textile Districts of West Yorkshire 1780-1880' PhD London 1980, & Cosgrove, op cit.
- 39 Cosgrove, op cit pp.198-209; D Sylvester, 'The Manor and the Cheshire Landscape' Trans. of the Lancashire and Cheshire Antiquarian Society LXX (1960) 12-13.
- 40 StRO D 260/M/F/5/26/73, 11/8/1857. He had prosecuted unsuccessfully the commissioner at Penkridge, Wyatt, for malpractice. See Table 27 and above pp.141 and 218.
- 41 See Table 28.
- 42 See Table 27.
- 43 See Table 19.
- 44 S Daniels, 'Humphry Repton and the morality of landscape' J R Gold and J Burgess, eds. Valued Environments (1982) pp.124-130. See able 27 re Chirk.
- 45 See Table 27.
- 46 See Table 28.
- 47 Fowkes, loc cit 74 and 76. Tate and Turner, op cit, pp.204-11. J M Martin, 'Social and Economic Changes in the Rural West Midlands', M Comm University of Birmingham 1960, p.203. See Table 27 re Leaton. The Backwell case came to my attention during writing up and thus was too late to pursue. The research methods are included as an example. See L C Pearce, Backwell Memories (Backwell 1989) pp.39 and 60, Somerset R.O. E6 Backwell Award 1812; Longleat Mss. WRO 845/ Box 20 Backwell Enclosure Papers esp. Davis to T Keedwell 11/5/1809 & reply 14/8/1809 qu in D P Gunstone, 'Stewardship and Landed Society. A Study of the Stewards of the Longleat Estate' MA University of Exeter 1972 pp.67-8.
- 48 See Table 27.
- 49 See above Chapter 6 p.198 and fn 14.



- 50 JHL XXXVIII 21/3 and 30/5/1782, 421 & 510; JHC XLIX 9/5/1794, 993.
51. Spec. Reps. 1852-3 (P P XL) 696 Chobham Common, Surrey; Law Journal Reports new ser. XLVI (1877) Queen's Bench, Lascelles et al v Lord Onslow, 333-46.
- 52 J Godber, A History of Bedfordshire (1969) p.447.
- 53 See Table 27 re Warwick, Wolvey and Greystoke. At Wolfhamcote, Warks., the lord's allotment was to adjoin his house BRL LF 60.3 17278, enclosure act, 1757
- 54 See above re Bunny Chapter p.35 and fns.34 and 65 and Table 26. This 1797 act shows the role of the owners' outlook (above pp.7-10); Parkyns had stopped bills earlier at East Leake, where he was a large owner. This act and the 1798 East Leake Act shows a coherent change in estate policy; re Strelley see above p.103.
- 55 See Table 28.
- 56 See Map 29.
- 57 See Table 27.
- 58 See Table 27 and above pp.139-40 re London.
- 59 See Table 15 generally and Table 27 re Shuttington.
- 60 See Map 32.
- 61 H Green, Village Life in the Eighteenth Century (1976) pp.17-20. L and J C F Stone, op cit p.330 re the Earl of Westmorland's Apethorpe Park being extended by moving the Peterborough Road apparently in the 1700s; this may be connected to an enclosure act for Nassington and Apethorpe in 1777 - Tate and Turner, op cit p.194; see however C B Andrews, ed. John Byng Torrington Diaries II (1935) 11/7/1790, 248 re the house being "deserted" with "open corn fields" and "no attempt at improvement". The park had been extended by 314 acres after James I found the deer park unstocked in the 1600s - Hoskins, op cit p.170.
- 62 See Table 27 and Map 39.
- 63 See Map 24.
- 64 See Table 28.
- 65 StRO Q/RDc 94 Wheatley & Fishers Meadow Award 1852.
- 66 Morning Herald 25/11/1818 p.4 c.2 King v Commissioners of Enclosure of Feckenham parish, Suffolk.
- 67 See Table 19 re West Bromwich; see also Table 27 re Tealby; P Goode 'The Picturesque Controversy', G Carter et al, eds. Humphry Repton Landscape Gardener 1752-1818 (1982) pp.34-5; J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement', PhD University of Birmingham 1965 pp.46-7 re enclosure for land acquisition. See below 312-4 re terramania.
- 68 See Everitt, Cosgrove and Daniels, op cits, passim, and L & J C F Stone, op cit pp.338-9 for a discussion of how philosophies were reflected in landscape creation. G F Chadwick, The Park and the Town (1966) esp. pp.21-9 discusses the styles and evolution of landscape gardeners and how Repton evolved from Brownian ideas to neo-gardenesque ideas during his career. re Repton see B E Coates, loc cit 469-73.



- 69 WSL SMS 478 B M Boulton to Mrs Dibbs undated. BRL Matthew Boulton Papers, Letter Book R 1 [251] 171 Reddell to Boulton 18/9/1795 and Maps 9 and 10. See above pp.140-1.
- 70 S D Chapman, The Early Factory Masters (N Abbot 1967) pp.62-7; S J Daniels, op cit pp.80 and 85-6.
- 71 R Sturgess, 'The Response of Agriculture in Staffordshire to the price changes of the nineteenth century' PhD University of Manchester 1965, pp.132-146, and D Spring, 'Ralph Sneyd: Tory Country Gentleman', Bulletin of John Rylands Library XXXVIII (1955-6) 535-55.
- 72 See above pp.246-7.
- 73 See above p.219.
- 74 Leeds Intelligencer 8/1/1798 p.3 c.3; Daniels, op cit p.239-43 quotes and comments upon Bernard's book in detail. He advocated more paternal interest by owners in their poor and believed that freeholding cottagers with the means of improvement would create a strong state as "Every individual will have a stake in the country."
- 75 Daniels, op cit pp.62-4, 68-9, 74-8 and 85-6. See above pp.139-40 re Cobbett and Table 26 re Brackenbury.
- 76 See T Williamson & L Bellamy, Property and Landscape (1987) pp.151-2; Everett, op cit, abstract, pp.19-23 and 239; Cosgrove, op cit 198-210 and 233-4.
- 77 See Table 27 & Chapter 6 fns 206-7. S Daniels, 'The Political Landscape' in Carter et al, eds. op cit 110-124.
- 78 Clemenson, op cit p.88; T Rowley, Villages in the Landscape (1978) pp.133-5; M Havinden, 'The Model Village' in Mingay, ed. The Victorian Countryside II (1981) 414-27; Beckett, op cit p.361.
- 79 See also Table 18 and above p.129.
- 80 See above pp.209-10.
- 81 See Table 27.
- 82 See ibid. J M Robinson, 'Model farm buildings of the Age of Improvement' Architectural History XIX (1976) 19. See below pp.314-23 and 327-9.
- 83 F M L Thompson, English Landed Society in the Nineteenth Century (1963) p.129; Beckett, op cit pp.325-33, 359-62 and 369-73, L & J C F Stone, op cit p.303, G Mingay, English Landed Society in the Eighteenth Century (1963) pp.210-12 and 217. H J Habakkuk, 'England's nobility' in D A Baugh, ed. Aristocratic Government and Society in Eighteenth Century England (New York 1975) p.100 and H Perkin, The Origins of Modern English Society 1770-1880 (1969) pp.42-9.; re Sykes see also below pp.310 & 316.
- 84 P Horn, William Marshall (1745-1818) and the Georgian Countryside (Abingdon 1982) pp.32-3 states that he wrote books about landscaping; his Planting and Rural Ornament had a third edition in 1803 and was a standard work.
- 85 W Pitt, General View of... Worcester (1813) p.27.
- 86 For unfootnoted references, see Table 28.
- 87 See Table 28 re Winscote, Dudmaston Heath, and D Hey, 'Poaching and Game Laws on Cannock Chase' in his ed. Albion's Fatal Tree (1975). Lord Sandys' encroachment for timber on Linall Common, Ombersley, Worcs. led to attacks



- by commoners on the trees - Berrows Worcester Journal 5/10/1780. J Sheail, 'Rabbits and agriculture in post-medieval England', Journal of Historical Geography IV (iv) 1978, 351-5 ascribes the decline of warrens after the mid 1700s to the costs of either paying compensation for damage to neighbours' lands of building perimeter walls, and does not mention the avoidance of disputes over loss of common pasture rights with the increasingly influential freeholders as a potential cause.
- 88 W Davies, General View of... North Wales (1815) p.251. This was apparently the case with Barnt Green which was planted with long walks of elms and cut into canals for water meadows before the enclosure of 1819. WRO Prattinton Collection VI, 289. The plantations of Vernon on 23 acres of Essington Wood were subsequently allotted to him - Trans. Soc. Arts XIX (1801), 69-74; ibid XXV (1807) 4-5 re enclosures of wastes at Farnham (not by act) "and many other commons in the kingdom."
- 89 Trans. Soc. Arts XXVI (1808) 41-4 re 250 acres of Heffleton Heath, Dorset, enclosed for timber. J Holt, General View of... Lancashire (1795) p.87 re Sir Harry Hoghton's plans to plant Withnell Moor. Lord Petre at Warley Common - p.179, VCH Essex III (1978), 169 and 178; these were injured by soldiers at the camp, Eddowes Journal 28/10/1796. The Earl of Stamford at Highgate Common, Table 28 re Kinver. See Bishop of Llandaff, 'Planting and Waste Lands', Comms. to the Board of Agriculture VI (i) (1808) & Trans. Soc. Arts (1808) XXVI, 27-30 re Bishop of Llandaff at Cartmel, Lancs., Wansfel, Ambleside and plans for Skiddaw (both Cumberland). S C on Commons Inclosure (P P 1844, V) Evidence of Marston QQ2488-91 re Lord Willoughby making considerable plantations in the enclosed commons of a parish which goes up close to Snowdon; there was apparently no act for land in this area.
- 90 JHC XXXVII, 22/3/1779, 283; ibid, 1/4/1779, 315.
- 91 See Table 27 and below p.342. The failure to enclose the Chase in 1800-1 may have helped his heir to decide to enclose his manors on Teddesley Hay which adjoined the main body of the Chase in 1814 - pp.321-2 and Table 27.
- 92 Wedgwood Collection, Keele 29050-142 April 1803, circular from Wedgwood to leading commoners; Rivers' claims were "excessive and out of proportion compar'd to what his Lordship relinquishes" ibid 1658-9 Bowles to Wedgwood 29/4/1803 re Sir George Buckett's attitude and by October 1804 "the Cranbourn Chase business will not go on, as I am told the land required cannot be obtained for Ld. Rivers." W/M 28 Jos. Wedgwood to Thomas Wedgwood 19/10/1804. See also Sections 3 and 4 re the assault on former forests & chases.
- 93 See Map 26 and above p.52 re Perry Barr. R Newton, The Northumberland Landscape (1972) p.118 and Tate and Turner, op cit p.202.
- 94 P Beisly, Weston-Super-Mare. A History and Guide (Gloucester 1988) p.35; see also above p.145 and Table 22.



- 95 Lord Eversley, op cit pp.286-8; W E Tate, 'Somerset Enclosure Acts and Awards' Somerset Archaeological and Nat. Hist. Soc. (1948), 26.
- 96 D Dymond, The Norfolk Landscape (1985) pp.217 and 224-5.
- 97 See StRO D260/M/F/5/26/25, Hatherton Journal, 12/12/1842 re origin of parks by Crown to protect timber. For examples of contemporary proposals, J Thirsk, ed. The Agrarian History of England and Wales V (ii) 1640-1750 (Cambridge 1985) 376. Gentleman's Magazine XX (1750) May 31 re planting timber on every sizeable waste for the iron industry and June, 249 re a general act to encourage the planting and cultivation of timber. A Young, Eastern Tour (1771) I, 331 and III, 231-3.
- 98 G Mingay, The Gentry (1976) p.43.
- 99 Preamble of 29 Geo. II c.36.
- 100 29 Geo. II c.36, amended 31 Geo. II c.41. This act was never used in the W Riding - W S Rodgers, 'The Distribution of Parliamentary Enclosures in the West Riding of Yorkshire 1729-1850', M Comm University of Leeds, 1952 p.68.
- 101 Annals XXXVI (1801), 371-5 re 1776 proposals of the Rector of Windlesham. A & W Driver, General View of... Hampshire (1794) pp.29-32. For Charles Waistrell citing other areas, see Trans. Soc. Arts XXVII, (1809) 79-80.
- 102 See Table 22 and D S Young, The Story of Bournemouth (1957) pp.30-1, 36 and 97.
- 103 John Duncumb, General View of... Herefordshire (1805) p.162.
- 104 A Harris, The Rural Landscape of the East Riding... 1700- 1850 (1961) p.77 re request to commissioners for scarp land at South Cave for planting; J V Beckett, op cit p.337. A & W Driver, op cit p.29. British Museum 11633 f39 J Holliday, The British Oak. A Poem in honour of Lord Nelson's Victory on the Nile (1800) see Table 25 Section 5 re Dilhorne. re the fashion of planting see Hugh C Prince, 'Georgian Landscapes', in A Baker and J B Harley, eds. Man Made the Land (N Abbot 1973) p.162. For an example of this, the Wigleys of Scaptoft, see R Millward, A History of Leicestershire and Rutland (Chichester 1985) p.69.
- 105 See Table 27. See above pp.42-9 and pp.236-8 re acts resolving disputes on common pastures.
- 106 A Young, Tours in England and Wales (1932) p.242 qu Annals XVI (1791), 'A Month's Tour to Northants and Leics. +c re Ascot; Northampton Mercury 22/12/1777 p.3 c.3 re Warmington; Rev Andrew Clark, 'Great Leighs Enclosure Act 1822' Essex Review XXVII, (1914) 7-15; Axborough Wood was planted post enclosure at Wolverley, VCH Worcs. III, (1913), 567. A very high and rocky hill on Kendal Common was used for planting. J Bailey and G Culley, General View of... Northumberland, Cumberland and Westmorland (1805) p.319.
- 107 Thirsk, op cit 376; JHC XLVII (1792) 141-174, 8th-11th Reports of the Commissioners of Woods and Forests to sell ... and improve rents and Questions sent to Chairmen of



- the General Quarter Sessions; See also 299 complaint re how little of Enfield Chase was used for woods and 305-6 evidence of agents re use of enclosed land for arable or pasture except by "opulent men" or where the soil is only suited for "spring or pole wood". Board of Agriculture [A Young] General Report on Enclosures (1808) pp.50-1; Staffs Advertiser 6/11/1813 p.3 c.1. This fear led to enormous and profitable falls of timber in Worcestershire - R C Gaut, A History of Worcestershire Agriculture (Worcester 1939) p.298. Sir Offley Wakeman (bart.) 'Leaves from the Records of the Court of Quarter Sessions...', Trans. Shrops. Arch. Soc. 2nd ser. IV (1892) 83-95.
- 108 S C on Commons Inclosure (P P 1844, V) Evidence of R F Graham Q4369 re reducing poor rates by employing people to plant common land and Marston Q2490-1 re improving the climate and providing work. See Table 27 re Trevince and Lord Weymouth.
- 109 J D Marshall, Furness and the Industrial Revolution (Beckermest 1981) p.58.
- 110 See Table 21. R Mellors, Old Nottingham Suburbs Then and Now (Nottingham 1914) pp.142-3 and White, Nottinghamshire Directory (1844) pp.468-9. See Table 26 re Alton and Table 25 Section 5 re Cheadle. H A Clemenson, op cit pp.76-7.
- 111 Newton, op cit pp.123 and 160-1; S Glover, Derbyshire Directory I (Derby 1833), 224. Sir W W Wynn also made plantations between 1815 and 1820 on mountainous lands near Llangollen, Eddowes Journal 3/10/1855; this was nowhere near the 1816 Arwystli act near Llanidloes in Table 25 Section 5 in which he was involved. The second Marquess of Stafford is called a Whig improver, despite his county electoral alliance with the Tory, Bagot, against the attempts to create an independent freeholders' movement, he was a Canningite who supported reform from 1822 - E Richards, 'The Social and Electoral Influence of the Trentham Estate, 1800-1860' Midland History III (1975) 117-8 and 139 and above p.51.
- 112 See Table 27 re Felbrigg, Tilford and Llangerniew. Table 25 Section 5 re Dilhorne.
- 113 See Table 27.
- 114 *ibid*.
- 115 *ibid*.
- 116 WRO A r143/5 (307) Stoke Prior Enclosure Award 1772
- 117 Trans. Soc. of Arts XIX (1801), 169-174; *ibid* XIII (1795) 153-9 re Thomas Rawlinson planting 12 acres and 188-94 re John Jenkinson 8+ acres at Yealand, Lancashire; see also Chapter 3 fn 25; *ibid* XVI (1798) re John Sneyd planting 11,000 larch on rough land at Belmont perhaps under the Bradnop or Ipstones acts; *ibid* XVIII (1800), 73-80 re Marquess of Titchfield planting 11 acres of Thieves Wood under 1794 Sutton in Ashfield Act, Notts. and 84-95 re Rev William Smith of Craike near Easingwold planting 11 acres of Flaxton Moor, allotted in Cromwell's protectorate but greatly decayed; *ibid* XXVII (1809) 30-1 re 13½ acres at Ufton (Berks.).



- 118 C Vancouver, A General View of... Devon (1808) pp.293-4.
- 119 JHC XXXV, 6/12/1774, 25; E W Swarton and P Woods. eds. Bygone Haslemere (1914) p.272.
- 120 W Wordsworth, Guide to the Lakes of Westmorland and Cumberland (1810) qu by Williamson & Bellamy, op cit p.196; N H Everett, op cit p.275; W Pitt, General View of ... Worcestershire (1813) pp.28-9; J Bishton, General View of ... Shropshire (1794) p.24; J Middleton, General View of ... Middlesex (1807) p.125. See above p.217.
- 121 For unfootnoted references in the next two sections see Table 27.
- 122 See above pp.7 and 8.
- 123 See above pp.37-8 re ring fenced estates.
- 124 H J Habakkuk, 'Economic Functions of English Landowners in the Seventeenth and Eighteenth Centuries', Explorations in Entrepreneurial History VI (1953) 100.
- 125 StRO D877/189/8/2 Wyatt to Adcock, 11/9/1812 re Barton-under-Needwood. See above p.37; P J Nunn, 'The Landed Estate in South Yorkshire 1700-1850' PhD Sheffield 1985, p.439 re owners using enclosure purchases and unequal exchanges requiring money adjustments to extend their estates. Quote from J M Martin, 'The Parliamentary Enclosure Movement and Rural Society in Warwickshire' Ag. Hist. Rev. XV (1967), 27.
- 126 W Marshall, Rural Economy of the Midland Counties I (1790) 16. It is noteworthy that this mania coincided with the first rush of enclosures noted by Turner before 1780 - see above p.3.
- 127 Sandon Hall, Harrowby Mss v36 fo 154-5, Harrowby to Mills, 5/8/1812. The price was £14,000 and Harrowby calculated its investment in 5% stocks as producing £750.
- 128 Clemenson, op cit pp.75-8.
- 129 J M Martin, PhD thesis, p.59 re Little Compton, Clifton and Whatcote. He discusses land acquisition as a motive for enclosure on pp.48, 103 and 113. Other examples of land acquisition through enclosure are Nether Whitacre, *ibid*, pp.34-5, Alcester, *ibid*, pp.143-4, William Hutton at Kings Norton - L Jewitt, The Life of William Hutton (1872) pp.183-8 and 194 and Ombersley, Worcs., J M Martin, M Comm thesis, pp.184-5.
- 130 See Table 26 re Bobbington and Cheswardine and Map 38.
- 131 See Table 26 and J M Martin, 'Members of Parliament and Enclosure; A Reconsideration', Ag. Hist. Rev. XXVII (1979) 104-5.
- 132 H C Prince, loc cit, p.160 re the importance of George III's example; Trans. Soc. Arts XVII (1799) 119-39 re Nathaniel Kent's improvements upon farm in Windsor Great Park; Lord Ernle, op cit pp.172-5, 207-10, 214-7 re how agricultural improvement became a "fashion" amongst the aristocracy; L Simond, Journal of a Tour and Residence in England (1810) qu in J S Watson, The Reign of George III (1760-1815) (Oxford 1960) pp.521-2 re all gentleman's talk being about agricultural matters including enclosure; see also T R Nash, Collections for the History of



- Worcestershire (2nd ed. 1799) quoted in R C Gaut, op cit p.162 "Inclosures have been the fashion in Worcestershire as well as in other counties." Lord Brougham in an 1816 parliamentary debate talked of how "the rage for farming" meant "five [blades of grass] grow where four used to be." qu in M St J Parker & D J Reid, The British Revolution 1750-1870 (Poole 1972) p.258; P Deane, op cit pp.123-4. Eddowes Journal 20/9/1809 p.2 c.4. W Pitt, General View of ... Leicestershire (1809) p.316.
- 133 H J Habakkuk, loc cit, 94 confirmed by T Bowick 'On the Management of a home farm' JRASE XXIII (1862) 247 apart from Holkham and Woburn; L & J C F Stone, op cit p.298. S W Martins, A Great Estate at Work (Cambridge 1980) pp.77-78 re few home farms except Lord Albemarle's and Lord Hardwicke's making profits; J V Beckett, op cit pp.158-164.
- 134 Eddowes Journal 14/7/1813 p.2 c.3; Aris Gazette 9/10/1809 p.4 c.4. See also VCH Salop IV (1989) 185 and 208-9.; ShRO mf Sir Baldwin Leighton's Diary 27/1/1862.
- 135 See StRO D260/M/F/5/26/1-93, Hatherton Journal 1817-62 passim.
- 136 See Table 26.
- 137 See also Table 14 and above pp.48-9 re High Offley.
- 138 See Map 34.
- 139 See Maps 39 and 40.
- 140 Clemenson, op cit pp.75-8; re Townshend, see Lord Ernle, op cit p.173-5 and Annals V (1786) 120-6.
- 141 Table 26 re Sir Cecil Wray and A Young, Political Arithmetic (1774) quoted in G Slater, The English Peasantry and the Enclosure of Common Fields (1907) p.105 re how Wray used enclosure to advance his heaths by sainfoin from 1/- to 20/- an acre. Table 28 re Curwen.
- 142 J and M West, A History of Herefordshire (Chichester 1985) pp.98-9.
- 143 Table 26.
- 144 Table 28. The Society of Arts gave premiums for improving moors, Trans. Soc. Arts IX (1791), 265 and X (1792), 132; for its role, see N Goddard, 'Agricultural Societies' in Mingay, ed. op cit I, 245-7 and Lord Ernle, op cit pp.248-9.
- 145 See above pp.209-10 re Styleman and Dowdeswell; re Sheringham, Table 26; re Harlaxton Table 25 and W E Tate, Parliamentary Land Enclosure in Nottinghamshire (Nottingham 1935) pp.90-1; J Murden, Harlaxton through the Ages (Harlaxton 1976) pp.8-10; R J Olney, Rural Society... in Nineteenth Century Lincolnshire (Lincoln 1979) p.31
- 146 Clemenson, op cit pp.75-8.
- 147 Annals XXXV (1800), 170; J Gazley, ed. The Life of Arthur Young 1741-1820 (Philadelphia 1973); no enclosure act for this land exists.
- 148 Examples are Wolvey (Warks.), Cheswardine (Salop), Great Barr, Kings Bromley, Patshull & Teddesley (all Staffs.) Syerston (Notts), Stapleford (Leics.), Sledmere (E Riding) and Kidderminster (Worcs.); Sir Gilbert Scott, Secular and



- Domestic Architecture (1857) wrote the landed proprietor "is the natural head of his parish or district" qu in J M Kolbert, The Sneyds, Squires of Keele (Keele 1976).
- 149 See Tables 18 and 26 and above p.129
- 150 J Thirsk, English Peasant Farming (1957) pp.196-7 re Lincs. and above p.154 re Saltfleet & p.254 re Messingham. Cragg noted "a prodigious spirit of improvement" at Scotter following copyhold enfranchisement, tithe extinguishment and enclosure. W Marshall, Rural Economy of Yorkshire I (1796), 9 re E Riding; W Pitt, General View of... Northamptonshire (1809) p.280 agreeing with the original reporter, Donaldson. Bailey and Culley, op cit pp.23 and 184 re rapid improvement due to intelligent and enterprising farmers. The role of improving landlords between 1750 and 1875 is accepted in VCH Salop IV (1989) p.169. However this spirit did not spread to all such farmers and owners in improving areas - see A Young, General View of... Oxfordshire (1809) pp.35-6, and J Caird, English Agriculture in 1850-51 (1852) p.498.
- 151 William Marshall, The Rural Economy of the West of England I (1796) 27 and see 106 re Cornwall, Devon and the Scottish Highlands; C Hassall, A General View of the Agriculture of Monmouth (1815) intro.
- 152 See above p.7.
- 153 A Young, A Six Months Tour to the North of England II (1770) 10-36; B Loughborough, 'An Account of a Yorkshire Enclosure - Staxton 1803' Ag. Hist. Rev. XIII (1965) 106-113. Lord Ernle, op cit pp.221-2. See below pp.330-44 esp. 338-9
- 154 quoted Palliser, op cit pp.127-8; see Section 4 and Aris 21/9/1812 and W Pitt, Topographical History of Staffs. (1817) ii. 98-9.
- 155 Newton, op cit pp.120, 133, 174 and 225. Improvements of freehold waste could receive prizes from the Soc. of Arts - Trans. Soc. of Arts XIII (1795) 182-7, XV (1797), 186-94 XVII (1799) 217-225 XXVI (1808) 117-122 re Harper of Kirkdale, Oakeley of Festiniog, Merioneth, Fox of Boxhill, Surrey, and Butler of Branshott, Hants. See also A Young, General View of... Hertfordshire (1804) pp.148-50 re Sir John Sebright of Beachwood enclosing and improving a common without an act.
- 156 Table 26.
- 157 See Map 37.
- 158 re the Second Marquess, see E Richards, Leviathan of Wealth (1973) p.29 qu J Loch in 1830 "Lord Stafford's rents... have always been fixed at rather under the general average of the district... It is fit and proper that those who hold of a great man should do so." E Hughes, North Country life in the Eighteenth Century II Cumberland and Westmorland 1700-1830 (1965) pp.222-3 - see above p.5.
- 159 As at Corse Lawn, Chapter 6 fn 62.
- 160 See C R Fay, op cit pp.207-215, 228-9; D Sutherland, The Landowners (1968) pp.58-69; A Young, 'A Month's Tour to



- Northants and Leics. +c' Tours in England and Wales (1932) p.237 advocated the division and sale of Crown lands for cultivation.
- 161 See above p.5.
- 162 See above p.7.
- 163 W Marshall, The Rural Economy of Yorkshire I (1796) 297 and above p.9.
- 164 See below p.331 and 338-44.
- 165 JHC XLVI, 25/2/1791, 223-4 and LII, 24/2/1797, 334 re Lidford Manor tenants petitioning for enclosure.
- 166 W Marshall, The Rural Economy of the West of England II (1796) pp.28-37.
- 167 Gazley, op cit p.355; The plantation was reported to have failed - S C on Commons Inclosure (P P 1844, V) Evidence of Bailey, QQ2666-73.
- 168 Eddowes Journal 2/6/1819 p.2 c.6, 16/6/1819 p.2 c.2 and p.4 c.4 and Shrewsbury Chronicle 18/6/1819 p.4 c.2. Sir John McNeill still proposed a railway about 1840, S C on Commons Inclosure (P P 1844, V) Evidence of Ralph Cole Q5913. See above p.224.
- 169 Shrewsbury Chronicle 12/2/1819 p.4 c.2.
- 170 Third Report of the Select Committee on Emigration (P P 1827, V) QQ4013-41.
- 171 ibid, Q3722-4.
- 172 ibid, QQ3730-3.
- 173 S C on Commons Inclosure (P P 1844, V) QQ5907-17.
- 174 Eddowes Journal 4/3/1840 p.4 c.4 re Morecambe Bay, 24/7/1839 re Victoria County. Some smaller Welsh schemes faced financial difficulties like 1794 Rhuddlan Marsh, Denbigh and Flint, involving aqueducts, ditches and drains. Apparently all the 500 acres had to be sold to meet the costs - the embankment alone cost £13,000; there were subsequent acts in Rhuddlan in 1807 and 1813. A H Dodd, 'The Enclosure Movement in North Wales', Bulletin of the Board of Celtic Studies III (iii) (Dec. 1926), 227-30.
- 175 M Williams, 'The Enclosure of Waste Lands in Somerset 1700-1900', Trans. Inst. Brit. Geographers LVII (1972) 99-100.
- 176 Northampton Mercury freeman's letter 20/1/1777 "Both Houses of Parliament... it is well known, give all the encouragement they can to Inclosures" due to their "public Utility" and as many MPs and lords obtained acts themselves; J L & B Hammond, The Village Labourer 1760-1832 (1911) p.58 re Lord Sandwich's belief "the more enclosures the better" and supporting any such bill; the Hammonds felt that he typified many MPs and lords.
- 177 Board of Agriculture [Arthur Young], General Report on Enclosures (1808) pp.23-4; John Watson jun. 'On Reclaiming Heath Land' JRASE VI (1846), 79 re mismanaging enclosed heaths for immediate profit causing spoilation; at Middleton, N. Yorks., the enclosure c.1776 "gave freedom to the spirit of improvement" by extending tillage into the moors; however these experiments, some "on a pretty large scale" led to large losses by both small and large



- owners and there was not one case "in which the improvement has been adequate to the expence." W Marshall, The Rural Economy of Yorkshire II (1796) 275-7; W Harrison, 'Commons Inclosures in Lancashire and Cheshire in the Eighteenth Century' Trans. of the Lancs. and Cheshire Antiquarian Soc. VI (1888) 120 qu Holt, op cit re 1756 Ellet waste act failing, despite using liming and the usual methods; but this was the only Lancashire failure. Scars Moor, 3,000 acres of level land in Westmorland, with much surface limestone, was still unimproved over 20 years after an act; this land in 1805 "cries out for improvement." Bailey and Culley, op cit p.353.
- 178 A N Palmer, A History of the Country Townships of the Old Parish of Wrexham (Wrexham 1903) pp.28-9 and 31. See above pp.9-10.
- 179 Reps. of Sel. Cttees (P P 1819, VIII, 429) pp.299-300; Shrewsbury Chronicle 24/6/1818, 3/7/1818, 18/6/1819 p.3 c.5. The Crown later sold its rights here and Ruabon waste to Sir W W Wynn for £2,208, for sport mainly. The Crown held by ancient manorial custom an entitlement to 1/3 rather than the norm of 1/13 or 1/14 and Wynn agreed if it was enclosed and the custom proved, he would pay an extra amount - Palmer, op cit p.38.
- 180 'Poor Rates - Emigration' Letter of a Welshpool Freeholder, Shrewsbury Chronicle 12/2/1819 p.4 c.1 - see above Chapter 6 fn 205 and below fn.183 and p.344.
- 181 John Lloyd, History and Memoranda of Breconshire II (1904) 129; see also re Blagg above p.6 and below pp.238-9.
- 182 T R Nash, op cit quoted by R C Gaut, op cit pp.162-3.
- 183 Lethbridge, a liberal owner, provided employment on his allotments under the Taunton Deane (Somerset) act as well as in his iron mines in which he took a close personal interest - Taunton Courier 20/6/ p.8 c.4 and 24/10/1849 p.4 c.1 and see Chapter 2 fn 99. The four Montgomeryshire acts were
- |                                   |                 |
|-----------------------------------|-----------------|
| 1810 Caereinion Iscoed            | (c 7,000 acres) |
| 1811 Llanfyllin and Mechan Uncoed | (4,495 acres)   |
| 1815 Caereinion Uchcoed           | (11,575 acres)  |
| 1816 Arwystli                     | (14,221 acres). |
- See also Table 25 Section 5 re Wynn and the latter act.
- 184 See Tables 18 re Newcastle and 28 re Tittensor.
- 185 Loch, op cit; quote from J Prebble, The Highland Clearances (1963) p.112.
- 186 J Loch, Memoir of George Granville, Duke of Sutherland (1834 unpublished) p.13.
- 187 Thomas Bakewell, Remarks on a Publication by James Loch .... (1820) quoted in Prebble, op cit p.117; Bakewell sees Loch as the driving force behind the "improvements" which had made the Marquess a most hated man.
- 188 J R Wordie, 'A Great Landed Estate in the Eighteenth Century...' PhD University of Reading 1967, pp.521 and 530.
- 189 W Pitt, General View of... Staffordshire (1813) p.20.
- 190 Chambers and Mingay, op cit p.90. Such evidence fits with their view shared by most historians that the agricultural revolution predates 1780 and indeed ran from



- 1560 to 1880 - J V Beckett, The Agricultural Revolution (1990) pp.1-10.
- 191 Wordie, Estate Management in Eighteenth Century England (1982) p.40. Huggett, op cit pp.88-94.
- 192 See above pp.284-5; E Richards, 'The Uses of Aristocracy; The Sutherlands and Staffordshire in the Nineteenth Century', N Staffs. Journal of Field Studies, new ser. XXI (1981) 74.
- 193 I D Whyte, 'The Emergence of the New Estate Structure' in M L Parry and T R Slater, eds. The Making of the Scottish Countryside (1980) pp.117-136. R W Munro, Taming the Rough Bounds 1745-1784 (Isle of Coll, Argyll, 1984) illustrates that enclosure and regulation of commons was seen as part of the general improvement of the forfeited Jacobite estate of Knoydart to wean its inhabitants away from Jacobitism.
- 194 A Briggs, op cit pp.1-4, 13, 16, 19, 178, 222-3, 299-300; W Godwin, Enquiry concerning Political Justice (1793) talked of achieving a perfect society. His work excited much interest and led to a refutation in T R Malthus, An Essay on the Principle of Population (1798) subtitled "remarks on the speculations of Mr. Godwin." Godwin's daughter, Mary Wollstonecroft Shelley, wrote Frankenstein (1818) an allegory of the perils of man's growing scientific abilities and belief in his perfectibility to create happiness.
- 195 G Mingay, English Landed Society in the Eighteenth Century (1963) pp.186-8.
- 196 G Mee, Aristocratic Enterprise (1976) pp.78-93. See Table 25 Section 5; SCL WWM F106 Petition of Wath freeholders' meeting 2/1/1801 qu by Nunn, op cit pp.433-5; the act was delayed until 1810 when there was a recurrence of high prices; see also pp.437-9 and also p.199 re Malton.
- 197 G Rudé, The Crowd in History (New York 1964) p.36. re 1772, see R F Wearmouth, Methodism and the Common People in the Eighteenth Century (1945) pp.64-5; J P Dodd, 'The State of Agriculture in Shropshire 1775-1825' Trans. Shrops. Arch. Soc. LX (1954-6) 10-22 and Lord Ernle, op cit pp.268-9 re succession of bad harvests from 1788 to 1812; M McCahill, Order and Equipoise: the Peerage and the House of Lords 1783-1806 (1978) pp.19-21 re aristocrats swinging behind government in the crisis of 1790s. HO 42/20 often mentions the dangers of revolution in towns. G Woodcock, 'The Meaning of Revolution in Britain 1770-1800' in C Crossley and I Small eds., The French Revolution and British Culture (Oxford 1989) pp.11-12 re fear of revolution predating 1789.
- 198 A J Randall, 'The Gloucestershire Food Riots of 1766', Midland History X (1985) 72.
- 199 J Stevenson, 'Social control and the Prevention of Riots in England 1789-1829' in A J Donajkowski, ed. Social Control in Nineteenth Century Britain (1977) pp.30-6. See Table 23 re Sheffield. Bruyn Andrews, ed. op cit, II (1935) 14/7/1791, 396-7 re London radicals using the



- anniversary of the Revolution.
- 200 ShRO mf Sir Baldwin Leighton's Diary 18/1/1841.
- 201 StRO D260/M/F/5/26/7, Hatherton Journal 28/8/1831; Staffs. Advertiser 5/10/1833.
- 202 Ernle, op cit pp.214-5. Staffs Advertiser 10/8/1805 p.2 c.2; ibid, 8/5/1802 p.4 c.4 commented on 10,000 acres of Yorks. Wolds being tilled. As late as 1854, praise given for cultivating 600,000+ acres of Lincolnshire wastes since 1784. Staffs Advertiser 4/11/1854 p.2 c.5. J Carpenter, A Treatise on Agriculture II (Birmingham 1805) 182-3; Historians who dismiss such contemporary claims include J P Dodd 'Shropshire Agriculture 1793-1870' PhD University of London 1981. M Williams, loc cit 57 quotes Sir John Sinclair paralleling any future enclosure of Hounslow Heath, Finchley Common and Epping Forest and their submission under "the yoke of improvement" to the defeat of France and comments that such apologists would use every argument they could to promote enclosure, cf Turner, Enclosures in Britain 1750-1830 (1984) p.23 who seems to accept Sinclair's sincerity; J Loch, op cit (1820) p.203. DRO D2375 m44/1 25/9/1839.
- 203 See above pp.3-4 and 12-15; D Cosgrove, op cit pp.233-4.
- 204 M Turner, English Parliamentary Enclosure (Folkestone 1980) p.90. See also Board of Enclosure [A Young] op cit pp.13-14. Concern about food shortages was also shown by parliamentary debates on the subject, e g W Cobbett, Parliamentary Debates XXIV (1819) 14, 18, 20 & 27/2/1800, 1489-1505. Lord Hawkesbury illustrated how war had accelerated investment in enclosure by showing that the number of enclosure bills had increased from 227 (1785-92 - a time of "prosperous peace") to 479 during the war years (1793-1800).
- 205 J P Dodd, loc cit 3 & 'Agriculture in Sussex and the Corn Law Lobby' Southern History XI (1989) 53-9 re 1801 Crop Returns. M Williams, 'The 1801 Crop Returns for Somerset', Somerset Arch. and Nat. Hist. Soc. CXIII (1969), 74.
- 206 Neeson, loc cit 120-3, 131-3. See above pp.241-2 re converting arable to pasture and p.153 re Kettering.
- 207 J R-LL's letter to the London Chronicle 8/8/1765 p.141; H G Hunt, 'The Chronology of Parliamentary Enclosure in Leicestershire' Econ. Hist. Rev. 2nd ser, X (1957) 266 and 270 notes many early acts here converted arable to pasture which would include this one at Husband's Bosworth.
- 208 W Marshall, The Rural Economy of the Midland Counties I (1790) 222.
- 209 W Marshall, The Rural Economy of the West of England I (1796) xxviii. See Table 27 re Buckland & Davies & Table 25 Section 5 re Corse & Rudge.
- 210 See above pp.196 and 219-260 re triumph of enclosure over cottage system and p.3 re second enclosure movement; Table 25 Section 5 and Board of Agriculture [A Young], op cit p.149 re Wychwood Forest.



- 211 DNB LVIII (1921-2) 440-1; Staffs. Advertiser 23/8/1817 p.2 c.2-5; See above pp.198 & 326.
- 212 Times 3/7/1789 p.2 c.1; JHC XLIV, 2/7/1789 pp.514-5. JHC XLV, 4/3/1790, 224; 2nd reading deferred 6 months 25/2/1790; Annals XIV, (1790) 312-3. See above pp.219-26 re the allotment movement.
- 213 Gazley, op cit 339-40.
- 214 W E Tate, The English Village Community and the Enclosure Movements (1967) 131; Aris Gazette 8/5/1797 p.2 c.1 and p.3 c.1. DNB XVIII (1921-2), 302; JHC XLVI, 1/6/1797, 626. Quotes from Shrewsbury Chronicle 15/1/1796, p.4.c.1 Leeds Intelligencer, 23/11/1795 p.3 c.3., Staffs Advertiser 11/7/1795 p.4 c.1-2 qu A Young 'Consequences of Rioting on Account of the present high price of provisions', Annals XXIV (1795), 541; all newspapers then were preoccupied with riots, forestalling, revolution and enclosure and other strategies to answer the problem and a full documentation is beyond the scope of this thesis. See also Gazley, op cit pp.337-9 and also pp.294 and 381 re Young and the French Revolution; and re Holderness see Annals XXXI (1798) 113 and 117-120.
- 215 e g Pipe Wolferstan Diaries, 25/8 to 20/9/1800 re bad harvest weather, riots and attempts to provide cheap food at Tamworth. StRO D661/1/2/3/1/6 Dyott's diary 10/12/1800 re corn prices harming "the poor mecanicks in the large manufacturing Towns" which must cause "serious and alarming disturbances."
- 216 re the response of the wealthy to food riots - either through fear or genuine concern, see A Booth 'Food Riots in the North West of England 1790-1801', Past and Present, LXXVII (1977) 84-98. C Emsley, 'The Impact of the French Revolution on British Politics' in C Crossley & I Small eds. The French Revolution and British Culture (1989) pp.41-2 (quoted) and pp.47-8 re 1794 and pp.53-4 re revolutionary fears in 1800-1. Curwen also secured food in Cumberland in 1795 to avert danger - see Table 28.
- 217 Staffs. Advertiser 6/9/1800 p.3 c.4, 13/9/1800 p.3 c.5, 20/9/1800 p.2, 3 and 4, 13/9/1800 p.4 c.2, 13/9/1800 p.4 c.2, 20/9/1800 p.2 c.3; Derby Mercury, 18/9/1800 p.4 c.3, 25/9/1800 p.3 c.1; 18/9/1800 p.4 c.4, 9/10/1800 p.1 c.1, p.4 c.4, 23/10/1800 p.4 c.3.
- 218 Staffs. Advertiser 20/9/1800; Hastings (Bute) Dumfries Box 35/13 J Simmons to Moira 6/3/1801.
- 219 Derby Mercury 30/10/1800 p.4 c.3 and Leicester Journal 19/9/1800 p.3.
- 220 Gazley, op cit pp.415-7, 428, 459 and 534-7 re Young's advocacy of a General Enclosure Act in 1800, 1803 and 1808 respectively; quote from Annals XXXV, (1800) 90. re 1st Report's support of general enclosure for the national interest, see G A Plume, 'The Enclosure Movement in Caernarvonshire' MA University of Wales 1935, pp.8-9.
- 221 ShRO 567/4/54 26/2/1800.
- 222 Leicester Journal 18/7/1800, 19/9/1800 p.3; Staffs. Advertiser 30/8/1800. See Annals XL (1803) 289-312 re Lord



- Carrington's speech summarizing history of the Board's support of a general act since 1800.
- 223 For example in 1795, Gloucs. JPs endorsed Sir George Paul's letter to the Duke of Portland to take various measures "in the present exigency" including increasing cereal production "particularly by the improving and converting to tillage the common and waste lands"; Paul chaired the West of England Agricultural Society anniversary meeting which unanimously supported "A petition to Parliament for a general inclosure" Leeds Intelligencer 9/11/1795 p.3. c.3; 21/12/1795 p.3 c.4.
- 224 See Eddowes Journal 9/7 p.2 c.4 and 16/9/1800 p.2 c.2, Table 27, M McCahill, op cit pp.117 and 217; Lord Ernle, op cit pp.251-2; Tate, op cit pp.130-2.
- 225 Communications to the Board of Agriculture III (i) (1802) 1-291 and III (ii) (1804) 293-545. Derby Mercury 9/10/1800 p.1 c.1.
- 226 H Holland, General View of... Cheshire (1808) p.218; Supra fn 153; W Pitt, General View of... Leicestershire (1809) p.316; Brown, thesis, p.99; J Thirsk, English Peasant Farming (1957) p.296.
- 227 T W Beastall, The Agricultural Revolution in Lincolnshire (Lincoln 1978) pp.56, 62-9, 83 & 95; B A Holderness, 'Capital Formation in Agriculture' in J P P Higgins & S Pollard eds. Aspects of Capital Formation in Great Britain 1750-1850 (1971) pp.167-8 & 174; JHC LVI, 3/2, 10, 19 & 26/3, 20/5, 19 & 20/6/1801, 18, 131-2, 192, 590 & 604-5; DNB I (1921-2), 1049-53; Gazley, op cit pp.379-80 re Banks' concern for the poor, the efficient management of his estate and his desire to support the drainage and enclosure so long as there was a well-ordered plan and sufficient capital; S C on Commons Inclosure (P P 1844, V) Evidence of J Higgins QQ1463-6. See Chapter 2 fn 23.
- 228 Leicester Journal 31/10/1800. See above p.338.
- 229 See Table 16 and J Carpenter, op cit, II, 108-9. Hereford Journal 1/12/1785 p.2 c.1. See also re Glynne at Saltney in Flint where enclosure and concern about the inadequate food supply appear to be linked.
- 230 W Pitt, General View of... Staffordshire (1808) pp.144-7. Annals XVI (1791) "A Month's Tour to Northants., Leics. +c" reprinted in Arthur Young, Tours in England and Wales (1932) pp.260-6; Similar arguments were advanced for the whole of England based on the probability of enclosing Cambridgeshire 319.300 acres of open lands, Eddowes Journal 27/8/1794, p.4 c.2.
- 231 Leeds Intelligencer 14/12/1795 p.3 c.3.
- 232 Young, op cit, PP. 260-6 & 275; see p.270 for how the land could "form a very agreeable scenery" by enclosure with much of the land converted to rich watered meadow; see above p.310 re plantations to do this at Great Barr.
- 233 See Chapter 3 fn 123, Chapter 4 and Table 14.
- 234 JHC XXXIII, 2/2/1771, 133 Evidence of Anthony Lax re Chesterfield Canal.



- 235 See Tables 14 and 26, Map 37 and above pp.100 and 310. The vicinity of the Rushall limeworks and Birmingham were "circumstances greatly to favour cultivation of the Colefield" around Sutton, Aldridge and Great Barr - John Wedge, General View of... Warwickshire (1794) p.38.
- 236 Table 26 re Little Aston.
- 237 Aris 16/12/1805 p.4 c.3; Staffs. Advertiser 25/12/1803 p.3 c.4 and 8/12/1804 re sales of encroachments before auction, presumably to the occupiers under the 20 year rule.
- 238 See above p.217.
- 239 W Pitt, op cit pp.144-7. Pitt's article, 'An Essay on the Production and Consumption of Corn in Great Britain... and of preventing future scarcities', Comms. to the Board of Agriculture V (i) 272-83, indicates the influence of Adam Smith - see also above p.340.
- 240 S C on Agriculture (P P 1833, V) Evidence of Harvey Wyatt, Q11,120.
- 241 G D H & M Cole, eds. W Cobbett, Rural Rides (1930 ed.) passim; e.g. I, 41 re a newly enclosed common, either Crayford or Bexley Heath near Dartford in Kent with "shabby genteel" houses built upon it. See also above pp.139-40.
- 242 Staffs. Advertiser 20/6/1812 p.4 c.2; Aris 26/4/1813 p.1 c.2; Hansard, 1st ser. XXVI (1813) 14/6/1813, 613-4. W Davies, General View of... S Wales II (1815) 105-7, re 1813 general enclosure bill to allow owners of 3/5 of the land to enclose by licence of Quarter Sessions. In 1812, Glamorgan, Radnor, Staffs. and Worcs. Grand Juries' support of a general act and praise of individual waste enclosures for cereals and potato cultivation, Hereford Journal, 8/4 p.3 c.4 and 29/4/1812 p.3. c.1, Derby Mercury 2/4 and 30/4/1812 p.3 c.2. W Marshall, Review of the County Reports to the Board of Agriculture IV, The Midland Department (1818) p.449 praised A Murray, General View of... Warwickshire (1813, reprinted 1815) p.144, who lamented the slow cultivation of commons "when the country is so much dependent on foreign supplies of grain... paid for by draining the nation of coin and bullion". Marshall believed a general enclosure would "allay the hunger of its underfed inhabitants". This remark "was dictated by the existing circumstances of the moment [Feb. 1813]; by the scarcity and dearness of corn and the consequent riots and executions that had just taken place". re fears of revolution linked to Corn Laws and high prices post 1815, see Capt. R H Gronow, The Reminiscences and Recollections of Captain Gronow I 1810-1860 (1892) 220 and 281-3. StRO D593/K/1/5/5, Loch to Suther 4/1/1816 "the number of paupers is increasing... I never saw so much misery... If the price of corn rises I fear the event." D Sutherland, op cit pp.24-5 re "Bread or Blood" riots in E Anglia in Spring 1816. Corn was imported into Liverpool and reported in papers - Morning Herald 2/8/1817, p.3 c.2. Aristocrats reduced rents and made generous gestures, Staffs Advertiser 31/8/1816 and 19/4/1817 p.4 c.2 re Lord Dudley



- and E of Dartmouth. Gower feared "civil war - it looked very much like it when Parliament met" "and one does not see how the overgrown population is to be brought to a proper level" StRO D260/M/F/5/27/1 Gower to Littleton 20 and 21/12/1819; re his agent's fears of revolution because "the yeomanry and manufacturing districts have cast off their dependence on the upper ranks." see E Richards, 'The Social and Electoral Influence...' Midland History III (1975) 135 qu. Loch to Fenton 16/3/1820. The Swing Riots prevented an act at Benson, Oxon, E J Hobsbawm & G Rudé; Captain Swing (1970) pp.141-2; at nearby Otmoor, there were riots against fencing after 1829 award in 1830-1, J L & B Hammond, op cit pp.92-6 and W E Tate, The English Village Community... (1967) pp.209-10.
- 243 See A Redford, Labour Migration in England (1926) pp.62-3 Chapter 5 fn 47 and supra fns 160-74, 210 & 227. C Bronte, Shirley (1849;1974) pp.597-9; Bronte read the Leeds Mercury 1812-1814 in her research for this novel.
- 244 Gazley, op cit p.84; Pitt, op cit p.145, reprinting a passage from his original report.
- 245 Shrewsbury Chronicle 12/2/1819 p.4 c.3 re Bathurst, the Colonial minister encouraging emigration to New South Wales.
- 246 *ibid*, 12/2/1819 p.4 c.1; see above fn 180.
- 247 *ibid*, 18/6/1819 p.4 c.2; see above pp.327-8.
- 248 Staffs. Advertiser 14/9/1850 p.3 c.2 "Cannock Chase, Wolseley Plain and Emigration."
- 249 See Table 28, above pp.49-50 & 107 and D G Brown, 'The Economic Development of the Marquess of Anglesey's Cannock Chase Estate', MA Wolverhampton Polytechnic 1985, *passim*.
- 250 Everett, op cit pp.19-23; Cosgrove, op cit p.210.
- 251 re Enclosure of commons to prevent chartist meetings, see Table 24 re Fairweather Green. The 1845 act established national enclosure commissioners to vet proposals; all enclosures that they approved which needed parliamentary sanction were embodied into a single annual act. See also above pp.13 and 225-6.
- 252 Taunton Courier 7/4/1847 p.1 c.2 re operation of Drainage Act and 6/1/1847 p.7 c.1 re Clun. The prices were £7 and £12 per acre; cf Staffs. Advertiser, 21/12/1850 p.8 c.4-6 re damage of protectionism to labourers cf workers in protected factory industries e g wire-drawing and spade making.
- 253 See J L & B Hammond, The Age of the Chartists 1832-1854 (1930) pp.130-141; Lord Eversley, op cit pp.15-16 re the background to the passing of the act; re Corringham Scroggs, see E & R C Russell, Making New Landscapes (1983) pp.2-3. Hansard 3rd ser. LXXIII, 29/2/1844, 427-8 (quoted). Staffs. Advertiser 19/2/1844 p.4 c.2 re Lichfield Agricultural Protection Society. D Spring, The English Landed Estate in the Nineteenth Century: Its Administration (Baltimore 1963) pp.40, 136-150 and 170-7 re the 1845 General Enclosure Act, the breadth of work of the national commissioners and laws to aid and oblige the



modernization of landed estates.

254 J E Denison MP to Earl Fitzwilliam, 18/8/1847 qu in F M L Thompson, 'The Economic and Social Background of the English Landed Interest', D Phil University of Oxford 1956, pp.139-40. This echoes Sir James Graham in May 1846 that England was "no longer... an agricultural but a manufacturing country." qu in W Cobbett, Rural Rides II (1912 ed.) 311.

255 Hansard 3rd ser., CCXXVII, 10/2/1876, 186-91, Speech of Assheton Cross M.P., esp. 189.

## CHAPTER EIGHT - FINAL CONCLUSION

This thesis contends that a misleading stereotype exists about the motives for parliamentary enclosure. It is usually seen as a capitalist transaction inspired by the profit motive of higher rentals for landlords and greater income for both tenant and freeholding farmers. These increases would come from better husbandry such as converting heavy open field soils to pasture or converting light soils in waste lands to arable or perhaps simply draining marshy land. Therefore the chronology of enclosure has been linked to investment rates and rises in corn prices.

This stereotype has been perpetuated by fact that the study of enclosure has remained largely the preserve of agrarian or economic historians who have tended to focus primarily on open field acts in the south and east of the English midlands. They have condemned those historians with wider perspectives, such as the Hammonds, and the evidence of participants about their motives has been largely ignored or discounted as being apologia to cover their real motive - profit.

However a body of existing research, when it is drawn together as here, shows that this model is very limiting. The work of Raybould and White in mining areas, Hoskins on open field towns, Giles on Stockport and other local studies show that agricultural improvement for profit was not the sole motive for parliamentary enclosure. Evidence from newspapers, letters, diaries, and individual enclosure petitions, acts and awards when examined in detail confirms that enclosure had several motives, of which agricultural profits was only one.

These motives can be conveniently classified as legal, mineral, urban, community needs, concern about the poor and



aristocratic improvement, each of which has been investigated here in turn. A large amount of primary and secondary evidence has shown the complexity of such motives. Indeed different owners could have different aims from the same enclosure. For example at Cheadle, the lady of the manor wished to improve the farming on her estate; most of the freeholders wanted to end encroachment; a few freeholders wished to use the land for plantations; whilst the Duke of Devonshire's agent simply wanted to increase his master's agricultural rental.<sup>1</sup>

Clearly some owners did enclose for agricultural profits. Beastall uses a memorandum of the Fifth Earl of Scarborough in 1784 to show that his support of enclosure "was not a feeling that enclosed villages looked better, or they were examples of advanced methods of farming, but that they yielded more in rent."<sup>2</sup> Equally profit or financial benefits could be obtained from enclosure in other ways such as by reducing poor rates, making building leases or encouraging more efficient mining.

However profit in whatever form was only one amongst several motives for enclosure. In establishing alternative motives, this thesis has attempted to correct a perceptual flaw of some historians in their understanding of historical behaviour. To focus only on profit in enclosure is to adopt a Twentieth Century perspective. In a capitalist society where competition and the profit motive are the dominant forces for economic behaviour and public works are increasingly effected by private enterprises seeking profit, the idea of economic action to benefit society or individuals in ways other than simple cash terms seems irrational. The current dominance of the assumption that profit maximization alone explains economic activity - which is a fundamental premise of most economic text books<sup>3</sup> - has led historians to behave like modern businessmen who look at

interest rates, price movements, cost benefit analysis, opportunity costs and projected profits before making investments. The econometric methods of these historians have rendered them prisoners of their time and their work perhaps tells us more about modern philosophies and assumptions rather than those of their subjects. Their approach has perhaps given them a greater status amongst economists but is flawed both perceptually and methodologically because they have ignored the most important sources of evidence concerning the motives for economic activity - what the people themselves said (after due critical analysis) and what were the results of their activities.

To determine the precise motivation of any particular encloser or group of enclosers, much depends upon the survival of relevant evidence in estate papers. Where it does survive, it is clear that exogenous economic influences such as interest rates and prices played little part in the calculations of enclosers. Indeed in this researcher's experience, there are few enclosures papers where there is even an estimate of post-enclosure profits.<sup>4</sup> Where profit was a motive, it was more of a hope than a precise expectation. It was most often to be found on institutional estates whose trustees might be obliged by the terms of the trust to maximize income rather than obey any aesthetic or moral imperative. It is noticeable that the studies which emphasise such exogenous influences fail to cite evidence which shows owners considered these factors.

Instead a wide range of sources show that endogenous influences were often more vital determinants in the decision to enclose than interest rates or wheat prices. These local influences included the number of encroachments, increasing poor rates, the need for land for building, gardens or accommodation land<sup>5</sup> or even agricultural problems



specific to an area. The most important endogenous factor was the major local landowner. Although agents were employed in part to promote better farming, it was the attitude of the owner - with whom the final decision rested anyway - which usually determined the timing of enclosures. He might suddenly have money available from a sale or bequest to fund a long considered improvement. Such men often had their own particular reasons for wanting increased rentals when they chose to enclose such as debts or marriage settlements.

Apart from the financial position of individual owners, historians have also underrated the importance of psychological factors such as the personality, beliefs and social position of many enclosers. The importance of these factors is illustrated by the number of enclosures which followed the arrival of a new owner either by purchase or inheritance. The recent publication of Turner's article about the Seventh Earl of Bridgewater's dynastic motives to enclose has acted as a useful corrective.<sup>6</sup> Other enclosers were 'improving' Whigs whose political exclusion from 1760 to 1830 led them to spend much time upon improving their estates without considering the cost. The Fourth Duke of Bedford ruined his estates and Coke of Holkham amassed huge debts without apparent concern until 1816 when an agent was appointed to control his activities and a decision was made to sell outlying estates.<sup>7</sup>

Another psychological factor was the 'herd' instinct. Throughout the period, owners in adjoining parishes felt that they ought to copy the example of an improving owner and so a 'Spirit of Improvement' swept an area, which offers one explanation for the 'epidemic' theory of enclosure. The 'enclosure mania' of the 1790s, influenced by the Enlightenment and food shortages, was only one of several manias, all of which again reflect this 'herd' instinct.

Many aristocrats in the Age of Reason felt they had to justify their outmoded status in a capitalist society. The shock of the Civil War when the House of Lords was abolished led to a greater awareness of this need amongst aristocrats.<sup>8</sup> They found a *raison d'être* in their patronage of improvements linked with their country like canals, turnpikes and indeed enclosures. Many believed that their knowledge and wisdom justified their leading role in controlling and creating an improved society.

Many owners also felt a rational duty to engage in improvements for the sake of their estate, their heirs, their 'country' and their God. How they interpreted this obligation to improve their country varied, often according to their political views. Thus landscape improvement both within and beyond aristocratic parks was undertaken for aesthetic, cultural, philosophic, philanthropic and paternalistic motives as well as simply to enhance the owner's status. Some aristocrats did try to ignore the social change going on about them and enclosure was one means by which they could keep the world at a distance. But many engaged actively in the 'Spirit of Improvement' in a changing world and were thus able to preserve for themselves a role within it. The ambitious middle class still aspired to this status by the acquisition of landed estates, titles and mansions and by intermarriage with the landed élite. In the age of the Enlightenment, an aesthetically pleasing landscape, rational improvement, public utility and status often mattered just as much as profit to improving aristocrats.

These improving aristocrats had more urgent reasons to enclose - the fear of revolution. They recognised the need to enclose wastes both to convert independent squatters into industrious wage labourers and, especially at times of scarcity after the shock of the French Revolution, to feed



the poor in order to safeguard their élite position. This explains the link between high prices and enclosure acts as satisfactorily as the profit motive. At the very least, both explanations merit equal attention in our attempts to understand the second enclosure movement - or 'enclosure mania' - of the 1790s.

Fundamentally the whole enclosure movement derived from a basic human trait - the desire to own; is it any wonder that the phrase "an Englishman's home is his castle" is applied to the first industrial nation? Once he owned land, man could control his environment in the several ways outlined in this thesis. Another trait is man's ability to alter his environment. The Age of Reason can be seen as the time when man became conscious of this control. God created the world but man shaped it. This arrogance is seen in such diverse areas as landscape gardening, Smith's political economics, Malthusian social planning and Rousseau's political ideas. We live with the results of this attitude in the application of scientific knowledge without proper consideration of the environmental results.

The middle classes, who by training and experience might have been expected to show a capitalist approach to enclosure, often adopted the views of the landed élite they aspired to join. Even professional farmers used acts to develop mansion estates. The belief of many socially ambitious businessmen in man's ability to control nature and their arrogance born of business success led them to embark in ill-considered schemes without the necessary local knowledge, agricultural expertise or capital. Their great projects of improvement like those of many landed gentlemen were attempted at a scale beyond their means.

Although British historians have ignored the role of the Enlightenment upon English enclosures, foreign historians

like Grab have accepted its influence elsewhere. Joseph II's enclosure decrees in Lombardy were "dictated by doctrinaire assumptions no less than by efforts to stimulate agricultural development." His policy is seen as an extension of his enlightened despotism under the influence of Arthur Young and the Physiocrats. The English example "confirmed many European rulers to adopt similar measures in order to stimulate agricultural growth to strengthen the base of their states."<sup>9</sup>

Even Hunt, who only used economic factors to explain the chronology of the enclosure movement in Leicestershire, quoted a Belgian historian with very different views on enclosure in his own country. "The idea of sharing out the common property appeared neither by chance nor for purely economic reasons. This idea was part of a mixture of new legal, economic and social concepts and philosophies, to which historians give priority according to their tastes or prejudices."<sup>10</sup>

Similarly this thesis has not attempted to give primacy to any of the various motives for enclosure. However it is clear, given the diversity of motives and the rareness with which enclosers adopted the modern capitalist approach, that the agricultural profits model limits our understanding of the enclosure movement. An alternative model - that of improvement - is offered as an umbrella term to cover the whole range of motives including profit.

Improvement was almost invariably stated as the motive for the enclosure in acts and the use of this 'catch all' phrase was quite deliberate. Contemporaries felt that whatever the change - even if only the division into severalty of grazing rights on a moor - would represent an improvement upon the existing land use or simply the fragmented pattern of landownership in open fields. Enclosures were undertaken for



either or both of these two reasons. Where these changes were unlikely to command unanimous support, the legal sanction of an act was needed for the landowners to secure an equivalent for the rights against the claims of many types of interested parties. This problem was particularly acute in areas of commons and wastes where the rival parties could include the Crown, lords of adjoining manors, encroachers and squatters. The securing of an equivalent for rights could also be the motive for tithe owners and lords of manors, especially as their respective rights became increasingly seen as a cause of contention and as an anachronism from a feudal landed society. In towns on the other hand, acts could allow rights to be protected or seized from rival interest groups like freemen.

It may be argued that this thesis has focussed on unusual examples or atypical areas. For example, Chapters 5 to 7 have largely focussed upon waste enclosures whereas historians have claimed that the open field acts which predominated in the southern midlands were the most important in terms of acreage. Chapman has shown the falsity of this view as waste acts actually involved the greater acreage. As Beckett admits, "it is possible that in their fascination with the enclosure of open fields, historians have overlooked the fact that the general trend of enclosure may have been towards land reclamation rather than reorganisation of the arable".<sup>11</sup>

However to show the prevalence of the trends identified, the range of the thesis was broadened from its original limits of the west midlands to include all of England and Wales.<sup>12</sup> One clear conclusion to emerge from this extended study has been that statistics about the percentage of enclosures which had mineral motives or housing motives are meaningless especially as any particular enclosure could have a variety of motives. Thus the only way to present the range of

evidence needed to establish the improvement model has been to compile detailed tables in the companion volume together with maps to demonstrate several major points.

Although the profit motive is an inadequate explanation of the enclosure movement, the latter did embody many elements of the capitalist spirit. This was present in the desire even amongst many of the poor to own land rather than enjoy common rights.<sup>13</sup> It can also be seen in the desire to replace personal by impersonal relationships. Acts converted unwritten customs and rights into legal property with title deeds and independent peasants into dependent labourers. As such it was a mechanism for social engineering, an instrument for social policing or ensuring moral order. It marked part of the transition from a feudalistic world to the capitalistic world which has been exemplified in other ways such as the replacement of mining, housing and farming under the cottage system of encroachment by capitalist exploitation and the growth of the allotment movement out of the 'encroachment' movement. As Grab wrote, enclosure was "a transition from communalism characterized by collective rights and collective use of land to a new system characterised by the right of private property and individual freedom of action." The enclosure of the remaining commons completed the transition from feudalism to capitalism in their communities, as described by J E Martin in areas of medieval and early modern enclosure.<sup>14</sup> This fits Dobb's theories about the origins of capitalism. All enclosers aimed to achieve improvement - the zeitgeist - albeit in a variety of ways.

Apart from the motives for the enclosure movement and its role in the development of capitalist exploitation, there are three broader implications which arise from this thesis. The first is closely linked with the development of a capitalist society. It is argued that Britain between 1750



and 1860 was a society dominated by the threat to its landed élite from the socio-economic changes usually called the Industrial Revolution and the consequent movements for political change. The aristocracy survived because it contained a large number of Whigs and Liberal Tories who were prepared to improve and compromise compared to the Ultra Tories who tried to maintain the status quo. Secondly, there has been a particular philosophy articulated throughout; that economic behaviour is not solely determined by the profit motive. Thirdly, there has been a particular methodology; that the motives of actors in the past can only be determined by critical study of their words and actions, not by graphs and statistics of economic trends.

In conclusion it seems clear that the thesis has achieved its principal aim: that is to demonstrate the superiority of the 'improvement' model to the 'agricultural profits' model as an explanation of the parliamentary enclosure movement.

## Footnotes for Chapter 8

- 1 Table 25 Section 5, above pp.6 and 238-9.
- 2 T W Beastall, A North Country Estate (Chichester 1975) pp.89-93.
- 3 J L Hanson, A Textbook of Economics (1986) p.108 "it has to be assumed that it is the aim of every producer to maximize his profits."; G Whitehead, Economics Made Simple (1986) p.23; R G Lipsey, An Introduction to Positive Economics (1983) pp.330-4.
- 4 See above p.6; M Turner, Enclosures in Britain (1984) pp.44-5.
- 5 See above p.135 re accommodation land.
- 6 M Turner, 'Land, Industry and the Bridgewater Inheritance', in B A Holderness & M Turner, eds. Land, Labour and Agriculture (1991) pp.1-25.
- 7 See Table 27 and above pp.321-2.
- 8 J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986) pp.403-6.
- 9 A Grab, 'Enlightened Absolutism and Common Lands Enclosure. The Case of Austrian Lombardy', Agricultural History LXIII (1989), 49-72.
- 10 H G Hunt, 'The Chronology of Parliamentary Enclosure in Leicestershire', Econ. Hist. Rev. 2nd ser. X (1957) 272 qu P Recht, Les biens communales du Namurois et leur partage a la fin du XVIII eme Siecle (Brussels 1950) p.99.
- 11 Turner claimed almost 2/3 of the land enclosed by act was open field and 1/3 was common and waste, cf Chapman who calculates the reverse; M Turner, English Parliamentary Enclosure (Folkestone 1980) pp.180-1 and Enclosures in Britain, 1750-1830 (1984) pp.17-19; J Chapman, 'The Extent and Nature of Parliamentary Enclosure', Ag. Hist. Rev. XXXV (i) (1987) 34; both figures are mentioned in J Thirsk, ed. The Agrarian History of England and Wales VI 1750-1850 (Cambridge 1989) 45-6 and 947; J V Beckett, The Agricultural Revolution (1990) p.37
- 12 See Table 29 and above p.17.
- 13 See above pp.42, 53, 283, 296-7 and 313-5 re the desire of the wealthy to own land in severalty and p.210 how this possessive individualism extended to the poor. See also about the links between enclosure and the development of capitalism pp.53, 94-5, 148-50, 216, 220-1, 237, 283 and 346-7.
- 14 Grab, loc cit, 49. J E Martin, From Feudalism to Capitalism - Peasant and Landlord in English Agrarian Development (New Jersey 1983).



ENCLOSURE AND IMPROVEMENT : AN INVESTIGATION INTO THE  
MOTIVES FOR PARLIAMENTARY ENCLOSURE

DAVID GEORGE BROWN

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TABLE 1 - EXAMPLES OF THE EPIDEMIC THEORY OF ENCLOSURE

This table is not meant to be a comprehensive list of acts which fit this model; it is merely intended to illustrate the several reasons why enclosures spread from manor to manor. It could simply be that the same economic motives which led one manor to enclose in a region also operated on neighbouring manors at the same time. For example, in Warwickshire the large open fields in the heavy clays of the Felden were enclosed for pastoral and mixed farming mainly before 1780 whereas the Arden's extensive commons and wastes were mostly enclosed in the early 1800s<sup>1</sup>. Profitable acts in nearby manors could encourage owners to enclose in

their parish. It was often cheaper to enclose adjoining manorial commons at one go as at Great Barr which led to the Aldridge act in 1795. Such acts also allowed legal rights over intercommoning wastes to be sorted out. Magnates could decide to promote a programme of enclosure in their parishes as in the case of Lord Anglesey and Cannock Chase in the 1850s and 1860s and the Duke of Rutland in the Vale of Belvoir in the late 1700s. This also shows the importance of the changing attitudes and perceptions of owners in decisions to enclose.

Date	Place	Notes
1771	Burton on Trent, Staffs.	Three acts near Burton - Stapenhill and Winshill; Stretton, Horninglow, Bond End and Branston; and Horninglow Common - originated from consecutive petitions in the Journals from Lord Paget <sup>2</sup> .
1772	Stainby, Lincs.	Consecutive petitions in the Journals for Stainby and nearby Stapleford (Leics.) have similar wording and originated with the principal owner in each parish, the Earl of Harborough <sup>3</sup> .
1784	Dudley Wood, Wores.	After his successful 1776 Ashwood Hay act, Lord Dudley's two adjoining commons of Pensnett Chase and Dudley Wood were enclosed in 1784. This resolved disputes between adjoining manors and was part of a coherent policy of estate development involving canal promotion, colliery and ironwork speculations and increasing arable production. The adjoining wastes in Oldswinford had been enclosed in 1780 and Swindon (where Dudley was a large owner) would be enclosed in 1793 <sup>4</sup> .
1786	Shottery, Warks.	Styles and Martin believe that Viscount Beauchamp promoted this act and others to enlarge his estates; at Binton he bought out the other four owners (1770-8) before obtaining an act, receiving 1,192 acres - all but 13 of the total; he also obtained an act for Dunnington Heath in 1783 adjoining his park. Both believe his aim was to create an estate worthy of a marquisate; he succeeded in the 1790s when he was created Marquess of Hertford <sup>5</sup> .
1788	Compton Martin, Somerset	"the adjoining Parish" of West Hartree was enclosed by act the year before and both parishes wanted Compton Martin enclosed thus "saving a considerable Expence in Ring-fencing, and other particulars" <sup>6</sup> .
1795	Great Barr, Staffs.	This act began the enclosure of the Colefield on the borders of Staffs. and Warks. As its wastes were subject to intercommoning with Aldridge, it too was enclosed by act in 1795. The enclosure of the whole area of wastes from the north west of Birmingham to the town itself and round to its north east at Washwood was achieved between 1791 (Handsworth) and 1811 (Perry Barr) with a particular concentration around 1798-1802. This may have been provoked by Arthur Young who was amazed to find the nine miles between Birmingham and Sutton Coldfield as a continuous waste in c1790 when there was such a local market and the government was "trembling lest the people should want bread to eat". These enclosures are explicable not only by the high corn prices and increased rentals but also by this fear of not feeding this huge market as well as the notions of rational improvement <sup>7</sup> .
1797	Knipton, Leics.	During the Duke of Rutland's minority (1787-99) £25,973 were laid out on acts like this on his Vale of Belvoir estate. This was linked with the trustees' support of the Grantham Canal and road improvements. An earlier burst of enclosure on his estate occurred between 1766 and 1771 <sup>8</sup> .
1798	East Leake, Notts.	Thomas Parkyns petitioned against an act here in 1781 as it would not produce "any improvement" and be a "heavy expense". However he got an act at Burny in 1797 and supported the act here. This shows that there was a coherent change in estate policy about enclosure <sup>9</sup> .



TABLE 1 - EXAMPLES OF THE EPIDEMIC THEORY OF ENCLOSURE (Cont.)

Date	Place	Notes
1808	Cheadle, Staffs.	Blagg was the solicitor for the acts for here and Whiston (1809). Cheadle Grange was to be involved but was enclosed by agreement. The Checkley act (1808) had involved Blagg but another solicitor was chosen. An act for nearby Kingsley was also planned but its Lord feared harm to his mining rights. He had also been involved in the 1780 Dilhorne act. These acts were in a series in the Staffs. moorlands including Leek (1805), Cheddleton (1807) and Caverswall (1811) <sup>10</sup> .
1846	Tredington, Warks.	George Phillips bought several estates including one here in Warwickshire. He then obtained enclosure acts and bought up other estates to maximise his allotment as at Little Woolward and Burmington. His cousin Robert did the same at Wolverton in 1826 <sup>11</sup> .
1848	Stoke Ridge Common, Somerset	Adjoining land of the same quality had been enclosed and cultivated <sup>12</sup> .
1851	South Somercotes, Lincs.	The profitable act for Saltfleetby encouraged owners to enclose. Also as this larger adjoining common is being enclosed and "very convenient that the allotments in this small tract should be made now" <sup>13</sup> .
1853	Llanlulan, Montgomery	Neighbouring enclosures had been very beneficial <sup>14</sup> .
1865	Rugeley, Staffs.	This was the last of a series of acts on Lord Anglesey's manors on Cannock Chase, starting in 1853 at Hammerwich, to open up the area for mining development. Adjoining wastes at Norton Canes (1862) and Walsall Wood (projected 1858 but approved 1866) were also enclosed and there was an attempt to enclose Pelsall in 1858 <sup>15</sup> .

Footnotes

- 1 J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement' PhD University of Birmingham 1965 pp.3, 14-6 and 30-2; D Slater, A History of Warwickshire (Chichester 1981) pp.76-7.
- 2 H of C Journals (hereafter JHC) 31/1/1771, 108-9.
- 3 JHC XXXIII 5/2/1772, 448.
- 4 T J Raybould, The Economic Emergence of the Black Country (H Abbot 1973) pp.35-51; StRO D1021/3/6 re Cradley rights to graze on Pensnett Wood; see Chapters 3 and 7 and Table 14.
- 5 VCH Warks. III (1945) 62, 268; J M Martin, 'Members of Parliament and Enclosure; A Reconsideration', Ag. Hist. Rev. XXVII (1979) 104 and op cit pp.167-9; see also Chapters 1 and 7.
- 6 JHC XLIII 25/2/1788, 255; see also Chapter 3.
- 7 J Gould, Men of Aldridge (Bloxwich 1957) p.60; StRO D351/4/3/440; Annals XVI (1791) 'A Month's Tour to Northants., Leics. etc.', reprinted in Arthur Young, Tours in England and Wales (1932) pp.260-6; see Chapter 7. Acts referred to are Handsworth (1791), G Barr (1795), Aldridge (1795), Birmingham Heath (1798), West Bromwich (1801), Erdington and Witton (1801), Saltley and Washwood Heath (1802) and Perry Barr (1802).
- 8 J Pitt, General View of... Leics. (1809) pp.13-15.
- 9 Tate, The English Village Community and the Enclosure Movement (1967) p.96 and 'The Commons Journals as Sources of Information concerning the Eighteenth Century Enclosure Movement' Economic Journal LIV (1944) 76-7; see Chapter 2 fn 35.
- 10 StRO D239 boxes re Cheadle, Dilhorne and Whiston enclosures. See Chapters 1, 2, 3 and 7.
- 11 J M Martin, op cit pp.59, 62 and 102; see Chapter 7.
- 12 3rd Rep. Nat. Inclo. Commissioners (P P 1347-8 XVI) 203-8.
- 13 S.C. on Commons Inclosures (P P 1844 V) Evidence of John Higgins, Q1363; Spec. Rep. Nat. Inclo. Commissioners (P P 1851 XVII) 540.
- 14 Spec. Rep. Nat. Inclo. Commissioners (P P 1952-3 XL) 662.
- 15 See Chapter 4 and D G Brown, 'The Economic Development of the Marguess of Anglesey's Cannock Chase Estate' MA Wolverhampton Polytechnic 1935.



TABLE 2 - ENCLOSURES FOR INCREASED VALUE

Much of this table is based on enclosure petitions; as Turner states<sup>1</sup> these often followed a standard form established by precedent and some evidence shows that references to increased value might be copied from preceding acts or perhaps from two acts in the locality being promoted.

simultaneously, probably by the same solicitors - see Worsley and Chorley. However the preamble had to be proved in committee to be reported, so a witness like William Turner in 1773 had to be prepared to substantiate any precise allegation about increased value.

Year	Place	Evidence
1765	Worsley, Lancs.	Lands "at present afford little or no profit or advantage" <sup>2</sup> .
1767	Chorley, Lancs.	Common lands "at present afford little or no Profit or Advantage, but are capable of great Improvements" if divided and enclosed <sup>3</sup> .
1767	Rempstone, Notts.	Petition - common land "would be of much greater value, if the same were divided" <sup>4</sup> .
1768	Portsea, Hants.	If Milton commons were "inclosed, it would considerably augment their Value" <sup>5</sup> .
1769	Nafferton, E. Yorks.	The small intermixed parcels of land are "so inconveniently situated, as to render the Cultivation thereof difficult and expensive"; an enclosure would be "advantageous" <sup>6</sup> .
1769	Ebberston, N. Yorks.	Open Fields and Commons "are at present of small Use or Value"; but if enclosed "capable of very great Improvement" <sup>7</sup> .
1770	Thornton, W. Yorks.	Moors "in their present Situation yield very little Profit to the Petitioners" if enclosed "would be a great Improvement to the Estates of the Petitioners" <sup>8</sup> .
1770	N. Littleton. Worcs.	Open fields and commonable lands "would be greatly increased in Value" if divided and inclosed" <sup>9</sup> .
1770	Skirbeck, Lincs.	Common fen "in its present situation, can be of little Profit or Advantage" but would benefit all proprietors if enclosed <sup>10</sup> .
1771	Burton-on-Trent, Staffs.	Paget's agents calculated that enclosure would result in an annual improvement after costs of £719/5/- <sup>11</sup> .
1771	Clastonbury, Somerset	Moor is lacking manure and is often flooded "and is of very little Value to the Petitioners"; drainage, enclosure and improvement would be beneficial <sup>12</sup> .
1771	Bishop Norton, Lincs.	Lands are "so inconveniently situated as to render the Cultivation thereof difficult and expensive" - an enclosure would be beneficial <sup>13</sup> .
1771	Barniker Moor, Lancs.	Moors "at present afford little or no Profit or Advantage" but if enclosed and "converted into Tillage" benefit proprietors and be "of Public Utility" <sup>14</sup> .
1771	Broadway, Worcs.	Its open fields and commonable lands "are incapable of any considerable Improvement; but which would be greatly increased in Value if...inclosed" <sup>15</sup> .
1771	Str-J-Foss, Marks.	Open fields if enclosed would "be of much greater Profit and Advantage" <sup>16</sup> .
1772	Throckmorton, Worcs.	Petitioner owns all but 70 of the 1,600 acres of common land and the land "would be greatly increased in Value" by enclosure <sup>17</sup> .
1773	Wackonby, Lincs.	Common fen is "frequently overflowed" and "yields but little Profit to the Proprietors", but embankment, drainage and enclosure would be of "great Advantage" <sup>18</sup> .



TABLE 2 - ENCLOSURES FOR INCREASED VALUE (Cont.)

Year	Place	Evidence
1773	Grappenhall and Latchford, Cheshire	William Turner said "lands may be improved to be worth 40/- an acre"; petition adds increased profit would be from converting wastes to Tillage <sup>19</sup> .
1774	Bricklehampton, Wors.	Open fields and commons "would be greatly increased in Value, if the same were divided and inclosed" <sup>20</sup> .
1775	Adlestrop, Gloucs.	Lord Leigh made detailed calculations about costs of enclosure and terminating leases and increased income from enclosure in 1765 <sup>21</sup> .
1778	Bolnhurst, Beds.	Speculators bought as much land as possible, made an enclosure agreement confirmed by act and hoped to sell to make a quick profit - but no one wanted to buy and tenants not willing to invest on annual leases <sup>22</sup> .
1778	Barby, Northants.	The advowson was worth over £4.00 per annum before enclosure, but its sellers believed it would be over £600 after enclosure <sup>23</sup> .
1784	Elrington, N'umberland	Petition of the Commissioners of Greenwich Hospital et al.; "Allotments would tend greatly to the Improvement of the Value of the Estates and Interests of the Petitioners" <sup>24</sup> .
1786	Oddington, Gloucs.	Petition said land capable of considerable improvement "but which would be much in value by a Division and Inclosure" <sup>25</sup> .
1786	Harvington, Wors.	Commons "in their present State, are incapable of any considerable Improvement, but would be much increased in Value by a Division and Inclosure of the same" <sup>26</sup> .
1788	Bagby, N. Riding	The Moor "would be much increased in Value" by inclosure <sup>27</sup> .
1789	S. Kilworth, Leics.	Lands are "inconveniently intermixed and dispersed... in small parcels"; if "divided and inclosed... would ... be of much greater Profit and Advantage" to the petitioners <sup>28</sup> .
1789	Coniston, E. Riding	Open fields strips are "so intermixed and dispersed in small Parcels... as to render the Cultivation thereof inconvenient and expensive" <sup>29</sup> .
1789	Wyberton, Lincs.	Commons "lie at so great a distance" from many houses "as to render the Occupation thereof inconvenient and expensive" and little improvement can be made; a "Division and Enclosure" "would be of great Advantage and Convenience" to owners "and tend greatly to the Improvement of their Estates" <sup>30</sup> .
1790	Little Woolston, Bucks.	Owners "are put to considerable Trouble and Expence in the Cultivation" of small detached parcels; enclosure "would enable them" greatly to increase the Value of their respective Properties and to cultivate the same at much less Expence, A Quantity of Waste Land... now of very small value, would be rendered capable of considerable Improvement" <sup>31</sup> .
1790	Dormstone, Wors.	If the open fields and commons and wastes were enclosed "and thereby greatly improved, and become profitable to the Petitioners... as well as of public Advantage" <sup>32</sup> .
1791	Knapwell, Cambs.	There was "such wretched husbandry in it that I cannot well understand for what they enclosed relative to management; rent is the only explanation which has risen from 5s tithed to 10s or 11s free" <sup>33</sup> .
1792	Mendip Forest, Somerset	Lands are subject to trespasses and "are of small Value" but if enclosed "are capable of great Improvement" <sup>34</sup> .
1793	Cobham, Surrey	The wastes "in their present state produce little Profit, but are capable of being greatly improved and would be much more valuable if the same were divided and inclosed" <sup>35</sup> .
1793	Badsey, Wors.	The open fields and common lands "are incapable of any considerable Improvement but would be much increased in Value by a division and Inclosure" <sup>36</sup> .



TABLE 2 - ENCLOSURES FOR INCREASED VALUE (Cont.)

Year	Place	Evidence
1802	Cardington, Beds.	Whitbread had been promised his arable rents would increase from 11/6 to 15/- and meadow from 22/6 to 27/6 <sup>37</sup> .
1809	Sheringham, Norfolk	William Repton arranged a bill to increase the sale price of Flower's property to meet Lord Nelson's need for an estate whose value fitted his station <sup>38</sup> .
1811	Ardington, Berks.	Enclosure was seen by the Clarkes as "the plan by which they hoped to recoup their fortunes", however the high legal costs led to estate's sale in 1831 <sup>39</sup> .
<u>Footnotes</u>		
1	M E Turner, <u>English Parliamentary Enclosure</u> (Folkstone 1980) pp.94-5; agents and lawyers also searched for model clauses for prospective acts. [StRO D554/160 mss. abstracts of local acts in preparation for Alton Enclosure Act 1824.]	19 House of Lords Committee Book 20, 4/5/1773, pp.234-5, JHC XXXIV 1/2/1773, 91; W E Tate, <u>The English Village Community and the Enclosure Movements</u> (1967) p.152 quotes Bolnhurst's rector from 1749 to 1767, John Jones, as saying that no incumbent of the parish should consent to an enclosure unless the poor were protected and that many enclosures harmed the public and some private interests.
2	Preamble 5 Geo III c.60; from "at present" to "publick Utility" the same as the 1765 preamble for Appleton and Lymn just over the border in Cheshire.	20 <i>ibid</i> 21/2/1774, 473.
3	H of C Journals (hereafter JHC) XXXI 22/1/1767; repeats same phrase as Worsley.	21 Martin, thesis, pp.164-5; <u>VCH Gloucs. VI</u> (1965), 13.
4	JHC XXXI 28/1/1767, 77.	22 Tate and Turner, op cit p.551; T Batchelor, <u>General View of the Agriculture of Bedfordshire</u> (1808) pp.222-4.
5	<i>ibid</i> 16/1/1768, 510; a similar allegation that enclosure would "greatly increase the Value" of the lands was made in the Horsington petition JHC XXXII 19/1/1769.	23 <u>Northampton Mercury</u> 14/9/1778
6	<i>ibid</i> 24/1/1769, 133.	24 JHC XL 26/5/1784, 23-4.
7	<i>ibid</i> 19/1/1769, 120-1.	25 JHC XLI 31/1/1786, 157.
8	JHC XXXII 9/2/1770, 679.	26 <i>ibid</i> 22/2/1786, 243.
9	JHC XXXII 8/2/1770, 674; same allegation in next petition JHC XXXIII 29/1/1771, 99; act only obtained in 1811.	27 JHC XLIII 5/2/1788, 172.
10	JHC XXXIII 7/12/1770, 47.	28 JHC XLIV 11/3/1789, 161.
11	[See Chapter 1].	29 <i>ibid</i> 10/3/1789, 154.
12	<i>ibid</i> 22/1/1771, 75.	30 <i>ibid</i> 17/3/1789, 209.
13	JHC XXXIII 23/1/1771, 80; same form of words used for Melton, Lincs. petition 29/1/1771, 98-9; similar form of words used in Burton Dassett, Warks., petition 2/2/1771, 135.	31 JHC XLVI 17/12/1790,
14	<i>ibid</i> 19/2/1771, 180.	32 JHC XL 25/2/1790, 184.
15	JHC XXXIII 31/1/1771, 115.	33 Arthur Young, <u>Tours in England and Wales</u> (1932) p.204.
16	<i>ibid</i> 31/1/1771, 112.	34 JHC XLVII 5/3/1792.
17	<i>ibid</i> 25/2/1772, 508-9 and 28/4/1772, 707. No opposition reported.	35 JHC XLVIII 21/2/1793.
18	JHC XXXIV 1/2/1773, 86.	36 JHC XLVIII 1793, 214; no act until 1812.
		37 Joyce Godber, <u>A History of Bedfordshire</u> (1969), p.466.
		38 K Laurie, 'Humphry Repton', G Carter et al, eds. <u>Humphry Repton, Landscape Gardener 1752-1818</u> (1982), pp.25-6.
		39 M A Havinden, <u>Estate Villages</u> (1966), pp.45-8.



TABLE 3 - AGRICULTURAL MOTIVES FOR ENCLOSURE STATED IN PARLIAMENTARY ENCLOSURE PETITIONS AND ELSEWHERE

This table, which is not intended as a comprehensive list, indicates the variety of agricultural motives that enclosers could have. Many enclosure petitions also refer to drainage but only those which mention specific local circumstances are included. Some of these petitions, as at Otmoor, did not become acts. Most petitions follow a standard form which reveals nothing about local circumstances but, in cases like Groby, other sources can provide useful information. Historians have noted more general agricultural motives for acts in particular areas - for example the conversion of arable to pasture in the heavy clay soils of the Warwickshire Felden has been noted by Martin<sup>1</sup> and in Northamptonshire and the Vale of Belvoir by the contemporary reporter William Pitt<sup>2</sup>.

Date	Place	Stated Motives
1736	Aldermaston, Worcs.	The strips led to disputes and the "constant tillage" and "the Great Difficulty and Expence of carrying soil and Manure" to the fields meant the soil was "greatly impoverished"; furze-covered pastures could be tilled which would "tend to the public good" <sup>3</sup> .
1767	Broyle Park, Sussex	Due to common rights and privileges, the land cannot be set out in fields and "yields very little Profit": but if enclosed it could be cultivated <sup>4</sup> .
1769	Heage, Derbyshire	The custom "of pasturing in Common" on Belper Ward "is inconvenient and hurtful" and so the Heage owners wanted their portion enclosed <sup>5</sup> .
1769	Bramley in Braithewaite, Yorks.	Moors were open and uncultivated and of little use, but are fitted "to be inclosed, and turned to Agriculture" <sup>6</sup> .
1772	Alveston, Warks.	Difficulties in securing improvements in husbandry practices <sup>7</sup> .
1772	Broughton, Lincs.	Moss ground which then gave little profit or advantage could be converted to tillage and pasture <sup>8</sup> .
1776	Ashwood Hay, Staffs.	1685 enclosure agreement for 91 years due to end and land would revert to former state <sup>9</sup> .
1779	Evenly, Northants.	Lands were conveniently situated from houses; although there was a determinate stint, there were frequent trespasses and disputes <sup>10</sup> .
1779	Avon Dassett, Warks.	Strip system caused frequent trespasses and manure could only be taken to the fields at great expense <sup>11</sup> .
1779	Irthington, Cumberland	Moors if enclosed could be "put in a state of Cultivation, and greatly improved" <sup>12</sup> .
1780	Tottenham, Norfolk	Improve the pasturage for sheep which led to foot rot in wet seasons <sup>13</sup> .
1780	Heacham, Norfolk	Improve pasturage by creating a separate sheep pasture and stinting the remaining cattle pasture <sup>14</sup> .
1780	Salperton, Gloucs.	Importance of removing common rights and tithe from the land and also allowing exchanges <sup>15</sup> .
1780	Walpole, Norfolk	To prevent tidal damage which ruined the feed and drowned cattle <sup>16</sup> .
1784	Minsterworth, Gloucs.	To improve the drainage of 144 acres which the Lord has already protected by a sea wall and to stop illegal grazing; also to allow exchanges of many small enclosures which could not occur now as they are of different tenures <sup>17</sup> .



TABLE 3 - AGRICULTURAL MOTIVES FOR ENCLOSURE STATED IN PARLIAMENTARY ENCLOSURE PETITIONS AND  
ELSEWHERE (Cont.)

Date	Place	Stated Motives
1786	Great Raveley, Huntingdon	Benefits of exchanging old enclosures as well as of enclosing open fields <sup>18</sup> .
1786	Clitheroe, Lancs.	Convert wastes "into Flowing and Meadow Ground" <sup>19</sup> .
1786	Moor Monkton, Yorks.	Rationalise intermixed property of the three petitioners and compensate Rector for tithes <sup>20</sup> .
1788	Riddlesden, W. Riding	Tilling the moor would greatly benefit owners and be of public utility <sup>21</sup> .
1788	Otmoor, Oxon.	Land was flooded for much of the year and "great Inconveniencies arise" from the intermixture of cattle from different parishes <sup>22</sup> .
1789	Groby, Leicestershire	"It was brought about in consequence of the quarrels of the tenants" <sup>23</sup> .
1790	Whychurch, Wiltshire	Open commons and wastes "are now fed in common, and for the most Part over-run and incumbered with Furze, Brambles, and Rushes" and the meadow is in small parcels <sup>24</sup> .
1790	Terrington, Norfolk	The common salt marsh was often flooded by tide which greatly injured the feed and often drowned cattle; commons "are of less Value than they would be, if inclosed and divided" and embanked <sup>25</sup> .
1793	Shotteswell, Warks.	Lands were dispersed "and inconveniently situated" so that "a sufficient Quantity of Manure and Compost cannot without great Difficulty and Expence be conveyed" thereto; there were "frequent Trespasses and Disputes" and lands produced little profit <sup>26</sup> .
1793	Queniborough, Leics.	"The great expense of cultivation, and collecting crops from patches dispersed over the whole lordship, the trespass from stock getting loose and loss from disorders in sheep, particularly... dropsy" meant the occupiers could not have gone on <sup>27</sup> .
1797	Elstow, Bedfordshire	One estate owned all but 50 acres and had consolidated its tenants' holdings in 1767; Whitbread obtained an act "which allowed him to put fences around his tenants' fields" <sup>28</sup> .
1798	Thornton Marsh, Lancs.	Lands are grazed promiscuously and being greatly overstocked yielded little profit <sup>29</sup> .
1798	Swithland, Leics.	The 353 acre common field had been "worn out by perpetual tillage and the attempt at renovating it had not then [1801] succeeded" by using turnips. As 782 acres more were awarded other than the common field, some general rearrangement by exchange seems to have occurred <sup>30</sup> .
1817	Hollington, Derbyshire	Strips were dispersed; old enclosures were so detached that an easy means of exchange was desired; also so that tithes could be commuted for land <sup>31</sup> .
1843	Oreton Common, Shrops.	"the land without it [enclosure] could not be drained... without which, no improvement... can take place" <sup>32</sup> .

TABLE 3 - AGRICULTURAL MOTIVES FOR ENCLOSURE STATED IN PARLIAMENTARY ENCLOSURE PETITIONS AND  
ELSEWHERE (Cont.)

Footnotes

- 1 Martin (thesis) pp.3 and 30-3.
- 2 W Pitt, General View of the Agriculture of Northamptonshire (1809) pp.58-63, and General View of the Agriculture of Leicestershire (1809) pp.15, 70 and 81-2.
- 3 9 Geo. II c.17 preamble.
- 4 JHC XXXI 27/1/1767, 74, and 7 Geo. III c.107.
- 5 JHC XXXII 19/1/1769, 120.
- 6 JHC XXXII 24/1/1769, 131.
- 7 P Styles, VCH Warks. III (1945) p.285 cited by Martin (thesis) pp.29,47 and 62.
- 8 JHC XXXIII 29/2/1772, 538.
- 9 16 Geo. III c.33 preamble.
- 10 JHC XXXVII 26/1/1779, 79.
- 11 *ibid* 1/2/1779, 100.
- 12 *ibid* 1/2/1779, 103.
- 13/14 *ibid* 1/2/1780, 544.
- 15 *ibid* 26/1/1780, 535.
- 16 *ibid*, 573-4.
- 17 JHC XXXVIII 14/12/1781. The remaining 156 acres were left as common for the other owners -Tate and Turner, op cit, p.120.
- 18 JHC XLI 3/3/1786, 282.
- 19 *ibid* 13/2/1786, 199
- 20 *ibid* 2/2/1786, 162.
- 21 JHC XLIII 31/1/1788, 156.
- 22 *ibid* 21/4/1788, 402-3.
- 23 J Thorsby, Select Views of Leicestershire (1789).
- 24 JHC XLV 22/2/1790, 110.
- 25 *ibid* 23/2/1790, 112; 8/3/1790, 237-8.
- 26 JHC XLVIII 20/2/1793, 221-2; virtually the same allegations were put forward in the Southnewton, Oxon. petition - JHC IXL 25/2/1794, 230.
- 27 W Pitt, General View of the Agriculture of Leicestershire (1809) p.71.
- 28 Joyce Godber, A History of Bedfordshire (1969) p.310; but some further consolidation may have occurred by the act; between purchasing the estate in 1792 and 1798, Whitbread bought 17 dwellings, small amounts of land and 4 common rights - *ibid* p.404.
- 29 JHC LIV 19/12/1798, 84.
- 30 Pitt, op cit pp.68-9; Tate and Turner, op cit p.157
- 31 Derby Local Studies Library, 4636 Vol III.
- 32 3rd Report of the National Inclosure Commissioners (P P 1847-8 XXVI) 204; their reports indicate that in several cases drainage was impossible without enclosure.



TABLE 4 - EXAMPLES OF THE STATED MOTIVES FOR ENCLOSURE ACTS TO CONFIRM EXISTING AGREEMENTS IN PETITIONS AND ELSEWHERE

Date	Place	Stated Motives
1729	Thurnscoe, West Riding	A confirmatory act was needed as the Archbishop of York was concerned about how the Rector's land had fared under the enclosure agreement <sup>1</sup> .
1775	Adlestrop, Gloucs.	The agreement and award "cannot be made valid and effectual, without the... Authority of Parliament" <sup>2</sup> .
1778	Hampston Norreys, Berks.	To render effectual articles of an agreement to enclose <sup>3</sup> .
1778	Ripley, Dacre and N. Deighton, Yorks.	A chancery master dictated that an agreement should be established "for the Benefit of the Persons interested in the Estate of... Sir John Ingilby under his Will" <sup>4</sup> .
1779	Milston, Wilts.	One owner refused to accept a referee's award under an agreement despite his lands being improved by 1/5, claiming he never executed the articles <sup>5</sup> .
1782	Egham, Surrey	Act to confirm the vesting of parts of the waste in John Pitt as His Majesty's Surveyor of Woods and Forests <sup>6</sup> .
1785	Meriden, Warks.	A numerous [but: not one of all owners] meeting agreed to articles to enclose and commute tithes in Nov. 1783; the referees' work was almost completed "but such Proceedings cannot be rendered effectual without the Sanction and Authority of Parliament" <sup>7</sup> .
1787	Trowell, Notts.	To confirm an agreement between Lord and the two Rectors - the only owners - to exchange and enclose their land and unite the two medieties of the Rectory <sup>8</sup> .
1788	Castlemartin, Pembrokeshire	The Lord of the Manor, Lord Cawdor, bought the copyholders' rights to the marshy Castlemartin Corse, "and for his better security he obtained an act of parliament for its inclosure and drainage" <sup>9</sup> .
1789	Idlicote, Warks.	Act confirmed agreement "some years ago" between Lord (the sole owner of open field land) and the Rector to extinguish the Rector's common right from old enclosures and Tythes for a certain annual sum. The open fields were then enclosed and roads made over them <sup>10</sup> .
1790	Cotgrave, Notts.	To confirm an enclosure agreement "and also several Exchanges of Property" <sup>11</sup> .
1797	Ranworth, Norfolk	To confirm an enclosure award - but it was not enacted <sup>12</sup> .
1799	Seale, Leics.	To confirm an award due to problems over title when heirs of an estate tried to sell their property <sup>13</sup> .
1810	Maer Heath, Staffs.	The main proprietor applied for a confirmatory act "as I believe some insecurity will hang over the allotment of an extensive waste on which various persons may have exercised rights without an Act and of the allotment of which no public notice has been given by advertisements" <sup>14</sup> .

TABLE 4 - EXAMPLES OF THE STATED MOTIVES FOR ENCLOSURE ACTS TO CONFIRM EXISTING AGREEMENTS IN PETITIONS AND ELSEWHERE (Cont.)

Date	Place	Stated Motives
1811	Marston, Herefordshire	The 1805 and 1811 agreements were confirmed apparently to improve the title; the manorial estate "including right of common" was offered for sale in 1814, the year after the award <sup>15</sup> .
1825	Stock and Bradley, Worcs.	To enclose commons and wastes "and also for confirming and establishing an Agreement... for... Inclosing certain Open and Common Fields and Meadows" <sup>16</sup> .
1852	Fulshaw Common, Cheshire	The land had been enclosed and improved already "but some of the fences have been thrown down. The inclosure will put an end to the difficulties consequent on the irregular course of proceeding" <sup>17</sup>
1857	Wolverton Waste, Hants.	To convert to tillage and to confirm an agreement <sup>18</sup> .
1867	Greasby Commons, Cheshire	"allow previous arrangements to be carried out and thus prevent disputes which might arise" <sup>19</sup> .

Footnotes

- 1 S Lambert, Bills and Acts (Cambridge 1971), p.137.
- 2 JHC XXIV 20/2/1775, 131.
- 3 JHC XXVI 7/4/1778, 890.
- 4 JHC XXVI 3/2/1778, 670-1.
- 5 JHC XXVII 22/1/1773, 69-70, 28/1/1779, 89.
- 6 JHL XVI 21/3/1782, 421, 30/5/1782, 510.
- 7 JHC XL 21/2/1785, 535-9.
- 8 JHC XLII, 422-3.
- 9 Transactions of the Society of Arts (1800), 132.
- 10 See also Table 2.

- 11 JHC XLV 2/2/1790, 43-4
- 12 JHC LII 22/2/1797, 310.
- 13 See Wolferstan Diary 1798-9 passim but especially 28/3 and 10/9/1798.
- 14 Wedgwood Collection (Keele University) 29080-142 J Wedgwood to J Dennett 3/4/1808; see also Chapter 7
- 15 Tate and Turner op cit, p.134; Staffs. Advertiser 29/10/1814 p.1 c.5.
- 16 Berrows Worcester Journal 7/10/1824 p.3 c.4.
- 17 Nat. Inclos. Comm. 7th Rep. (P P 1852 XVIII), 520.
- 18 Nat. Inclos. Comm. Spec. Rep. (P P 1857 ii XVI), 335-9.
- 19 Nat. Inclos. Comm. 22nd Rep. (P P 1867 XIX), 261.



TABLE 5 - SHROPSHIRE AND BORDERLANDS ENCLOSURE AGREEMENTS

Year	Place	Source
1760	Woolston	ShRO Tyrwhitt-Jones 840/B120 Thomas Jones to Mrs. Mary Price.
1785	Fitz	ShRO Q/S Roll 283; award 1787.
1800	Blodwell and Bryn	Eddowes Journal 27/9/1800 p.3 c.3.
1806	Ellerdine Heath	John Beard, <u>My Shropshire Days on Common Ways</u> (Birmingham 1948) p.237.
1807	Treflach	Eddowes Journal 3/6/1807 p.3 c.2.
1807	Cotton Wood, Wem	Eddowes Journal 19/8/1807; <u>Shrewsbury Chronicle</u> 17/11/1809.
1808	Weston and Wixhill	Eddowes Journal 23/9/1807 p.3 c.3; in Hodnet parish but separate to the 1797 act.
1808	Soughtin	Eddowes Journal 13/4/1808 p.2 c.4.
1809	Reilth	Eddowes Journal 4/1/1809 p.3 c.2.
1809	Asterton	Eddowes Journal 6/9/1809 p.1 c.3.
1809	Sutton Maddock	Eddowes Journal 6/9/1809 p.1 c.3.
1809	Moneley	<u>Shrewsbury Chronicle</u> 8/9/1809.
1809	Holyfast	Eddowes Journal 25/10/1809 p.3 c.2.
1810	Kenstone and Hine Heath, Hodnet	Eddowes Journal 15/8/1810 p.3 c.2; this seems separate to the 1797 Corbet act which included land in Hodnet parish.
1826	Smithey Moor	ShRO 552/12, 919; in Styche.
1830	Sychart, Llansilin	WLS, Acc 59/121, 1797, Potter to Lovett 3/6/1830

See also VCH Shropshire IV (1989) pp.171-2 which refers to 15 largely unnamed Shropshire enclosure agreements deposited with the clerk of the peace which include some examples not mentioned here; 11 of these enclosures too place between 1806 and 1815.

TABLE 6 - ENCLOSURES AND EXCHANGES

Exchanges were often most cheaply and easily effected by act; indeed in 1791<sup>1</sup>. An increasing amount of the national inclosure commissioners' the case of entailed estates an estate or an enclosure act was the only work after 1845 was in authorising exchanges of entailed or other trust way of making exchanges. Sometimes acts could be avoided by exchanges property<sup>2</sup>. and purchases of property as at Forthampton, Gloucs. between 1790 and

Date	Place	Details
1771	Kirkby Mallory, Leics.	Advantageous to divide and enclose the open fields and pastures "and to be empowered to establish Exchanges already agreed upon between them of other Parts of their Properties in the said Parish" <sup>3</sup> .
1774	Severn Stoke, Wores.	An enclosure agreement including exchanges which may have needed confirmation <sup>4</sup> .
1775	Bishop Norton, Lincs.	Amendment act needed due to problems over title in an exchange <sup>5</sup> .
1778	Corbridge, Northumberland	The Greenwich Royal Hospital acquired open field land from the Duke of Northumberland for lands elsewhere in the county; as the act did not cover such distant exchanges, a separate estate act was obtained to legalize the exchanges <sup>6</sup> .
1797	Southill, Bedford.	A 1799 amendment act allowed those "under any legal Incapacity or Disability of acting for themselves" to exchange <sup>7</sup> .
1808	Llanstephan and Llangavog, Carmarthen.	10,000 acres of "private property, intermixed and open" was exchanged "exclusive of the 1,300 acres of common wastes" <sup>8</sup> .
1812	Crayford, Kent	Only 170 of the 427 acres allotted was common land; the rest were exchanges <sup>9</sup> .
1831	Langley, Warks.	One of its chief purposes was to ratify numerous exchanges of old enclosures; only 57 acres of common land were allotted <sup>10</sup> .
1850	Kewstoke, Somerset.	Fit for cultivation "and being intersected by old enclosures, those interested will be greatly benefited by exchanges" <sup>11</sup> .

Footnotes

- 1 YCH Gloucs. VIII (1968) 204-5.
- 2 In the first two years, only 10 of their 132 applications concerned exchanges; by the fifth year, 51 of the 129 applications were for exchanges - Taunton Courier 3/3/1847 p.5 c.4; 20/2/1850 p.2 c.3.
- 3 JHC XXXIII 31/1/1771, 104-5; similar petitions were made at Wilsford, Lincs., JHC XXXIV 23/2/1773, 485-6, Screveton, Notts., JHC XXV 8/2/1776, 526, and Salperton, Gloucs., JHC XXVII 26/1/1780, 535. N.B. Such consolidation of estates were no doubt often intended to increase their value - but often the very quality of compactness of estate rather than its impact on land management was the important factor in exchanges - see Chapter 7 and West Bagborough.
- 4 JHC XXXIV 14/1/1774, 393.
- 5 JHC XXV 22/2/1775, 138.
- 6 JHC XXVI 17/3/1778, 828.
- 7 JHC LIV 12/2/1799, 176. See also Chapter 7 re Whitbread, the main mover of the enclosure.
- 8 W Davies, General View of the Agriculture of South Wales (1815) ii, 92 and 99.
- 9 Tate and Turner, op cit. p.145.
- 10 Tate and Turner, op cit p.260.
- 11 5th Rep. Nat. Inclos. Commissioners (P 1850 XXIII), 337.



TABLE 7 - MOTIVES FOR OPPOSING ENCLOSURE ACTS

Usually enclosure counter petitions adopted a form of words, estates would be damaged by the act. A few petitions and lists at the established by precedent, whose allegations would be the most easy to report stage of those not consenting to the petition do specify the prove at committee. That form of words was that the petitioners' grounds for the opposition.

Year	Place	Reason
1767	Donington, Lincs.	One of the ten owners who refused to sign the bill did so "because there was no clause to prevent depopulation" <sup>1</sup> .
1768	Winfrith Newburgh, Dorset	Damage the petitioners' estates and totally ruin smaller owners. Several petitioners threatened into signing original petition or obliged to do so by the terms of their copyholds <sup>2</sup> .
1769	Sancton, Yorks.	Act "will greatly affect" petitioners' estates unless "some further Regulations" are made <sup>3</sup> .
1770	Simpson, Bucks.	Opposition of 28.5% of owners including one who "must do as his father would have him" and another "who said she would sell when enclosed" <sup>4</sup> .
1772	Ackworth, Yorks.	Opposition of 21.7% and non-consent of 24% of landowners; counter petition stated "it will be of great Detriment to the Petitioners and also to the Poor" <sup>5</sup> .
1772	Westwood Common, Much Wenlock, Shrops.	Act delayed until 1807 by petitions about boundaries with other manors by Bridgeman who had political influence in Wenlock; but bill was not politically motivated as its promoter and Lord of the Manor, Wynn, had no influence there. A 1770 valuation advocating an act to consolidate property motivated him. His rack rent tenants counter petitioned as they would lose "the benefit" of their leases <sup>6</sup> .
1776	Nassington, Northants.	Damage to their interests as tithe owners or lessees and their consent had not been asked for <sup>7</sup> .
1778	Napton, Warks.	The Lord of another manor in the parish was promised that referees would fix its boundary but the bill ignored this and many clauses harmed his property and increased Napton manor's allotment <sup>8</sup> .
1780	Ickenham, Middlesex	Petitioner's $\frac{1}{2}$ lot is better than the others due to his investment; the improvement is not worth the cost due to floods (other petitioner agrees); his lot will be cut off from his Ruislip land <sup>9</sup> .
1780	Foulden, Norfolk	Inadequate fuel allotment which must increase poor rates; bill's supporters lack enough property to get the act <sup>10</sup> .
1780	Shotesams, Norfolk	Lord's eagerness has gained the consents "which appear to give sanction" to the bill, but its "fundamental Principle" is to put "the Property of the other Owners and the Allotments for the poor Inhabitants to the uncontrollable Will" of the lord and the petitioners' rights and properties will be harmed and the poor oppressed <sup>11</sup> .
1785	Brampton, Derbyshire	The manor's largest estate is heavily mortgaged and under a Chancery case and so the trustee [the counter petitioner] cannot consent. Also high rents were paid for farms with common rights, and tenants would quit after enclosure, harming the creditors' and beneficiaries' interest <sup>12</sup> .
1788	Featherstone, W. Riding	Fears that bill is formed to "materially injure" the common rights of proprietors of Sydnall manor and township <sup>13</sup> .
1787-	Penge Common, Surrey	Bills excluding the rights of Battersea manor, failed until 1827 due to Lord Spencer's opposition <sup>14</sup> .



TABLE 7 - MOTIVES FOR OPPOSING ENCLOSURE ACTS (Cont.)

Year	Place	Reason
1792	Bishopston, Yorks.	The stinted pastures adjoin Ripon and only removing bushes can increase their high value, for which a bill is not needed and petitioner's interest as life tenant of $\frac{1}{3}$ of land would not be repaid <sup>15</sup> .
1792	Lewknor, Oxfordshire	Two petitioners were told that all other owners had consented; the bringer of the petition was in too much of a hurry to let one man read it. They now found many opposed the bill with counter-petitions and wished to withdraw their consents <sup>16</sup> .
1792	Stiffkey and Morston, Norfolk	Owners in neighbouring parish of Blakeney feared enclosing the marshes would alter the tidal scour and close their harbour; also some parishioners objected due to a "partial Extinguishment" of rights of common, Sheepwalk and Stackage <sup>17</sup> .
1795	Greystoke, Cumberland	The land is incapable of improvement and so not worth the expense of enclosure. Sheep grazing is only possible with a mixture of the wet and dry land. Though the Duke of Norfolk will pay their expenses, most small owners will have to sell and be ruined. The consenting parties do not pay $\frac{4}{5}$ of the purvey rate (the basis of the consents). Also several manors are involved which will cause disputes <sup>18</sup> .
1797	Ashelworth, Gloucs.	Estates were already convenient and compact; there was a tithe dispute. "There is no one object in the Bill sufficient, under the Circumstances... to justify the enormous Expence" but it is injurious and fraught with evils <sup>19</sup> .
1799	Cheshunt, Herts.	Land only suited to sheep farming, vital to local economy; allotments too small and distant; solution to regulate grazing under a general herdsman <sup>20</sup> .

Footnotes

- 1 JHC XXXI 1/4/1767, 266-7.
- 2 JHC XXXI 25/1/1768, 539; 2/2/1768, 572.
- 3 JHC XXXII 10/11/1768, 23. Apparently the opposition was satisfied as the petitioners were not included amongst those who would not consent to the bill, *ibid* 20/2/1769, 231.
- 4 JHC XXXII 6/3/1770, 754.
- 5 JHC XXXIII 13/4/1772, 688.
- 6 JHC XXXIII 9/4/1772, 678, 4/5/1772, 726-7; Waro CR136/603, 15/4/1772; the first bill also planned to enclose other arable and pasture lands and fully ascertain the extent of several inclosed grounds and several roads, *ibid* 7/12/1770, 47. VCH Salop IV (1989), 213.
- 7 JHC XXXVI 2/12/1776, 3-4; Act 1777.
- 8 JHC XXXVI 24/2/1778, 733.
- 9 JHC XXXVII 1/2/1780, 544-5; 6/3/1780, 694-5; 12/4/1780, 782. Act 1780. Despite 23% opposition - possibly more, as the bill estimated the total to be enclosed at 701 acres whereas one counter petitioner claimed there were 640 acres of which he owned  $\frac{1}{4}$  - it passed.
- 10 *ibid* 5/4/1780, 756.
- 11 *ibid* 15/11/1780, 29; bill passes 21/1/1780, 60.
- 12 JHC XL 12/4/1785, 836-7. Act obtained 1815.
- 13 JHC XLIII 9/4/1788, 377. Enacted.
- 14 JHC XLII 12/3/1787, 533; XLVI 25/2/1791, XLVII 5/3, 21/5, 25/5 and 5/6/1792, 533, 831 and 1029; *McCaill op cit*, pp.100-1.
- 15 JHC XLVII 9/3/1792, 527.
- 16 *ibid* 30/4/1792, 745. Despite 28% opposition to the bill, it passed of normal maximum of 25% quoted by contemporaries.
- 17 *ibid* 8/4/1792, 611. Enacted.
- 18 JHC L 4/5/1795, 498-9. Enacted.
- 19 JHC LII 7/4/1797, 26/5/1797, 612-3. Enacted with amendments to reduce costs of establishing tithe dispute by arbitration.
- 20 J L and B Hammond, *The Village Labourer 1760-1832* (1911), p.342, quoting JHC LIV, 7/5/1792. See also H.O.42, 46 1799 letters re threats to enclosers if regulation not adopted referred to in E P Thompson, *The Making of the English Working Class* (Pelican ed. 1982) pp.239-240. The act allowed poor owners to keep their allotments in common, but whether by amendment or not is unclear; Hammonds, *op cit* p.344.



TABLE 8 - ENCLOSURES AND TITHES

Tithes were a contentious issue which often could not be resolved by an agreement unless the proprietors simply bought the tithes from the impropriator. An act could be prompted by the need to legalise tithe extinguishment for land, a corn rent or a yearly sum as at Langton, Leicestershire.

Year	Place	Motive
1720	Upper Swell, Gloucs.	Lord and the Church agreed to enclose and extinguish tithes <sup>1</sup> .
1743	Langton, Leics.	Confirms agreement to exchange common rights and pay Rector a yearly sum in lieu of tithes <sup>2</sup> .
1758	Preston, Rutland	Confirms agreement to enclose and extinguish tithes <sup>3</sup> .
1758	Upper & Lower Boddington, Northants.	Act enclosed common lands and settled a rate in lieu of tithes of certain old enclosures <sup>4</sup> .
1766	Braunston, Leics.	Rector and Duke of Rutland were sole owners and Rector to receive 1/7 of tithable lands and compensation for glebe <sup>5</sup> .
1768	Beckingham, Lincs.	Impropriator petitioned that the act would "greatly diminish the Value" of his estate; asks for clause to ensure his estate improved "in the same proportion" as the Rector's tithe estate <sup>6</sup> .
1769	Elvington, E. Riding	Confirms agreement to enclose and extinguish tithes <sup>7</sup> .
1770	Sherburn, Yorks.	Enclosing common fields, meadows and wastes and commuting tithes from these lands and old enclosures for allotments <sup>8</sup> .
1770	Earswick Moor, N. Yorks.	Moorland enclosed and tithes on this land and the old enclosures in the manor to be commuted for moorland allotments <sup>9</sup> .
1771	Kilham on the Wolds, Yorks.	Vicar refused consent unless his allotment was double his tithes' present value and divided into as many closes as he wished and refused to have commissioners value rights; bill amended, but unclear how <sup>10</sup> .
1771	Sebraham, Cumberland	Amendment, to 1765 confirmatory act, to exchange curate's tithes for a compensation which would benefit him and the owners <sup>11</sup> .
1771	Misterton, Notts.	Counter petition claiming petitioners' lands were tithe free; act would submit the question to reference and petitioners think it can only be tried at law <sup>12</sup> .
1771	Lisset, E. Riding	Lord and Rector agree to enclose and extinguish tithes <sup>13</sup> .

TABLE 8 - ENCLOSURES AND TITHES (Cont.)

Year	Place	Reason
1772	Would Newton, E. Riding	Vicar refused consent as owners would not subdivide his tithe allotment <sup>14</sup> .
1773	Hadsor, Worcs.	To extinguish tithes; of the c.133 acre common enclosed, c.100 acres (c.75% of the total) went to the Rector to extinguish great tithes from old enclosures <sup>15</sup> .
1774	Dunton, Bucks.	Glebe and tithe replaced by a payment and Earl Spencer became the sole owner <sup>16</sup> .
1775	Kildale, Yorks.	To confirm agreement between the Lord and the Rector to allot common land for tithes; and to vest part of the glebe in the Lord in return for an annual stipend <sup>17</sup> .
1775	Braunston, Northants.	Rector petitioned for enclosure of both open fields and commons; the Lord first being mentioned as petitioning with the Rector for changes at committee. By 1780, the newly enclosed land was "pleasant during the verdure of the young and rich yellow of the rippled corn" <sup>18</sup> .
1776	Nocton, Lincoln	To enable Hor. George Bertie to enclose the commons and exchanging land adjoining the vicarage in old enclosures and land in the fens for the Vicar's glebe, tithes and common rights. Hobart to pay expenses and enabled to borrow up to 40 sh. an acre <sup>19</sup> .
1777 & 1810	East Lockinge, Berkshire	Bills failed as other owners refused to give tithe owner compensation in land and attempts to arrange a corn rent failed <sup>20</sup> .
1779	Elksley, Nottingham	Bill to ratify an enclosure agreement with allotments to extinguish tithes throughout the parish and in which several exchanges were made <sup>21</sup> .
1779	West Stower, Dorset	If pastures were exonerated from tithes, they "might be put in a proper state of cultivation" <sup>22</sup> .
1779	Bucknell, Oxfordshire	The only two owners, the Rector and the Lord of the Manor agreed to enclose and to extinguish tithes for a compensation <sup>23</sup> .
1779	Binton, Warks.	Beauchamp bought up the other four estates 1770-8, preparatory to an enclosure agreement with the Rector in 1778; but act needed, seemingly to confirm a small allotment to the church and an annuity in lieu of tithe <sup>24</sup> .
1780	Oldswinford, Worcs.	The Rector received 7% of the land enclosed to exonerate tithes on old enclosures and the commons. This was ring fenced by other proprietors; 82 acres of his allotment were sold for £1,427 to pay for internal fences, buildings, etc. <sup>25</sup> .
1785	Pickering, N. Yorks.	Conversion of common grazing to arable would augment the income of the lessee of tithes from the Dean of York. Therefore he instigated the petition to Parliament <sup>26</sup> .
1785	South Cave, L. Yorks.	Enclosure delayed until this date due to opposition of original tithe owner. The new tithe owner petitioned for the enclosure and built up estate and home there <sup>27</sup> .



TABLE 8 - ENCLOSURES AND TITHES (Cont.)

Year	Place	Reason
1788	Kirkbymoorside, N. Riding, Yorks.	Vicar consented as amendments protected his vicarial tithe income which sheep farming would cut. This would only be liable to rectorial tithes which belonged, with 90% of the land, to the Lord. Allotments to the Vicar were not to be 4 or 5 miles away. <sup>28</sup>
1789	Idlicote, Warks.	Act confirmed agreement "some years ago" between Lord (the sole owner of open field land) and the Rector to extinguish latter's common right from old enclosures and tithes for a certain annual sum. The open fields were then enclosed and roads made. <sup>29</sup>
1789	Arnold, Notts.	Henry Cavendish quickly sold his 875 acres to Thomas Houldsworth who may have been extending his local estate to enter politics; he was later M.P. for North Notts. Cavendish invested in the Bank of England and was its largest proprietor at his death, leaving £1.3 million. <sup>30</sup>
1792	Froxfield Barnet, Hampshire	Produced little unenclosed; if enclosed worth 8 to 10 shillings per annum; but application dropped as Lord refused to accept land in lieu of great tithe. <sup>31</sup>
1792	Rodmorton & Coates, Wilts.	Parochial boundaries in the open fields of Tarleton tithing had been ploughed up so tithes could not be assessed; also lands would be "brought as much together as possible into each respective parish." <sup>32</sup>
1793	Peopleton, Worcs.	Counter petitions stated the act would harm tithe owners, 1/7 was too high a proportion for tithe extinguishment on old enclosures and petitioner has a larger proportion of old enclosure to open land than anyone else and so would be especially harmed by act. <sup>33</sup>
1796	Kimberworth, W. Riding	Earl of Effingham is entitled to 1/17 as Lord, 1/8 of commons and a cash payment of 1/7 value of old enclosures as tithe owner; but if he wishes to have "the whole of the Residue of the said Commons... after what is hereinbefore directed to be allotted or set out to him," the value is to be deducted from payment for tithe exoneration. <sup>34</sup>
1797	Croydon, Surrey	After purchasing the unproductive rectorial tithes in 1797, Boxall promoted an act to obtain either profit from tithable cereals grown thereafter or an allotment for his "barren right". He obtained the latter. <sup>35</sup>
1799	Rowley Regis, Staffs.	The commons were entirely used up in manorial, sale and tithe allotments; so tithes of old enclosures had to be extinguished by a payment of £4,614/10/4. Barr claimed that the tithes had been only worth £100 a year to Lord Dudley; but if so, why did the landowners agree to such bad terms? They may have lost any expected allotment due to the vicar's claim to which they had objected. <sup>36</sup>
1810	Sheepy, Leics.	1660 Enclosure agreement confirmed in act to allot some of these lands in lieu of tithes. This was the second such attempt and may have been occasioned by the lord's wish to sell the reversion of his estate. <sup>37</sup>
1815	Oddington, Oxfordshire	The tithe owner successfully demanded an increased income from a corn rent. <sup>38</sup>

TABLE 8 - ENCLOSURES AND TITHES (Cont.)

Footnotes

- 1 Tate and Turner, op cit, p.120 and Lewis's Topographical Dictionary of England IV (1848) 286.
- 2 J Nichols, History and Antiquities of Leicestershire II (ii) (1798), 659.
- 3 JHC XXVIII 10/2/1758, 77.
- 4 JHC XXVIII 1758, 202.
- 5 Nichols, op cit II (1) (1795), 107.
- 6 JHC XXXI 22/1/1768, 534.
- 7 J E Crowther, 'Enclosure, Topography and Land Ownership in East Yorkshire', D Mills and M Turner, eds. Land and Property: The Land Tax 1692-1832 (Gloucester 1986) p.77; JHC XXXIII, 31/1/1771, 115.
- 8 JHC XXXII 7/2/1770, 667.
- 9 ibid 9/2/1770, 679.
- 10 JHC XXXIII 23/1/1771, 81 and 1/3/1771, 221.
- 11 ibid, 80.
- 12 ibid 9/4/1771, 309.
- 13 Crowther, loc cit p.77; JHC XXXIII 31/1/1771, 115.
- 14 JHC XXXIII 7/4/1772, 670.
- 15 Nash, Collections for the History of Worcestershire I (1799), p.480.
- 16 JHC XXXIV 21/1/1774, 474; see Chapter 7.
- 17 JHC XXXV 17/2/1775, 129.
- 18 ibid 22/5/1775, 138; 28/3/1775, 236; Thomas Pennant, A Journey from Chester to London (1811 ed.) p.254.
- 19 16 Geo. III c.30.
- 20 A Havinden, Estate Villages (1966) p.43.
- 21 JHC XXXVII 19/5/1779, 410.
- 22 ibid 27/1/1779, 86.
- 23 JHC XXXVII 1/2/1779, 104.
- 24 VCH Warks. (1945) III, 62.
- 25 Wores. R.O. S 143/21; the Rector received 474 acres before sales and exchanges out of the 645 acres allotted.
- 26 William Marshall, The Rural Economy of Yorkshire II (1796), 50-1.
- 27 Crowther, loc cit p.79 and see Chapter 7.
- 28 JHC XLIII 12/3/1788, 317; 17/3/1788, 326.
- 29 JHC XLIV 14/3/1789, 201; 10/6/1789, 441.
- 30 R W King and J Russell, A History of Arnold (Nottingham 1913) pp.77-91 and Staffs. Advertiser 11/3/1813, p.3 c.1.
- 31 A and W Driver, General View... of Hampshire (1794), p.32.
- 32 JHC XLVII 5/3/1792, 488-9.
- 33 JHC XLVIII 20/2/1793, 217; no progress and no subsequent act.
- 34 Kimberworth Enclosure Act (copy at Sheffield City Library).
- 35 J C Anderson, A Short Chronicle concerning the Parish of Croydon (1888) pp.38-9.
- 36 StRO Q/RDc 55, Rowley Regis Enclosure Award 1806; P Tilley, 'Land Ownership and Usage in the Parish of Rowley Regis 1799-1877', MA Wolverhampton Polytechnic 1983, pp.10-15; see also Chapter 3 and Table 17; Aris 20/1/1800, p.3 c.5.
- 37 Tate and Turner, op cit 158, states 1810 cf J Nichols, The History and Antiquities of the County of Leicester IV, ii (1812), 928 which states 1809; JHC XVI 3/2/1778, 666-7; Staffs. Advertiser 23/10/1813 p.3 c.2.
- 38 McClatchey, op cit pp.105-7.



TABLE 9 - ENCLOSURE AND OVERSTOCKING

(Based on Reports of National Inclosure Commissioners)

Disputes re Intercommoning and Overstocking

Year	Rep. No.	P P	Page No.	Place	Notes
1847	2nd	XXIII	313	Wentnor, Salop	Disputes about intercommoning.
1847-8	3rd	XXVI	203-8	Warborough, Oxon.	Overstocking was one of four reasons cited for enclosure.
1849	5th	XXII	364	Dent, N. Riding	Land capable of great improvement "and its enclosure will afford much useful employment to the labouring poor, put an end to quarrels arising from surcharging the common, and enable each person interested to obtain and enjoy his just right."
1850	Special	XXIII	357	Bainbridge, Yorks.	"Prevent disputes between stint owners and render their property far more valuable."
1851	6th	XXII	534	Scaleby Moss, Cumberland	"Will put an end to disputes...and that land will be converted to a regulated pasture which is at present unable to bear cattle."
1857-8	Special	XXIV	169-172	Shepperton, Middx. and Surrey	"Will secure to the commoners their fair share of common, from which some are now almost deprived in consequence of constant surcharges of others and prevent the serious injury inflicted on owners of adjoining premises and the improvement of the land generally."
1861	Special	XX	833	Llanddew Common, Brecon	End "surcharges" and increase value.
				Swallowfield, Berks. and Wilts.	End illegal stocking and increase value.
				Forest of Radnor	"Put an end to the quarrelling and disputes, which now continually occur about cattle and sheep; and also stop surcharges" and the pasturage improved when in severalty.
1861	16th	XX	841	Arley, Warks.	End trespass and surcharges which prejudice commoners' interests and double land value.
			842	Cannock, Staffs.	End disputes and trespass and improve land cheaply.
				Kildersfield, Worcs.	Increased value, productivity; end surcharges and a fair apportionment.
1862	Special	XIX	327-8	Great Burstead, Essex	Cultivation, end surcharges "whereby each party will obtain his rights."
1863	Special	XXVIII	489	Akeld, Northumberland	End overstocking and draw proper boundaries between owners.
				Stanstead Marsh, Herts	End overstocking and allow improvements.
1864	19th	XXI	287	Wooler, Northumberland	End overstocking and "secure an equitable division."
				Kirkland Fell, Cumberland	"Put a stop to the perpetual hounding and worrying of sheep." Most will become a regulated pasture.

TABLE 9. - ENCLOSURE AND OVERSTOCKING (Cont.)

Year	Rep. No.	P P	Page No.	Place	Notes
1865	Special	XXIX	123	Longsleddale, Westmorland	End overstocking and improve pasturage for sheep.
				Addingham, Yorks.	Stop taking turf and soil, overstocking and illegal sheep-grazing by those without rights.
1865	20th	XXIX	99	Asby Windermere, Westmorland	End disputes and injuries from overstocking.
				Elmbridge, Worcs.	Overstocking and want of drainage.
1866	21st	XI	79	Chillington Down, Somerset	Stop overstocking and trespassing by strange cattle and allow "parties legally interested to obtain and improve their fair share."
				Hill, Gloucs.	Drainage and end trespasses and surcharges (overstocking).
1866	Special	XI	105	Wainfleet Common, Lincs.	Increase production and end overstocking.
1867-8	23rd	XII	97-99	Golden Mile, Glamorgan	Overstocked and surcharged; reclaim from furze and make profitable.
1867-8	Special	XII	123-4	Badgeworth and Bentham, Gloucs.	End surcharges and encroachments and improve by planting, etc.
1868-9	24th	XVII	334-3	Saxlingham, Norfolk	Reclaim overstocked land.
1870	25th	XVII	305-15	Dorrey, Bucks.	Overstocking and trespasses - improved pasture and some arable.
1882	37th	XI	219	Crosby Garrett, Westmorland	Overstocking.



TABLE 10 - FAIR ENJOYMENT OF RIGHTS

Year	Rep. No.	P P	Page No.	Place	Notes
1846	Special	XXIV	95-7	Tregare Down, Cornwall	60 acres - of three reasons - fair enjoyment of turbary.
1847-8	3rd	XXVI	203-8	Alkham, Kent	Unequally enjoyed common rights.
				Asby Mask, Westmorland	Land improvement and "enable those parties interested to enjoy their respective rights, which is far from the case at present."
				Thornton Moor, West Riding	Drainage, but main reason "there is just complaint as to the unequal exercise of the rights which is very usual in these large tracts."
				Upwood & Ramsey, Hunts	Open field strips intermixed; common "from circumstances is not enjoyed in fair proportion by those who have rights upon it."
				Grange Common, Carmarthen	Land improvement and "enable parties fairly to enjoy their respective interests in it, which at present is impossible."
1849	5th	XXII	362	Firbank Fells, Westmorland	Increase employment "and insure each proprietor a more beneficial and quiet enjoyment of his property."
				Langworthy Moor, Cumberland	Increase production and "give to all their just rights, which circumstances prevent many from enjoying at present."
1850	Special	XXIII	358	Llanycrwys Common Carmarthen	"Enable those who have an interest to enjoy the advantage of their rights, lead to an arrangement and final settlement of disputes and the employment of the poor."
				Haughley, Suffolk	"A just enjoyment of the respective rights of those interested" and increase value.
				Talkin Fell, Cumberland	Land improvement and "the fair use of it by those interested and the prevention of disputes."
				Litcham Common, Norfolk	Drainage and "afford to all the parties interested a fair enjoyment of their rights."
1851	6th	XXIII	532	Marshfield, Glouce.	"Enable all parties to enjoy the full proportion of their interests" and cultivating the land is "affording labour for the poor which is much needed."
			533	Droitford, Hants.	"An equitable enjoyment of the rights of those interested" and cultivate impoverished land.
1851	Special	XXIII	539	Edgware, Middlesex	Suited to cultivation, but neglected and impoverished "from improper usage and persons having no rights over it."
1852	7th	XVIII	520	Bettws Hills, Salop	Increase production and work "and security of possession assured."
			521	Wauzeirws, Carmarthen	Agricultural purposes and fair enjoyment of rights.
				Eachwick Common, Northumberland	"Secure the rights of those interested."

TABLE 10 - FAIR ENJOYMENT OF RIGHTS (Cont.)

Year	Rep. No.	P	P	Page No.	Place	Notes
1852-3	Special	XL		695	Stratfield Turgis, Hants. & Berks.	Cultivation and "enable the parties to enjoy their just rights."
				696	Chisenbury Farm, Wilts.	"Will settle complicated and conflicting claims."
1856	11th	XVIII		469	Knowle Downs, Dorset	Improved pasture "and each person interested will enjoy that to which he is entitled, which is not at present the case."
					Woolsoott Greens, Warks.	"A much more just enjoyment of their rights."
1857(11)	Special	XVI		335-9	Hillbeck Fell, Westmorland	Increase value and "enable each party interested to obtain his fair share of the advantages to be derived from it."
					Kirk Hammerton, Yorks.	"Fair enjoyment...which at present is not the case."
1857-8	Special	XXIV		169-172	Lamplugh, Cumberland	Land improvement and "fair enjoyment."
					Conisbrough, Yorks	"Inclosure will give security to those parties really interested and enable them to turn the land to best account."
1857-8	13th	XXIV		175	Ware Marsh, Herts.	"A more just enjoyment of the rights of the parties interested" and improve land.
1859(11)	Special	XIV		523	Carnforth, Lancs.	"Will define the rights of the parties interested."
1860	15th	XXXI		463	Boughrood & Llanstephen, Radnor	"The rights are at present unfairly exercised and the land will be greatly improved."
1861	16th	XX		841	Glassonby Fell, Cumberland	"More equitable enjoyment of the advantages of the common will ensue in its being divided in severalty."
1863	18th	XXVIII		465	Grayrigg Fell, Westmorland	"Equalize the rights of the parties interested and enable each one to have the whole benefit of the improvements which will be carried out."
1864	19th	XXI		237	West Newton, Northumberland	"Allow proprietors to reap benefits of improvements."
					Ennerdale, Cumberland	"End to the constant hounding and worrying of sheep; each common right owner will get his proper share" and some planting.
1865	20th	XXIX		99	Gamblesby Fell, Cumberland	Proper enjoyment of rights; improved pasturage.
1865	Special	XXIX		123	Bootle, Cumberland	More productive; "The great advantage will arise from the settlement of rights of parties which will be obtained in the course of inclosure proceedings."
1867-8	23rd	XXI		97-9	Elishaw Common, Northumberland	Drainage and "giving to each person interested his due allotment."
1868-9	Special	XVII		361	Gilderdale, Cumberland	Increased productivity and "more equitable enjoyment of his right by each person interested."



TABLE 11 - UNSPECIFIED DISPUTES

## Commons and Wastes

Year	Rep. No.	P P	Page No.	Place	Notes
1847	2nd	XXXIII	313	Dippenhall, Hants. Evenjobb Hill, Radnor	Land improved; end disputes. Put an end to "litigation...from the rights not having been properly understood."
1847-8	3rd	XXVI	203-8	Smardale Fell, Westmorland	Land improved and drained, "put an end to disputes which have existed."
1849	Special	XXII	377	St. Harmon's, Radnor	Increase produce and terminate disputes possibly due to increased cottage encroachments - see Jn Williams, <u>History of Radnorshire</u> (Brecon 1905; written 1818-9) p 275.
1850	Special	XXIII	360	Caerhyn, Caerns. Nynydd Bach, Blaenpenal, Card.	Profit and "it will put an end to constant disputes and prevent litigation." "Increased productiveness and determination of disputes."
1851	6th	XXII	533	Ipplepen, Devon	Land reclaimed and "an end to frequent and violent disputes."
1851	Special	XXII	539	Rudgwick, Sussex	Drainage and improvement and "the means of preventing disputes."
1852	7th	XVIII	521	Llanfair Mountain, Cardigan	"More equitable enjoyment of the rights and prevent disputes and litigation."
1852-3	Special	XL	662	Glanville, Dorset	Drainage and "put an end to litigation."
1852-3	8th	XL	669	Harshaw, Northumberland	Increased value; and "Roads will be made, which are greatly wanted, and disputes terminated."
1852-3	Special	XL	695	Tatham Common, Lancs.	Increase production and end disputes.
1852-3	Special	XL	695	Knaresdale Common, Northumberland	"Put an end to frequent disputes and quarrels as to the rights and improve a large tract of land."
1854-5	Special	XV	537-40	Pamford Moor, Derbyshire	"The improvement of the pasturage and settlement of disputes."
1857-8	Special	XXIV	169-172	Ousby, Cumberland	Part to be cultivated, remainder a stinted pasture; "thus improving both portions and prevent disputes which arise from time to time."
1859(ii)	Special	XIV	523	Hawkshead, Lancs. Whitlaw, Northumberland	Land improved and "put a stop to constant disputes and litigation." "Put a stop to continual quarrels among the commoners, arising from hounding and worrying each other's sheep and greatly improve the value of the land."
1861	Special	XX	833	Llanfihangel- Rhydithin, Radnor	End disputes and quarrels
1861	16th	XX	842	Cannock, Staffs.	Will end disputes as to rights and trespasses by those without rights and land improved cheaply. The Chase had long been subject to disputes as the only way of making profit from such an area was by the exercise of traditional rights (see Chapter 7).
1862	17th	XIX	305	Kirkoswald Fell, Cumberland	"Put an end to the quarrels which are now frequent amongst the commoners"; part turned to arable, remainder improved pasture.

TABLE 11 - UNSPECIFIED DISPUTES (Cont.)

Year	Rep. No.	P P	Page No.	Place	Notes
1862	Special	XIX	327-8	Ceulan-y-Maesmawr, Cardigan	"Will settle the rights of parties, and put an end to litigation." Also Llanfihangel Gneuerglyn, Cardigan, in the same parish.
				Seborycoed, Card.	"Will put an end to litigation" and increase in value by improvements.
				Swydd Neithon, Radnor	"End disputes about cattle and sheep" and land improved at moderate expense; no mention of the plans to establish the spa at Llandrindod Wells which was largely built on the common land (see Chapter 4).
				Iscoed, Radnor	"Put an end to the quarrels and disputes about cattle and sheep"; land values increased at moderate cost.
1863	18th	XXVIII	465	Lambrigg Fell, Westmorland	"Secure to each owner his fair share of the common and prevent disputes."
1863	Special	XXVIII	489	Ywchoed, Radnor	Draining, planting, fencing and end "constant quarrels and disputes."
				Rhysllyn, Radnor	"Put an end to quarrelling and disputes and the hounding and worrying of cattle and sheep." Allow increased productivity and value by cultivation.
			491	Llanfihangel Hills, Denbigh & Merioneth	"Settle disputes" and end overstocking.
1864	19th	XXXI	287	Ayle Common, Northumberland	"Put an end to the perpetual quarrels and the hounding of sheep."
				Wooler, Northumberland	"Put an end to quarrels and disputes" and allow cultivation.
				Norton, Radnor	"End to the constant quarrelling and hounding of sheep which now prevails and which entails serious losses."
1864	Special	XXXI	311-3	Whitton, Radnor	Improved pasture will allow better breed of sheep to be kept and end hounding and worrying.
1866	21st	XX	79	Bathford Hill, Somerset	"Give their fair proportion of the common to those owners who are not deprived of it by the excessive use of it by others entitled thereto," and improve pasture by cultivation.
1868-9	24th	XVII	331-3	Piecombe, Sussex	Improvements and "lead to a settlement of the rights of parties which are now the subject of dispute."
1872	27th	XVIII	219	Colva, Radnor	Increased production and "the means of putting an end to disputes by settling the rights of all parties."
			232	Shoal Hill, Staffs.	Employment, productivity and prevent disputes and nuisances.
				Little Asby Common, Westmorland	Improve herbage, "settling the rights of those parties interested and preventing quarrels and litigation as to hounding sheep."
1878	33rd	XXV	79	Llanfair Waterdine, Salop	Increase value, produce and employment; 3,000 sheep graze there and most shepherds' chief occupation is hounding each other's sheep - risk of spreading disease.
1882	Special	XX	243-63	Artleside Common, N. Riding	Stop quarrels and floods.
Open Field Disputes 1875	30th	XX	497-8	Riccall, Yorks.	Intermixture of ownership and occupancy leads to disputes; waste of time, labour and prevention of improvements.



TABLE 12 - TRESPASSES

Year	Rep. No.	P F	Page No.	Place	Notes
1849	5th	XIII	362	Chorley Green, Cheshire	"land is so intersected by highways that no cattle can be turned on to it with any advantage" and can be added to present enclosures.
				Abbot's Wood, Hants.	Evidence of encroachment by poor of garden grounds; "in its present state is of little value, from its being open to the Holt Forest, and horses and cattle from that waste frequently trespassing."
				Birchwood & Merry Hill Common, Cradley, Herefords.	"Increase production and "prevent serious injury to the adjoining land by cattle from the common."
1851	Special	XXII	539	Letton, Herefordshire	Pasturage made more valuable and trespassing prevented.
1852-3	Special	XL	695	Llanfihangel Yeroth, Carmarthen	"The inclosure will prevent trespasses and lead to the conversion of the land to be profitable by planting and cultivation."
1856	11th	XVIII	469	Ingoldsthorpe, Norfolk	Drainage and cultivation and prevent trespasses.
1857	12th	IV	37	Broadbridge Heath, Sussex	Improve land and prevent trespassing.
1857(11)	Special	XVI	335-9	Great Musgrove Fell, Cumberland	Improve fell and prevent trespasses on Lower Common
				Stokenchurch, Oxon.	"Being close to the high road are subject to constant trespass."
1857-8	13th	XXIV	175	Woolerwood Common, Herefordshire	Neglected and very wet land, "subject to frequent trespasses occasioning disputes."
1859	14th	XII	233	Skelworth Common, Hawkehead	"Inclosure will lead to the improvement of the land by planting, and get rid of trespasses which interfere with the pasturing of sheep." (see Chapter 7).
1860	15th	XXXI	463	Llanvihangel-y- Croyddin and Gwns, Cardigan	"Put an end to trespassing and in many cases excessive exercise of rights of common."
1860	Special	XXI	487-490	Lapworth, Warks.	Double land value and end trespasses. (see also Bromsborow Heath)
1861	Special	XX	833	Dilwyn Common, Hereford	Drainage and stop trespassing which much injured adjoining lands.
				Spencers Wood Common, Berks.	End trespasses and profit.
1861	16th	XX	842	Arley, Warks. Ribbleton Moor, Lancs	Trespass and overstocking. Trespass and health.

TABLE 12 - TRESPASSES (Cont.)

Year	Rep. No.	P P	Page No.	Place	Notes
1863	18th	XVIII	465	St. David's, Pemb.	End disputes and trespasses.
1863	Special	XVIII	469	Cotherstone Moor, Yorks.	End hounding and sheep worrying, prevent trespasses and quarrels and increase the pasture's value.
1864	Special	XXI	311-3	Ashley Heath, Hants.	Plantations and "an end to vexatious trespasses.
				Comb Martin, Devon	End various trespasses and increase land's value and productivity.
1865	20th	XXIX	99	Broadheath Common, Worcs.	Reclaim lands and increase value; "put an end to trespasses by strangers and improper uses of common."
1865	Special	XXIX	123	Nuthouse, Sussex	Herbage and soil injured by trespasses; increase value and productivity.
1866	21st	XX	79	Chillington Down, Somerset	Stop overstocking and trespassing by strange cattle and give owners fair shares.
1867	Special	XXI	295	Rhodes Minnis, Kent	Reclaim furze, convert to arable and end trespasses by those without rights.
				Whiston Common, Monmouth	"Put an end to a system of trespassing by those who have no common rights" and give fair shares to owners and increase productivity.
1867-8	23rd	XXI	97-9	Knucklas, Radnor	Trespasses.
1868-9	24th	XVII	331-3	Hunston Common, Sussex	End trespasses.
1868-9	Special	XVII	361	Felkirk, Yorks.	Increase productivity, employment; end trespasses, stop soil taken away and fair shares.
1870	25th	XVII	305-15	Godstone Common, Surrey	Trespasses from public roads and adjoining owners complain of fences being broken down and fields damaged; herdsman employed to prevent strays on public roads; increase employment.
				Dorrey, Bucks.	Overstocked, and trespasses which lie open to roads.
				Goldcliff, Monmouth	Trespasses due to roads.



TABLE 13 - ENCROACHMENTS

Year	Rep. No.	P P	Page No.	Place	Notes
1846	1st	XXIV	87	Cerley Moor, Warks.	This 50-acre moor adjoined (but was not part of) a mining area; increase "productive powers"; poor already "in possession of large gardens and other inclosures, originally, as it appears, a part of the common."
1850	5th	XXIII	341	Churchstanton Turbary, Devon	Increase value and "encroachments which greatly affect the poor who are interested in the land will be stopped."
				Llanbedrr-y-Cenln, Caerns.	End encroachments and disputes.
1850	Special	XXIII	360	Pencarreg Mountain, Carmarthen	Convert into arable and "prevent further disputes and litigation". (This was apparently connected to the building of the Llandovery to Lampeter road over the mountain on Crown manors which became lined with hovels "within the last few years." <u>Report on Commons Inclosure (P P 1844 VII)</u> Evidence of Richard Jenkins QQ 3252-5).
1851	6th	XXII	532	Bromsberrow Heath, Gloucs.	"It would afford productive employment and put an end to encroachments."
			532	Smallridge Hill, Devon	"To put a stop to encroachments"; land useful for root crops.
			533	Cenllan Mountain, Cardigan	"It will prevent further encroachments, afford security to property and employment for the labouring population."
			534	Abergwilly, Carmarthen	"Will prevent further encroachments and afford useful employment for labourers."
1851	Special	XXII	539	Aylesford Common, Kent	"Land becoming worthless from lack of attention to it and that it will prevent further encroachments."
1852	7th	XVIII	520	Nantglyn, Denbigh	"The inclosure will check the present constant encroachments on the waste and put an end to frequent disputes between those interested."
1852-3	Special	XL	663	Ruthin, Denbigh	Increase production, "prevent litigation and put a stop to encroachments."
1852-3	8th	XL	669	Irfild Green, Surrey	"The inclosure will put an end to serious difficulties consequent on encroachments."
1852-3	Special	XL	696	Llanfair Clydogan, Cardigan	End encroachments and make unprofitable land useful.
				Llanfair Clydogan, Cardigan	Increased production and stop encroachments.
				Cerrig-y-druidion, Denbigh	"The inclosure will prevent litigation and the danger of extensive encroachments."
1854	9th	XIX	531	Lampeter Common, Cardigan	End encroachments and increase productiveness.
1854-5	10th	XV	513	Pendine Common, Carmarthen	"Will put a stop to encroachments and consequent disputes" and increase the land's value.

TABLE 13 - ENCROACHMENTS (Cont.)

Year	Rep. No.	P P	Page No.	Place	Notes
1854-5	Special	XV	537-40	Caversham, Oxon.	End encroachments (and brought into cultivation)
				Henallt Common, Brecon	"Further encroachments will be prevented and part....converted into plantations."
1857(11)	Special	XVI	335-9	Hirwaun Common, Glamorgan	This inclosure will afford the opportunity of setting out very useful allotments for public purposes and put an end to a system of encroachments and the difficulties consequent upon it." (see also Chapter 3).
1857-8	Special	XXIV	169-172	Radnage Common, Bucks.	"Put an end to constant encroachments" and increase value and productivity.
1859	14th	XII	233	Ceven Erthan, Llanfairarybryn, Carmarthen	"A considerable tract of land will be reclaimed by enclosure and an end put to encroachments."
1859(11)	Special	XIV	523	Crofton Waste, Hants.	"Put an end to continual encroachments and enable the owners to improve their frontages."
1860	15th	XXI	463	Ashley Common, Hants.	"Prevent further encroachments" and cultivation.
1860	Special	XXI	487-490	Urge, Radnor	"Put a stop to encroachments and greatly improve the land."
1861	Special	XI	833	Bedworth Heath, Warks.	"Put an end to encroachments."
1861	16th	XX	841	Amberley, Sussex	"Abate encroachments" and convert to arable.
				Carlton in Craven, Yorks.	End "further encroachments" and improve land.
1863	18th	XXVIII	468	Chelmarsh Common, Salop.	"The inclosure will put an end to the system of squatting" and convert to arable.
1863	Special	XXVIII	490	Westhope Hill, Hereford	"Put an end to the system of squatting which is rapidly swallowing up the common" and cultivated.
				Llangwn Hills, Denbigh	End "the system of squatting" and divide land equally amongst those entitled.
			491	Llandewi-brefi Mountain, Card.	End disputes, "abate encroachments which are yearly made" and improve land by planting shelter belts.



TABLE 13 - ENCROACHMENTS (Cont.)

Year	Rep. No.	P P	Page No.	Place	Notes
1865	Special	XXIX	123	Bettws Hills, Merioneth	Few cottages and so the "serious encroachments" are by farmers gaining freehold grazing, and prevent constant disputes and allow cultivation
				Llangeter, Carmarthen	Stop encroachments and paring the surface for cultivation.
				Selston Common, Notts.	Stop encroachments and increase value and productiveness.
1866	21st	XI	82	Walsall Wood, Staffs.	End "continued system of encroachments by which the rights of the commoners are being destroyed" and cultivate.
1866	Special	XI	105	Kynydd Bodafon, Anglesey	Distant from labourers' dwellings - stop encroachments "which are constantly increasing and destroying the property of the waste lands."
1867-8	Special	XXI	123-4	Badgeworth and Bentham, Gloucs.	End surcharges, encroachments and give everyone their fair proportion and improved by planting.
1868-9	24th	XVII	331-3	Tir Abbot Ucha, Denbigh	Settle rights and end encroachments (no inhabitants).
1870	25th	XVI	305-15	Withypool, Somerset	Increase value and employment and improve by stopping paring and constant encroachments.
				Ugthorpe Moor, Yorks.	One-fifth arable; rest pasture. Stop encroachments.
<u>Encroachments and Pauperized Parishes</u>					
1862	17th	XIX	305	Llanfechell Mountain, Anglesey	"The inclosure will put a stop to a system of squatting upon the lands which threatens to pauperize the parish" - but no allotment for the labouring poor.
1863	18th	XXVIII	468	Marian Lllysfaen, Caerns.	"The inclosure will put a stop to a system of squatting upon the lands which threatens to pauperize the parish" - but no allotment for the labouring poor.

TABLE 14 - ENCLOSURE AND CANALS

Canals did not always lead to enclosure. The mining areas of Swannington Common and Coleorton Moor were not enclosed despite being served by the Charnwood Forest Canal. Only when the canal and mining failed there, did an enclosure occur at nearby Thringston and Peggs Green. Mingay believed some owners with mainly agricultural estates opposed better communications for many reasons. They increased competition and so reduced prices; bargemen trampled or stole crops and their horses depastured meadows; canals altered levels for water meadows, mills, etc., and farmers lost part-time work in land

carriage. Other owners saw that better communications fostered trade, raised rents, reduced coal prices and encouraged lime burning<sup>1</sup> (much used on newly enclosed land<sup>2</sup>) and the use of other manures<sup>3</sup>. In mining areas, canal building and enclosure were often parts of a coherent policy of development, increasing food supplies, improving drainage and providing markets. Also acts could be a means of exacting payment for common land taken by canals, as at Bramley (W Riding) and Essington (Staffs.)<sup>4</sup>.

Year of Encl. Act	Owner	Commons	Canal	Notes
<u>Mining Development</u>				
1765	Duke of Bridgewater	Walkden Moor and part of Chat Moss	Bridgewater	The act was part of a broad vision of integrated development at Worsley, including colliery and other business speculations, canal construction (using colliery water) and building hundreds of houses. The growing population was fed by converting Walkden Moor "to tillage". The Duke retained mineral rights to allow his works to reach newly purchased mines. He obtained nearly all the 1,000 acres of Chat Moss and drained it by extending a branch canal and using colliery spoil, employing miners in the slack summer months. Instead of his usual leasing policy, this reclaimed land was kept in hand growing potatoes, rushes and timber (needed for the collieries; wood was brought by canal from distant Staffordshire); but Moss and Moor were mainly used as leys for canal horses, and cattle to feed his workers. The Duke's scheme of improvement was a model for Lord Dudley and owners of agricultural estates like the Duke of Bedford and Littleton <sup>5</sup> .
1769	Parrott	Bedworth	Oxford and Coventry	Parrott was a partner in the large Hawkesbury Colliery at Bedworth with a railroad and a short canal. He supported both the Coventry Canal (incorporating his canal) and the Oxford Canal to carry his coal to the South Midlands. References to both the canal cutting and the 1769 Bedworth act in Newdigate's Diaries clearly show how closely they were linked. The colliery prospered, buying an early Boulton and Watt pump in 1776. The act also empowered the main allottee, the Nicholas Chamberlayne Charity, to lease its coal land, advertised in 1771 <sup>6</sup> .
1780	Foley, Hickman, Knight et al	Oldswinford	Stourbridge	The canal (authorised 1776 to Pensnett Chase) brought coal to the glassworks and potteries, aided distribution and brought cheap lime to local farmers. Canal proprietors paid £36,000 for coal-bearing land upon which they further invested in plant before canal authorised. The enclosure's chief petitioner and beneficiary, Rector Robert Foley, planned the act to develop the wastes - selling portions under the act to provide internal fencing and farmhouses. The act also established the ownership of minerals including fireclay to the Lord of the Manor <sup>7</sup> .
1781	Earl Stanhope	Stanton-le-Dale	Erewash	This canal, completed in 1779, passed through Stanton by whose enclosure Stanhope gained most of the common. In 1793 Stanhope's Dale furnace tenants built a railway to this canal "above the Heath lock"; in the same year, the Nutbrook Canal was authorised which met the Erewash at Stanton; Stanhope's tenants were allowed to carry ironstone and limestone duty free to their furnaces on this and by 1857 Stanhope was virtually the sole owner of the parish and of the Nutbrook Canal <sup>8</sup> .
1784	Lord Dudley	Dudley Wood, Pensnett Chase & Kingswinford	Dudley and Stourbridge	The acts and improving leases increased cereal production, essential in an area of growing population; only in 1783 Dudley needed soldiers during bread riots. The acts protected Dudley's mineral rights, effectively stopped surface damage claims and facilitated road and canal building. This parallels the rational programme of expansion at Worsley. The next year, Dudley defeated the strong Birmingham Canal lobby to obtain the act for the Dudley Tunnel through the ridge across the South Staffs. coalfield. This allowed him and other owners access to Birmingham. Dudley "declared that he alone...has coal sufficient to supply the Markets for upwards of 1,000 years" <sup>9</sup> .
1791	Various	Hearnor and Codnor	Cromford Extension	This 1790 canal went to Codnor Park, where a large coal and iron works began in 1791 including lime quarries at Crich. One of the work's partners was Jessop, the canal's engineer; there was already a colliery at Hearnor. An attempt to enclose Hearnor and Codnor succeeded after a failure in 1790. E M Mundy, Lord of Hearnor, used the act to extend his Shipley estate, buying common rights for allotments of 67 acres for £1,922 in 1792 <sup>10</sup> .



TABLE 14 - ENCLOSURE AND CANALS (Cont.)

Year of Encl. Act	Owner	Commons	Canal	Notes
1792	Various	Cheslyn Hay	Wyrley and Essington	The 1792 canal aimed to both open up mines at Wyrley Bank or Cheslyn Hay and serve existing pits at Essington Wood; so no branches were to be built until the owners guaranteed 3% on building costs. The enclosure also aimed to open up and improve the extramural Wyrley Bank (infamous for beggars and encroachments) by providing work, confirmed the ownership of cottages to Great Wyrley's overseers and stopped encroachments. Land sold at the Oldfells to pay for the act became pits and the mines belonged to the new owners, like Joseph Brown. He leased the mines of his 400 acres to William Gilpin who expanded his Churchbridge edge tool works by the Watling St. A railroad was built to his works so no canal was constructed beyond Essington Wood in the 1790's. Despite its "very flourishing" collieries by 1800, "Wyrley Bank is still proverbial for its paupers begging". By 1817, Gilpin's Wyrley Bank colliery raised 10,000 tons per year and Gilpin was praised for his "public-spirited industry". By 1834, Wyrley Bank's poor worked in the pits which had brought respectable men to the area "who established a plan for the relieving of the poor, and erected a Methodist chapel and Sunday School" <sup>11</sup> .
1793	Duke of Rutland	Ilkeston	Brewash	Canal (of which the Duke was a large shareholder) completed as far as Ilkeston Common in 1779 and in 1780 a dock made there. In 1783, Rutland's Ilkeston colliery tenants completed railroad to the canal. Other industries developed alongside the canal - spinning mill (1792) and two foundries. The act had the same unworkable rating system on all proprietors for mining damages as at Dudley and by 1841, 268 cottages with gardens were built on the common for colliers and framework knitters <sup>12</sup> .
1800	Lord Moira	Ashby Woulds	Ashby	This canal opened up the W Leics and S Derbys coalfields and the Cloud Hill limeworks, but the canal's promoters (especially Joseph Wilkes) encouraged Moira, a large shareholder, to promote an act for Ashby Woulds to accelerate development. Owen thinks the act merely confirmed Moira's mineral rights before development but an agent reminded Moira that an 1800 estate bill to raise capital for the Woulds' development failed because "the wastes of Ashby were not inclosed and that you could not, until they were, carry your works into effect". The estate seems to have instigated the act and obtained very advantageous terms. Moira, heavily in debt and having a broad perception of development as an enlightened Whig, rapidly developed a large colliery and ironworks with lime kilns by the canal and in 1811 he began a village for his workers called Moira. By an improving lease he cheaply developed a farm on the Woulds; his tenant however used land carriage for his lime, not the canal. Moira lacked the capital (having spent at least £40,000 on the canal and works by 1809 whilst owing £370,000+ in 1808, despite estate acts to sell lands to fund development) and expertise which was cited as the reason for an 1812 estate act allowing 61 year leases. Although the ironworks failed, the enclosure provided the framework for solving the estate's long-term financial problems <sup>13</sup> .
1808	Vernon	Essington	Wyrley and Essington	In 1789 the heavily indebted Henry Vernon of Hilton Park appointed James Hordern, a Wolverhampton banker, as trustee of his Essington Wood pits and other land. Hordern became the leading proprietor of this canal which crossed Essington Wood Common to reach Vernon's enlarged pits. An agreement in 1792 between Vernon and the canal company promised sums of trust fund money in return for building the canal. The Vernons held 18 shares. Pulteney, whose mines were en route, held 5 shares and shepherded the bill through parliament. However Vernon raised his prices higher than promised and tried to build his own railway to sell his coal. Disputes continued and eventually the company owed Vernon £1,900 in 1808. The canal also served the Hay Head lineworks which under John Wilkinson was to expand until he died in July 1808. Also Thomas Boulton leased the colliery in 1807 which encouraged development. He rented 3/7 of Vernon's land in the award map but was ruined by this lease by 1812; in 1828 the colliery with newly proved mines was offered for lease. All this and the need to find a mechanism to obtain payment from the canal for the common land it took led to the act. The land was used for arable and Vernon's railways and plantations were part of his 57.4% of the whole. Lineworks were established at Essington Wood by 1812 <sup>14</sup> .
1854-65	Lord Anglesey	Hammerwich, Burnt- wood, Cannock and Rugeley	Cannock Extension	Enclosure, canal construction, the growth of settlements and mining development were seen by the estate as inter-related facets of the opening up of Lord Anglesey's Cannock Chase estates <sup>15</sup> .
<u>Agricultural Improvement</u>				
1777	Various	Wallington	Market Weighton	The 1772 canal drained the 5,000 acre Wallington, the common right owners paying a rate. The common rights owners petitioned for enclosure in 1774, to enable them to meet the rate more easily. After the act, the town of Newport developed close to brickworks on the fen which became arable land <sup>16</sup> .



TABLE 14 - ENCLOSURE AND CANALS (Cont.)

Year of Encl. Act	Owner	Commons	Canal	Notes
1789	Various	Odibam	Basingstoke	This "first agricultural canal" was authorised 1778, but only completed 1794. Its main purpose was "the means of promoting the cultivation of the extensive barren wastes, thro' which a great part of which it must necessarily pass" using chalk from elsewhere en route. It crossed Odibam Common whose owners in 1792 asked compensation for land used <sup>17</sup> .
1791	Various	Curdworth and Minworth	Birmingham and Fazeley	Petition stated the common lands "lie intersected with the Birmingham and Birmingham and Fazeley Canal Navigations, and dispersed in small Parcels, and in their present Situation are incapable of any considerable Improvement". Act specified Adderley's allotment to include his canalside coal wharf and Jennens was to retain his adjoining land. The act allowed consolidation and the bringing of fuel and lime and the cheaper distribution of produce to the Birmingham market. The canal was clearly an impetus to enclosure here and at Erdington and Witton in 1801 <sup>18</sup> .
1790-2	Duke of Rutland's Guardians	Harby, Barkston, Redmile	Grantham	Acts enclosing 7,000+ acres were authorised along the route of the Grantham Canal which cost over £100,000 but paid 5/6% by 1809. The infant 4th Duke's trustees turned his impoverished estate around (1789-1799). They bought many shares in the canal which brought gravel, coal and lime to land almost inaccessible by road in winter. The average benefit to farmers was £50 per annum. This second phase of enclosure was largely to increase pastoralism and was part of a planned programme of improvement in "beauty and profit" around Belvoir Castle. If the canal failed, the mode of improvement would have altered <sup>19</sup> .
1795	Mrs Foley and Mrs Whitby	Great Barr	Birmingham	Birmingham Canal brought food up to 50 miles to Birmingham in 1791; Arthur Young could not understand the huge area of wastes in the town's vicinity. Many local acts, as at Great Barr, resulted not only from rising corn prices and rentals but also from the fear of not feeding this huge market as well as notions of rational improvement. Again a major influence in enclosure was the extending canal system reducing carriage costs for coal and lime. Petitioners said that if the BCN branches did not serve Walsall's lime mines, it "will be detrimental to the laudable Spirit of Agriculture by Lime Manure, which is now become of such general Use in the Improvement and Cultivation of Land...and...an Object of serious Concern to the Spirit of Improvement in Agriculture so essential to the Wealth and Prosperity of this Kingdom". The Ladies of the Manor of Barr, Mrs. Foley and Mrs. Whitby, wanted to convey their coal from their mines about to be opened at Bradley to their lime mine and works at Barr. The Barr Estate comprised about 2,500 acres of old enclosure and an adjoining waste of about 3,000 acres, "very desirable to be inclosed, lying about Eight miles Distance from...Birmingham". The 1794 BCN act included branches linking Bradley and Walsall. This led to the 1795 Great Barr enclosure act, and others in the adjoining manors of Aldridge (1795) and Erdington and Witton (1801). The second Wyrley and Essington Act of 1794, opening branches to Hay Head limeworks and quarries, encouraged such enclosures <sup>20</sup> .
1796	Viscount Newark	Sneinton	Nottingham	The canal was authorised in 1792, the same year as Sneinton Common of 80 acres was valued at 12/- per acre unenclosed but 25/- per acre in enclosed. The 1/8 mile Poplar arm of the canal was built to Sneinton c.1794. The canal was fully opened, carrying coal and lime, in 1796, the same year as the enclosure. The 1798 award allotted Newark 448 acres of the 784 involved <sup>21</sup> .
1799	Various	Ulverston	Ulverston	A scheme to improve ship navigation, reclaim lands and build a canal which would also aid drainage was suggested in 1786; the canal was authorised in 1793, supported by merchants and gentry anxious to develop Ulverston Port and foster trade. The enclosure act was clearly part of this large scheme of economic development and improvement <sup>22</sup> .
1802	Lord Anson	Alrevas	Trent and Mersey	Commons included land adjoining the junction of the Coventry and the Trent and Mersey Canals; when lots were sold there (including several encroachments and canal side plots) the soil was said to be easily improvable and the canals and turnpikes meant that "Coals, Lime, Materials for Building, Draining and Fencing and Manure of every Kind, may be procured at an easy rate" <sup>23</sup> .
1811	Various	Shenstone	Wyrley and Essington	The second canal act (1794) opened branches to Hay Head limeworks and quarries and encouraged enclosure acts for South Staffs. commons. In Shenstone, which adjoined Aldridge (see above), Richard Brown offered to make a branch canal to Shenstone village to carry lime, coal and manure, paying £60 per acre <sup>24</sup> .



TABLE 14 - ENCLOSURE AND CANALS (Cont.)

Year of Encl. Act	Owner	Commons	Canal	Notes
<u>Town Improvement</u>				
1771	Lord Uxbridge	Burton-upon- Trent, Staffs.	Trent and Mersey	The enclosure act was first mooted when Uxbridge found difficulties in leasing common land for warehouses to the Grand Trunk Canal in 1770 on Horninglow Common near the canal bridge. The act also seems to have been intended to assist him link his Trent Navigation and the canal, which he had tried to obtain by an amendment to the 1770 Trent and Mersey Act <sup>25</sup> .
1792	Various	Bolton Lancs.	Bolton and Manchester	The enclosure act gave allotments to the manorial lords and then leased the remainder to fund an improvement act. Bolton's rapid growth in mining, cotton manufacturing and chemical industries had led to the canal project to Manchester in 1791; this ran west of the common and clauses protecting bleaching crofts and the waters of a carding engine were included. The increased trade due to the canal encouraged development <sup>26</sup> .
1796	William Roe and others	Macclesfield, Cheshire	Macclesfield	Davies sees the enclosure's aim as to release land on the urban fringe for industrial and housing development; there were already many such encroachments. She overlooks the role of a projected link between the Peak Forest Canal and the Caldon Branch of the Trent and Mersey which would have run across Macclesfield Common and Roe's Copper Works. Although some common land was developed, and later sold at over £100 an acre (far above the price of agricultural land) with some plots being offered as 'building sites', much of the land remained undeveloped <sup>27</sup> .
1798	Marquess of Stafford and others	Stone, Staffs.	Trent and Mersey	This enclosure (which gave a stinted common to householders to end common rights) was linked to a proposed branch from the Trent and Mersey at Stone to the East Shropshire coalfield to bring coal and lime to the town; the Marquess of Stafford was a major owner in both areas. Stone had grown in the 1700s due to its role as a communications centre; three of London's 15 mail routes diverged here and its postmaster was the third highest paid outside London; after the 1770s it was the headquarters of the Trent and Mersey Canal and of its main carrying company. Contemporaries like John Wesley commented on the canal's impact on the town; it developed industrially with shoe firms, brass wire works, a foundry and several flint mills. Its population doubled between 1770 and 1831 with rapidly increasing poor rates. The act would release land as the town grew (under the canal's influence) for housing, gardens or accommodation land. An indication that the projected canal was a crucial influence on the enclosure was the failure of a previous proposal in 1785. Despite the canal project failing, in 1807 and 1808 newly enclosed land including gardens fronting Stone's major roads was auctioned; this would help satisfy "the pressing demand for houses" and "accommodation or pleasure" land in this "flourishing town". The rapid growth of housing over Stone field had to await the railway's arrival but by 1900 it had become the town's most populous area <sup>28</sup> .
1800	Various	Stafford	Staffs. and Worcs.	A branch from the Staffs. and Worcs. Canal to Stafford to carry coal was proposed in 1798. This led to the owners of meadows on the line to consider whether the "acqueducts" would injure the meadows and to discussions between freeholders and a millowner to drain the meadows and an enclosure act resulted. The canal was not built probably as agreement could not be reached about draining the land to supply the canal; a railway was substituted in 1805. The drainage including a cast iron aqueduct improved 500 acres of land by £1 per acre per annum, allowing them to be used for arable; "no kind of public improvement is of... greater national importance" than such draining which will avoid "the late unhappy scarcities of grain and bread corn" <sup>29</sup>



TABLE 14 - ENCLOSURE AND CANALS (Cont.)

Footnotes

- 1 G Kingsy, English Landed Society in the Eighteenth Century (1963) 196-9; lime burning was the reason for a branch of the Trent and Mersey to Cauldon limestone quarries - JHC XXIV, 12/2/1776, 548. The limestone and coal carried by the canal was a major motive for the 1808 Cheddleton act - Staffs. Advertiser 30/9/1809 p.1 c.4; the Aire and Calder Navigation would carry lime from Knottingley to much open land en route, JHC XXIV, 22/2/1774, 477-9; lime to be carried on Chesterfield Canal as its land carriage was very expensive, JHC XXXIII, 2/2/1771, 133, Evidence of Anthony Lax. Related turnpike and enclosure schemes also occurred, e.g. Skipworth at Burton Dassett, J M Martin, 'Members of Parliament and Enclosure. A Reconsideration'. AG. Hist. Rev. XVII (1979) 106-7.
- 2 e.g. Gumbley, Northampton Mercury 4/12/1780, p.2 c.4.
- 3 e.g. Sea sand on Saint Columb Navigation, JHC XXXIV, 27/1/1773, 72 and 3/2/1773, 106.
- 4 Commissioners could receive compensation for land taken by the Leeds-Liverpool and Wyrley and Essington Canals and use it towards defraying costs. W S Rodgers, thesis, appendix; and see below; problems about the legal status of common land taken by canals also occurred at Whiston, StRO D239 Whiston re Trent and Mersey Canal Co's claim to an allotment for waste land.
- 5 Manchester Mercury 4/5/1762 - advert for miners promising accommodation; Josiah Wedgwood's Diary 1773; G Atkinson, The Canal Duke's Collieries (Swinton c.1982) pp.12-16 and 18; 5 Geo III c.60; H T Crofton, A History of Newton Chapel I (1904) 208 - 1790 pamphlet re Walkden Moor colliery; C Grayling, The Bridgewater Heritage (Worsley 1983) p.37; B T Barton, ed. History of Farnworth and Kearsley (Bolton 1882) pp.259-262; E Malley, 'The Financial Administration of the Bridgewater Estate 1780-1800' MA University of Manchester. 1929 pp.119-141; H Whickham, Worsley in the Eighteenth Century (Swinton 1984) pp.10-12, 25-7; A Young, A Six Month's Tour through the North of England III (1770), 230-2; J Holt, A General View of the Agriculture of Lancashire (1795) p.94 re Chat Moss being uncultivated clearly refers to the remainder in other manors.
- 6 C Hadfield, The Canals of the East Midlands (Newton Abbot 1966), pp.15 and 18; W H B Court, 'A Warrickshire Colliery in the Eighteenth Century' Ec H R (1) VII (1937) 221-6. WarO CR 136/4/599-600 e.g. 19/5/1769; Aris's Birmingham Gazette 5/8/1771 and 29/6/1772 p.2 c.2.
- 7 Nash, Coll. for a Hist. of Wores. II (1799) 47; JHC XXIV 9/2/1776, 533; 20 Geo III c.37.
- 8 JHC XXVIII, 31/1/1781, 139; DRO Q/Ric 45a, Stanton Common Award; Glover, History of Derbyshire I (Derby 1829), 264-5; White, Derbyshire Directory (1857), p.319; C Hadfield, Canals of the East Midlands (N Abbot 1970) pp.39-41, 69 and 72.
- 9 T J Raybould, op cit, pp.35-61, 89-91; Aris's Birmingham Gazette 9/5/1785 and 22/5/1786 p.1 c.1 re involvement in other local canals; C Hadfield, Canals of the West Midlands (N Abbot 1969) p.77. See also Chapter 7.
- 10 S D Chapman, The Early Factory Masters (Newton Abbot 1967) p.150; Derby Mercury 9/1/1786 and 19/7/1787; A R Griffin, Mining in the East Midlands 1550-1947 (1971) p.24; JHC XIV 4/3/1790, 219; DRO D517/VII/2.
- 11 1792 Wyrley and Essington Canal Act, pp.50-1; JHC XLVII, 14/2/1792, 380; Wolverhampton Chronicle 30/1/1793; S Shaw op cit II, 320; Staffs. Advertiser 17/6/1837, Oldfalls Colliery lease offered; W Pitt, A Topographical History of Staffordshire I (1817) 262-3, 448-9; White's Staffordshire Directory (1834) p.490.

- 12 G Hopkinson, 'The Inland Navigations of the Derbyshire and Notts. Coalfield' Derbyshire Arch Journal LXXIX (1959), 24, 28 and 30; S D Chapman, The Early Factory Masters (N Abbot 1967) pp.94, 129 and 150; J Farey, General View of the Agriculture of Derbyshire II (1813), 81; Bagshaw's Derbyshire Directory (1846) pp.186-7.
- 13 52 Geo III c190; Owen op cit, pp.135, 166; Huntington Collection (Huntington Library, San Marino, California) HA 6775 Hill to Moira, 24/12/1807; Hastings (Bute) Dumfries Box 35 Bundle 13 Jos Wilkes to Moira 15/2/1800; W Pitt, A General View of the Agriculture of Leicestershire (1809) p.83, 313-7; K Hillier, The Book of Ashby de la Zouch (Buckingham 1984) p.67. See Map 1.
- 14 StRO D260/M/P/5/26/17, Hatherton Journal, 28/3/1840; JHC LV 28/12/1798, 100-1; PRO, RA12 887/1 Wyrley and Essington Canal Minute Book, 10/5/1792, 10/5/1799, 21/6/1799, 27/1/1801, 10/5/1808; Staffs. Advertiser 20/6/1795, 27/10/1810 p.1 c.5 and 14/8/1841 p.2 c.2; C J Gilson, 'The Wyrley and Essington Canal', Lichfield Archaeological and Historical Society (1959-60) 20-41; S R Broadbridge, The Birmingham Canal Navigations Vol I, 1768-1846 (Newton Abbot 1974) pp.125-6; Farey, op cit II, 451-4; C Hadfield, Canals of the West Midlands (N Abbot 1969) pp.97-8. See also Chapter 7; Wolferstan Diary 10/10/1807 and 9/6/1812; Aris's Gazette 14/4/1828 p.1 c.5 and 14/7/1828 p.2 c.2 re electing new commissioner. See Map 6. Wolverhampton Chronicle 28/8/1812 p.3 c.4.
- 15 Brown, op cit, pp.58-78.
- 16 JHC XXIV, 15/2/1774, 459-60; K J Allison, The East Riding of Yorkshire Landscape (1976), pp.170 and 215-6. Leeds Intelligencer 13/8/1798, p.4 c.1.
- 17 C Hadfield, British Canals pp.95 and 100-2 qu. Rev S Shaw, A Journey to the West of England in 1788 (1789); L Ellis Tavener, The Common Lands of Hampshire (Hants.C.C. 1957) p.61.
- 18 JHC XLVI, 9/2/1791, 161; ERL LF 60.3, 17278; Aris's Gazette 27/8/1804 p.4 c.4.
- 19 Hon Vickary Gibbs et al, eds. G E Cockayne, The Complete Peerage XI (1949), 269; C Bruyn Andrews, ed. J Byng, Torrington Diaries IV (1938), 7/6/1789, 133-6; J Nichols, History and Antiquities of Leicestershire II (1) (1795), 19, 70; Staffs. Advertiser 12/1/1799; W Pitt, General View of the Agriculture of Leicestershire (1809) pp.13, 15, 17 and 316; F M L Thompson, English Landed Society (1963), p.225; see also Chapter 7 re improvers and about plantations at Stathern.
- 20 Leeds Intelligencer 14/12/1795 p.3 c.3; A Young, 'A Month's Tour to Northants., Leics. &c' reprinted in A Young, Tours in England and Wales (1932) pp. 260-6 and 275; Chapter 7; JHC XLVIII 1/3/1793, 307; 4/3/1793, 314-5; 25/2/1793, 270. S R Broadbridge, op cit, pp.86-9.
- 21 C Hadfield, Canals of the East Midlands (Newton Abbot 1970), pp. 57 and 270; R Mellors, Old Nottingham Suburbs Then and Now (Nottingham 1972), p.72.
- 22 J D Marshall, Furness in the Industrial Revolution (Beckermat 1981) pp.65, 67 and 69; R Milward and A Robinson, Cumbria (1972) p.56.
- 23 Aris's Gazette 16/12/1805 p.4 c.3.
- 24 Lichfield Joint R.O. D77/16/19 Shenstone Commissioners Minute Book 24/12/1813.



TABLE 14 - ENCLOSURE AND CANALS (Cont.)

Footnotes

25 Douglas Hay, 'Crime, Authority and the Criminal Law: Staffordshire 1750-1800', Ph.D University of Warwick 1975, p.260; D603/K/9/2 Wm Wyatt to Richd Brown 7/7/1770, 23/1/1771, 13/2/1771; J Sneyd to Lord Paget 17/4/1771; JHC XXII, 15/3/1770, 799, D603/K/9/1/76, 81 and 83, Partington to Wyatt 30/7,8/8 and 10/8/1771; D603/N/264/5 26/11/1772, Reasons for delay of Burton-upon-Trent Act.

26 See Table 26, Enclosures and Improvement Acts.

B T Barton, Historical Gleanings of Bolton and District (Bolton 1882), p.240;  
J C Scholes, A History of Bolton (Bolton 1892), pp.462-9; Bolton Public Library;  
Canal Act (82483) and 1793 enclosure lots map.

27 Leeds Intelligencer 28/3/1796 p.2 c.5; C Stella Davies, ed. A History of Macclesfield (Manchester 1961) pp.103-4.

28 S R Broadbridge, 'The Old Poor Law in the Parish of Stone', North Staffs. Journal of Field Studies XIII (1973), 11 and below, Chapter 5; Staffs. Advertiser 28/10/1797; Aris Gazette, 31/1/1785 p.1 c.6; A F Denholm, 'The Impact of the Canal System on Three Staffordshire Market Towns, 1760-1850', Midland History XIII (1988), 59-76, esp. 68-9; Staffs. Advertiser 12/8/1809 p.1 c.3-4 and 23/5/1808 p.1 c.3; Norman A Cope, Stone in Staffordshire (Hanley 1972) p.83.

29 Staffs. Advertiser 10/2/1798 p.1 c.4; 20/3/1802 p.3 c.3; 5/1/1805 p.4 c.4; STRO D240/E/C/1/47/1-9.

TABLE 15 - ENCLOSURE AND ROADS

Access to roads created by enclosure acts could be vital to local communities<sup>1</sup> and open up remote areas. They could lead to village migration to new roads either by design or accident<sup>2</sup>. Turnpikes could carry lime to newly enclosed land, as at Ashby Woulds<sup>3</sup> and transport produce to market. In Leicestershire most acts in the 1760s and 1770s took place within three miles of a turnpike<sup>4</sup>. Also several enclosure

acts either included clauses to replace ferries with bridges<sup>5</sup> or were obtained at the same time as bridge acts<sup>6</sup>. This could be promoted by the same local landowner as part of a wider view of improvement<sup>7</sup>. Conversely, acts could be used to close up many roads<sup>8</sup> which could interfere with parks<sup>9</sup>. Enclosure could also prevent toll evasion where turnpikes crossed commons.

Year	Place	Notes
1771	Burton Dassett, Warks.	Martin notes close links between this act and a turnpike from Birmingham which was improved in 1774. He notes how Warwickshire owners generally profited from enclosure, bridge and turnpike schemes to open up inaccessible areas <sup>10</sup> .
1799	King's Bromley, Staffs.	This act was used to divert the King's Bromley to Handsacre road away from the manorial lords' hall, as part of the Lanes' plans to consolidate their estate, establish a park and reclaim Bromley Common across which the Trent and Mersey Canal ran <sup>11</sup> .
1804	Shuttington, Staffs.	An important consideration in the negotiations for the act was a road from Shuttington to the Tamworth to Ashby turnpike near Wolferstan's Statfold Hall. Although not specified in the act, the road was eventually laid out <sup>12</sup> .
1812	Mynydd Mawr, Llandeble, Carmarthen	Amending act to sell 300 acres to form a new road over Mynydd Mawr <sup>13</sup> .
1813	Wallasey, Cheshire	Act had three distinct aims - to enclose Newton Carr, to drain and enclose Bidstone Marsh and to build a road from Wallasey to Bidstone across the marsh <sup>14</sup> .
1814	Teddesley Hay, Staffs.	Under this act a road near Teddesley Hall was stopped up as part of the creation of a park and home farm of 1,700 acres for Lord Hatherton <sup>15</sup> .
1815	Brecknock Forest, Brecknock	During negotiations to amend the 1808 enclosure act, it was suggested that the Crown should sell its interest in part of Brecknock Forest to pay for a road from Swansea to Brecon over the forest. The suggestion was never adopted <sup>16</sup> .
1828	Morwell, Devon	In 1827 the Bedford estate agent complained of toll evasion whilst 'the Down is unenclosed'. The enclosure prevented this and loss of public recreation was compensated by the Duke of Bedford constructing a new road through Morwell Woods <sup>17</sup> .
1834	Alstonefield, Staffs.	The Lord of the Manor, Harpur Crewe, believed that "the enclosure... will... civilize the wild folk that dwell amongst the hills. The roguish will be brought into light by new roads, opened into recesses where they have carried on in darkness their bad habits" <sup>18</sup> .
1845	Drayton Bassett, Staffs.	Sir Robert Peel used the opportunity of the enclosure and drainage of Fisher's meadow to close off rights of way through his park <sup>19</sup> .
1846	Methwold and Southrey, Norfolk	Three motives included "a proper road to it insured" <sup>20</sup> .



TABLE 15 - ENCLOSURE AND ROADS (Cont.)

Year	Place	Notes
1850	Wetheringsetts, Suffolk	Occupation roads through old enclosures and to improve drainage <sup>21</sup> .
1850	Swinmore Common, Herefordshire	"When the allotments of this 8 acre plot were laid out a properly constructed road should be made" <sup>22</sup> .
1852	Hareshaw Common, Northumberland	Its 9,000 acres "will be improved in value by inclosure. Roads will be made, which are greatly wanted and disputes terminated" <sup>23</sup> .
1852-3	Chardstock, Dorset	Wastes cultivated "and a great improvement made in the roads of the parish" <sup>24</sup> .
1852-3	Grenshaw Green, Suffolk	Drained, improved and "a good road formed" <sup>25</sup> .
1857	Bigmore Common, Oxon.	Cultivation and "obtain a good road over the common" <sup>26</sup> .
1857-8	Boyton, Cornwall	Increase value and public accommodated by a new road <sup>27</sup> .
1874	Anston, Yorks.	Convert to arable and build new roads <sup>28</sup> .

Footnotes

- 1 Cambridge Chronicle, 28/3/1840 p.4 c.3-4, Queen v Inhabitants of March.
- 2 T Rowley, Villages in the Landscape (1978) pp.149-50 re Luddington, Oxon.
- 3 See Table 14.
- 4 J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986) p.242.
- 5 JHC XXIV, 29/1/1773 Drax (Yorks.) joint enclosure and bridge petition.
- 6 Municipal Corporations Report (P P 1835, XXIII), 125.
- 7 At Sawley, Lord Harrington promoted both the 1787 enclosure act and the 1788 Trent bridge act which replaced a ferry. K Reedman, The Book of Long Eaton (Buckingham 1979), pp.37-8. Ten years previously the Erewash Canal had been authorised from the Trent at Sawley.
- 8 54 rights of way were ended at Comberton, Cambridge Chronicle, 4/1/1840 p.1 c.1-2.
- 9 e.g. King's Bromley, Teddesley Hay and Drayton Bassett, Staffs. See also Chapter 7 re Stoke Edith, Herefordshire, and other examples. A Rogers, Approaches to local history (1977) pp.106-7.
- 10 J M Martin, 'The Parliamentary Enclosure Movement and Rural Society in Warwickshire', Ag. Hist. Rev. XV(1) (1967) 29-30; 'Members of Parliament and Enclosure. A Reconsideration', Ag. Hist. Rev. XXVII 106-7.
- 11 StRO D590/410 Yates' map of Staffordshire, 7/11/1775; Pipe Wolferstan Diary 27/7/1801. Q/Rdc 66 King's Bromley Award; Chapter 7 and Map of King's Bromley Award.
- 12 Pipe Wolferstan Diaries, 12/4, 9/5, 22/5, 3/6/1802 and 20/3, 17/4, 2/8, 18/8, 12/10/1804.
- 13 W Davies, General View of the Agriculture of S. Wales, (1815) II, 92, 100-1.
- 14 Chester Chronicle, 3/9/1813 p.2 c.5; CRO, Q DE/26/R Wallasey Enclosure Award 1823.
- 15 Q/Rdc 22, Teddesley Hay Enclosure Award; Map of Teddesley award and Chapter 7. J Caird, English Agriculture in 1850-1 (1852) pp.239-40
- 16 Hereford Journal 15/9/1813 p.3 c.4.
- 17 H P R Finberg, 'Morwell', Reports and Transactions of the Devonshire Association, (1945) LXXVII, 166.
- 18 DRO, D2375 m44/1, 25/9/1839.
- 19 Staffs. Advertiser 17/5/1851 and StRO, Q/Rdc 94 Drayton Bassett Enclosure Award 1852.
- 20 1st Rep. (P P 1846 XXIV), 87.
- 21 Spec. Rep. (P P 1846 XXIV), 95-7.
- 22 5th Rep. (P P 1850 XXIII), 340.
- 23 Spec. Reps. (P P 1852 XL), 663.
- 24 Spec. Reps. (P P 1852-3 XL), 696.
- 25 Spec. Reps. (P P 1852-3 XL), 696.
- 26 Spec. Rep. (P P 1857) ii XVI, 335-9.
- 27 13th Rep. (P P 1857-8 XXIV), 175.
- 28 29th Rep. (P P 1874 XV), 201.



TABLE 16 - ENCLOSURES, MINING AND AGRICULTURE

Year	Place	Notes
1772, 1773, and 1779	Lanchester Fell, Durham	<p>Bishop of Durham Previous to the enclosure the Claverings had built Greencroft Hall in 1670 and had made considerable encroachments on the common - according to Hodgson "with an eye to extra cropland on the fell and mineral wealth". This may have led the Bishop of Durham to petition for an act in 1721 which was blocked by the lords of adjoining manors. In 1754, the Bishop's copyhold tenants urged him to reassert his territorial claims and a map was compiled to distinguish the northern boundary with the Claverings. The enclosure of Hamsteels Moor of 1,000 acres in 1772 was followed by another act for the whole of the Fell. This awarded some of the Claverings' encroachments to the Bishop of Durham and his lessees but they had to be leased to George Clavering for three lives. 12,000 acres were declared improvable and 4,000 acres were declared less improvable and the allotment holders were allowed 21 years to fence them. The Bishop of Durham was allowed as lord a rent charge of 4d an acre and full mining rights. An allotment and 300 acres was made to be leased with the rents being used as compensation for mining damages. This was to be administered by the county magistrates. Fencing this and building upon it would cost £240. It was on the north side of the hill, half of it was sandy and was unsuited to agriculture. Thomas Wright of Retford was prepared to take this land, improve it at his own cost, paying £30 per annum. This arrangement was confirmed by an act. He also seems to have bought other land which he planted as a forest in the middle of which he constructed a mansion, pleasure grounds and gardens. He built an aqueduct to supply his fishponds and waters. The act seems to have aimed to increase food production both of cereals and livestock to accommodate the growing local demand from miners. The minister reported that by 1800, many cottagers could not keep a cow as their landlords found it more profitable to put the grazing to farms. Few cared about their labourers sufficiently "to accommodate industrious cottagers with small parcels of land to keep a cow". Thus capitalist exploitation to increase profit was preferred to paternalist and social concerns for the local poor.<sup>1</sup></p>
1784	Dudley Wood, Pensnett Chase, Worcestershire	<p>2nd Viscount Dudley Raybould views these acts as forming the cornerstone of the mineral development of the Dudley Estate by their large allotments, encouragement of transport links, rights to cut existing timber (452 of the 679 acres allotted to the Dudley Estate in 1786 at Pensnett Chase was mature woodland) and the favourable mining clauses. However they also formed part of a policy with wider implications. He wished to provide food for the growing industrial population and so prevent revolution. In 1783, as "the Colliers in this part of the world have intentions of rising in a few days upon account of the high price of grain" he got the Home Secretary to station three dragons at Dudley, Wolverhampton and Birmingham to "prevent the impending mischief". Within a year he had obtained acts for his two manorial wastes near Dudley upon advantageous terms. In 1788, "the first corn market for several years past was held at Dudley... and the warmest thanks are due from the inhabitants of Dudley and the adjacent country, to those gentlemen who have exerted themselves to establish it". His successor continued this policy at nearby Swindon, whose petition said that the commons "were capable of great improvement, and... if divided and inclosed, so as to be converted into Tillage, be of great Advantage to the several Persons interested therein, and of Public Utility". This phrase shows both the hope for profit, but also the needs of society for bread in an industrialising community to feed the people and avoid disturbances in bad harvests. A witness told of how, within a month of the act's passing, hundreds of acres of heath were burned between Kingswinford and Enville, preparatory to cultivation. Marshall praised the "UTILITY OF SODEBURNING MAIDEN SWARD" as it was four times more productive at Pickering than ploughed maiden sward and that if the summer had been dry, there would have been no crop from the latter. He believed it "may become an instrument of real improvement... especially in bringing the WASTE LANDS of this Island into a proper course of cultivation". By 1793, the same witness observed at Pensnett "there are now enclosures over a forestry common". The Dudley Canal leased its allotment for 14 years to Abraham Lees who was to make it</p>
1793	Wombourne, Staffordshire	



TABLE 16 - ENCLOSURES, MINING AND AGRICULTURE (Cont.)

Year	Place	Notes
	Dudley Wood and Wombourne (Cont.)	<p>ploughable and pay 7 shillings per acre for a 14-year lease. However Lord Dudley who usually offered 24-year improving leases only made annual leases. These lands were described both in 1817 and 1840 as "very light land - but the finest turnip and barley soil". It is worth noting that it was "samples of barley" that were offered for sale at the corn market in 1788. Pitt, a man who praised picturesque enclosed landscapes at Wolverley, added in 1817 that "the hilly parts [of Swindon Common] have been planted, and are very picturesque". 157 of Dudley's allotment of 451 acres was planted to form a picturesque landscape and a game reserve near his seat at Himley Hall. This fear of revolution is an alternative motive to noblesse oblige for the famed philanthropy of the 3rd Viscount; for example in the crisis year of 1795 he "has purchased since the harvest great quantities of corn, which he causes to be retailed to the poor in his neighbourhood at 8/- per bushel". Such fears persisted after 1800 especially in the economic and political crises of 1815-8, 1822-3, 1830-2 and 1839-42.<sup>2</sup></p>
1803	Beamish, Durham	<p>Sir John Eden, 4th Bart. Sir John Eden of Beamish Park (1740-1812) was MP for Durham County and a colliery owner. He was one of the joint lords of Beamish which was enclosed by act in 1803.</p> <p>His agent, William Taylor of Beamish, bought 308 acres of poor heath for £2,665 in 1799. He had to use Eden's buildings (on an adjoining allotment which he managed) to bring his estate into cultivation. By 1805 the total costs of buying and improving this Pelton Grange estate was £5,031, leaving £3,992 as clear profit. Whilst his steward was making large profits by supplying the growing number of miners with food, Eden used his allotment to graze both his draught horses and his pit ponies. The success of this act may have led to the 1803 Beamish enclosure.<sup>3</sup></p>
1813	Ditton Priors, Shropshire	<p>Francis Canning The Cannings were the absentee lords of this manor which included the summit of Brown Clee within its wastes. The Cannings had allowed coal mining development by squatters who had set up several small pits. In 1794 there were 7 colliers as compared to 24 farmers. In total there were 45 cottagers, occupying about two acres each, amerced between 5 and 7/- . Francis Canning owned 110 of the 132 houses, and were Impropriators of the corn tithes. They had a farm rental here of £1,200 p.a. (which would be greatly increased as leases fell in) whilst the other owners together only received £390. Francis's total income including tithes and royalties on ironstone, limestone and "coal lime" (£4d per load of 40 bushels) was £1,800. 1/6 of the manor was open and the lands were "badly cultivated". Canning decided to improve his estates by rational development. By 1802, a single colliery was working on the summit. Short improving leases involving strict 4-course rotations were made and an enclosure was planned in 1810. The 1813 act allotted Canning 154 of the 410 acres and he acquired 100 more by purchase and exchange. The land was in a block around the colliery which gave him undisturbed control of the mines and expedited expansion. Two private coal roads ran to Diddlebury and from his colliery to lime kilns in the village which both crossed allotments. This improved access to the colliery and facilitated transport of coal to the lime kilns. Clearly Canning aimed to retain control of the prime mineral areas whilst promoting agricultural improvement by liming the lower-lying reclaimed waste and existing enclosures. He would benefit in several ways; increased sales of coal and lime especially to other owners seeking to improve their allotments; his "badly cultivated" estates would become more productive; his rental would increase; and food production would increase to satisfy the expected rising demand as the colliery expanded and migrant miners came to the area. However his speculation was ill-timed due to the post Napoleonic War depression and other problems led to the scheme's failure. Part of the award was delayed until 1841 due to disputes over mineral rights. Also, the earlier unregulated pits had damaged the mines. In 1839 no coal was worked here and Kurchison commented "each speculator having begun his work where he pleased,.. it is impossible to say how much of the mineral has been wasted and what quantity may remain beneath in unconnected and broken masses".<sup>4</sup></p>



TABLE 16 - ENCLOSURES, MINING AND AGRICULTURE (Cont.)

Year	Place	Notes
1853	Hammerwich,	<p>Marquesses of Anglesey Enclosures were seen as vital to the development of the Cannock Chase estate and their timing coincided with transport and mining speculations. There were concerns as on Ashby Woulds whether the Marquess could "let unenclosed land for mining purposes - which is not entirely his own". Thus enclosures should be obtained on the best possible terms including the surface as "it will be let or sold by the yard". Hence a manorial allotment of 1/5 above the minerals was obtained at Hammerwich with mineral rights under the remainder being surrendered. Even more attractive terms were obtained at Burntwood, Cannock and Rugeley, with the estate obtaining a specified and large allotment whilst retaining its mineral rights. These were added to, as at Norton Canes, by purchases which totalled 1,700 acres for £40,189. The surface was important not just for housing but also to prevent problems between surface owners and mining tenants. Some of the land was used as plantations and for game. But apart from some housing and clay pits, it was mainly used for farming with the colliery companies being obliged to cultivate the land above their mines. This was important to help satisfy the growing local demand for food and pit props although the advent of railways made this less vital. The companies, as efficient capitalist institutions, made every effort to farm this land profitably. Some land was divided into small garden allotments for the miners to rent. Many companies used steam ploughs to break up the heath after burning - but much of the land was apparently used for hay for pit ponies.<sup>5</sup></p>
1857	Burntwood,	
1861	Cannock,	
1862	Norton Canes,	
1865	Rugeley, Staffordshire	

Footnotes

- 1 R Surtees, History of Durham II (1820), 308, 321 and 346; JHC XXXIII, 28/2 and 8/5/1772, 529, 739; XXIV, 1/2 and 29/3/1779, 93, 215-6 and 276; XXVII, 22/1, 8 and 29/3/1779, 68-9, 201-2 and 296; W E Tate, The English Village Community and the Enclosure Movements (1967) pp.208-9; A R H Baker and J B Harley, Man Made the Land (Newton Abbot 1973), pp.144, 149 and 150; Board of Agriculture [A Young], General Report on Enclosures (1808), pp.151 and 152.
- 2 HO 42/3, 30/10/1783, Dudley and Ward to Lord North; Berrows Worcester Journal, 6/11/1783; Chapter 3; Aris Birmingham Gazette, 29/9/1788, p.3 c.2; C Bruyn Andrews, ed. John Byng, Torrington Diaries III (1936) 19/7/1792, 224-5; William Marshall, The Rural Economy of Yorkshire I (1796) 298 and The Rural Economy of the West of England I (1796) 151; PRO RAIL 874/4, 12/10/1786; StRO D260/N/F/5/26/19, 30/9/1840; W Pitt, A Topographical History of Staffordshire I (1817) 190; Leeds Intelligencer, 2/11/1795, p.3 c.3; T J Raybould, The Economic Emergence of the Black Country (N Abbot 1973) pp.35-51, 79-80 and 95-6; StRO Q/RDc 87, Bobbington Inclosure Award, 1827.
- 3 Transactions of the Society of Arts XXIII (1805), 46-68; Ward and Wilson, Land and Industry (1971), pp.97-8.
- 4 J Plymley, General View of ... Shropshire (1813), p.61; SLS Mss 6864, Archdeacon Plymley's Primary Visitations, Stoddesdon (1794), p.47; Mss 4082, J Morris, Genealogical Mss re Shropshire VI (undated), 3179-83; R T Rowley, 'The History of the South Shropshire Landscape', B Litt. University of Oxford 1967, pp.134, 138 and 146-7; ShRO 189/16, F Canning to Mrs M Taylor, 8-year lease, 27/8/1810, Eddowes Journal, 7/6 p.3 c.3, 11/8/1813 p.3 c.1; R S Murchison, The Silurian System (1839) pp.122-4 and 180; Bagshaw, Shropshire Directory (1851) p.589; Post Office Shropshire Directory (1870) p.118.
- 5 D G Brown, 'The Economic Development of the Marquess of Anglesey's Cannock Chase Estate 1842-1891', MA Wolverhampton Polytechnic 1985 passim but esp. pp.58-76; H Evershed, 'The Agriculture of Staffordshire', JRASE XXX (1869), 294-5; J R Francis, The History of the Cannock Chase Colliery Company (1980) p.16.



TABLE 17 - ENCLOSURE AND LAND SALES

In 1844, £40 per acre was thought an extraordinary price to pay for waste land unless it adjoined a village or there was local competition.<sup>1</sup> Indeed prices lower than this were paid for land which was clearly intended for use as residences as at Burgess Hill, Sussex, and Whitmore Heath, Staffordshire. Therefore sales which were near this price indicate that factors other than agricultural improvement were involved in the act. Chapman's research on Sussex enclosure sales indicates that in places like Chithurst, Hunston and W. Grinstead, building speculations took place, most notably by craftsmen, tradesmen and farmers who increased their proportionate landownership at the expense of higher social groups;

research on nineteenth century Sussex confirms that such purchases were very prevalent, especially in the vicinity of commuter turnpikes and railways from London.<sup>2</sup>

Sale of under 20-year encroachments, even at their unimproved value, could fetch high prices and be used to pay for enclosures. In areas of domestic industry and later in developing mining areas, small plots were sold to speculative builders and workers and miners themselves to encourage housing development and were a mechanism for introducing fresh capital into developing areas.

★ Denotes enclosure by agreement without a separate act

Year	Place	Acres Sold	Price	Per Acre	Notes
1. Development of Cannock Chase					
1853	Hammerwich, Staffs.	63.21	£3,593.50	£56.85	Two of the three main areas of sales, advertised as "Building Land", resulted in the formation of Newtown and part of Chasetown. The other land around Muckley Corner was "valuable building and accommodation land". Purchasers were told that "Dwelling Houses... are now so much required for the purposes of the Increasing Coal and Iron Trade in the District". Occupations were only occasionally stated, although two labourers bought plots. One purchaser of 2 lots of 2 roods was the shop keeper and victualler of the Queen's Head. <sup>3</sup>
1856	Calf Heath, Staffs.	41.94	£2,008.50	£47.89	This area contained no coal and was not suited for settlement, being low lying and marshy; yet the average price here was higher than elsewhere on the Chase. The high price comes from the sale plots adjoining the Hatherton Branch of the Staffs. and Wores. and most were bought by the canal company and owners of wharves. Lord Hatherton was the improving landlord behind this enclosure; he gained a large area of land which was drained and which aided the supply of water to the canal branch he projected in order to open up his estates and benefit the company. <sup>4</sup>
1857	Burntwood, Staffs.	201.06	£8,766.65	£43.60	Average lot size 2.18 acres. 10.9% total land enclosed sold. Much of this land formed the new settlement of Chasetown. Purchasers included four builders, three tradesmen, two coalmasters, a publican as well as several farmers. A bricklayer and a wheelwright who bought plots were described as Chasetown builders by 1870. The colliery clerk and 17 miners or labourers (a term which could be interchangeable) bought plots, not necessarily to build houses for themselves, as many were already residents, but to build for rent. A brickmaker bought several lots near the focus of the new settlement, "The Uxbridge Arms" and it is noteworthy that the Lord's mineral reservation did not include brickclay. <sup>5</sup>



TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Year	Place	Acres Sold	Price	Per Acre	Notes
1861	Cannock, Staffs.	516.86	£15,454.25	£29.90	The average was lowered by large purchases of waste, mainly by Lord Anglesey who bought 399.76 acres at Leacroft for £10,814 = £27.05 per acre. The emphasis here was for waste reclamation above mines but two labourers bought plots as well as a Hednesford coalmaster and the Cannock & Rugeley Colliery whose seven acres cost £740 = £105.71 per acre. <sup>6</sup>
1862	Norton Canes, Staffs.	417.02	£8,423.40	£20.20	Forty miners and two labourers bought 25.02 acres for £1,041.15 = £41.61 per acre. 47.8% of total area sold. Three main groups purchased land; farmers bought larger lots; the mineowners bought very large plots both to prevent problems with surface owners and to provide land for tenants to farm, especially in the slack summer months, and miners, builders and carpenters bought small lots for housing. As the sale catalogue stated "Some of the land is immediately adjoining the works of the Conduit Colliery Company and in situations where Houses and Garden land are in much demand". However by 1858 agreement embodied in both a private act and the enclosure terms, the mineowners were not liable for any subsidence claims by house owners. <sup>7</sup>
1866	Walsall Wood, Staffs.	161.59	£6,653.56	£41.17	152 lots sold - average size 1.06 acres. 45.92% of the total area allotted (351.66 acres) sold. Eight miners, two builders and a timber merchant were amongst the purchasers; but the two largest groups with 10 were farmers and publicans; some publicans were also farmers. They probably wanted accommodation land for stock near to Walsall market. Some miners lived a distance away which implied their purchases were to build houses as a speculation. <sup>8</sup>
2. Other Coalfields					
1802	Wightwick, Leics.	15.31	£664.71	£43.43	Mining in decline but some of the small plots bought by large landowners. <sup>9</sup>
1863	Baxterley, Warks.	47.64	£1,637.41	£34.37	47.45 acres were bought by the Lord of the Manor, W S Dugdale, including the site of his colliery and railway track. After his manorial allotment of 1/10 and two acres for the poor, no other allotments were made for common right as only 53 acres were allotted. The act seems to have been to secure the Lord the freehold of the site of the plant, the new houses of his "underground chiefs" and his railroad; this and the poor's allotment were apparently the "various useful purposes" which enclosure would enable the owners to "make it available". His father had faced problems previously from the joint Lords of Baddesley Manor about his wayleave rights in a lease of mines under the common. Dugdale had bought Baxterley manor in 1844 and proceeded to develop its collieries with the first deep pits in the concealed coalfield; by 1874 a branch railway was about to be constructed to his Baxterley mines. Dugdale used the profits of his own and his father's direct management to rebuild Merevale Hall and his personal involvement is shown by his death in a rescue party after an underground explosion in 1832. He and his father were in the forefront of the coalfield's development in the 1800s. <sup>10</sup>
3. Growth of Commuter Settlements - See Tables 19 and 20					
1801	West Bromwich, Staffs.	16.11	£1,816.83	£112.75	This was only part of the sales which apparently totalled £2,462.54 and although the most valuable part of the common, the remainder clearly had a high and potentially non-agricultural value. The commissioners reckoned the "annual value of the commons to be enclosed" of 298.37 acres at £1.72; at 30 years' purchase, a sale value of £51.64 per acre. <sup>11</sup>



TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Year	Place	Acres Sold	Price	Per Acre	Notes
1827	Penge, Surrey	117.56	£12,000.00	£102.07	John Barwell Cator inherited a large estate based on Beckenham Place and a fortune in 1806. He ruined the estate due to sporting extravagance and his eccentricities. His brother, Peter, returned from India and John's son, Albemarle, took over the management of the estates. A private act was obtained in 1826 to allow sales of the entailed estate and in 1826 Penge Common was enclosed. Lord Spencer's opposition as Lord of Battersea and Wandsworth to John Morgan's attempts to enclose had delayed a bill since 1787 but although he was named as lord in the act, he failed to establish his claim to a manorial allotment of 1/16. Cator obtained roughly half of the common by purchasing over 68 acres for £6,470. After the award, he sold Penge Place and adjoining common land to Leo Schuster, Chairman of London, Brighton and South Coast Railway and of the Crystal Palace Company; this was used to rebuild the Palace in 1852. Sanderson, a Scottish silk manufacturer, bought a lot and built Annerley House. This adjoined the site of Annerley Station established in 1839 and the growth of the suburb postdates the arrival of the railway. The high sale prices indicate that the common's potential for villas and mansions motivated the act. <sup>12</sup>
1828	Keymer, Sussex	216.81	£4,677.49	£21.57	£16+ per acre away from turnpike; £30 per acre fronting turnpike. Purchasers were speculators including builders who overestimated demand for plots on main London to Brighton turnpike; Burgess Hill only developed after the 1841 London to Brighton line. <sup>13</sup>
1841	Whitmore Heath, Staffs.	44.56	£1,360.00	£30.52	The Lord of the Manor, Whitmore bought all of the sale lots and was allotted 82% of the 140-acre common adjoining the station opened in 1837 on the Birmingham to Lancashire railway which served the Potteries and travellers using the Newcastle to Shrewsbury turnpike. Much of his allotment was specified by the act. <sup>14</sup>
1852	Hailsham, Sussex	24.80	£542.00	£21.85	Some prime plots reached £1,991.11 per acre; most plots adjoined railway and road. <sup>15</sup>
1853	Clayton, Sussex	11.76	£1,126.00	£95.78	Burgess Hill was a station on the London to Brighton line. The national commissioners approved the Clayton enclosure at Burgess Hill as "The land is most suitable for building purposes and is required for such purposes". The land was subsequently built upon. <sup>16</sup>
1858	Haywards Heath, Sussex	19.29	£2,027.50	£105.12	Adjoined Cuckfield Station, opened 1841 on London to Brighton line; the Sergison family, who were lords of the manor, appear to have been behind the speculation. In 1853 an estate act overcame restrictions in entail re building. <sup>17</sup>
1859	Oathill, Sussex	4.12	£525.00	£127.47	Adjoined Hayward's Heath. The national commissioners commented "The land is well adapted for building purposes". <sup>18</sup>
1868	W. Grinstead, Sussex	15.43	£882.60	£57.27	On turnpike and other roads around Partridge Green Station on Brighton to Horsham line. <sup>19</sup>

TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Year	Place	Acres Sold	Price	Per Acre	Notes
<u>4. Towns</u>					
1792	Bolton, Lancs.	170.00	£82,414.30	£484.79	The land was actually leased, not sold, for 5,000 years at £2,600 per annum. Figures are notional based on 30 years purchase. <sup>20</sup>
1796	Macclesfield, Cheshire	57.01	£3221.56	£74.95	16.5 acres of which sold for £1,236.43 = £74.95 per acre. <sup>21</sup>
1801	Cardiff, Glamorgan	100.00	£1,200.00	£12.00	The corporation sold this heathland to Lord Bute. Low figure may be due to Bute's control over corporation and its dire financial position. <sup>22</sup>
1802	Bournemouth, Hants.	1,258.26	£4,100.75	£3.26	Tapps, the Lord of the Manor, bought the East Cliffs area which he used as a plantation. The low prices indicate the land's use for sylviculture rather than any immediate plan to develop a seaside resort. <sup>23</sup>
1804	Leicester, Leics.	11.46	£2,114.63	£184.53	Purchasers of these small plots were trading and professional men, probably for use as building plots. <sup>24</sup>
1805	Leek, Staffs.	847.18			Only prices of 49.47 acres adjoining the town survive, £2,272 = £45.93 per acre. <sup>25</sup>
1806	Stockport, Lancs.	125.00	£7,092.27	£56.74	Profits meant to provide a new poor house. <sup>26</sup>
1808	Cheadle, Staffs.	307.80	£4,375.50	£14.21	Lands on Moorland, £10-11 per acre - some planting. Encroachments, £19.26 per acre. Adjoining town, £58+ per acre. This illustrates the variety of motives owners had in acquiring land by enclosure. <sup>27</sup>
1808	Leominster, Herefordshire	48.38	£3,132.00	£67.74	Land sold to meet expenses in act; other land was vested in trustees to fund town improvement. <sup>28</sup>
1812	Tonge, Lancs.	24.13	£1,666.57	£69.06	Bought by cotton manufacturer and a bleacher. <sup>29</sup>
1812	Burton-upon-Trent, Staffs.	62.00	£4,928.31	£79.49	This allotment was made to trustees in lieu of lammas rights. It was sold in small plots, possibly for market gardening and accommodation land. 31.79 acres were sold for £1,761.36 = £55.41 per acre, to Lord Anglesey, the main landowner under an Act to reduce the poor rates. This land was mainly pasture, it seems. <sup>30</sup>
1815	Lichfield, Staffs.	30.36	£3,109.45	£102.41	The sales were to fund town improvements. Sales of lammas rights and sales of unspecified areas not included. <sup>31</sup>
1828	Riadr, Radnor	11.03	£1,249.00	£113.29	Act prevented illegal pasturing by outsiders and many lots were suited for factories and houses; "the inclosure... will... add to the prosperity of the town." There was disagreement whether the enclosure costs were worthwhile; £334 was distributed to owners after sales but it did cost £914 for only 80 acres. <sup>32</sup>



TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Year	Place	Acres Sold	Price	Per Acre	Notes
1836	Rhyl, Flintshire *	75.73	£3,766.45	£49.74	The prices varied between £22.17 for accommodation land to £175.34 for a prime building lot. Despite these high prices $\frac{2}{3}$ of the common had to be sold to buy out the Crown's rights for £1,000, considerable drainage work and road making. <sup>33</sup>
1850	Little Drayton, Shropshire	18.28	£1,160.50	£63.48	A settlement of encroachments on the edge of Market Drayton, which was gripped by the spirit of improvement at this time. Enclosure helped improve the settlement. <sup>34</sup>
1859	Holyhead, Anglesey	5.45	£1,422.75	£261.06	Ten lots sold on the fringe of the growing port where the title to buildings on encroachments may have been an important factor. <sup>35</sup>
1864	Nantwich, Cheshire	10.61	£1,318.00	£124.19	These lots were quickly converted into villas and terraced housing overlooking a recreation ground. "Park View Villas", still standing, date from 1872. Purchasers included farmers and small businessmen but no builders. <sup>36</sup>
<u>5. Areas of Commons Encroachments</u>					
1799	Rowley Regis Staffs.	103.85	£3,137.95	£30.21	100 purchasers, 47 identifiable as merchants or working men - many came from the small metal trades especially nailing; there was only one collier. The largest purchaser was the ironmaster James Attwood. After roads, manorial and sale allotments and land to extinguish tithes on the common there was no land left to allot for tithe redemption on the old enclosed lands, never mind the common rights. The rapid growth of encroachments meant the freeholders determined to enclose; as their allotment would have been very small, they preferred to forego their allotments and use the land to redeem tithes; they were allowed to purchase land adjoining their freehold at a valuation, which 25 did. Tithe redemption was so much desired here that the owners paid £4,164 for the tithes on their old enclosures. <sup>37</sup>
1806	Dudleston Heath, Shropshire	69.28	£2,000.00	£28.87	An area of encroachments dealt with by this act. <sup>38</sup>
1808	Horton, Staffs.	189.40	£3,159.80	£16.66	These were encroachments sold at their unimproved value which paid for the enclosure of the remaining common. <sup>39</sup>
1813	Ashley Heath, Staffs.	118.49	£2,730.00	£23.04	Ashley Heath was enclosed due to problems caused by the large number of encroachments. <sup>40</sup>
1813	Ledbury, Herefordshire	15.94	£828.00	£51.93	These lots were on the squatter settlement of Wellington Heath north of the town. The act had several motives - to prevent further encroachment here; to fund a local improvement act; and to exchange lands around Ledbury especially involving Lord Somers who was rebuilding his nearby Eastnor Castle and making extensive plantations. <sup>41</sup>

TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Year	Place	Acres Sold	Price	Per Acre	Notes
1814	Cardington, Shropshire	55.76	£2,696.00	£48.35	During the boom in land values in the Napoleonic Wars, a local paper reported in astonishment "VALUE OF LAND - Some allotments of Common, belonging to Cardington Inclosure, have been sold by the Commissioners at the rate of £75 per acre". This was misleading. One plot may have sold for this much but the highest price paid by a single buyer was £62.17 per acre by Daniel Lowe of Rushbury for lots adjoining his allotment on Cardington Moor. This was land in the high valleys between Caer Caradoc and Langley Hill and so its high value seems only explicable by the demand for suitable land by encroachers or its proximity to existing estates. <sup>42</sup>
1816	Rock, Wores.	210.57	£2,879.56	£13.68	Of this 900-acre common, only 568 acres were allotted - apparently as the remainder were old encroachments. The buyers were squatters and members of the Bewdley bourgeoisie and the low prices indicate the poverty and low reputation of the area. <sup>43</sup>
1823	Biddulph, Staffs.	55.00	£2,366.70	£43.03	Of the 311-acre common, about 280 acres were encroachments, largely for cottages. This accounts for the high price. The overall enclosure costs of £7.59 per acre show how expensive even agreements could be in such areas. <sup>44</sup>
1841	Coundon & Keresley, Warks.	28.72	£1,307.61	£45.53	Only 84 acres in total involved. This area of ribbon weavers' cottage encroachments was in a period of improvement at this time with a national school established in 1852. Thomas Willmot tried to persuade other owners to give up their very small allotments of largely roadside wastes to endow a new church; only three lots of just over an acre so used under a special clause in the act. More old enclosures in Coundon was exchanged than the area of common there. <sup>45</sup>
1848	Kingsley, Staffs.	124.29	£3,263.32	£26.25	51% of the 243 acres had to be sold to cover costs = £13.40 per acre. Farmers bought larger lots at £20-25 per acre but working men and tradesmen bought smaller plots for over £40 per acre. Many of the sale lots were "eligible for building upon". <sup>46</sup>
<u>6. Vicinity of Mansions</u>					
1799	Pattingham and Patshull, Staffs.	110.76	£1,905.00	£17.20	Sir George Pigot used the act to extend his estate over commons adjacent to his park which was confirmed by the award as belonging to him. His purchases (42.01 acres for £760 = £18.09 per acre) were at the furthest end of the parish from his home estate. <sup>47</sup>
1807	West Bagborough, Somerset	59.88	£1,006.00	£16.80	Most of the land was bought by Popham who was extending his park on the Quantocks by purchases, exchanges and allotments under the enclosure. <sup>48</sup>



TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Year	Place	Acres Sold	Price	Per Acre	Notes
1811	Shenstone, Staffs.	357.84	£10,070.52	£28.14	The main purchaser was William Tennant who bought all the 155 acres on Little Aston Common (which adjoined his park) at a valuation of £20 per acre by private contract. Nearly all the other lots sold were auctioned and some were valued over £40 per acre. Sutton Corporation was attacked for not burying two paupers at Hill which allowed Shenstone manor to claim 100+ acres as part of Little Aston township upon which he "planted a quantity of trees". <sup>49</sup>
1809	Bredwardine, Herefordshire	64.00	£1,152.00	£18.00	Purchaser was Sir Geo Cornewall of Moccas Court, who had enclosed commons in Moccas to extend the park and used the act to enclose adjoining land. The purchase was necessary as it was "so mixed with my land as to render it essential". The act also ended disputes between intercommoning manors of Bredwardine and Dorstone and, by involving the two manors, reduced fencing costs. <sup>50</sup>
1814	Penkridge, Staffs.	260.49	£9,725.46	£37.33	This land was bought by Littleton in the vicinity of his Teddesley Park. His agent, Hodson, valued 242.09 acres at £4,909.35 = £20.28 per acre. The commissioner valued them at £46.50 per acre with three lots at Teddesley at £70 per acre. Littleton was advised to pay this "excessive valuation" rather than have it allotted to others and pay a rate. This eventually formed part of his park and home farm of 1,700 acres and was part of at least £34,373.79 spent on purchases of rights and land in the enclosure. <sup>51</sup>
1816	Wellington, Somerset	169.94	£966.00	£5.68	The largest purchaser was the representative of trustees who wished to have a suitable wooded environment for an obelisk in the Duke of Wellington's honour overlooking the town which gave him his title. <sup>52</sup>
1824	Alton, Staffs.	288.50	£5,633.25	£19.53	Shrewsbury bought 138.47 acres for £2,518.37 and obtained another 62.78 acres of sale lots by exchange. Sales represented 20.4% of the 1,118.13 acres enclosed. This high price for moorland waste was the result of the picturesque quality of the Churnet Valley and the desire of Shrewsbury to provide a suitable environment for his Alton Towers. <sup>53</sup>
1850	Warkworth, Northumberland	25.00	£1,110.00	£44.40	The 4th Duke of Northumberland bought this together with 122.63 acres from the burgesses for £4,304.14 at £35.10 per acre. <sup>54</sup>
<u>7. Improvement of Commons and Wastes</u>					
1777	Enfield Chase, Middlesex			£17-24 £100-150 Up to £50	for commons and wastes for open field was paid for lots adjoining parks for park extension such as Dr. Wilkinson. <sup>55</sup>
1794	Mold, Flintshire			£5-8	These were clearly the best lots as only they had been brought into cultivation by 1799. They had abundant wheat crops in 1796. <sup>56</sup>



TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Footnotes

- 1 S.C. on Commons Inclosure (P P 1844, V) Evidence of Blamire Q 332 cf common field land and leases or pastures at Chilthorne, Somerset, reaching £40 per acre to pay for its enclosure - this however was not waste land - Evidence of Keen, QQ 782-9.
- 2 J Chapman, 'Land Purchases as Enclosure : Evidence from West Sussex', The Local Historian XII (7) (1977) 337-40; 'The Parliamentary Enclosures of West Sussex,' Southern History II (1980) 77.
- 3 StRO Q/RDc 99 Hammerwich Enclosure Award; Harrod's Staffordshire Directory 1870, p.858 re Chasetown; see Map 4; Staffs. Advertiser 24/6/1854, p.8 c.1, and 25/11/1854, p.1 c.6.
- 4 StRO Q/RDc 100 Calf Heath Enclosure Award, 1859; see also Chapter 7, Table 27 and Map 40.
- 5 StRO Q/RDc 102; Harrod's Staffordshire Directory 1870; see Map 5.
- 6 StRO Q/RDc 108 Cannock Enclosure Award 1868; see Map 39.
- 7 StRO Q/RDc 104 Norton Canes Enclosure Award 1870; Cannock Public Library, Sale Catalogue, Norton Canes Enclosure, 26/11/1866; Map 2.
- 8 StRO Q/RDc 106 Walsall Wood Enclosure Award 1876; see Maps 3a and 3b.
- 9 H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842', PhD University of London 1956, pp.82-3.
- 10 WarO QS 75/9 Baxterley Enclosure Award 1868; M1 33/1 W S Dugdale's diary 6/2, 13/4/1863 and 1/3/1864; M1 211 Dugdale Deeds Catalogue 183-194, 2225 and 2466-8; Spec. Rep. (P P 1863, XXVIII) 489; White's Warwickshire Directory (1850) p.812 and (1874) pp.1277-8 and 1306; VCH Marks. IV (1947) 24; Birmingham Daily Gazette 3/5/1882 p.8 c.3, 4/5/1882 p.4 c.1. E G Grant, 'The Spatial Development of the Warwickshire Coalfield', PhD University of Birmingham 1977, pp.222-9 and 250-1.
- 11 BRL Jewel Baillie 249/ 4, 9 and 18.
- 12 Bromley Public Library, Penge Enclosure Award 1837; D E Pullen, Penge (Sydenham 1990) p.10 and R Borrowman, Beckenham Past and Present (Beckenham 1910) pp.216-9; VCH Surrey III (1912), 10; G Reeves, Palace of the People (Penge 1986) pp.21-2; M McCahill, Order and Equipoise: the Peerage and the House of Lords 1783-1806 (1978) pp.100-1; JHC XLII, 12/3/1787, 533; XLVI, 25/2/1791; XLVII, 5/3, 21/5, 25/5 and 5/6/1792, 492, 831 and 1029; XLVIII, 21/2 and 11/4/1793.
- 13 West Sussex Record Office (hereafter WSRO) Keymer Enclosure Award; P F Brandon, 'The Enclosure of the Keymer Commons', Sussex Notes and Queries XV (1960) 181-6; VCH Sussex VII (1940) 180.

- 14 StRO Q/RDc 92 Whitmore Heath Enclosure Act 1841 and Award 1846. Map 11.
- 15 WSRO QDD/6/E7 Hailsham Enclosure Award 1855.
- 16 A H Gregory, The Story of Burgess Hill (Haywards Heath 1933) p.14; Spec. Reps. Nat. Incl. Comms. (P P 1852-3, XL) 662; WSRO Clayton Enclosure Award 1857.
- 17 W V Cooper, A History of the Parish of Cuckfield (Haywards Heath 1912) p.203; W K Ford and A G Gabe, The Metropolis of West Sussex, a History of Haywards Heath (Haywards Heath 1981) p.90; WSRO 1862 Haywards Heath Enclosure Award.
- 18 14th Rep. Nat. Incl. Comms. (P P 1859, XII) 237; WSRO 1861 Oathill Enclosure Award.
- 19 WSRO 1872 W Grinstead Enclosure Award.
- 20 A J Holt, General View of the Agriculture of Lancashire (1795) pp.102-3.
- 21 CRO QDE/2/10 Macclesfield Enclosure Award. See Map 13.
- 22 Municipal Corporations Report (P P 1835, XXIII) 133.
- 23 D S Young, The Story of Bournemouth (1957) p.30.
- 24 H G Hunt, op cit 172-3.
- 25 StRO D538/4/F/01, 1806 sales.
- 26 Based on figures from P M Giles, 'The Enclosure of Common Lands in Stockport', Transactions of the Lancashire and Cheshire Archaeological Society LXII (1950-1) 97-9. See Chapter 5 and Table 24.
- 27 StRO D239/2/1 Draft Award 1827; see Table 25.
- 28 HRO Q/Ri 27, Leominster Award 1811.
- 29 StRO D1287, Tonge Enclosure Award 1818.
- 30 StRO D877/189/22/5, 3/5/1820, Account of purchases.
- 31 See Chapter 5 and LRO D77/15/14, Wyatt's Minute Book as commissioner.
- 32 Hereford Journal 22/10/1828 p.1 c.4, 2/9/1829 and 28/10/1829 p.3 c.4; Lewis, Topographical Dictionary of Wales II (1848) 349-50; S.C. on Commons Inclosure (P P 1844, V) QQ 1238, 2978-9 which states costs were £999.
- 33 Flintshire R.O. DC 242, Rhyl Enclosure Award 1842.
- 34 SRO A21/58 Little Drayton Enclosure Award 1852.



TABLE 17 - ENCLOSURE AND LAND SALES (Cont.)

Footnotes (Cont.)

- 35 E V Jones, 'An Independent Investigation into the Enclosure of Commons in Anglesey (1788-1866)', MA University of Wales 1924, p.41.
- 36 Cheshire R.O. Q/DE 1/46 Nantwich Enclosure Award 1869.
- 37 StRO Q/RDc 55 Rowley Regis Enclosure Award.
- 38 See Chapter 5; SRO, B25 Dudleston Heath Enclosure Award 1810.
- 39 StRO Q/RDc 69 Horton Enclosure Award 1815.
- 40 See Chapter 6; StRO Q/RDc 80 Ashley Enclosure Award; see Map 17.
- 41 HRO 7 84/39-47 and 86; Q/Rd/25 Ledbury Enclosure Award.
- 42 Staffs. Advertiser 26/11/1814 p.4 c.3; see Table 26.
- 43 WRO AP f143/53 (307) Alton in Rock Enclosure Award 1820; see Map 18.
- 44 StRO D1743 Add Ms 7, Biddulph Enclosure Agreement Award, 1840.
- 45 VCH Marks. VIII (1969), 82; WARO QS 75/36 1848 award; CR 299/584/2 Thos Willmot to Henry Greswolde, 3/7/1842; Coventry Standard 10/9/1847 re church consecration.
- 46 StRO Q/RDc 95 Kingsley Enclosure Award 1855; Staffs. Advertiser 1/11/1851 p.8 c.1.
- 47 StRO Q/RDc 14 Pattingham and Patshull Enclosure Award 1811. Map 36.
- 48 Somerset RO Q/RDe 50.W. Bagborough Enclosure Award 1810. Map 23.

- 49 LJRO D77/16/19 Shenstone Enclosure Commissioners' Minute Book; StRO Q/RDc 76, 1818 award; Staffs. Advertiser 20/11/1813 p.1 c.4; Proceedings... in favour of opening Sutton Coldfield Corporation according to... the Municipal Corporations Act 1835 (Manchester 1854); see Chapter 7 and Map 34.
- 50 HRO J56/III/86.
- 51 StRO D260/M/T/6/128 Hodson to Littleton c.Apr. 1817 and G Keen to Littleton 5/4/1817 and note of purchases; Q/RDc 22 Teddesley Enclosure Award 1827; see Map 39 and Chapter 7.
- 52 Somerset RO Q/RDe Wellington Without Award 1820; see Map 28.
- 53 StRO Q/RDc 88 Alton Enclosure Award 1834; see Chapter 7 and Map 29.
- 54 Calculations based on F M L Thompson 'The Economic and Social Background of the English Landed Interest', D Phil University of Oxford 1956, pp.228-30; J C Hodgson, History of Northumberland V (1899), p.168, and Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978), p.203.
- 55 J Middleton, General View of... Middlesex (1807) p.138-40. See also Table 27, Enclosure and Improvement.
- 56 W Davies, General View of... N Wales (1815) p.260.



TABLE 18 - ENCLOSURE AND CORPORATIONS

Enclosures of land involving corporations often were part of the struggle for control of local politics or the profits and benefits of common land and rights. This table gives a selection of acts involving corporations, illustrating many of the points referred

to in Chapter 4. Enclosure acts for community purposes or involving corporations are separately listed in Table 24. Some of the acts - as at Launceston - are doubtful examples of enclosure acts by the definition in Chapter 1.

Year	Place	Notes
1759	Everton, Notts.	Newark Corporation's charity estate here was enclosed to increase the income for the Grammar and Song Schools <sup>1</sup> .
1763	Swansea, Glamorgan	The borough and constituency was increasingly dominated by the Duke of Beaufort in the 1700s, who limited the number of burgesses to 60 by his control of borough offices, exercised by his steward, at this time Gabriel Powell. He worked hard to maximise his Lordship's income in the region by exercising his feudal rights to encroach and mine. Therefore he promoted a bill which secured 150 acres of the best land on the Town Hill for the Duke whilst giving the remaining 600 acres to the burgesses. The pasture and turbary rights of the burgesses were ended and the Corporation set out the Town Hill as farms to lease. Powell was not only paid £314/10/- for soliciting the bill but was the largest individual leaseholder. The most important burgesses both benefited from leases and, if senior burgesses, received £24 out of the annual rental. The burgesses did decide 'every burgess should receive a benefit from the said enclosure. Therefore the Burrows were divided into plots at reasonable rents and the burgesses drew lots for them. The Duke and his main supporters gained most from the enclosure but it is doubtful if the poorer burgesses gained much by the process - however the lots did provide an enticement to non-burgesses to support Beaufort's interests in the hope of acquiring their freedom <sup>2</sup> .
1774	Launceston, Cornwall	The act vested the aftermath of the commons which belonged to the burgesses and aldermen in the Corporation who used it to repair the church. As a result there was no church rate in the borough <sup>3</sup> .
1774	Stratford-upon-Avon, Warks.	Stratford's popularity grew in the 1760s amongst tourists due to the active promotion of the town by a major landowner, John Payton, who owned the White Lion Inn. He helped organise a Shakespearean Jubilee between 1767 and 1769 with empty houses being leased and tents pitched on the common fields. This encouraged Payton and his fellow speculator, the lawyer Thomas Mason, to approach the Corporation for an enclosure in 1766 and 1771. The Corporation were offered 1/7 for tithes and the Gild Pits adjoining the town 'that they might have it in their power to prevent any buildings that might appear to them prejudicial to the Porough' in 1771. The Corporation held out for 2/13 for tithes which they obtained in 1774. Only one proprietor did not consent. Payton received the largest allotment (287 acres) beyond the Gild Pits. Styles sees Payton as 'interested in building development' but the new town was laid out on his estate by his eponymous heir in the early 1800s, aided by the canal's arrival. The elder Payton may have had such ambitions, but the market in the local depression of the 1770s was not right. He also needed land for accommodation for visitors' horses, or to keep animals or grow crops to feed his guests. Certainly Martin notes no urban growth between 1765 and 1801 and notes high levels of immigration previously which could have given rise to Corporation concern about building. The area around the canal and Gild Pits was notorious for its slums and immorality. The act also allowed John Partheriche to enlarge his estate around Clopton House by a specified allotment <sup>4</sup> .
1775, 1811	Llanfyllin, Montgomery	An act selling common land to fund the building of a town hall had been obtained in 1775. Lord Powis in 1811 obtained an act for the manors of Llanfyllin and Kechen Unchoed of which he was Lord. 'Neither the borough of Llanfyllin, nor the burgesses, nor any member of the corporation, is in any manner noticed by the Act'. This appears to be a clear seizure of rights although no disputes are recorded. Perhaps the 1775 act enclosed all the borough's common right entitlement or the borough had no common land; more research would be required to establish the truth <sup>5</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1778	Northampton	<p>Northampton constituency was divided between the Earls of Northampton and Halifax. Earl Spencer's intervention in 1768 cost them £160,000 in buying the votes of the freemen and ruined Northampton and Halifax. The Corporation was responsive to the freemen's wishes and the major local owners had little property in the area. The two largest owners, Revd. Walter Griffiths and Robert Peach, had no political influence and therefore they had to make an attractive offer to the freemen. Griffiths' first attempt failed in 1770. When the proprietors believed a second proposal made to the Mayor to end the burgesses' common rights on the open fields was not communicated to a common hall, a series of letters appeared in the paper discussing terms. The proprietors offered to stop their tenants using the lammas lands, which they had overgrazed, in return for ending the freemen's common rights. This would allow the open fields to be enclosed. A committee against the enclosure was formed to challenge the proprietors' claims; but neither side discussed ending common rights for an allotment to be leased with the profits divided. Also, although an improvement act was obtained at the same time, there was no discussion of using the freemen's interest to fund the improvements. This indicates the continued use and value of grazing rights. Wider benefits such as public health, continuance of racing (which helped support the County Infirmary), the higher land values and the opportunities to let grazing to passing droves were discussed; such public benefits would enhance the town's prosperity and the higher land values would proportionately reduce the poor rates and the land tax. Eventually Griffiths had to offer more attractive terms - the freemen were to be given a common plot to be grazed all the year round. This obtained the Corporation's and freemen's support and Griffiths was unanimously granted the freedom of the town. The Corporation protected the freemen's interests with the commissioners, insisted only freemen could be trustees to manage their commons and the Corporation fenced its own open field allotments by mortgage from Alderman Tompson. Trustees protected the freemen's allotment from illegal grazing by outsiders. However the meadow lands were not properly protected from the river and were 'often overflowed'<sup>6</sup>.</p> <p>The act allowed the house-owners to decide if they wanted an allotment in severalty or in common in lieu of turbary and lammas rights. The house-owners took an allotment in common controlled by trustees who regulated the commons and levied rates to maintain the common<sup>7</sup>.</p> <p>Benefit burgesses and others 'as a great part [of the wastes] ... may be converted into Flowing and Meadow Ground'<sup>8</sup>.</p>
1786	Basingstoke, Hants.	
1786	Clitheroe, Lancs.	
1786	Canwick, Lincoln	<p>Both the freemen and inhabitants of Lincoln city and the proprietors of Canwick (of which the Corporation was Lord of the Manor) had common rights on Canwick or South Common. The act granted the common entirely to Lincoln citizens with a compensation to Canwick owners. The act also enclosed and divided the remaining common field land and wastes in Canwick. The South Common was a stinted pasture until a 1915 act compensated the common right owners and used it largely for recreation. In the nineteenth century, some common land was sold to builders and railway companies to provide a fund for older freemen and their wives<sup>9</sup>.</p> <p>Acts made no reference to the common rights of burgesses and although they had enjoyed use of the commons no allotment or compensation was made. The Corporation's charter ended in the 1650s and the Lord of the Manor appointed bailiffs and held courts. The acts seem part of the Lord's plan to develop the port and the adjoining marshland for cereal production and secure profits for himself at the burgesses' expense. However 'a local impediment' delayed the award's execution for 40 years at least<sup>10</sup>.</p>
1794, 1807	Rhuddlan, Flint	



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1796	Macclesfield, Cheshire	Corporation received specific allotments running along the springs and watercourses built at great expense to supply the town with water. These allotments of 64 acres were let for £122/6/- with tenants making the fences. Also sites allotted to the Corporation for fairs and markets. A previous bill in 1795 failed <sup>11</sup> .
1800	Ruthin, Denbigh	The burgesses received an allotment in lieu of common rights, the profits of which were their only emolument. The Corporation received its own allotment for property under the act but there were no complaints made in 1835 about the application of the rents which according to Dodd were used for civic purposes. The Corporation also were allotted cottage encroachments of under 20 years which were let at nominal rents to their original holders; as they died, the new tenants had to pay market rents <sup>12</sup> .
1800	Stafford	The burgesses who enjoyed voting rights in elections, and resident householders, were able to obtain a common plot equivalent to their rights. £5 householders were to appoint a committee to regulate and stint the plot. By 1876 only 130 out of 21,300 ratepayers exercised such rights. Land is now let to farmers to graze horses. However land in Coton Field acquired in lieu of common rights by a 1705 agreement was controlled by the Corporation and lots given to common council members or used for patronage <sup>13</sup> .
1801	Durham	The burgesses enjoyed common rights on a moor in Fram Welgate and Witton Gilbert. This act vested their allotment in trustees who let it for £200 per annum, which was distributed with the income from other properties, amongst the 424 resident freemen. A previous bill had failed in 1771 as the burgesses feared loss of rights as their rights were not prescribed in the bill and even if they proved their rights 70 miles away at York, the commissioners might make an inadequate allotment. A 1772 bill failed as owners of large houses which could comprise several burgages should have larger allotments than owners of small burgages. Secondly, allotments were to be made according to the full rental of land but only half the rental of houses. The large owners did not get their way in the eventual act but the burgesses were able to extract beneficial terms for their consent <sup>14</sup> .
1802	Denbigh	The Henllan act also involved 150 acres of commons at Denbigh Green. The Corporation proposed using its allotment of 56 acres to maintain public buildings as at Pool. However, parliamentary electioneering led both candidates to support dividing the profits between the freemen. Once the freemen had grown in number to over 300 in 1824 the value of the dividend became insignificant and so the division was ended with the funds used for Corporation purposes <sup>15</sup> .
1802	Cardiff, Glamorgan	The commons were heavily encroached upon and the squatters were thrown off in riotous proceedings in 1799 after a court case by the Marquess of Bute. Concern about poor rates, protecting the common from encroachment and avoiding further riots led to the act. The Corporation needed money for a new market hall and so it sold its 100-acre allotment in 1811 at £12 per acre to the main creditor, the joint Lord of the Manor, Lord Bute, who controlled the constituency. This could explain the low price. After 1/18 to the joint Lords and the Corporation allotment, the remainder was allotted to the commoners. By his allotment and purchases Bute secured over half the land and the family dominated the landownership and development of the town until recently <sup>16</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1802, 1807	Cambridge	Despite the activities of John Mortlock III (a banker who converted Cambridge into Rutland's pocket borough) the acts for the West Field and the East or Barnwell Fields respectively were not used for political ends. The town lands were rendered more profitable and by a 1767 ruling could only be leased to freemen. The Corporation's commons remain unenclosed despite complaints of their lack of drainage endangering health; a public subscription drained one common and improved their value. The open fields' potential for building and other purposes as the town grew must have been appreciated by owners. The town expanded over both fields. Barnwell and the settlement of New Town in the East Field grew rapidly with a population of 252 in 1801 and nearly 10,000 in 1841 necessitating the building of two new churches. The land was first developed by small private owners from 1819. The colleges were slow to develop their allotments; their main concern was to maximize the widths of walks and footpaths for students in the bill. The enclosure of Chesterton's open fields north of the town in 1840 led private owners to rapidly create New Chesterton north of the town <sup>17</sup> .
1802	Richmond, N. Yorks.	Two previous proposals - one from the Corporation, the other from the select vestry - both failed. The act allotted open field lands to proprietors but secured the 126 acres of Whitcliffe Pasture as a common for owners of burgage tenements in proportion to their former beast gates <sup>18</sup> .
1803	Godmanchester, Hunts.	The award granted 330 acres to the common right owners run by a committee. The sole right of the freemen was broken down by owners of common right tenements in the 1600s and 1700s and this was confirmed by the award. This followed a model established in St. Neots in 1770 which allowed common right owners to have individual allotments or an allotment in common. The management of the common was explained by a 1771 amendment act. Young believed the enclosure benefited the community but one inhabitant said the poor who received land under the act in lieu of the keep of a cow had to sell it to meet enclosure costs which had increased poor rates. Young was unaware of the mode used at Godmanchester which seems beneficial by comparison. Although there is no act for nearby Huntingdon, its freemen's commons were managed similarly in 1963 when Godmanchester's commons were still used for arable and pasture <sup>19</sup> .
1804	Leicester	Leicester's East Field was enclosed in 1764 and the town expanded rapidly over it from about 1791. The potential of the land for gardens and pasture in the growing town's vicinity was probably the act's motive but the enclosure did prevent the town's growth being constricted. The burgesses had no common rights here unlike the South Field. Previous attempts by the closed Corporation to enclose to improve its income was met by fierce resistance by freemen. As all freemen had voting rights in parliamentary elections, the Corporation could not afford to risk enclosure. Eventually a sufficiently attractive offer was made to the freemen, and the county proprietors were satisfied by a clause to protect the racecourse. In 1810 it was commented that 'no [other] local occurrence' had given 'so much real satisfaction to all parties'. The burgesses received 125 acres and were allowed to keep a cow cheaply - the freemen strictly regulated the stint and prosecuted those who over-grazed. The Corporation's tenants were stimulated to 'a high spirit of improvement' now that 6 monthly enjoyment was ended. The Corporation sold 30 acres of plots before 1835 to the middle classes along the New Walk and other streets; before 1804 no-one lived in the South Fields. The Corporation was accused of misusing funds raised by sales and mortgages on the South Fields to pay its political expenses in supporting a Tory candidate in the 1826 election by paying the fees of creating 800 non-resident freemen. After 1836 the Corporation used its allotments for public purposes such as schools, cemetery and university. In the 1840s the effect of the enclosure was disputed. Although land had been released for building which had made the place 'comparatively healthy' to towns like Nottingham, the lack of public parks or gardens was criticised <sup>20</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1806	Harlech, Merioneth	'The chief of the burgesses' privileges were abrogated by an act of inclosure in 1806 and there are now (1848) only a very few burgesses remaining'. Although there was no award until after 1827, the former marsh was getting rapidly into cultivation by 1808 <sup>21</sup> .
1807	St. Clears, Carmarthen	Several building encroachments had been made by burgesses only paying quit rents before the act. The burgesses' allotment was a stinted pasture but it was leased at an annual rent into the Corporation. Funds to be distributed amongst 36 senior burgesses. This commutation of common rights for funds was not commented upon as unfair or disliked in 1835 although the revenues were appropriated for two annual dinners according to Williams <sup>22</sup> .
1807	Llanelli, Carmarthen	400 acres of marshland in the borough was embanked and drained; after 1/14 to Lord Cawdor as Lord of the Manor, the remainder was leased and rents administered by trustees to improve the town with the residue to be divided amongst the burgesses. The trustees, mainly, used the money to benefit the burgesses and ignored the growing population's needs for an adequate water supply and other amenities. The burgesses let their number drop from 156 to 25 in 1848, and so their annual income increased to nearly £20 each. In 1835 the Municipal Corporation Commissioners found no clear accounts of the trustees and noted the decreasing number of burgesses. However the trustees claimed to have spent £3,000 in improvements and that the fund was a vital benefit for poorer burgesses. Only the threat of a Chancery action for breach of trust led to the profits being transferred in 1850 to a local board of health. Llanelli was deleted from the corporations to be reformed under the 1855 Municipal Corporations Act <sup>23</sup> .
1808	Tewkesbury, Gloucs.	The Corporation controlled the two seats and demanded contributions from candidates often to a municipal undertaking. From about 1767 its staple domestic hosiery industry declined and bankruptcies and distress increased. A 1786 Paving Act infused "a spirit of improvement" according to Dyde. A bill for a poor house in 1792 was supported as the poor were 'exceedingly numerous' and could be more cheaply maintained there. The town continued to grow with overcrowded alleys. It was a continuation of this spirit of improvement which led to two acts in 1808; the first was to demolish and rebuild Quay Bridge which would assist the town's functions as a market, river port and communications centre. This was only achieved in 1822. The second was an act to enclose Oldbury Field; Jones believes 'It was probably the need for building land which led to the decision'. There was no major owner and its development was piecemeal. By 1824 'great improvement' was noted by bridge and road alterations and 'The Oldbury Field, which but a few years ago was commonable land... [is] nearly covered with new buildings'. By 1830 nearly 200 houses were built there and a church in 1837. The act also vested the aftermath of the Severn Ham, which belonged to the freemen, in trustees to lease; the profits of c£250 were shared amongst burgesses and householders with common rights <sup>24</sup> .
1809, 1814	Gateshead, Durham	The borough grew as the coal industry developed, with a colliery and cottage encroachments on the Fell in the 1700s. In 1809 the Fell was enclosed and 100 squatter dwellings were demolished despite resistance; This was probably connected to the poor rates which increased from £568 in 1780 to £4,500 in 1820. A new road over the Fell, the removal of colliery spoil and a new church in 1824 led to the Fell's development as an elite area after 1821; this potential as building land and concern about encroachers were the main motive for the act. Interest in the area is shown by the high level of property transfers before the 1822 award. The 1814 act dealt with the town's open fields. Windmill Hills were excluded; attempts to build on the land failed and the Corporation and the borough holders (owners of ancient tenements) disputed ownership until it was given to the Corporation as a park in 1861 by the borough-holders. The two enclosure acts gave borough-holders and legal freemen allotments for their common rights and a share of the rents arising from the borough's estate in the former open fields. Honorary freemen and freemen admitted since the division were excluded from the benefits <sup>25</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1809	Caerwys, Flint	As at Flint and Rhuddlan, the burgesses exercised a free and unrestricted common right which was not recognised by the act which therefore benefited the freeholders, led by the Mostyns and the Lord of the Manor, the Earl of Plymouth <sup>26</sup> .
1811	Pwllheli, Caerns.	The Corporation's commons were included under an act for Aberdaron to embank and drain Morfa Mawr. The embankment cost £8,000 paid for by sale of land, including the Corporation's wastes, and a rate; even then the full total was not paid. Due to this, the other proprietors probably pressurized Ellis, the commissioner, to only allot the Corporation a small barren rock. The Corporation lost land worth £500 per annum, the burgesses lost their common rights and although the port's harbour was improved and holiday accommodation built, the poor rates escalated. A new pier had already been built in 1807 in the hope of increasing trade with Ireland after the 1801 Act of Union <sup>27</sup> .
1812	Nevin, Caerns.	Ellis was again a commissioner under this enclosure. It included the borough's 300 acres on which the burgesses had depastured cattle which Ellis was accused of bluffing Nevin's bailiffs into signing away their rights on what he claimed was an indenture of apprenticeship. No allotment was made for the burgesses' rights and the poor rates increased. The act also ended turbary rights and correspondence shows it aimed to end encroachment and force existing encroachers into industry, removal or emigration. The main beneficiary, Lord Newbrough, was a long-time opponent of encroachers and tried to use enclosure acts to control them <sup>28</sup> .
1812	Horsham, Sussex	Hoskins believed that concern about encroachers and new house owners gaining voting rights delayed Stamford's enclosure. However Albery believed the reverse was true at Horsham. The Duke of Norfolk in 1807 was supported by the radical Cartwright in trying to secure the borough to promote parliamentary reform. Norfolk had bought the Irwin interest in the borough for £91,475 in 1811 and had changed his policy. Previously as Lord of the Manor he had encouraged encroachments; now he was concerned that the large number of encroachers would establish voting rights together with burgage owners and so destroy his control. Therefore he obtained an enclosure act and by 1823 Cobbett noted that "the labourers all driven from its skirts". Chapman sees "that political interests played at least as important a part as the desire for agricultural improvement in initiating the enclosure process" here. The Duke received 486 acres and of which 333 were as a burgage owner; this illustrates that where burgages carried voting rights, ordinary townsfolk gained little from enclosures or elections <sup>29</sup> .

TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1813	Cockermouth, Cumberland	There was a previous bill for this borough by prescription in 1777. Its two seats were controlled by the Earl of Lonsdale who owned most of the 300 burgages; but the largest local owners were the Earls of Egremont. After trying to take over the seats in 1755, they long ignored the area. The third Earl never visited the town until he was 50 in 1801. He was a successful stockbreeder and a member of the Board of Agriculture, enjoying an annual income of £60,000 at Petworth, Sussex. After his visit he built a house within the castle walls between 1802 and 1805 for the game shooting. As the major owner, his new interest in the area and improving zeal lay behind this and many of the rash of acts locally between 1812 and 1826. Newton in 1818 noted 'the great spirit with which agriculture is carried on'. The moors were ploughed, burnt, limed heavily and drained thoroughly for oats. The land was 'very highly rented' - up to £7 an acre at the 'high times'. The innkeeper of the Globe 'was a great renter under Lord E.' for oats; many publicans like Peyton at Stratford and Hanbury at Norton were also farmers to supply their inns. Also, as Bradbury suggests, 'The number of men without work may... have been a stimulus to enclosure'. In 1817, the town surveyors negotiated with the commissioners to employ men on poor relief to make roads. Aglionby in 1844 commented on how this swampy waste near Cockermouth was enclosed, drained and planted which helped the poor in finding employment in the winter and made the town more salubrious and healthy. However the need for employment may post-date the act which was passed in prosperous times but provided work in the post-war depression. The moor adjoined the town and the enclosure led to speculative developments. The town expanded over newly drained land with houses and factories along the R. Derwent. Lonsdale did not oppose the act as the new houses were not burgages and so did not upset his political control. Thus the act improved Cockermouth and its vicinity in several ways and had a variety of motives <sup>30</sup> .
1813	Calne, Wilts.	12 acres were allotted for their manorial and common rights in Calne Marsh; the act made no change in who was to receive the profits of this land or how they were to be used <sup>31</sup> .
1814	Tetbury, Gloucs.	Tetbury was a declining woollen cloth town whose feoffees administered the borough's properties. To bolster their income the feoffees enclosed the common land assigned to occupiers of burgages and leased it. Some small allotments were leased as potato patches to help poor townspeople. The funds were used to pay the expenses of an 1817 Improvement Act <sup>32</sup> .
1815	Newborough, Anglesey	Extensive common rights of pasture, warren and turbary vital to the borough's economy were lost. Sea reed grass collected from the common was the basis of the local matting industry. An inadequate allotment of 100 acres was made to the burgesses, but was sold to pay their share of the costs. Local owners led by Lord Newborough seized the land and the poor rates more than doubled by 1835 <sup>33</sup> .
1816	Flint	The act ignored the rights of the burgesses to the surface and minerals of 600 acres of common land. Earl Grosvenor gained the rights to mine coal and the Crown gained the lead and other mining rights. The act was linked to the town's growth as a lead smelting centre near the River Dee. Also the Crown allotment was sold 10 years before the 1830 award and a mansion was built upon it <sup>34</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1816	Newcastle-under-Lyme, Staffs.	<p>The Corporation was dominated by the largest local owner, the Marquess of Stafford, who used low rents to secure political support and increased his property in the borough between 1800 and 1813. Then the appointment of a new agent, James Loch, and the loss of political control over the seats after 1812, led to a determination to maximise income, and in March 1815 Stafford decided to enclose the open fields. These followed a three-course fallow rotation over which the burgesses enjoyed sole grazing rights in the fallow year. The Marquess offered the burgesses an annual rent charge of about £700 - <math>\frac{1}{3}</math> of the land's annual value if cultivated - to be distributed by trustees. A precedent for this was set by a Lancashire act in 1813 (which has proved unidentifiable). Although Stafford's influence obtained the Corporation's seal to the petition, a counter petition of 500 of 631 burgesses was allowed by the speaker. This and the opposition of the two now independent Newcastle M.Ps eventually secured the burgesses 205 acres or <math>\frac{1}{3}</math> of the open fields managed by 24 elected trustees - they knew the rent charge was fixed whereas the land's value would probably appreciate. Also, as one handbill noted, the burgesses were jealous of their 'birth-right' and loved the land a 'great source of Health, Peace, Pleasure and Employment'. Bamford, a leading burgess, argued the land was already extremely productive and that the loss of common rights would stop many persons wanting to become burgesses - although only 60% of the burgesses exercised common rights. Gower consented, as the benefits of enclosing, especially his 36 acres in the Townfield, was of great 'consequence' to him. His printed scheme pointed out that an act would release land for buildings and gardens and increase employment by improved cultivation. Stafford's allotments in the short term were used as a ley. Brampton Field soon became a high-class housing area and other fields were developed in the 1840s. There were many complaints about the trustees in the 1840s. The Burgesses Land Act in 1859 allowed them to sell building land but development was slow and the burgesses only received small sums<sup>55</sup>.</p>
1816	Llanidloes, Montgomery	<p>Under the Arwystli act, the Corporation lost their immemorial common rights without compensation. The act made no reference to it and a dispute arose as to whether Llanidloes was a mesne manor or dependent on Arwystli manor. The burgesses could not prove their case as the borough's charter apparently disappeared at the time and was believed to be hidden at the Lord of Arwystli Manor's home, Wynnstay. This man, the agricultural improver Sir W W Wynn, was the originator of the enclosure, but much of the upland remained rough grazing. Whilst allowing the borough to grow, the act was motivated by concern about the high level of encroachment<sup>56</sup>.</p>
1821	Malmesbury, Wilts.	<p>The closed Corporation's property included several lands divided into lots whose size depended upon seniority, with a common shared between 280 commoners. The act divided the common into 1 to 1<math>\frac{1}{2}</math> acre lots for each commoner as tillage or garden land. The town's economy had suffered due to the decline of the woollen cloth trade; however its reintroduction in the late 1700s provided work for the poor and in 1835 the municipal commissioners stated 'the poor rate has decreased since 1824, the date of the enclosure'. The gardens provided work and food for the poor; but the large lots assigned to 'the select body of the Corporation' which perpetuated itself 'tended to unsettle industrious habits and deprave the morals of the place'<sup>57</sup>.</p>



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1825	Sutton Coldfield, Warks.	<p>The Corporation's charter gave it unusual powers to allow encroachments on its extensive commons which led to encroachers claiming the right to enclose 60 acres, paying 2d per acre per annum. The act ended such problems but also seems closely connected with accusations of Corporation mismanagement of funds. Some of these arose from the 2,100 acres Sutton Park over which all inhabitants had pasture rights. This encouraged a large number of poor persons into the borough. Boulton believed not enclosing commons like Sutton increased poor rates; cultivation would provide employment for the poor. A chancery case of 1790 led to a scheme to regulate the Corporation's expenditure in 1825 - the same year as the enclosure. The Corporation received 300 acres - many complained it should have been larger but for the Corporation's negligence about claims - and the management of the Park. The remaining wastes were allotted to the freeholders and converted to arable. This and concern about encroachments and the high poor rates led to the landowners' support for the act, but its timing was connected to the inhabitants' success in regulating the Corporation and its expenditure. However complaints of Corporation mismanagement continued<sup>38</sup>.</p>
1827	Grimsby, Lincs.	<p>This was an attempt by the chief owner and Lord, the Earl of Yarborough, to develop the port and consolidate his political control. Grimsby was a "wretched borough, existing only by venality" and "a sink of corruption". Yarborough had tried since 1796 to resurrect the declining port, by being the largest landed investor in the Grimsby Haven Company (£3,215 of the £60,000 capital; the largest single investor was J J Angertsein who spent £10,000 on a dry dock). The Corporation, which had carefully prevented encroachments on its commons, offered building plots on 99 year leases on the East Marsh, in the first instance only to freemen by ballot; all squatters (except freemen) had to demolish their houses and the latter were ineligible for lots in the building plots. Further new houses were authorised in 1825. Meanwhile the stints were reduced although by the 1820s only 50 of the 300 burgesses used their rights. The act's timing shows that it aimed to resurrect the town's development. The port's trade and population had grown up to 1825 but then the former stopped. Radical pressure about small pocket boroughs meant Yarborough wished the town to grow to help to keep its status as a parliamentary constituency as well as recoup his investment by profits and higher rents. The town clerk later said that Yarborough used recent election bribes to overturn the freemen's opposition. Daubney, a solicitor, published a pro-enclosure handbill stating that the continued "Improvement and Prosperity of the Town and Port depend" on an act. It would release accommodation land for the town's bourgeoisie and merchants who would thereby be attracted to the town. The marshes would remain "open for the burgesses whilst the thousands invested in the haven would not be wasted. This would generally benefit the town by increasing rents and land values. This argument and the effects of recent election bribery at £20 per vote secured the burgesses' consent. The commissioner appointed was Yarborough's agent, John Burcham of Coningsby, which broke the 1801 General Act. The small Corporation allotment, Burcham's slowness and high costs charged to the Corporation as compared to Yarborough led to many burgesses believing Yarborough had deceived them, although the act increased the Corporation's revenues. Angerstein, a leading member of the Haven Co., had to pay £200 costs towards improved drainage, probably to improve the harbour. The enclosure failed to stop the town's decline and the population fell. It was only Yarborough's support of a railway to Sheffield in the 1840s which led to the growth of the modern port<sup>39</sup>.</p>



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1828	Rhayader, Radnor	The borough's small commons were monopolized by two men from an adjoining manor without grazing rights who frightened off rivals and injured their stock. A small enclosure by agreement between scot and lot payers based on a pound rate occurred in 1775 despite problems with farmers in adjoining manors. An attempt to enclose in 1815 failed as the borough's freeholders were 'terrified' of 'confirming their exclusive claim' due to the costs of an act. The act did establish their rights and the costs were met so easily by the sale of building lots at very high prices that the surplus was distributed amongst owners. Much of the remainder was drained and cultivated with wheat. A spirit of improvement swept through the town at this time in which enclosure played a major part. In 1833 it was written that 'a new road has been lately made to Aberystwyth, and the inclosure of the waste land within the borough will, it is expected, add to the prosperity of the town which is already considered to be in a flourishing state'. In 1844 it was stated that the 'inclosure certainly is not only a great ornament to the borough..., but a great benefit to its inhabitants' <sup>40</sup> .
1833	Loughor, Glamorgan	The Lord of the Manor was the Duke of Beaufort and his agent was steward at the court leet. The cost of enclosing the 600 acres was so great that after the Duke's 1/14 as Lord and sales only 168 acres remained to the burgesses. They were eventually able to get this land leased to themselves for 99 years on nominal rents. This was part of an attempt to improve the town's trade; at the same time a bridge was built to Carmarthenshire which would carry most of the traffic from Swansea westwards <sup>41</sup> .
1836	East Retford, Notts.	Enclosure was delayed until the burgesses' political control of the constituency was broken by the 1828 Bassetlaw Act. A previous attempt was instigated by the debt-driven radical landowner, Major Cartwright. He established a steam-powered worsted spinning mill by the Chesterfield Canal near Retford in 1788. In 1789 he rejected the offer of the government interest here and the support of most of the burgesses; seemingly as he refused to be beholden to patrons rather than any moral objection of a radical holding a rotten borough. The Chesterfield Canal also crossed Retford's commons and the canal's purchase money was used to drain the bog; Byng noted in 1792 the growing prosperity of the town due to the canal and local factories. In 1791 an enclosure proposal was made - if the land was used for paddocks and gardens it would be worth £90 an acre, but double that if used for housing as such land was 'scarce and valuable' due to the increasing population attracted by 'the manufactures lately established in the town and its vicinity'. Despite these direct financial benefits and indirect economic benefits to the owners of houses with common rights, the failure of Cartwright's mill and the conservatism of poorer householders, many of whom were freemen, who preferred to keep their grazing rights, seems to have blocked the proposal. In 1836, the reduced political influence of the burgesses, decreasing use of common rights and wider perceptions of economic benefits led to an act <sup>42</sup> .
1837	Clun, Shropshire	The burgesses claimed formerly to have had exclusive ownership of 1,700 acres and over which the freeholders had usurped pasture rights. In 1835 'An Inclosure Act is in contemplation, as the best means of quieting all the differences, as to the respective rights of the lord, the burgesses and the freeholders'. The act had similar motives to the 1837 Clun Forest enclosure <sup>43</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1845	Nottingham	<p>The closed Whig Corporation were Lords of the Manor and owned <math>\frac{1}{3}</math> of the open fields. The town was surrounded by its commons and these fields over which burgesses enjoyed a variety of rights at different times of the year. Only 200 of the 3,000 burgesses exercised their rights in 1832. Their main privileges were voting in parliamentary elections and the hope of one of the 254 Burgess parts falling to them. The landowners could not achieve a high enough proportion of consents for an act without the Corporation's agreement; and this would be politically inexpedient without the burgesses' support. As Richard Preston points out, both Whigs and Tories opposed enclosure and so it was never a political issue between the parties; both knew that supporting enclosure would alienate the burgesses. Contemporaries noted that the effects of non-enclosure was to cause overcrowding, high rents, terrible public health problems, the growth of satellite towns beyond the fields and generally inhibit the town's prosperity; but the burgesses' conservatism, represented by Hobhouse, the town's M.P., in 1834 was a stronger influence on the so-called 'cowocracy' than such wider considerations of improvement. The burgesses formed committees to oppose enclosure. The public health reformer, Hawksley, believed that some large slum owners with common rights were 'influential members of the Corporation' and 'exercise their influence in opposing an enclosure' to prevent new building harming their rents. However no research has been made to confirm Hawksley's accusations. He believed the opening of lammas lands by force by the burgesses led to other acts of vandalism and the whole system prejudiced morals. Others believed enclosure would rob the public of any open spaces. The growing campaign of public health reformers, the realization of the disastrous economic effects of non-enclosure and the obtaining of favourable terms (which the influential Councillor Wakefield said had led him to change his mind) led to the enclosure. Its preamble stated the act would be an instrument of 'social, moral, sanitary, commercial and agricultural reform'. Much of the land was quickly sold by freeholders and built over by speculators. The act set minimum standards about drainage, the the description and ventilation of new houses, but if these had been adhered to, working men could never have afforded them. The standards were ignored and 500 back to back houses were built. Public-spirited attempts were made by at least two societies to build cheap model dwellings. A large area for recreation was left. Pressure from the freemen led to greater control over their allotment and the Burgess parts by the 1850 Freemen's Allotment Act<sup>44</sup>.</p>
1845, 1855	Newbury, Berks.	<p>Newbury's common lands comprised lammas land and pasture. The benefits of drainage and enclosure would be to provide building land which would result in suburbs and improved public health; the land currently was 'not cultivated now to any advantage' but there was no chance 'of getting consents recognizing those rights which have been enjoyed by usurpation'. Attempts to enclose had been made but failed due to these disputes about householders' rights. The 1842 proposed enclosure of the East Fields led to soldiers being called in to deal with the disturbances, but the cheaper procedure of the 1844 act led to the common fields enclosure despite opposition. Then the Corporation, as Lord of the Manor, approved the enclosure of Wash Common in 1855 with recreation and garden allotments<sup>45</sup>.</p>



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1848	Alnwick, Northumberland	Alnwick's Common Council ran the Corporation and from 1712 administered the freemen's commons. The Dukes of Northumberland tried to dominate the town and take control of the Corporation. In 1762 the Corporation (after nine years of expensive litigation over ownership of the commons) had to concede ownership of the soil to the Duke. The Self-elected Common Council established its independence from the other freemen. Enclosure proposals often focussed on controlling the corporation, either by limiting the use of its funds as in 1783 to a school or by reforming its composition as in 1848. The Duke's claims on the moor increased whenever enclosure was proposed, claiming as much as $\frac{1}{3}$ in 1829. He was keen to obtain portions of the moor for plantations and to extend his park. The 1st Duke had encroached on common land to make plantations and in 1782 the 2nd Duke's enclosure proposal included land for a plantation. The 3rd Duke's increasing control over the town by the purchase of burgages with common rights led him to exclude Alnwick from the Municipal Corporations Act in 1835. In 1844 it was noted that much of the moor was suited for conversion to arable. The 4th Duke agreed terms for enclosure which would increase the land's value four-fold. The Lord allied himself with the freemen against the 4 and 20 to secure better terms and prevent any attempt to make the Corporation more open. The freemen did secure control of their interest by having trustees, not the common council, to manage their allotment. The 4th Duke's higher allotments were suited to plantations and the lower ones for arable. This was part of his plans to improve his estate <sup>46</sup> .
1854	Cardigan	Until the 1844 general act, burgesses did not enclose their commons due to cost; an 1809 bill to use the commons to fund an improvement act failed. Although enclosure would increase income and provide employment, whilst few freemen used the pasturage, fears of costly opposition due to disputes over legal rights between the freemen and the Lord of the Manor prevented any application, even after the Corporation was reformed in 1835. After an attempt in 1846 failed, a compromise between Corporation, freemen and Lord of the Manor was achieved in 1854. The national commissioners stated that the enclosure would afford great facilities for the improvement of the town of Cardigan and its neighbourhood <sup>47</sup> .
1857	Coventry, Warks.	Freemen jealously guarded their common rights although under 14 used them in 1835. The cow-keepers, who benefited from the commons, manipulated their freemen's sentiments to oppose any enclosure. Their political power, even after the 1832 Reform Act, made enclosure impossible both for a local M.P. to promote or for a sufficient number of consents to be gained. The growing concern about public health and the town's general development persuaded the Corporation and many freemen to support an enclosure on generous terms - which was eventually achieved in 1857 giving the freemen a compensation in land <sup>48</sup> .
1864	Derby	The low-lying Siddals and Chequers Closes were wastes owned by individuals subject to the freemen's common rights. Only 5% of the freemen exercised their rights. The owners of the soil received $\frac{2}{3}$ and the freemen $\frac{1}{3}$ which was to be leased and the profits shared equally. The local paper welcomed the act as increasing the land's value and as sharing out the profits equitably. This land was unsuited for building and the act fits into an increasing awareness of the need to rationalise these anachronistic rights. The catalyst may have been the Midland Railway's purchase of land for its line there <sup>49</sup> .



TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

Year	Place	Notes
1870	Stamford, Lincs.	Hoskins and Lee view the late enclosure as caused by the Marquess of Exeter's desire to maintain his political control over this borough constituency. The Municipal Corporation's Commissioner in 1835 believed that everyone's property, including the Recorder's (Lord Exeter) would be increased in value by enclosure; but Exeter objected believing that any building on newly-enclosed land would jeopardize his political influence. However, Elliott shows that delay was more due to his desire to maximize land ownership, especially over the waste. The decision to enclose resulted from failure to obtain amercements from encroachments in the 1860s, the succession of a new Marquess in 1867, and a changing political scene. The 1867 Reform Act and the move towards a secret ballot meant Exeter had to woo voters and all agree that non-enclosure inhibited the town's growth and harmed Exeter's paternal posture. Also the activities of the Commons Preservation Society could have reduced Exeter's allotment or prevented converting his interest into freehold property. Much to his anger, the Corporation, not him, administered the recreation and labouring poor allotments. The enclosure had been approved by the Commissioners due to the need for building and which had led to nearly 300 cottages being illegally erected on the waste. This also would improve the town and local husbandry whilst doubling the value of the land <sup>50</sup> .

Footnotes

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13 40 Geo III c70; VCH Staffs VI (1979) 209-10; MCR (P P 1835 XXV) 2028, 2030.

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TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

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TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

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TABLE 18 - ENCLOSURE AND CORPORATIONS (Cont.)

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- 48 J Priest, The Industrial Revolution in Coventry (1960) pp.21-4, 28-9 and 39-47; 2nd Rep of R.C. for Large Towns (P P 1845 XVIII) App pt II 262; MCR (P P 1835 XXII) 29-31 and (P P 1835 XXV) 1838-9; R Millward and A Robinson, The West Midlands (1971) pp.142-8; VCH Warks. VIII (1969) 204-5.
- 49 Derby City Co., copy award 1867; Derby Mercury 20/4/1864, 28/9/1864.
- 50 W G Hoskins, op cit pp.287-9; J M Lee, 'Modern Stamford', A Rogers, ed. The Making of Stamford (Leicester 1965) pp.91-118; S Elliott, 'The Cecil Family and the Development of Nineteenth Century Stamford', Lincs. History and Archaeology I (4) (1969) 23-31 and 'The Open Field System of Stamford', Ag. Hist. Rev. XX (1972), 167-9; MCR (P P 1835 XXIII) 2538; 25th Ann Rep Nat. Inc. Commissioners (P P 1870 XVII) 214-5; S.C. on Commons (P P 1877 X) Evidence of James Gaird, Q254.



TABLE 19 - "TURNPIKE" SUBURBS

Enclosure of commons adjoining turnpikes near growing towns was often connected to the development of mansion house estates. The following represent those for which some definite evidence exists; it probably omits several of which the author is either ignorant or has inadequate evidence. For example, the 1810 Lewisham (Kent) Act dealt with lands

within six miles of London on the Hastings turnpike. Although the Lord, Earl Dartmouth, disliked instigating the project in 1805 by 1873 his 391-acre estate there had an annual value of £27/18/- per acre. However there was no definite linkage between the act and house building in the limited sources consulted<sup>1</sup>.

Year	Suburb	Town	Evidence
1779, 1791	Crookesmoor, W. Riding	Sheffield	The acts for Eccleshall and Sheffield dealt with an area of encroachments on the hill west of Sheffield near the Manchester turnpike called Crookesmoor and Little Sheffield Moor. The Eccleshall act divided the moor between the two manors and determined ownership of encroachments between lords and occupiers which took nine years to complete. Earl Fitzwilliam offered his Little Sheffield Moor allotment on building plots. The Duke of Norfolk did the same after the 1791 act for his manor. By 1825 a number of large houses had been built on the moor by gentlemen, prosperous merchants and successful professional men. A similar development of "handsome villas" had occurred at Brightside by 1849 on an occupation road set out by its 1788 act, running up the hill north from Sheffield station; but more research is needed to confirm a causal and temporal link between the enclosure and the housing development <sup>2</sup> .
1782 & 1783	Newcastle-under-Lyme, Warsh, Staffs.	The Potteries	The original scheme only aimed to get rid of the rubbish from the common and then enclose and make 21 year leases of the land. The profits were to be used to reduce the poor rates. However some parties recognised the building potential of the Warsh if 99 year leases could be offered. In a printed handbill, they pointed out that the Warsh lay astride three major turnpikes on the western fringe of the developing Potteries. They also noted the lack of building land in the town which had prevented Newcastle's growth in population and trade. The act ensured that the Warsh would be an area of high-grade housing by prohibiting the building of houses of under £200 value. The Warsh did not produce the expected income of about £550 but by gradual and careful leasing to match market demands it produced £200 in 1817 and included a theatre, ladies' boarding school (both by subscription), hotel, assembly room and many excellent houses. Nevertheless Newcastle's development was long restricted by the lack of building land. Even after the enclosure of its open fields in 1816, 1/3 of the land near the town was controlled by the burgesses' trustees who could not lease land for building purposes. Other open field land became the elite area of the Brampton <sup>3</sup> .
1791	Handsworth Staffs.	Birmingham	The heath's development began with the turnpiking in 1752 of the Birmingham to Wednesbury road which encouraged Boulton to lease an encroachment from the lord including a mill site in 1762. He built a factory for 600 workers and their wives and children on one side of the hill and a house in gardens, funded by an inheritance from his father and two dowries. Despite Darwin's assertion that in 1762 the barren heath had only a warrener's hut upon it, Boulton admitted that "there existed but a few miserable huts filled with idle beggarly wretches, who by the help of the common land and a little thieving made shift to live without working". However both may have exaggerated to emphasize the transformation wrought by the factory. Certainly by 1776, Young described the road as "one continued village of millers". The Lord, Birch, allowed encroachments for cottages, crops and to extend mansion grounds as of the magistrate Joseph Charles. Already by 1772, 3 or 4 gentlemen from Birmingham had built houses in Handsworth. Boulton complemented Birch as he "exterminated these very poor cottages and... hundreds of clean comfortable houses have succeeded to them" and the population trebled without increasing the poor rates. Boulton began to agitate for an enclosure in 1788, when discussing the lease's extension. Birch's terms were to have the valuable encroachments confirmed to him. Boulton's motives were explained to Birch. He wanted to buy from Birch "the Land adjoining to Hockley Brook up to your Houses... and from thence to the valley N.W. or beyond my House bounding on the N.E. side by the Great Road, but as to the several bits of land where the cottages were lately pulled down... they are so divided and intersected by roads that it is impossible to... make the best of them unless the roads were annihilated and that is a difficulty I have not spirits



TABLE 19 - "TURNPIKE" SUBURBS (Cont.)

Year	Suburb	Town	Evidence
	Handsworth (Cont.)		<p>to encounter with unless an Act for enclosing was to pass". Unless the enclosure plan went ahead, "the crossroads stopped up and the whole of the Soho bank so cultivated as to induce me to build a good House" his purchase plans must be abandoned. The enclosure went ahead and the purchase was completed in 1794. Already in 1789 Samuel Wyatt began the rebuilding of Boulton's mansion. There were problems with ejecting cottagers to allow the park to be extended to 50 acres. He planted trees and converted the mill pool into the ornamental waters of Hockley Pool. Boulton invited visitors to Birmingham to Soho as "ye quietude and fresh air of Soho will do you more good than ye smook and Noise of Birm'm". The other proprietors were keen on enclosure as they recognised the common's building potential. Already freehold land was offered on building leases in 1788. The act allowed the Rector to make 99 year leases of his allotments to allow building leases and from 1793 leases were made both for villas and artisans' dwellings, funded by building clubs. The latter caused concern about escalating poor rates by immigrants gaining settlements and the vestry agreed to remove all uncertificated immigrants 'and to discourage by every legal means the building of small houses'. 'A correspondent' in 1795 - perhaps Boulton - complained in <i>Aris's Gazette</i> of over 60 acres of former common land being taken or purchased for building and some "building clubs have made a beginning upon a scale of 20 houses and garden to an acre" whilst thousands of homes were untenanted in Birmingham and many Handsworth natives were unemployed. This spoilt the development of Handsworth as an elite suburb unlike Edgbaston, where the single ownership of the Calthorpes and their prescriptive leases created Birmingham's elite middle class area despite lacking the hillside location of Handsworth Heath. Watt, Boulton's Soho partner, used the enclosure to buy 40 acres of former common land to form a park adjoining Heathfield House which he had bought in 1790. Boulton's son and heir bought Great Tew in Oxfordshire in 1815 as a more suitable mansion although retaining Soho for use when in Birmingham<sup>4</sup>.</p>
1798	Birmingham Heath, Works.	Birmingham	<p>The heath was already subject to licensed encroachments including Hawker's glassworks in 1790. The land was low-lying and marshy and had no turnpikes running across it. Therefore more favourable sites were used; but there was a considerable demand for housing. In 1791 the population was said to have increased by 100,000 to 182,000 in the previous 25 years with 10,000 more houses; this figure was not achieved until the 1840s; but contemporary speculators saw the heath's building potential. Reddell, a West Bromwich iron founder, offered Boulton his Winson Green estate and its common rights on the heath in 1795. He foresaw an enclosed heath used for buildings and gardens once the French wars ended and trade improved. There were only 10 freeholders and they regularly broke down encroachments. If there was no general act, Boulton's influence would expedite an act "in a manner very much to your satisfaction and advantage". Once the act was obtained and hearing Boulton wished to buy land, Reddell again offered him his farm and 10-acre allotment which Boulton could have where he wanted. Reddell believed his farm would sell or let for building at high prices, if three roads were made. Gooch was planning to extend his Camden Street across his probable allotment between the Upper Lodge and the canal (at Boulton's request the Birmingham Canal Navigation was building a branch across the enclosing heath to supply his works with coal directly) which Boulton could extend as one of the roads. Where the three roads met a column could be erected in Boulton's honour. This would be the focal point for Boultonia or Boultons Town. Reddell and his friends could form a large-scale building society and "perhaps in a few years, not only the said land, but also Birmingham Heath and the chief part of Handsworth would be nearly covered with buildings". Reddell misunderstood Boulton's intentions: Boulton was concerned that poor rates would escalate by large-scale working class house building and wanted land to extend his park, build a wharf adjoining the canal branch and to extend his property around his newly-erected Smethwick works. Boulton did buy nine allotments by purchase, including Reddell's and received over 26 acres in total. By 1852 he and his son had bought more land to extend the park. Reddell proved to be an unsuccessful businessman, being bankrupt in 1806. Although "eight new streets were quickly formed" on the common and the "most elevated and cheerful parts" of this "very improved and improving neighbourhood" were offered for villas, the land was largely used for gardens and accommodation land. Due to concerns of others about the poor rate, a large allotment was granted to the overseers of the poor<sup>5</sup>.</p>



TABLE 19 - "TURNPIKE" SUBURBS (Cont.)

Year	Suburb	Town	Evidence
1799	Dalton, W. Riding	Huddersfield	The commons adjoined the Wakefield turnpike on high ground east of the town and the Colne Valley. The Kaye estate (which received a large allotment in the 1814 award) judged the time right to sell its land here in 1827 for villa residences. The advert commented on the estate's 'frontage of a mile and a quarter to the Wakefield and Austerlands Turnpike'. Much of this land was former common land. Villas were not built here due to more eligible plots near the town but villa lots were bought up to form mansion house estates of about 8 acres. Other lots were unsold. Springett does not state that the land's potential as building land would have been a major motive behind the act <sup>6</sup> .
1801	West Bromwich, Staffs.	Birmingham	Already the heath, which lay west of Birmingham on the West Midlands plateau adjoining the Wolverhampton turnpike, had over 200 encroachments as well as middle-class houses on the heath's edge at Hill Top near Wednesbury. Many local ironmasters like James Keir lived and the ironmasters held their quarterly meetings there. Young described the road from Birmingham in 1776 as 'one continued village of nailers' in wattle and daub cottages. Its population more than doubled between 1760 and its 1801 census figure of 5,637. This crisis year of food shortages with high prices and food riots together with fears of the heath disappearing under encroachments and the land's potential for building led the proprietors to apply for an act. Whilst their notice was in the newspaper, a West Bromwich mob forced Walsall butchers to sell them meat cheaply. The local ladies subscribed to distribute bread to the distressed before the act was passed. The act protected future house building by preventing mining within 60 yards of any house. The Earl of Dartmouth's new estate agent, William James, advised him to sell prime freehold building land at Handsworth and his West Bromwich common allotments, both on the turnpike. Due to entail restrictions, the Earl could only make 50-year building leases and so sales were the only alternative. Plots were 'valuable situations' for 'villas' a few hundred square yards each in "the most elevated and cheerful plots of this very improving and populous situation, West Bromwich Common, adjoining the great Shrewsbury Road... surrounded by the most delightful scenery of Dudley Castle and Rowley Hills" - a description which would raise a quizzical smile to anyone who knows the modern industrialised Black Country. The stress on an 'improving' cultivated environment for mansions or villa developments was also a factor with Boulton at Handsworth. Housing development away from the main road was slow and much of the land was cultivated first before streets started to spread over the remainder of the common. By 1834, 'it is now covered with good streets, the largest of which, the High Street, is about a mile in length and has many well-stocked shops'. However the later housing development was for workers in the growing mining and iron industries. The Dartmouth estate had bought land adjoining the park from as early as 1806 to prevent houses overlooking the estate; but in 1848 Patshull was purchased and the Earl's Sandwell Park was offered for villas <sup>7</sup> .
1806	Tettenhall Wood, Staffs.	Wolverhampton	This common lay along the summit of a hill overlooking Wolverhampton which was two miles away on the London to Holyhead turnpike. By the late 1700s both it and Tettenhall village in the valley had 'handsome houses... with the pleasure grounds and adjacent plantations' of people like John Pearson, an eminent local lawyer who eventually became Advocate-General of Bengal. The enclosure petition of 1805 referred to extensive encroachments and to it being the haunt of gypsies and thieves who were a 'common danger to the inhabitants'. Due to these factors and disputes between commoners, an act was obtained. Some of the plots were obtained by lock-makers who were relatively wealthy artisans; but the main beneficiaries were Wightwick and Pearson, the latter also purchasing other persons' allotments. Pearson used this to extend his pleasure grounds up the hill. This in 1820 was still in "a wild state, consisting of ground enclosed from a common and wood... commanding a fine view of Wolverhampton... which however is not picturesque". Hinckes and Granger exchanged parts of their allotments in front of their villas to prevent their view of Wolverhampton being obstructed and made covenants about not making plantations or erecting buildings and constructing sunken fences. The turnpike road up the hill was altered in 1820 to reduce the steep slope. By 1834 "several handsome houses and a great number of [lockmakers] cottages have been built at Tettenhall since its enclosure in 1809" and the whole district of Tettenhall "is occupied chiefly by gentry and by persons engaged in the trade and commerce of Wolverhampton" <sup>8</sup> .



TABLE 19 - "TURNPIKE" SUBURBS (Cont.)

Year	Suburb	Town	Evidence
1806	Lambeth, Surrey	London	The common was the opposite side of the river from the Houses of Parliament and the building of five bridges between 1750 and 1815 with a complex of turnpikes opened up the manor, which belonged to the Archbishop of Canterbury. The common was a narrow strip of land which ran along the Croydon turnpike up the Brixton Hill to Streatham; the act specified that no buildings could be erected within 150 feet of the turnpike to allow the mass movement of troops. If the population grew, the Archbishop could give up to 10 acres for a church. The population growth led to an amending act in 1821 facilitating the church's erection and allowing the Archbishop to grant building leases due to Lambeth's convenience for houses, warehouses and other buildings. Street building away from the house-lined turnpike began in the 1830s <sup>9</sup> .
1809	Gateshead Fell, Durham	Newcastle-upon-Tyne	This enclosure has many of the features of the other acts to develop middle-class "turnpike suburbs". The Fell occupies high ground south of Newcastle and the river on the main London turnpike. The land was cleared of squatters and a church was built as it developed into an elite suburb <sup>10</sup> .
1812	Crayford, Kent	London	This common was 14 miles from the city on the Dover road on a high healthy site with a south-facing prospect. Humphry Repton was asked by his son, the village's curate, to design a pleasant parish workhouse with a garden. Repton said that a faction in the parish opposed it as "the situation proposed was so desirable that the site, occupied in private houses, could produce more profit". The award seems to involve more acres of exchanges than allotments <sup>11</sup> .
1813 & 1817	Windsor Forest, Surrey	London	The forest's population trebled between 1650 and 1801 due to unlicensed cottage encroachments and licensed encroachments from the Crown by the wealthy and influential like Pope and the Duke of Cumberland. These led to complaints from common right owners about loss of pasturage. Such complaints, the need for timber plantations and the demand for mansion houses led to the Forest's enclosure. E P Thompson believes that the enclosure was also motivated by concern about the social discipline of the dispersed squatters; thus the enclosure was the best resource for agrarian class controls by bringing the 'inferior class' into collected villages. The enclosures brought contemporary criticisms for very different reasons. In 1820 James Loch bemoaned the destruction of the picturesque forests around London, especially "Windsor forest, the most appropriate accompaniment of the noblest royal residence in Europe". Cobbett attacked the spread of houses occupied by the "stock-jobbing crew" who commuted "from the 'Change" along its level roads. Canning might argue that they were "improvements and... an addition to the national capital" but Cobbett felt "These enclosures and buildings are a waste" of the country's resources when better land awaited cultivation <sup>12</sup> .
1814	Egham, Surrey	London	The awareness of the need for recreation land in growing suburbia was shown by the provision of an open "green for the inhabitants' pleasure "and the adornment of their residences on the said green" <sup>13</sup> .
1821	Bromley Common, Kent	London	This was a narrow common running along the London to Hastings turnpike about 15 miles from the city. Despite their previous opposition, the Norman family acquired much of the land by purchases and exchanges. The act was at a time of building boom around the metropolis and in spas like Leamington and Cheltenham. From only having a few scattered cottages, it had become a separate parish with its own church in 1843; it was sub-divided into two parishes in 1886. The cottages had largely disappeared to be replaced by villas <sup>14</sup> .
1828	Burgess Hill, Sussex	Brighton/ London	The improvement of turnpikes between London and Brighton led to more distant commons becoming valuable for villa development. Keymer Manor included Burgess Hill about 10 miles from Brighton, and about 45 miles from London. Brandon has shown that the act was motivated by hopes of villa development; the sale lots to defray expenses were offered as building plots for villas; many plots were bought by builders; and plots adjoining the turnpike were worth double those elsewhere on the common. He does not appreciate the crucial role of the Lord of the Manor, the Reverend Henry Bayntun, in the speculation. He had only bought the Manor in 1826 and was the largest beneficiary in the award. He nearly doubled his allotment to over 126 acres of the 450 acres involved by purchases from copyholders before the award. The enclosure was expensive necessitating the sale of over 216 acres (nearly half the total area) for £24,677. Brandon notes that the mushrooming of the settlement of Burgess Hill had to await the railway's arrival in 1841 which brought London into easy daily commuting distances <sup>15</sup> .



TABLE 19 - "TURNPIKE" SUBURBS (Cont.)

Year	Suburb	Town	Evidence
1829	Headingley, W. Riding	Leeds	The commons north of the town were part of the Earl of Cardigan's Manor and he and Beckett owned 70% of the land. However the Earl's entail provisions prevented sales or building leases. The act allowed them to sell their allotments. One common adjoined Burley's riverside mills and in 1831 (three years before the award's execution) working class cottages began to be built. Far Headingley Moor already had cottage encroachments and four-roomed terraced houses were built in 1838 and horse omnibuses soon served the area. However large houses were built from 1831 although not all the former commons had been built over by 1846. By 1861 "a large proportion of the mercantile community in Leeds" lived there due to its "sanitary advantages" on higher ground north of the town's smoke and squalor on the Otley turnpike <sup>16</sup> .
1838	Chesterton, Cambs.	Cambridge	The building potential of this manor's open fields on the northern side of Cambridge was anticipated from the 1810s when local businessmen bought up strips as potential building sites. By the 1830s William Custance, a Cambridge surveyor, bought up 60 acres and got the commissioners to make his allotment in the same area (between the Huntingdon and Histon roads). He proposed to build "substantial houses for respectable tenants". The speculators and the realisation of the economic advantages of enclosed land near a growing city overcame the opposition of the farmers who had delayed the enclosure and the colleges. Trinity and Magdalen College - the two main institutional owners - feared the growth of a 'low suburb' with beer houses and poor cottages. They tried to prevent this by ensuring the two main roads were 60 feet wide with an extra 30 feet as a building line. They also got a tree-lined river walk set out. This did not prevent the small allotments abutting the town being rapidly built upon with over 240 working class houses by 1851 which led to the population rising from 1,345 in 1841 to 2,480 in 1851. This new settlement, 'New Chesterton', was attractive due to the low rents and rates. Meanwhile villas were built along the Ely turnpike. Already in 1844, adjoining the road, 'extensive buildings and plantations were going on' and 'the locality was let for building at £200 per acre'. Most of the land away from the turnpikes was still used for farming and some public and academic services such as a nondenominational graveyard, an asylum, and later some college sporting facilities. The enclosure shows the variety of interests involved in an enclosure and the range of uses made of the land. It led to a working class suburb adjoining the city; a "turnpike suburb" along the Ely road; "urban farms" concentrating on pasture and market gardening; and "sub-urban" land for a variety of community and academic services <sup>17</sup> .
1847	Mid Lavant, Sussex	Chichester	The village lies two miles north of Chichester on the Midhurst turnpike. Lavant Marsh would be drained and made valuable and the common would be cultivated 'except portions which are fit for building purposes'. Thus the enclosure in part was intended for a middle-class suburb <sup>18</sup> .

Footnotes

1 StRO D(W) 1778/V/1290, W James to Dartmouth 1/8/1805; R W Sturges, 'The response of agriculture in Staffordshire to the price changes of the nineteenth century', PhD, University of Manchester 1965, p.115.  
2 G R Batho, Parliamentary Enclosures - a study of the Sheffield Act of 1791 (1959) pp.36-7; P J Nunn, 'The Landed Estate in S. Yorkshire 1700-1850', PhD University of Sheffield (1985) 336-7, 341-2, 425 and Fig 63. See Table 23 re Brightside.

3 See Table 18; W Pitt, A Topographical History of Staffordshire, I (1817), 362; J T Coulam, A History of Newcastle-under-Lyme (Newcastle 1908) pp.70-1; JHC XXXVIII, 12/4/1782, 916; XXXIX, 31/1/1783, 126 and 181; D(W) 1742/54 Newcastle-under-Lyme Enclosure Acts 1783 and 1784 and A comparative state of the advantages... from an inclosure of the Marsh... in Newcastle-under-Lyme... according to the Bill which was brought in... and the Act as it was passed (1783).



TABLE 19 - "TURNPIKE" SUBURBS (Cont.) - Footnotes (Cont.)

- 4 Aris Gazette 3/11/1788 p.3 c.4; 26/1/1795 p.3 c.3; 5/6/1797 p.2 c.3; 25/6/1798 p.2 c.3; 30/7/1798 p.1 c.5; BRL DRO 86/109 Handsworth Parish Vestry Minutes 17/12/1794; D Cannadine, Lords and Landlords: the Aristocracy and the Towns 1774-1967 (Leicester 1980) Chapters 4 to 7; Derby Mercury 3/8/1815 p.2 c.4; Staffs Advertiser, 11/8/1798 p.4 c.3; 2/9/1815 p.4 c.1; VCH Warks VII (1964) 24-5 and 248; S Smiles, Lives of Boulton and Watt (1865) p.460; C Gill, Studies in Birmingham History (Oxford 1930) p.178 and History of Birmingham I (1952) 103-4; Swinney's Birmingham Directory (1774); A Young 'A Tour to Shropshire' (undertaken 1776) in Tours in England and Wales (1932) p.140; S Shaw, A History of Staffordshire, II i (1799), 117; LJRO Staffs. Primary Visitations (1772); Gentlemen's Magazine LXXIX (1809), 975; E Roll, An Early Experiment in Industrial Organisation (1968); BRL Boulton Coll., AO Box B3, 3, 37, 41, 43-5, 49, 54-7, Geo Birch to Boulton; MSS Letter Book Q Boulton to Birch 2/3/1790, Boulton to Hawkesbury 17/4/1790; WSL SMS 478B Boulton to Mrs. Dibb, undated; H of L Committee Book XXXV, 20/4/1791, 89; W Pitt A Topographical History of Staffordshire (1817) pp.157-8; F Hackwood, Handsworth Old and New (Handsworth 1908) pp.2 and 64; H W Dickenson, Matthew Boulton (Cambridge 1937) pp.184-5; Q/RDC 8, Handsworth Enclosure Award 1793; H W Dickenson and R Jenkins, James Watt and the Steam Engine (1927) p.69; See Map 9.
- 5 C Gill, A History of Birmingham I (1952) 121; II (1952) 342; Map 10; BRL 662128 photocopy Birmingham Heath Award; F W Hackwood, Some Records of Smethwick (Smethwick 1896) p.95; Leeds Intelligencer 23/8/1791 p.2 c.1; Aris Gazette 12/5/1806 p.3 c.4, 19/5/1806 p.1 c.3; BRL, Boulton Coll. AO Box R, 169 and 171, Riddell to Boulton 28/8 and 18/9/1795 and 175-81; S R Broadbridge, The Birmingham Canal Navigations I 1768-1846 (Newton Abbot 1974) 89; D B Johnson, 'The Growth of an Industrial City: Birmingham 1800-1850' PhD University of Yale 1956, pp.137-8. See also Table 25.
- 6 R J Springett, 'The Mechanics of Urban Land Development in Huddersfield 1770-1911', PhD, University of Leeds 1979, pp.110-121 and 187.
- 7 BRL, Boulton Coll. (AO Irish Proposition Box), S Carbett to M Boulton 22/2 and 18/3/1785; Aris's Birmingham Gazette, 20/9/1800 p.3 c.2; 16/2/1801 p.3 c.2; 28/10/1805 p.2 c.3; 9/12/1805 p.1 c.5; W Pitt, A General View of the Agriculture of Staffordshire (1813) p.147; J Reeves, History of West Bromwich (1836) pp.56, 154-5; A Young, 'A Tour to Shropshire' in Tours in England and Wales (1932) p.140; S Shaw, A History of Staffordshire II i (1799), 134; StRO D564/12/18 W James to Dartmouth 23/12/1805 and 2/5/1806, D(W) 1778/V/1290 James to Dartmouth 2/9/1805 and 17/11/1805, D(W) 1778/V/1331 Thynne to Dartmouth 30/12/1847; Staffs Advertiser 4/3/1854 p.1 c.2; VCH Staffs XVII (1976) 4-5 and 27-28; see Chapter 7; White's Staffordshire Directory (1834) pp.460-1.

- 8 S Shaw, A History of Staffordshire II i (1799) 199-200; J P Jones, 'The Enclosure of Tattenhall Wood' in A Webb's Annual (1908) and History of Tattenhall (1894) pp.268-9; HRO B47/57 and 34 Agreement 30/5/1807, P T Hinckes and H Granger of Tattenhall Wood; VCH Staffs. XX (1984) 3 and 8-9; StRO Q/RDC 66, Tattenhall Wood Award 1809; W White, Staffordshire Directory (1834) pp.288 and 290; ShRO, D567/4/124, Nov. 1820.
- 9 B Hammond, 'Two Towns Enclosure', Economic History II (1931) 264-6; A G Parton, 'Parliamentary Enclosure in Nineteenth Century Surrey: Some Perspectives on the Evaluation of Land Potential', Agricultural History Review XXV (1985) 58, quoting act; F H W Sheppard, The Survey of London, XXVI (1956), 3; P Brandon, A History of Surrey (1977) pp.110-1.
- 10 See Table 18.
- 11 Tate and Turner, op cit, p.145; S Daniels, 'The Political Landscape' in G Carter et al, ed. Humphry Repton, Landscape Gardener 1752-1818 (1982) p.118.
- 12 D R Mills, Lord and Peasant in Nineteenth Century Britain (1980), pp.102, 106 and 129; C Bruyn Andrews, ed. J Byng, Torrington Diaries I (1934), 12/7/1781, 59; R Whitlock, Royal Farmers (1980) pp.94 and 104; J Loch, An Account of the improvements on the Marquess of Stafford's Estates (1820) p.204.
- 13 Parton, loc cit, 57.
- 14 P Norman, 'Bromley Common', Archaeologica Cantiana XXXIII (1918), 113-24; Kelly's Kent Directory (1890) p.98.
- 15 VCH Sussex VII (1940) 180; P F Brandon, 'The Enclosure of Keymer Commons', Sussex Notes and Queries; ShRO, Keymer Enclosure Award; see Tables 17 and 20.
- 16 C J Morgan, 'Demographic Change 1711-1911' p.54 and M Beresford, 'The Face of Leeds 1780-1914' in D Fraser, ed. A History of Modern Leeds (Manchester 1980) pp.100 and 102; D Ward, 'The Urban Plan of Leeds and factors which have conditioned its growth', MA, University of Leeds, 1960, pp.104 and 151-2.
- 17 VCH Cams. IX (1989) 6, 8 and 12; C Taylor, The Cambridgeshire Landscape (1973) pp.268-9; Cambridge Chronicle 9/11/1844, p.1, c.2.
- 18 3rd Rep. Nat. Incl. Commissioners (P P 1847-8 XXVI), 207.



TABLE 20 - RAILWAY DORMITORY TOWNS AND ENCLOSURES

The building of railways led to speculative house building around stations as in the case of Lord Hatherton as soon as Penkridge station opened on the Grand Junction Railway in 1837<sup>1</sup>. The siting of the G.J.R.'s Stafford station at Forebridge led to such rapid

population growth that a new church was required<sup>2</sup>. As railways often avoided town centres to reduce purchase costs, commons adjoining stations for such towns often became prime building sites.

Year	Place	Notes
1841	Whitmore Heath, Staffordshire	<p>The Grand Junction Railway between Birmingham and the Liverpool to Manchester line opened in 1837. It largely skirted urban areas to avoid high prices for building land and sited some stations on intersections with turnpikes. The station intended to serve the Potteries was on Whitmore Heath, 7 miles from Newcastle-under-Lyme on the Shrewsbury turnpike. Coaching companies tried to adapt by changing their function from long-distance travel to short-distance conveyance between Whitmore, the Potteries and Derby station. The station led the Lord of Whitmore, Captain Rowland Mainwaring, to obtain an act despite the opposition of the Offley Crewes whose park at Madeley adjoined the heath. Whitmore specified in the act that his allotment would include all the land around the railway and turnpike. The enclosure was paid for by sales and the advert stressed the land's potential for building; due to its situation near the road and station, its commanding situation and woodland views. Mainwaring purchased all these lots at about £30 per acre. At the same time an access road from Trentham - The Marquess of Stafford's home - was built and the Newcastle turnpike improved and made less visible from Whitmore Hall, Mainwaring's home. The Captain received 82% of the land but his speculation failed in the short term. Other lines were built to serve the Potteries and it was the motor car which turned Whitmore into a villa development with houses standing in one or two acres of land. The station is now closed<sup>3</sup>.</p>
1852	Hailsham, Sussex	<p>The lands enclosed comprised roadside wastes and a large common astride the railway west of Hailsham on the London to Eastbourne line. The station lay to the south. The price of lots varied between low agricultural prices to extremely high ones adjoining an inn. This early speculative act did aid Hailsham's growth as a dormitory town although somewhat distant from London<sup>4</sup>.</p>
1853	Clayton/Burgess Hill, Sussex	<p>The previous enclosure adjoining the turnpike in Keymer Manor failed to blossom until the opening of Burgess Hill station on the new London to Brighton line in 1841. The growth of the settlement in Keymer Manor led to the enclosure of the portion of Burgess Hill in Clayton Manor, as the land was suitable for building and was much in demand. Purchasers of sale plots fronting newly-made roads included four builders and an innkeeper who built the "Royal Oak". The settlement expanded rapidly<sup>5</sup>.</p>



TABLE 20 - RAILWAY DORMITORY TOWNS AND ENCLOSURES (Cont.)

Year	Place	Notes
1858	Haywards Heath, Sussex	Cuckfield Station was opened in 1841 on the London to Brighton line at Haywards Heath, three miles east. The growing demand for housing had led to building on adjoining old enclosed land. The Lord of the Manor, Sergison, obtained an estate act in 1853 to overcome entail restrictions about building leases. The heath lay immediately west of the station. In the enclosure sites were given for a church and a school. 20 acres of prime sites adjoining the station and main roads were sold to builders and tradesmen at £110 per acre. The largest portion (96 of the 137 acres remaining) was allotted to Sergison in a block running down the centre of the heath. The trustees used building leases with strong restrictive covenants about trade; by 1888 they also prevented the building of hospitals for contagious diseases. Thus the heath had many of the necessary requirements for a bourgeois dormitory town - a railway station, a school, a church, a dominant owner with a restrictive leasing policy and the basis of a road system <sup>6</sup> .
1859	Oathill, Sussex	This common in Wivelsfield Manor adjoined Haywards Heath and comprised largely roadside frontages. The plots sold at even higher prices. Some went towards the grounds of the Sussex lunatic asylum and others were used as the national commissioners predicted, "for building purposes" <sup>7</sup> .
1868	West Grinstead, Sussex	There were three commons - roadside wastes in Cowfold, Jousfield Common and Partridge Green (close to the station of the Brighton to Horsham line). The latter two were noted for their brickyards. The allotments were extremely small with prime plots north of the station reaching over £150 an acre. Purchasers included many professional men and merchants. The speculation was intended to aid West Grinstead's growth as a dormitory town <sup>8</sup> .
1873	Mexborough Stinted Pastures, West Riding	The national commissioners approved this scheme; once drained and embanked, the land would be more productive and "exceedingly valuable" building sites would be provided with good frontages near the railway station. The town's population of 4,300 would have been expanded by upper middle class commuters. The enclosure never took place due to concern about the loss of recreation land and because the public interest was not served <sup>9</sup> .

Footnotes

- 1 StRO D1178/1, Hatherton Journal 6/8/1837.
- 2 Staffs. Advertiser 16/1/1841.
- 3 J G Cavenagh-Mainwaring, 'The Mainwarings of Whitmore...' Collections for a History of Staffordshire (1933); Capt. Rowland Mainwaring's Diaries (in private collection at Whitmore Hall) 21, 23 and 25/5, 12/6/1841, 20/4/1842 and 20/11/1846. B Trinder, The Making of the Industrial Landscape (1982) p.136. R Christlansen, A Regional History of the Railways of Great Britain VII, The West Midlands (Newton Abbot 1983), 30-1; Staffs. Advertiser 24/4/1841, 5/3/1842 p.2 c.6, 26/3/1842; StRO Q/RDc 92, Whitmore Enclosure Act 1841, Award 1846; See Map 11; F Whistaw, The Railways of Great Britain and Ireland (1842) p.130.
- 4 WSRQ QDD/6/E7, Hallsham Enclosure Award, 1855.

- 5 A H Gregory, The Story of Burgess Hill (Haywards Heath 1933) p.14; Spec. Reps. Nat. Incl. Commissioners (P P 1852-3 XL) 662; WSRQ, Clayton Enclosure Award 1857; See Table 19, "Turnpike Suburbs" re Burgess Hill and Keymer.
- 6 W V Cooper, A History of the Parish of Cuckfield (Haywards Heath 1912) p.203; W K Ford and A G Gabe, The Metropolis of West Sussex, a History of Haywards Heath (Haywards Heath 1981) p.90; WSRQ Haywards Heath Enclosure Award 1862.
- 7 14th Rep. Nat. Incl. Commissioners (P P 1859 XII) 237; WSRQ Oathill Enclosure Award 1861.
- 8 Mrs. J Beck, West Grinstead Parish Industries (undated); WSRQ West Grinstead Enclosure Award 1872; Kelly's Sussex Directory (1882).
- 9 28th Rep. of Nat. Incl. Commissioners (P P 1873 XXI) 248.



TABLE 21 ENCLOSURE AND SPA TOWNS

In the earlier part of the era of parliamentary enclosure, spa towns were popular resorts amongst the wealthy; this led on some occasions to enclosures in the environs of such spas to secure the springs and the area around them. Sometimes the acts had wider motivations as well although care must be taken not to see a causal relationship.

with hindsight where none existed at the time as might have been the case at Leamington. In Europe, belief in health-giving benefits of spas has continued to the present day, but the advocacy of sea bathing in Britain led to the development of seaside resorts. The late enclosure of Llandrindod Wells is exceptional in this country.

Year	Place	Notes
1739	Tunbridge Wells, Kent	<p>The spa was on common land in Rusthall manor and was developed by the lord of the manor with visitors staying in adjoining villages. About 1676, Rusthall manor was bought by a London land speculator, Thomas Neale. He hired common rights for 50 years and made building leases for houses and shops on the common at the Pantiles. The court moved to Tunbridge around this time and so in 1678 the church of King Charles the Martyr was built. A church was essential to the growth of any town with social pretensions. The freeholders won a lawsuit about loss of common rights and received part of the estate. Once the leases were completed a new agreement was reached and embodied in the Rusthall Manor Act. This divided the estate and any rents from fairs or circuses on the open waste <math>\frac{2}{3}</math> between the Lord and 50 freeholders; it also safeguarded the walks from future encroachment. Thus it was in essence an enclosure act - the common land and its profits were divided and land was fenced off as private not communal property<sup>1</sup>.</p>
1767	Leamington Spa, Warks.	<p>In the eighteenth century 'Public attention was drawn frequently to the need for better bathing facilities' especially after Dr. Russell's treatise on its springs in 1765. A spa was known here since 1480 and there was growing interest only two years before its open fields and commons were enclosed in 1767. The site of the existing spa was allotted to the Lord of the Manor, the Earl of Aylesford, who refused to allow development so that the poor could keep their free access. The land enclosed was to be the site of the new spa town. The act gave freehold rights which allowed owners to sink wells for spas and also to build on their freehold. The first new spa was discovered and opened by Thomas Abbotts in 1786. The largest beneficiary by the act was the impropiator Matthew Wise, who received 472 acres; he opened a new spa in 1790 and a New Town began. Primary sources are apparently unavailable to prove or disprove any direct causal link between enclosure and the town's growth<sup>2</sup>.</p>
1770	Harrogate, W. Riding	<p>The spas in the Forest of Knaresborough were discovered in 1571 but development was slow. The Forest suffered large-scale encroachment which the Crown did little to prevent. Complaints grew about increasing poor rates, the idleness of encroachers and sheep rot. Visitors complained of the spa's environs being "a wild common, bare and bleak, without tree or shrub or the least signs of cultivation". Most visitors stayed at five separate inns in different parts of the common and so there was no community, although lodging houses and cottages were built on encroachments around the spas. To improve the community in 1749, a church was built by subscription for the visitors and a stipend paid for by taking in common land. Turnpike roads improved access and the Skipton road was turnpiked 'to coincide with the enclosure'. The animus to the act was the problem of encroachment, the Crown discovered 380 encroachments had been made between 1708 and 1766 with the largest and most valuable ones around the spa. With the Forest's potential for cultivation and the possibilities offered by developing Harrogate the Crown proposed enclosure. Most freeholders agreed to an act with 1/10 to the Crown who was empowered to make valuable building leases, all tithes exonerated and only encroachments above 40 years being allotted to occupiers as copyhold. Despite opposition from encroachers and some freeholders, the act was passed. The "Spa" interest gained a more pleasant environment to the spas, an increased food supply, new roads and a clause at committee setting out a 200-acre stinted pasture. The act's operation excluded the claims of householders to the benefit of landowners; however smaller owners brought their own shares into cultivation more rapidly than large owners due to high wages demanded by labourers. 600 of the Crown's 2,385 acres occupied the future borough of Harrogate and it quickly profited by its power to make building leases. Leading owners bought up enclosure lots, hoping to capitalize on the increasing demand for food at the spa. Stockdale, a local solicitor and</p>



TABLE 21 - ENCLOSURE AND SPA TOWNS (Cont.)

Year	Place	Notes
	Harrogate (Cont.)	<p>leading campaigner against the encroachers and for the enclosure, was a member of a land company, and he farmed and improved a large area of land. However large owners had to obtain amendment acts both to confirm exchanges and to allow mortgages effected after the award. Lord Loughborough tried to interest Young in buying 4,500 acres for £4,000 from another consortium; although Young drew up plans of 'making the black desert smile' and employing an 'industrious population' he accepted the secretaryship of the Board of Agriculture. Meanwhile Lord Loughborough led moves to enhance the spa by amending the enclosure act. He obtained acts in 1784 and 1789 to drain and plant the 200 acre stray and to enlarge the chapel. The hotels grew in number, a new theatre opened in 1788 and a race course laid out on the stray in 1793. The act was the key to the spa's growth; it improved its environment both generally and in the immediate vicinity; it increased the local food supply; it facilitated the controlled development of buildings by Crown building leases; and it improved road access to the area.</p>
1772	Buxton, Derbyshire	<p>Buxton's spa was well known but its 'jumbling stony roads' and 'melancholy situation' described in 1742, deterred visitors. Despite these problems, numbers of visitors grew and so too did the local demand for food. The Duke of Devonshire petitioned for enclosure in 1771 and 1772. The spa and the land adjoining were to be left open. The Duke was not the largest beneficiary by the 1774 award but by 1778 he determined on development. He bought many of the properties around the town and 'seized upon' according to Byng by John Carr who built the Crescent, with a hotel, town house, shops, library and assembly room. Other buildings were erected including new baths on a new site and St. John's Church. The timing and circumstances indicate a link between enclosure and development but there is a lack of primary evidence to confirm or deny this<sup>4</sup>.</p>
1780	Matlock Bath, Derbyshire	<p>Encroachments for baths and hotels on the common led to complaints from common right owners in 1727 to the lords of the manor for loss of pasturage. When the common was enclosed, a clause was added that 20+ year encroachments were to be copyhold with rents fixed by commissioners. This "was principally intended for securing the extensive premises which had been erected on the waste, at Matlock Bath, to the persons who erected them." The award betrayed several motives for the act. In Matlock Bath, large areas of encroachments around the baths are shown; land was allotted to the proprietors and were used for expansion. The proprietors of the Old Bath used their riverside allotments for a petrifying well and the Grand Pavillion was built there in the 1880s. The picturesque wooded hilltops like the Heights of Abraham were allotted by the award to Richard Arkwright. He received riparian allotments near Willesley Castle and Cromford Mill, for ornamental or business uses. He also received large allotments for farming on the extensive moors north of Matlock itself. By 1789 there were "considerable improvements" made by tillage after paring, burning and liming. Arkwright was concerned about supplying foodstuffs to his growing workforce at Cromford as shown by his establishing a new market there and offering prizes to stall holders. Thus the act had two main beneficiaries in different ways. The bath proprietors and local residents gained a picturesque environment whilst securing their encroachments and land for expansion; Arkwright gained control of land overlooking or adjoining his new mansion at Willesley which he made picturesque, thus also enhancing the environs of the baths whilst increasing food production to satisfy and profit from increasing local demand. Arkwright received 597 acres by the award<sup>5</sup>.</p>



TABLE 21 - ENCLOSURE AND SPA TOWNS (Cont.)

Year	Place	Notes
1801	Cheltenham, Gloucs.	Cheltenham's popularity increased during the late eighteenth century after George III's visit in 1788 and an Improvement Act in 1786. The population had risen gradually - 1712 1,500; 1781 2,000; 1801 3,076 in 710 houses. However Barrett and Millward and Robinson see the period immediately after 1801 as being crucial with a population of 13,000 in 1821 and 22,942 in 1831 with over 3,600 new houses built since the enclosure act; 270 new houses had been built between 1781 and 1801 and sellers were well aware of the building potential of land near Cheltenham. The Earl of Essex's estate and tithes were sold in 1799 and were 'divided into small Lots for... such persons as may be desirous of purchasing Land, or of building in and near the Town of Cheltenham'. He found his speculator in Joseph Pitt, a banker and solicitor, who purchased the inappropriate rectory estate for £11,470. He then obtained an enclosure act to convert his tithes and property to a freehold landed estate. Although he could not act as a commissioner, he was appointed surveyor of roads for the enclosure; he seems to have used his role to alter a road to inhibit a rival developer. Pitt's freehold purchases of Cambray and Church Meadows was from Lord Essex were laid out for lodging house development almost immediately. The latter development included the Royal Crescent. Development on newly-enclosed land had to await the award's execution in 1806, As Howes comments, 'It is clear that the intention of the enclosure was to free land for building'. The largest single development on newly-enclosed land was the speculative new spa and town of Pittville, intended to outshine Cheltenham. This land on the former marsh had been leased as the Tithe Farm, until Pitt adjudged the time ripe to develop in 1823. He invested over £40,000 in the development which never achieved his hopes with only 100 of the planned 600 houses built by 1830 as the rapid house building commented upon between 1821 and 1825 was 'now nearly at a stand' by 1826 to Cobbett's 'heartfelt satisfaction'. The failure contributed largely to Pitt leaving debts of over £150,000 in 1842.
1806	Bakewell, Derbyshire	The 5th Duke of Rutland was the largest proprietor and Lord of the Manor at Bakewell. His estates around his home at Belvoir had been improved and his debts largely cleared by his trustees during his minority in the 1790s. Even a critic accepted he was dutiful to his tenantry. He 'greatly improved' Bakewell by his 'munificent care'. In 1806 he obtained an enclosure act for 2,800 acres and as part of his tithe, manorial and common right allotments the act specified, he received land adjoining the River Wye. The rights to fish this stretch was granted only to visitors to his bath and the neighbouring inn. He re-established a chalybeate bath with a new bath house and a newsroom, and used 200 acres of his allotment for plantations. By the 1830s commentators remarked on how Bakewell's 'continued dreary waste' were converted from its desert barrenness to 'rich and romantic scenery' by the tasteful plantations of the Duke. This induced visitors to Buxton and Matlock to stay here. Rutland seems to have been motivated by aesthetic and paternalistic notions of improving the town in a broad scheme of improvement in which enclosure played a crucial role <sup>7</sup> .
1813	Wells, Wilts.	The enclosure award of 1815 covered mainly small roadside strips; allotments were very small and no single allottee received more than 20 acres. The spa was promoted at the same time but was short-lived - more research would be required to establish a definite linkage but the coincidence is noteworthy <sup>8</sup> .
1864	Llandrindod Wells, Radnor	When the enclosure of the commons was first proposed in 1812, it was believed that it 'would contribute much to the improvement of the vicinity of these celebrated medicinal springs; fences and open-drains, in proper directions, would render the air milder and more salubrious for invalids and others, by promoting the discharge of superfluous water; hay and corn would be more abundant' - an important consideration if the visitors were to be fed. But the resort's development really began 'around 1863 and was founded upon the coming of the railway and the enclosure of the local commons'. The town was to be built on the newly enclosed common, adjoining the railway and the wells. The act was obtained in 1862 and in 1867 visitors wrote of the line of allotments cut in the turf and the plan of the 'future city, with the elevation of



TABLE 21 - ENCLOSURE AND SPA TOWNS (Cont.)

Year	Place	Notes
	Llandrindod Wells (Cont.)	its crescents, its villas, its new church, its grand hotels, and boarding houses, etc., etc." This was three years before the award was executed and in 1868 allotments were already being resold as building allotments. The driving force behind the enclosure and development seems to have been R D Green Price, who got the railway brought to the springs and bought one of the largest estates in the area just before the enclosure was authorised; he set up baths and a pump room on his estate in the late 1860s and in the 1870s was a member of the Llandrindod Estate and Building Company. The town grew rapidly as other owners like Middleton Evans, who owned the existing Pump Room, also developed their estates. Evans wisely left two allotments near the Pump House, the premier hotel, as open space - a boggy area becoming a pool and the remainder a promenade and a golf course.

## Footnotes

- 1 A Savidge, Royal Tunbridge Wells (Tunbridge Wells) pp.42-55; W G Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963) pp.40-42; C Chalklin 'The making of some new towns c1600-1720', C Chalklin and M Havinden, Rural Change and Urban Growth 1500-1800 (1974) pp.233-4, 238-9 and 243-4; C and R Bell, City Fathers (1972) pp.122-3.
- 2 L F Cave, Royal Leamington Spa: Its History and Development (Chichester 1988) pp.4-12, 44-5 and quote from p.11; JHC XXXI, 10/12/1767, 466-7; Staffs. Advertiser 1/6, 8/6 and 15/6/1805, 9/9/1826; VCH Warks. VI (1965) p.155; W Field, An... Account... of Warwick and Leamington (Warwick 1815) pp.281-4.
- 3 J L and B Hammond, The Village Labourer 1760-1832 (1911) pp.64, 358-61. Bernard Jennings, ed. History of Harrogate and Knaresborough (1970) 213-62; 351-5. JHC XXXII, 8/2/1770, 675; 7/5/1770, 961; 8/5/1770, 965; XXXIV, 21/2/1774, 473-4; 25/3/1774, 592-3; 14/4/1774, 636; 15/4/1774, 647; 20/4/1774, 659-60; XXXIX, Feb. 1783, 191-2; 18/2/1784, 931; XLIV, 10/3/1789, 152; 28/3/1789, 839-40. G Rennie etc., A General View of Yorkshire (1794) p.76; W Marshall, Rural Economy of Yorkshire I (1796) 182-3; M Calvert, History of Knaresborough (Knaresborough 1844), p.79; T Smollett, Humphry Clinker (1770) 212-3; Annals of Agriculture XXVII (1706) 291-306; John G. Gazley, The Life of Arthur Young 1741-1820 (Philadelphia 1973) 311-12 and 430; C and R Bell, City Fathers, The Early History of Town Planning in Britain (Harmondsworth 1972) pp.119-20; D Hey, Yorkshire from AD 1000 (1986) p.186.
- 4 JHC XXXIII 23/1/1771, 82-3; 11/12/1772, 466 and 13/3/1772, 586; E Hughes, North Country Life in the 18th C.: the North East 1700-1750 (1952) p.401; J Leach, The Book of Buxton (Buckingham 1987) pp.54-5 and 76-8; DRO Q/RI 1 Buxton Award; C Bruyn Andrews, ed. John Byng, Torrington Diaries II (1935) 11 and 16/6/1790, 167 and 186.
- 5 B Bryan, A History of Matlock (1903) pp.30-2; S D Chapman, The Early Factory Masters (Newton Abbot 1967) pp.135, 156-66; J Farey, A General View of Derbyshire II (1813) 3-4; DRO Q/RI 115; C Bruyn Andrews, op cit, II, 251-2; J Pilkington, A View of the Present State of Derbyshire I (Derby 1789) 298.
- 6 G Hart, A History of Cheltenham (1965) pp.150-8, 178-9 and 184-5; H P R Finberg, The Gloucestershire Landscape (1975) p.102; Aris Gazette 8/7/1799 p.4 c.2; S Blake and R Beacham, The Book of Cheltenham (Buckingham 1982) 34-5, 45, 59, 70-1 and 77; Cheltenham Public Library - Cheltenham Enclosure Act 1801; R Millward and A Robinson, The West Midlands (1971) p.62; John Barrett, 'Spas and Seaside Resorts 1660-1780', Open University, The Rise of Urban Society IV Unit 14, 54, 58 and 65; M Aston and J Bond, The Landscape of Towns (1976) pp.146 and 160; R Howes, 'The Rise and Fall of Joseph Pitt', Gloucestershire Historical Studies VIII (1977) 62-72, quote from 64; Hereford Journal 31/10/1821 and 12/1/1825; HRO B4.7/534, correspondence re Cheltenham, Henney to Rev S Hinckes 1823-5; William Cobbett, Rural Rides II (1930) 127-8, Sept. 1826; S Blake, Pittville 1824-1860 (Cheltenham 1988).
- 7 Table 14; H Reeve, ed. The Greville Memoirs IV (1898) 45, 4/1/1858; S Glover, Derbyshire Directory (Derby, 1833) 967; Pigot, Derbyshire Directory (1835) pp.16-17; DRO, Bakewell Enclosure Act.
- 8 VCH Wilts. VII (1953) 113; M Aston and J Bond, The Landscape of Towns (1976) p.148; Lewis's Topographical Dictionary of England III (1848) 285.
- 9 W Davies, General View of the Agriculture of South Wales II (1815) 74; see Chapter 2 re the miasm theory of disease which enclosure was supposed to prevent; I E Jones, 'The Swydd Neithon Enclosure and the Development of Llandrindod Wells', Radnorshire Society Transactions XLIII (1973) 24-33.



TABLE 22 - ENCLOSURES AND SEASIDE RESORTS

By the mid-eighteenth century, sea bathing began to replace taking the waters at spas as medical fashions changed. Sandy seaside commons became valuable for bathing, as at Rhyl, and common pastures on cliffs became desirable for high-class developments with good views and picturesque potential, as at Bournemouth. In the 1820s building boom, speculators attempted to capitalize on their allotments at Brighton and the spa town of Pittville; but often the speculators flooded the market and lost money by their over-ambition. The following is not intended as a comprehensive list of such enclosures but to illustrate trends.

Year	Place	Notes
1794	Abergele, Denbigh and Flint	A succession of acts led to the drainage of the marshy Morfa Rhuddlan at the coastal end of the Vale of Clwyd. The River Gelys was diverted and embanked which rendered land north of the old town safe from flooding and fit for settlement. Much of this land was sold under the act but remained in agricultural use until Dundonald Avenue was opened up. Stuart believes the act may have been obtained partly in hope of the town's growth as a bathing resort; if so, the speculation failed in the short term. The acts may also be linked with the development of Rhyl as a holiday resort and they attempted to open up the lower Vale of Clwyd as an arable area and develop Rhuddlan as a grain-exporting port. The drainage also improved the harbour and three times before 1807 a canal was planned from Ruthin through the Vale to Rhuddlan bridge to develop the port and hinterland <sup>1</sup> .
1802	Bournemouth, Hants.	The area was a barren heath, unsuited for agriculture. Under the Christchurch Inclosure Act the land was enclosed and at least 200 acres on the East Cliff allotted the Lord of the Manor, Tapps, were used for sylviculture for profit and probably for aesthetic reasons. Its long-term potential as a holiday resort was also appreciated as Tapps received much of the sea front. It was the romantic and healthy qualities of sea, trees, cliffs, streams and temperate weather which led Captain Tregonwell in 1810 to buy 40 acres from Tapps. He built a mansion in a picturesque park with an inn and cottages for bathers. Sir George Tapps Gervis inherited the Tapps' estate in 1835 and judged the time ripe for a planned marine village with a hotel, library, baths and £500+ villas. The benefits of the planning now bore fruit as Bournemouth's chief attraction was always its supposed health-giving mixture of sea and pine <sup>2</sup> .
1805	Worthing, Sussex	Worthing had begun to grow as a seaside resort from about 1789, and there was very rapid growth between 1798 and 1812. Under the Broadwater Enclosure Act the common fields along the coast were enclosed. There was no dominant owner or speculator but the act was probably motivated to secure freehold with potential for buildings, gardens, accommodation land which would command high prices in the vicinity of the growing resort. Without a dominant influence, development over the various owners' lots was haphazard with houses blocking others' sea views and the town still lacks a recognisable focus. As enclosure lots, the owners appreciated the need for improvement. An improvement act was obtained, wider roads were built and an impressive new chapel erected. By 1818 there were libraries, a theatre and royal patronage; however sanitation and access problems retarded development after 1815 <sup>3</sup> .

\* Denotes enclosure by agreement without a separate act.



TABLE 22 - ENCLOSURES AND SEASIDE RESORTS (Cont.)

Year	Place	Notes
1810	Weston-super-Mare, Somerset	<p>The absentee lord of this small village, John Pigott, took no interest in this developing bathing resort. In 1808 he sold several auster tenements [= tofts or ancient messuages enjoying common rights] to Richard Parsley (his steward) and William Cox (a tenant) for a perpetual ground rent. This parallels certain types of building lease. These two men promoted the act. The lord secured his allotment on a hill which he and his successor planted as a game reserve. Just over 50 acres on the seafront were sold to defray costs and some plots reached £150 per acre. They were advertised as suitable for houses whose sea view could not be interrupted and some had spring water. They were soon built over with lodging houses and hotels. Parsley and Cox were partners of Capell (who bought 36 acres of plots) and Fry in the first hotel here in 1814. The town grew from 30 houses in 1815 to 250 in 1829 (of which 150 were lodging houses). In 1824 the church was rebuilt. Parsley used his allotment for a home, Whitecross Lodge, and the sandy portions to grow teasles for the Yorkshire woollen trade.<sup>4</sup></p>
1822	Brighton, Sussex	<p>Brighton's expansion was very closely linked to building on common land. The town centre's narrow streets and small properties resulted from building on open tenantry laines or open field strips. The Staine, a common for fishermen to dry nets, was enclosed as a walk and part added to the Royal Pavilion's grounds. In 1822, its downs were enclosed by agreement with the Lord, Kemp, securing the best portions running from the race course to the sea. He promised to allow access to the race course which was improved and a new grandstand built. This and Nash's improvements to the Pavilion in 1823 increased the resort's fashionable popularity. Kemp had plans to develop his allotment and freehold land as "THE AUXILIARY TOWN" rather like the contemporary Pittville in Cheltenham. The 610 acres which remained undeveloped at his death in 1842, included "nearly ALL THE UNCOVERED FREEHOLD LAND IN THE WHOLE PARISH OF BRIGHTON by which the original plan of increasing this Town can alone be carried out and thus consummate the Herculean task which the vast mind of the Proprietor originally aspired at". Kemp, a debt-driven developer, began by developing part of Blackrock Down Farm as a high status detached suburb called Kemp Town. His suburb was slow to develop and so his other ambitious plans had to be shelved and he died a ruined man.<sup>5</sup></p>
1836	Rhyl Marsh, Flint	<p>★ This 200-acre coastal marsh lay between the Clwyd and the small existing resort. The common right owners recognised from 1831 its potential value for building or accommodation land if it were drained and allotted. In 1836 they formed a committee and enclosed by agreement to avoid the "expence of an Act of Parliament". They bought out the Crown's manorial rights at £5 per acre, built drains, culverts and roads and allowed squatters to rebuild cottages away from the coast, paying compensation. 75 acres of plots were sold at auction for £3,766.45 or £49.74 per acre - rates varied according to position. This left 96 acres to allot including one acre as a market place. The award was executed in 1842 and the committee's remaining funds and control over roads were passed over to the newly created Rhyl Improvement Commissioners in 1853. The 1842 map shows the Chester-Holyhead Railway which accelerated the resort's growth. Anticipation of the railway may have occasioned the agreement of 1836. Without a single owner, development (after the basic infrastructure of roads and drainage was laid) was by individuals and without controls through building leases. Rhyl developed as a more "popular" resort than Llandudno, which had more social pretensions.<sup>6</sup></p>



TABLE 22 - ENCLOSURES AND SEASIDE RESORTS (Cont.)

Year	Place	Notes
1842	Clee, Lincolnshire	Clee was a small fishing hamlet with a few visitors and boggy grassland running up the coast to Grimsby. However there was some high ground near the sea with good views and a large hotel was built upon it in 1821. After three attempts since 1811 to enclose an act was obtained in 1842 at a cost of £1,089. Already in 1826 there was one hotel and some cottage lodgings. The lord and second largest owner, Sidney Sussex, Cambridge, was one of the poorest colleges and seems to have been persuaded by Daubney, a Grimsby solicitor, to enclose for the land's potential value. The local paper hoped that the commissioner would remember "the comforts of the visitors" by laying out the sea front to its best advantage which would repay the expense by increasing the number of visitors. 2½ acres on the sea front by the village was set out for recreation. The largest proprietor, Richard Thorold, used his 866-acre allotment to form an estate based on the ancient Clee Hall, rebuilt as a large farmhouse in 1844. Sidney Sussex started to make 99-year leases in the 1850s and in the 10 years after the 1846 award, 100 new houses were built. The rapid growth of the 1870s had to await the replacement of omnibuses by a railway service, but the enclosure was obtained in the era of "railway mania". Anticipation of a line may have encouraged development. Grimsby itself spread over the newly enclosed lands to form New Clee from the 1850s.7
1843	Llandudno, Caernarfon	The example par excellence of enclosure facilitating the growth of a seaside resort. Despite its natural advantages - a broad, sheltered sandy bay - its remoteness and the severe debt problems of Sir Thomas Mostyn Champneys limited development to a small number of bathers in the 1830s. The village remained a copper mining and fishing village around Great Orme Head until E M L Mostyn inherited the Gloddath estate in 1845. Although others tried to claim the credit for Llandudno's development, the timing and sequence of events confirms Carter's opinion that the primary decision to develop was Mostyn's whilst secondary decisions were left to entrepreneurs. Just before his inheritance, an enclosure act for Eglwys Rhos parish was obtained and in 1844 the estate constructed an approach road, aided by public subscription. Mostyn "behaved in a most rascally manner in regard to borrowing money" and freed the estate from encumbrances by doubtful methods to facilitate sales. The estate obtained 851 acres of the 955 allotted in 1848 and the award shows virtually all of the coast as being received by Mostyn. He acquired the two other seaside allotments by 1849. He may have bought them earlier; he bought the Lord of the Manor's allotment in 1845 although this was not recorded in the award. Encroachers' cottages were removed amicably and in 1849 the most sheltered area was offered for sale on 75 year building leases with very strict and precise covenants. The grid iron pattern has remained and its growth was aided by the arrival of a branch railway and an Improvement Act obtained by the speculators in 1854.8
1847	East Coatham, North Riding	The railway station for Redcar was built here in 1846 and "in consequence of a railroad being made, a much greater accommodation is required for those who resort to Red Car for sea-bathing, from Durham and the North riding of York; and the land being barren, is of greater value for building than any other purpose". The prize movers were the estate agents of the Lady of the Manor and principal owner, Miss Teresa Newcoven of Kirkleatham Hall. The estate also founded Christ Church in 1854, essential in those days when building a community which aspired to respectability. By 1893 there were "many well built houses" commanding picturesque views and the population had expanded after a slow start: 1871 1,553; 1881 3,898.9



TABLE 22 - ENCLOSURES AND SEASIDE RESORTS (Cont.)

Year	Place	Notes
1880	Lizard Common, Cornwall	The enclosure was first proposed in 1870 when some of the land was to be converted to arable "but a principal object is the allotment of land in severalty, in order that it may be applied for building sites for houses, being greatly required in this part, which at certain seasons is much frequented by visitors who are attracted by the coast scenery". Between 1870-6 no enclosures were approved by parliament and the new Commons Act 1876 demanded greater public interest be served in any enclosure. Therefore in the 1880 enclosure 70 acres of natural beauty were preserved at Kynance Cove. The enclosure was also approved as "a strong representation" was made that due to decline in local mining industry, alternative employment was needed in building labourers' houses and farming. This would stop the rise of the poor rates by reducing claimants and by increasing the value of the property to be assessed. <sup>10</sup>

Footnotes

- 1 A Stuart, 'The Growth and Morphology of coastal towns in north-eastern Wales', MA University of Wales, Aberystwyth, 1959, pp.54-5, 208-24 and 255 based on J R Ellis, The History of Abergele and District (Abergele 1948) p.9; A H Dodd, 'The Enclosure Movement in N. Wales', Bulletin of Celtic Studies III (1926), 222, and The Industrial Revolution in N. Wales (Cardiff 1951) pp.83, 86, 101 and 122; W Davies, A General View of the Agriculture of N. Wales (1813) 140, 261-2, 273, 384-5 and 389; Lewis, Topographical Dictionary of Wales II (1848) 357-8.
- 2 D Sherry, 'Bournemouth - A Study of a Holiday Town', Local Historian X (1972) 128-9; D S Young, The Story of Bournemouth (1957) pp.26-42; E Roberts, 'Leasehold Estates and Municipal Enterprise, Landowners, Local Government and the Development of Bournemouth c 1850 to 1914', in D Cannadine, ed. Patricians, Power and Politics in Nineteenth-Century Towns (Leicester 1982) pp.176-7, 182-3 and 196; C and R Bell, City Fathers; the Early History of Town Planning in Britain (Harmondsworth 1972) pp.137-8; W Stevenson, General View of the Agriculture of Dorset (1812) pp.173 and 327; Keyrick Estate Office, Hinton Admiral, Hants.; Table 17.
- 3 P Brandon, The Sussex Landscape (1974) pp.242-4; Worthing Town Hall, Worthing Enclosure Award Map; Morning Herald 1/9/1818; VCH Sussex VI 1 (1980), 98, 109-10.
- 4 P Beisly, Weston-super-Mare. A History and Guide (Gloucester 1988) pp.26-9 and 35.
- 5 Map 8, Brighton Enclosure Award; E W Gilbert, Brighton, Old Ocean's Bauble (1954) pp.48-50; VCH Sussex VII (1940) 248-50; Shropshire Conservative 1/1/1842 p.1 c.o; Brighton Public Library, Kemp Deeds 1 & 2 (Brighton Enclosure agreement); M Aston and J Bond, The Landscape of Towns (1976) pp.150-1.

- 6 A G Vesey, ed. Guide to Flintshire Record Office (Flint 1974), p.36; Flintshire RO, AC/194 Rhyl Marsh Enclosure Committee Minute Book 1831-1853; DC 240-5 Plans of Rhyl Common including 242 Enclosure Award Schedule; A Stuart, 'The Growth and Morphology of coastal towns in N Eastern Wales', MA University of Wales, Aberystwyth, 1959, pp.53, 135 and 208-224; Lewis, Topographical Dictionary of Wales II (1848), 360; Eddowes Journal 3/10/1838 and Table 17.
- 7 N R Wright, Lincolnshire Towns and Industry 1700-1914 (Lincoln 1982), pp.64, 88, 91, 180, 188, 196-7, 225, 228-9, 231 and 249-50; White, Lincolnshire Directory (1856) pp.556-7; Lewis, Topographical Dictionary of England I (1835) unpaginated, I (1848), 627; S.C.on Commons Inclosure (P P 1844, V) Evidence of Higgins, QQ1371-6 and Daubney QQ6249-58 and 6318-25; C R Bell, City Fathers, The Early History of Town Planning in Britain (Harmondsworth 1972) p.145; E and R C Russell, Landscape Changes in S Humberside (Hull 1982) pp.72-4.
- 8 A Stuart, op cit; Gwynedd CRO, Caernarfon, Eglwys Rhos Enclosure Award (1848); Shrewsbury Chronicle 29/6/1849, p.4 c.6; Plume, thesis, pp.163-o, 171 and 190; Gwnodl, Llandudno, its origins, rise and progress (1865); (Bangor) Mostyn MSS 1160; A R Hughes, 'A Century of Development at Llandudno', North Wales Weekly News 26/8/1943; Lewis, Topographical Dictionary of Wales I (1842) unpag.; Eddowes Journal, 5/12/1838, p.3 c.4; V J Walsh, 'The Diary of a Country Gentleman, Sir Baldwin Leighton (1805-71)', Transactions of the Shropshire Archaeological Society LIX (1969-74) 144-5; T H Carter and W K D Davies, Urban Essays: Studies in the Geography of Wales (1970) pp.72-5.
- 9 2nd Rep. (P P 1847 XXXIII), 313; Kelly's North and East Ridings (1893) p.54.
- 10 25th Rep. (P P 1870 XVII) 313, and quoted in West Briton 12/3/1872; Spec. Rep. (P P 1880 XVIII) 503-24.



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS

1. Water Power and Industrial Sites

Many commons and wastes acts in hilly industrial areas involved the allotment of sites for water mills to the owner of the riparian rights, who was usually the Lord of the Manor. They also facilitated the building of reservoirs to ensure continuity of supply to both iron and textile mills. Although steam power increasingly replaced water power during the 1800s, as late as 1849 such motives remained important.

2. Enclosure and Dual Occupation

In many areas of commons and wastes, due either to natural resources like iron ore, timber and later coal, or the keeping of sheep and cattle, or simply, as in Lancashire, their position in Liverpool's hinterland, the main port for cotton imports, domestic industries developed. These began with squatters and peasants who took up domestic work as a by-industry (over 3 of labourers had by-employments in the 1500s and 1600s) but the role of smallholding declined as the amount of common land available for encroachment decreased and the economic importance of their trade increased. This work was often seasonal - as late as 1747 the production of Sheffield nailers decreased at harvest time. The role of enclosure in such cases varied. In the weald, deforestation meant that the squatter iron industry declined before the age of enclosure and acts were rare in the area probably as a result. Common right owners were concerned about such encroachments harming their grazing rights and about the rising poor rates. As the pro- enclosure Vicar of Naseby noted, poor rates rose as rapidly in new enclosed townships as in old enclosed places and poor rates were always "high in every place where manufactories are carried on". When no other means could be found to effectively stop encroachment, the owners petitioned for an expensive enclosure act - neither to clear the squatters nor even to change to arable farming in many cases - but to obtain some recompense for their fast-diminishing rights. Both they and the commissioners tried to raise funds for different reasons by sale of suitable plots for dual occupation. Freeholders simply had a profit motive; the commissioners needed to find means of funding the enclosure. This occurred in areas not directly involved with domestic industry as in the case of 50 acres near Shipston on Stour sold in c 1-acre plots.

Lords of the Manor generally encouraged such encroachments, as they profited both by fines from encroachments and by rents from merchants, mill owners and tenants of all their local properties whose value appreciated due to industrial development. As at Bamford in 1782 they advertised for weavers to settle by offering "cow keepings" of 4 acres abandoned apparently by former leadmining squatters. Establishing freehold ownership of such encroachments was economically tempting for them and led to riots and the growth of radicalism around Sheffield. Other lords and freeholders as in the East Midlands largely prevented such encroachments, so industrial development post-dates enclosure when industrialists or domestic manufacturers themselves, aided by building

clubs, could buy freehold plots released by the act. Enclosure has been held occasionally to have harmed domestic industry, as at Ticknall whose enclosure supposedly prevented the mining of clay for the domestic pottery industry; but if the economic forces were suitable, leases to mine the clay would have been made. The growth of a more efficient industry in the Potteries led to this industry's decline<sup>1</sup>.

2a Lancashire Squatters and Bleaching

There was less encroachment by textile workers here than in the larger and longer-established W Riding woollen areas or even in the Pennine foot hills of N.E. Cheshire. The cotton industry's rapid growth after 1750 was due to increasing imports of raw cotton and the introduction of spinning factories and so only handloom weavers wanted new land for dual occupation; the growth of steam weaving factories after 1800 ended this demand. In 1787, most of Farnworth's farms were small and occupied by weavers to depasture 2 or 3 cows. Interest in new enclosures came mainly from factory owners either for bleaching crofts (before chemical bleaching), factories and housing or for growing crops to feed the expanding workforce<sup>2</sup>.

2b. West Riding Woollen Industry

This trade had been based on the domestic system with many encroachments dating from the 1500s; there were 500 squatters on Halifax's commons in 1555. Already as at Slaiburn, owners petitioned for a partial enclosure as its old enclosures were inadequate to feed its increasing population; but other considerations were to favour enclosures by the late 1700s. The pace of encroachment in villages around Leeds after the 1750s increased due to the growth of the woollen industry and the driving out of many hundreds of Leeds clothiers who "found new habitations where rents were cheaper". They needed land to tenter cloth and pasture their packhorses; only wealthier ones had enough land to farm also. This pressure led to rising prices for encroachments and old enclosures. Early acts aimed to provide more sites for dual occupation; freeholders favoured them to a system of encroachment which only produced revenue directly to the Lord. Eighteenth century agents like John Hardy favoured enclosures whilst converting corn mills to woollen manufacture and altering farmhouses to accommodate looms to encourage domestic industry. His master, Spencer Stanhope, thought in 1806 that "If the factory system were to root out that of the domestic clothiers... my Horseforth estate would not be worth having" due to the enormous poor rates. Later enclosures tended to be more capitalist in orientation; they provided freehold sites for terraced houses and mansions whilst releasing the land for large scale capitalist farming to meet the demands of the growing wage-dependent population. Contemporaries expressed concern about the emphasis on investment in industry rather than enclosure in the West Riding; its 265,000 acres of wastes "call loudly for improvement by the PLOUGH and the SPADE" if not we would "FIGHT and WEAVE and HAUTE till we have not bread to eat"<sup>3</sup>.



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

2c. South Yorkshire Metal Trades

In the coal and iron manufacturing areas, acts again were important in providing sites for housing once industry had grown as at Silkstone Common and Masborough. Where sites were obtained by encroachment, acts allowed Lords to seize them which led to major riots at Sheffield.

2d. East Midland Hosiery Industry

This industry focussed on villages which adjoined Nottingham where land was available for dual occupation due to early enclosure. The continuance of Nottingham's open fields stopped its own growth. There was little encroachment, due to the strong manorial controls and the growth of stocking machines and lacemaking factories mainly post-date enclosure<sup>4</sup>.

2e. Coventry Ribbon Making

This domestic industry also focussed on villages around the city which could not expand over its common fields. This put pressure on the village's commons which were subject to encroachment. Enclosure here, as in North East Worcestershire changed the nature of the domestic industry. New housing had increasingly less land and the dependence on the domestic industry increased correspondingly.

2f. Black Country Small Metal Trades

Small metal trades date from the middle ages but their rapid growth coincides with a 300% population increase between 1560 and 1660. "Cottages sprawled across the heathland to form the townships of Coseley and Ettingshall". The wastes of Darlaston and Kingswinford were also covered with cottages. The extent of such encroachments meant that only the remnants of the most extensive and unsuitable commons remained to be enclosed by the age of parliamentary enclosure. Local specialization (e.g. lockmaking in Willenhall and saddlery in Walsall) increased but nailmaking was ubiquitous. This industry developed by cottage encroachments from the 1500s and social relations between nailers and peasants were close. By 1696 Baxter noted that woods and commons around Dudley were 'a continued village' of 'nailers, scithe-smiths and other Iron Labourers'. During the American Wars there were economic problems which seriously concerned locals like Boulton, who estimated that there were about 10,000 nailers in the area. In 1799 there were estimated to be 40,000 nailers locally; by 1861 this had fallen to 16,000 due to the growth of machine made nails. Court believes that by the 1600s nailers depended more on their trade than smallholding although pig keeping remained common amongst the Black Country working classes in the late 1800s and he quotes a 1743 advert of an 18-acre farm plus common rights which included a nail shop. Chain making in small workshops replaced nailing as the staple industry in the later 1800s. Both squatter colonies like Rushroom Green and later largely post-enclosure settlements as at Cradley Heath and Brierley Hill grew in this area<sup>5</sup>.

2g. North East Worcestershire Small Metal Trades

Around Bromsgrove - a nail making area - and Redditch - a needle making area - industrial encroachments were also common. From the 1660s, the freeholders opposed the growth of these squatter colonies with little success and overstocking of sheep became a problem. Therefore, as at Lickey, they tried to remove the squatters and prevent further encroachments. The acts here, as at Oldswinford and Worfe Forest, led to the decline of the local woollen and glove making industries as freeholders converted their pasture to arable to profit from the growing demand for food. The acts were largely motivated by the desire to get an equivalent for the freeholders' rights and not to prevent the industry's growth. Freeholders sold or leased suitably sized plots to domestic manufacturers. The commissioners designed sale lots to sell to domestic manufacturers near existing encroachments. Later acts gave smaller plots for occupation as the emphasis on smallholding declined. By the nineteenth century, so little common land remained that the land was used for building rows of houses rather than separate cottage smallholdings<sup>6</sup>.

3. Industrial Development as part of General Economic Development - Cannock Chase Industrial Development and Enclosure

The area of Walsall Foreign which extended into the southern part of Cannock Chase was noted from the 1700s for nailmaking. During the American Wars, Barker believed that the nailers were more numerous here than in South Staffs. or near Newcastle and pleaded that some extra government orders for nails should go to the local Wichnor company. The trade declined in the 1800s and so did not put pressure on the generally extensive commons and wastes in the area. The main factor in the local enclosures was the development of mining after 1850. However local industrial development was connected to enclosure and wider plans of improvement in the unusual case of Brownhills<sup>7</sup>.

4. Enclosure to Fund Industrial Development

Several towns were concerned to use their commons to provide employment for their growing number of poor - either in cultivating the commons or in funding or supporting local industry sometimes through the mechanism of a workhouse. Most of these acts are dealt with in Chapter 5 but the Great Torrington act was specifically designed to aid an industry.



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
<u>1. Water Power and Industrial Sites</u>		
1782	Honley, West Riding	The petition said an act would provide inclosed sites for woollen manufacturers; an act was needed due to the small owners' opposition who used more than their share of the commons. This coincided with Lord Dartmouth (the major owner and Lord of the Manor) building 23 scribbling (carding) and cotton mills between 1779 and 1805 and building reservoirs to maintain supply. This cost him several thousand pounds and the act was part of a coherent policy of development. The act gave a secure title for the mills and allowed reservoirs to be built. The domestic weaving industry was also aided by enclosure. Masters used allotments to keep horses in this hilly area for transporting cloth to market. In 1806 the Honley masters petitioned to protect the domestic system by restricting a manufacturer to 5 looms and 160 jenny spindles <sup>8</sup> .
1813	Cockermouth, Cumberland	This provided industrial sites adjoining the town and the river as well as bringing employment in agricultural improvement. The 1791 East Retford proposal was actuated by the belief that factory sites were wanted alongside the canal, encouraged by the nearby Revolution Mill <sup>9</sup> .
1815	Wadsley, West Riding	The 150-acre Wisewood Common was enclosed, which included many cottages, buildings and gardens. Those built before 1809 and for which rents were paid were allotted to the Lords. The remainder of their 1/18 was to be taken where it will be "most advantageous for the Messuages, Lands, Tilts, Wheels, Works and Hereditaments". Water courses could be altered if it did not harm anyone's mills, wheels or foundries. Wadsley was in the nailmaking parish of Ecclesfield <sup>10</sup> .
1849	Keighley, West Riding	Much of Oakworth Common was enclosed "for building purposes" and to allow the owners "at small expense to convert the natural ravines into reservoirs, to supply the mill with water power in summer, which is much wanted; it will also prevent the recurrence of encroachments by parties having no interest and afford useful and productive labour to the unemployed population" <sup>11</sup> .
<u>2. Enclosure and Dual Occupation</u>		
<u>2a Lancashire Squatters and Bleachers</u>		
1792	Bolton	The act allowed the colonization and settlement of Bolton Moor by creating trustees to control the sale or letting of plots, applying the profits to the uses of an Improvement Act. Previous development had largely been on freehold land but there is evidence of encroachment in the area and the clay was useful for bricks. Some of the land was used for building immediately but other land went through an interim period of cultivation for potatoes, oats and pasture <sup>12</sup> .
1795	Edgeworth	As in the nearby mining area of Worsley, owners saw both the need to feed the increasing workforce and the potential profits available from farming the commons. The owners were slow to cultivate their allotments until Fogg, a Bolton manufacturer, improved over 50 acres (1/2) of the moor as a meadow with potato plots (potatoes were very expensive locally) and a plantation. Fogg accepted the Society of Art's medal rather than a prize, to stimulate his neighbours. This shows that another motivation for farming wastes could be status and intellectual satisfaction, as was probably the case with Lords Bridgewater and Dudley <sup>13</sup> .
1796	Farnworth	The moor contained some encroachments by miners and handloom weavers. The major owners, The Duke of Bridgewater's trustees, were prevented by entail from making building leases. In 1827 Barnes persuaded Bradshaw to obtain an estate act and leased some of the common for a steam spinning mill. The estate laid out wide streets and set out plots to allow good buildings. After a slow start, by 1864 the population rapidly increased <sup>14</sup> .



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
1802	Oldham	Many of its suburbs began as squatter settlements; by 1793 many scattered houses had encroached on Greenacres Moor due to the early success of the cotton industry; but by 1804, the act had led to so rapid a growth that it occupied $\frac{1}{3}$ of the whole town. John Lees (a factory owner) received 135 encroachments in his $\frac{1}{14}$ manorial allotment; he then sold them off. The act provided industrial and housing sites which had been rapidly built upon by 1817. The increasing value of the new enclosures is indicated by the 1826 amendment act selling the workhouse allotment on building leases <sup>15</sup> .
1812	Tonge	This was one of several acts around Bolton closely linked with industrial development which provided building land for owners and employees. Bleachsters needed large areas of land to bleach the cotton cloth until the 1800s when chemical bleaching was introduced. In West Yorkshire, tentering and bleaching were allowed on open commons. At Tonge, several sale lots were bought by Hardcastle (a cotton manufacturer) and Thomas Morris, a whitster. Hardcastle also bought Firwood House from the Starkie-family in 1815. A white lead works was also shown on the award. There was also some encroachment, shown by a 4-acre allotment to provide Torge Moor with a school <sup>16</sup> .
1815	Horwich	Early factory based chemical bleachers were also interested in acquiring common land, like Joseph Ridgway in 1818 who bought "a large portion of Horwich Moor" to defray expenses; why is unclear. Certainly there was a bleaching croft on the moor at the time <sup>17</sup> .
2b. West Riding Woollen Industry		
1789	Bramley	Concern about their disappearing commons and opportunities to profit by leasing or selling allotments to clothiers led to pressure from freeholders to enclose; the first bill failed in 1788 but an act was obtained in 1789. The population increased $\frac{1}{9}$ between 1795 and 1801 and an allotment was offered on a lease of over 800 years (a common practice in a building lease) with a dwelling and an acre in 1798, a year before the award. By 1806, Cooke spoke of the "improvements" by housing achieved by Bramley Common's enclosure. It is notable that such development should be described as "improvements" and shows again that the word did not only apply to agriculture <sup>18</sup> .
1793	Armley	Again this act was motivated by the demand for land by clothiers and the freeholders' fears. Opponents feared the loss of the common for tenters and frames to stretch and dry cloth would increase the poor rates and costs for such a small area (160-175 acres) and would leave little profit for owners. The opposition led to the provision of $8\frac{1}{2}$ acres for cottagers for Tentering; no buildings were allowed within 20 yards south or west of it. Two acres were given for a poor house, school house and a school master. Opposition continued with the pulling down of fences. However the Tenter Ground rendered nearby land "truly desirable for Clothiers or Manufacturers". James Graham had started creating smallholdings for clothiers in 1795 when he divided his local farms into 5 to 10 acre plots with houses. He believed the same was happening on Armley's new enclosures. However terraces were now being erected. Since the 1795 award, Armley had "improved considerably" with many good houses for clothiers but many others now worked in mills. Already building encroachments by Joseph Acroyd and probably Stephen Todd were excluded for the 20 year rule about encroachments. Arthur Young noted in 1793 that Gott and other factory owners were building houses for their workers; he wondered if dual occupation was wasteful as two days were lost in going to markets and a horse was needed. Graham thought that Armley and its inhabitants had improved with better cleaner houses with more land, a Sunday school and lower poor rates. The houses had "been carried in some measure from the town into the fields, and three or four acres laid to each manufacturer's house" since 1795. However a local man said that of the many new houses only 7 or 8 were in the fields, despite Graham's claim of three times this



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
1793	Armley (cont.)	number. No one lived by farming alone but only half the clothiers had smallholdings which varied from $\frac{1}{2}$ rood for a tenting croft to 3 acres to keep a cow. Despite the act releasing land, the price of land had increased from £3-4 per acre to £6 per acre. The land "is now all almost appropriated to manufacturing houses" <sup>19</sup> .
1809	Idle	Already by 1806 only one man earned his living solely by farming. The wool industry was the main employer but a cotton factory had been built in 1804 and newcomers worked there and lived in new houses. Clothiers held encroachments as large as "7 days work" on the moor. The act was probably the product of the same mixture of pressures as at Armley <sup>20</sup> .
1817	Worsborough	The larger textile towns like Barnsley and Huddersfield also spread over former commons after enclosure. This act for land near Barnsley led to the growth of linen weavers' cottages - 162 by 1840 - as well as two pit villages at Birdwell and Blacker <sup>21</sup> .
<u>2c. South Yorkshire Metal Trades</u>		
1765	Kasborough	Samuel Walker set up his works in 1746 on the navigable Don where there was a foundry, forge, blast furnace and water powered bellows house by 1763. The 1763 petition said that as the village "these 16 years last past greatly increased in building and inhabitants owing to the great iron and other works there lately erected... and several collieries adjoining... and it is likely in a few years to increase more and become very populous" an enclosure would be advantageous. Although Lord Effingham blocked this bill as Lord of the Manor, Impropiator and owner of 14 out of 48 walks, an act was obtained in 1765. The land was urgently needed. In 1764 the Walkers built four new houses with "a large shop for the frying pan makers" on the ground floor and other shops above. By 1789 "over the river [from Rotherham] is a new built flourishing town arising from the cannon founderies [sic] and great iron works established by Mr. Walker" <sup>22</sup> .
1779	Ecclesall	Many encroachments had been made near Sheffield during the 1700s and this was the first of many local acts - including Ecclesfield, Handsworth, Attercliffe and Darnall at Brightside. The award took 10 years due to boundary disputes involving Crookesmoor and Little Sheffield Moor, an area of major encroachment, between Rockingham as Lord of Ecclesall and the Earl of Surrey as Lord of Sheffield. Until arbitration was made and secure titles offered, building leases were impossible. Arbitrators divided the moor between the claimants and assessed which encroachments were made within 40 years and granted them to the Lords (40 years was much higher than the norm of 20). Houses and workshops were quickly built along "The Moor" when Ecclesall Bierlow was enclosed in 1788 and by 1800 many allotments on "Little Sheffield Moor" had been sold for building. A sale plan of the allotments to Fitzwilliam (who inherited from Rockingham) on Little Moor (the main area of encroachment) in 48 lots was made in November 1790, shortly after the award. His land was not developed until the 1820s, possibly as entail provisions prevented sufficiently long leases. Water courses could only be altered if it did not interfere either with mills, like the Earl of Surrey's millpond leased to Messrs. Lamb which was allotted to him or the water supply to James Spooner's house "Broomhall". Two inns were built on allotments <sup>23</sup> .
1788	Brightside	Already the Duke of Norfolk had made five or six acres of encroachments on the Wicker, part of the commons to be enclosed. Although these were made within 30 years the act specifically allotted them to him. He also received all other encroachments made over 30 years for which he was paid rent as part of his 1/18 of the 107 acres enclosed. After the award for Brightside Bierlow, more houses and workshops were quickly built on the Wicker and by 1849 there were "handsome villas" on the occupation road from the Wicker to Grimesthorpe. This was on a hillside rising from the station <sup>24</sup> .



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
1791	Sheffield	The act gave all the valuable industrial and building encroachments made in living memory - at least 235 - to the Duke of Norfolk as Lord of the Manor. This was the harshest treatment of encroachers in all local acts and was the real cause of the 1791 riots. Many owners and residents warned in 1787 that any act "will be attended by very bad circumstances". Norfolk's agent, Vincent Eyre, requested military aid, stating the riots began as attacks on the commissioners and then the act's promoters. Some historians think that the act only gave radicals an opportunity to register their general discontent; but they overlook how the Lord's seizure of encroachments which the cutlers had considered their own harmed their economic interest. As Eyre said, the rioters 'openly avowed their intentions of laying open the Inclosures in the neighbourhood made under the authority of several acts of parliament'. Sheffield became the nation's most feared centre of radicalism; it was already a lawless town due to its large number of skilled cutlers. No JPs would hold courts there due to the riots. The government were so afraid of revolution then - the second anniversary of the storming of the Bastille - that the Home Office noted the disposition of troops around the country and their marching times from Birmingham and London. Before the trial of five rioters, the Judge told the Grand Jury "in very strong and forcible language" that members of such a "lawless mob" should receive "the most exemplary punishment" and "the vengeance of government". The latter's role is shown by their undertaking the prosecution at the request of the intimidated JPs. One rioter was executed as "a solemn lesson". Colonel de Lancey wrote of "the unruly spirit of the people" of Sheffield, the most dangerous place in Britain. Such fears led the government to build barracks in northern industrial towns soon after. Apart from seizing these industrial encroachments, the landowners also secured the best building plots. Except for land near the town, most of the commons were used for game and for forestry <sup>25</sup> .
<u>2d. East Midland Hosiery Industry</u>		
1792	Basford, Notts.	Apart from plantations (including those on the banker Ichabod Wright's allotment which he used to extend his 88 acre mansion park) other new enclosures in this lace making and hosiery parish became new industrial settlements. Cavendish's tithe allotment became Sherwood village; Basford lings was cultivated until the settlement of New Basford began after 1820. Carrington was also built there <sup>26</sup> .
1793	Ilkeston, Derbyshire	Again most housebuilding seems to postdate the act. On its 739 acres by 1846 there were 268 cottages with small gardens; although miners were the main occupants there were 42 hosiery frames there. In the whole parish there were 350 stocking frames in 1812. The act was also linked to mining development and the building of the Erewash Canal which led to the erection of a foundry and a spinning mill in the 1790s <sup>27</sup> .
1796	Lenton and Radford, Notts.	The growth of new settlements mainly based on the lace trade as at Hysons Green, began after the act. There were no encroachments before the act probably due to the large owners' power; in 1832 four owners paid 97% of its land tax. After sluggish development with the land used for gardens and farming, new buildings were erected after 1821. One large owner, Wright, sold 16 acres for £16,000 for building purposes which became Hysons Green. By 1844 there were 10 lace factories and many domestic stocking frames. Other land was used for mansions by merchants escaping from the overcrowded city <sup>28</sup> .
<u>2e. Coventry Ribbon Making</u>		
1774	Poleshill	By 1774 there were 180 cottagers, mainly composed of miners but also since 1700 of some hand loom weavers, both of whom augmented their income by smallholding. This caused the notoriously high poor rates which were a powerful factor in commons and wastes enclosures in similar areas. The expansion of these dual economies was stopped by enclosure which led to the building of rows of houses rather than separate cottages. In 1874 ribbon weaving and mining were the main occupations in the village. The act also aided the exploitation of the mines in the village's open fields <sup>29</sup> .



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
1841	Coundon and Keresley	The Heath here was subject to large scale encroachment by ribbon weavers spreading north from Radford in the 1700s. By the 1830s the trade declined but the population did not, possibly due to residential development; however the distress was real and concern about this may have been a contributory factor - together with residential development - to the act and to the building of a church and national school on the Heath. The act largely dealt with roadside wastes and the sale prices of over £45 per acre with small lots bought by labourers indicates the demand for land <sup>30</sup> .
2f.	<u>Black Country Small Metal Trades</u>	
1780	Oldswinford	This was an area of large scale encroachment; by 1699 there were at least 148 cottages on its wastes of which 103 were in Lye. Their numbers increased during the 1700s near the Birmingham to Stourbridge turnpike. There were some pot glass works in the area which developed after enclosure, but most encroachers were nailers, with iron produced at the water-powered Lye forge dating at least from 1699. The act allowed them to purchase their freehold; at least 205 did so and another 20 were paid for by the Rector. The "Mud City" described in William Hutton's <u>History of Birmingham</u> (1806) continued to grow after enclosure. By 1700 there were supposed to be near 2,000 inhabitants on Lye Waste, "proverbial for their Ignorance and Profaneness and Incivility". The encroachments and plots were so small generally that they were said to have no gardens or poultry in 1832. The building of the Stourbridge Canal and the desire to extinguish tithes - over 50% being allotted to the Rector were other strong motives here <sup>31</sup> .
1791	Handsworth, Staffs.	In 1776 Young reported that the road across the common was "one continued village of nailers". By 1790, Boulton reported that "The Lord of the Manor hath exterminated these very poor cottages and in lieu thereof hundreds of clean comfortable cheerful houses have succeeded to them". These were allotted to Birch by the enclosure and some were destroyed to extend Boulton's park. Although Boulton and others feared the growth of club houses in the heath, most houses were either villas or artisans' dwellings and the actions of Birch as Lord of the Manor seems to have ended nailing encroachments here before the enclosure act <sup>32</sup> .
1799	Rowley Regis, Staffs.	Court cites this as an example of the growth of a nailing community from the 1500s. Due to the large number of encroachments, only 212 acres of its extensive wastes remained by the time of the enclosure and large areas of encroachments are identifiable on the award map. The act only served to accelerate development by releasing freehold land, especially roadside slips; by 1843 the population had more than trebled in the southern part of the parish in mining and various small metal trades <sup>33</sup> .
1801	West Bromwich, Staffs.	The same road that crossed Handsworth Heath also crossed this heath and was covered with nailers' wattle and daub huts; between 1685 and 1723 the number of cottagers increased from 71 to 99. These frequently became "chargeable" to the parish and they were periodically thrown open by freeholders who asked the Lord to regularly collect fines. In 1772 the parish's 1,200 houses were "dispersed irregularly" with only one village at Lyndon. By the act there were over 200 encroachments and many earlier ones may have acquired freehold status due to lack of control. However the act aimed to prevent further encroachment and it allowed freeholders to profit from the increased demand for middle class housing and food. Already the ironmasters held their quarterly meetings at West Bromwich and leading nailing factors like the Jessons had their mansions in the area. As nailing declined, it was villas, shops and terraces of miners' and foundry and forge workers' houses which covered the heath <sup>34</sup> .



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
28.	North East Worcestershire Small Metal Trades	The domestic needle making industry, attracted by the mills on the River Arrow, began here in the late 1600s. The petition said that a 1705 agreement allowed the Lord to enclose common woods near his seat at Hewell Grange, in return for the remainder of the commons "and all the Cottages, Houses and Buildings, then standing on the same". The remainder was now to be enclosed, with an allotment to Lord Plymouth for the common rights of land bought since 1705. The cottagers had increased by 1782 with 400 employed in needle and fish hook manufacture, working for distributive merchants like the Milwards and Hemmings who also leased the scouring mills. This perturbed the freeholders who wished to obtain an equivalent for their rights before they became valueless. The act was opposed by the Redditch squatters who rioted and pulled fences down. The act however allowed the freeholders to profit from the industry by selling or leasing suitable plots to domestic manufacturers. In 1784, new small enclosures of arable and pasture at Ipsley Green on Redditch Common were sold with both new and old houses and a new needle scouring factory. The new buildings were probably on new enclosures <sup>35</sup> .
1771	Redditch	
1799	Belbroughton	This was an area of scythe making since Tudor times. There was apparently some encroachment on the sheep and cattle pastures at Bell Heath by nailers; for although the 1803 award had no map, by the 1840 tithe map many nailers lived on the enclosed common and by 1883 more plots were subdivided and built upon. A previous petition failed in 1774 and the increasing poor rates (from £245 in 1776 to £676 in 1803) may have been a motive for the act. Wildmoor produced excellent oats and potatoes after the act which cost 28 per acre <sup>36</sup> .
1799	Bromsgrove Lickey	These hills were encroached upon by the Lord for a warren and more successfully by squatters from both within and outside the parish. A 1773 attempt to throw open encroachments was linked to the belief that the commons could be improved from a boggy marsh for 4,000 sheep to a rich arable and add to fears about the growing poor rates which supported the nailers and other manufacturing workers. The act increased the parish's rateable value which thus reduced the poor rate in the £. Despite concerns about squatters, "Established cottagers... were confirmed in possession". The act was a success except where over-tillage led to many weeds. There were many good cottages before the act with gardens, potato grounds and pigs and fuel collected from the common. There were 20 cottagers at Bourn Heath alone whose land was enfranchised. One squatter sold his cottage when accused of sheep stealing in 1802. Nokes believes that the growth of nailing cottages postdated the act. By 1800 three purpose built cottages with a nail shop were offered to let and by 1868 1,400 persons lived on what had been a thinly populated waste. Nailing however was already an important trade amongst the poor since the 1660s throughout the commons, especially when the worsted and linen trades declined and newly erected factories failed around 1800. Most nailers lived at Catshill and Sidemoor within one mile of their factors <sup>37</sup> .
1810	Bonehill	This included land at Wildmoor adjoining that already enclosed at Belbroughton. The smallness of allotments encouraged owners to sell and cottages with nail shops were built upon them. Nokes infers that the development of nailing here largely postdates the enclosure which created suitable plots for cottages with smallholdings. Although the act aimed to profit from the growing demand for plots generated by the expanding nailing trade, the timing was occasioned by the sale of the manor with the Cofton Hall estate in 1810 <sup>38</sup> .
1816	Feckenham	Astwood Bank in this manor's wastes adjoined Redditch and was well known for fish hooks and needles by 1790. The act was probably motivated by the freeholders hoping to gain an equivalent for their disappearing rights and profit either from the growing local demand for food or by selling and leasing suitable plots to domestic manufacturers. Nokes notes how well over 100 such plots were sold by the commissioners under this act and how they were quickly built over between the 1832 award and the 1840 tithe award. The commissioners advertised sale plots and commented on their eligibility for gardens or houses <sup>39</sup> .



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
1817	Studley, Warks.	<p>This was near Redditch and Martin noted a similar pattern here without seeing a causal relationship between industrial encroachment and the freeholders' desire to 'enclose to preserve their rights. Needle making had begun by 1695. By 1806, the freeholders agreed to open all encroachments "to preserve our rights... and to consider on any other method which may be advantageous to us in preserving our rights". The method chosen was an act. Martin parallels this to the Coleshill and Alcester awards which had many allotments of under an acre to cottagers with 20 years' uninterrupted residence. Many such allotments were apparently purchased by Robert Knight, the Lord of the Manor; 40 small lots were sold to defray expenses. Between 1801 and 1851, Studley's population doubled due to the use of steam power in the needle industry pioneered at James Pardow's mill after 1800; by 1850 this mill alone employed 250 people. The population increase was made possible by the release of land suitable for building without legal dispute or opposition from freeholders. By 1850 Studley was half-town half-village with outlying artisan colonies at Green Lane and Thomas Town<sup>40</sup>.</p>

3. Industrial Development as part of General Economic Development  
- Cannock Chase Industrial Development and Enclosure

1837    Ogley Hay

In the Chase, many industrial villages were either squatter colonies like the colliery villages of Cheslyn Hay and Pelsall, or the result of enclosure and development like Chase Town. However, industrial development took a different direction here. C F Cotterill of Cannock and former mayor of Walsall bought this manor, an empty waste adjoining the growing mining and nailing communities of the South Cannock plateau and immediately obtained an act, receiving 92% of its c.1,000 acres by purchase etc. The Wyrley and Essington Canal built lime kilns on the common to help cultivate the land. He leased large areas for farming (with the largest farm at Warren House being let to Stubbs), market gardening and plantations and laid out roads for housing development near the Brownhills Colliery and the Lichfield to Walsall turnpike. The latter was more successful at first with a small Methodist Chapel opening in 1844 at the small settlement at Springhill. He also built a steam flour mill adjoining the canal. The farms failed in the short term and Cotterill, blaming "the mode of effecting the enclosure" - by which he probably meant the legal costs - twice with little success offered 500 acres including the houses and farms for sale cheaply in 1841. He then decided to convert the steam mill to a foundry and steam engine factory, aided by the building of the South Staffordshire Railway after 1846. He belonged to its provisional committee. He had already advertised a quarry of casting sand which now supplied the works. However in February 1847 all this was offered for sale or lease together with 12 new houses when he and his partner Hill were declared bankrupt due to unpaid debts caused by the River Plate blockade, and his remaining land, works and houses were sold. One of the lots offered in 1850 surrounded the new chapel and national school for the growing mining settlement of Ogley Hay. This grew along the streets planned by Cotterill and became the modern town of Brownhills. Cotterill became a stockbroker and published pamphlets about railways and agricultural distress. With the Cannock enclosure and associated mining developments in the 1860s, he again became involved in the Chase's development. He was the moving force behind the Cannock and Ogley Hay Land Company. He also took over the Cannock Waterworks Company and made a success of the undertaking until his death in 1876. His career mirrors on a small scale improvers like Lord Hatherton, Knight and Madocks; he tried to bring about ordered development and improvement in an area where encroachment and piecemeal development had previously predominated<sup>41</sup>.



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Year	Place	Notes
4.	Enclosure to Fund Industrial Development	Its 350-acre burgesses' common was "subject to the claims of every pot-walloping inhabitant" which meant any enclosure would need an act. In the 1760s an act was proposed to enclose 200 acres, valued at under 15/- per acre, and lease it to set up a wool factory to regenerate this ailing industry and create work. The burgesses accepted an act to lease just 50 acres at 1/- per acre for 99 years to William Caslon to build the Staple Vale Manufactory. The land was needed to provide space to dry and stretch the cloth on racks. Income from fines and rents was used to apprentice poor children in the wool industry. The factory ran for some time but it did not regenerate the trade. In 1802 the lease was bought by Lord Rolle and by 1808 it was stated that "The failure of the first adventurers did not deter others, whom we are told profited so far as to make very handsome fortunes". By a lease of 1815, Rolle built a house to accommodate the factory tenant, Reed, and he regularly ordered cloth to supply his Bahamas plantations. To aid the town's trade he built a 5-mile canal to the navigable Torridge in 1823-4 but the town's population actually fell between then and the 1950s. By an 1889 act the leases were ended and the land divided between the commoners and Lord Rolle <sup>42</sup> .
1777	Great Torrington, Devon	

Footnotes

- 1 D R Mills, Lord and Peasant in Nineteenth Century Britain (1980) p.104 quoting A Everitt in J Thirsk, Agrarian History of England and Wales IV 1500-1640 (Cambridge 1967) pp.411-2, 425, 427 and 462-3; P J Corfield, The Impact of English Towns 1700-1800 (Oxford 1983) p.28; A Young, 'Notes on a Journey accompanying Lord Sheffield 6/12/1792', Annals of Agriculture XX (1793); P Brandon, The Sussex Landscape (1974) pp.184-200; B Short, 'The changing rural society and economy of Sussex 1756-1945' in Geography Editorial Committee, University of Sussex, ed. Sussex: Environment, Landscape and Society (Gloucester 1983) pp.148-9; R L Greenall, A History of Northants (Chichester 1979) pp.84 and 88; J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement', PhD University of Birmingham 1965, p.138; D Bythell, The Handloom Weavers (Cambridge 1969) p.47 and Manchester Mercury 30/7/1782; P Heath, 'The Estate' in National Trust, ed. Calke Abbey (1989) pp.86-7.
- 2 T W Freeman, H B Rodgers and R H Kinvig, Lancashire, Cheshire and the Isle of Man (1966) pp.72-3; B T Barton, A History of Farnworth and Kersley (Bolton 1887) p.261.
- 3 D Hey, Yorkshire from A.D. 1000 (1986) p.150; A Raistrick, The Landscape of the West Riding of Yorkshire (1970) pp.76-8; G Firth, 'The roles of a West Riding land steward 1773-1803', Yorkshire Archaeological Journal LI (1979), 105-16; S J Daniels, 'Moral Order and the Industrial Environment in the woollen textile districts of W. Yorkshire 1780-1880', PhD University of London, 1980; Minutes of Committee on Petitions relating to the Woollen Trade, (P P 1806 III) pp.447-8; J Addy, The Agrarian Revolution (1974) p.24; see below re Honley.
- 4 S G & E D A Checkland, ed. The Poor Law Report of 1834 (1974) p.155.
- 5 W H B Court, The Rise of the Maidland Industries 1600-1838 (Oxford 1938) pp.27, 30, 199-216; D Palliser, The Staffs. Landscape (1976) p.185, see Chapter 3; Nash, Collections for a History of Worcestershire II (1799), 57; P Large, 'Urban Growth and Agricultural Change in the West Midlands during the Seventeenth and Eighteenth Centuries' in P Clark, ed. The Transformation of English Provincial Towns (1984) pp.170 and 184, and 'The growth and localisation of rural industry in S. Staffs. 1500-1720', PhD University of Birmingham, 1973, pp.283-5 and 376.
- 6 Large, loc cit, pp.175-182; B C G Nokes, 'Industrial Change and Settlement in N.E. Worcestershire c.1775-1875', PhD University of London 1968, pp.133-6 and 154; 1773 Lickey notice quoted in R C Gant, A History of Worcestershire Agriculture (Worcester 1939) pp.154-5 - see Chapter 6, Section 3.
- 7 WSL SMS 478 B; J Barker (Lichfield banker and ironmonger) to M Boulton 20/10/1775; see Chapter 3.
- 8 JHC XXXVIII, 7/2/1782, 698; H Heaton, The Yorkshire Woollen and Worsted Industries (Oxford 1920) p.290; R C N Thornes, West Yorkshire: A Noble Scene of Industry (Leeds 1981) pp.14-15 and 22; N B Harte and K G Ponting, eds. Textile History and Economic History (Manchester 1973) pp.257 and 265; D T Jenkins and K G Ponting, The British Wool Textile Industry 1770-1914 (1982) p.41; Leeds Intelligencer 17/9/1798 p.2 c.3-4; S Lewis, A Topographical Dictionary of England II (1848), 542.
- 9 See Table 18.



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Footnotes (Cont.)

- 10 SCL Ecclesfield Act 1815.
- 11 5th Rep. (P P 1849 XXII), 362.
- 12 See Chapter 5 and Table 24; J Holt, A General View of the Agriculture of Lancashire (1795) pp.102-3.
- 13 See Chapter 3; Transactions of the Society of Arts 19 (1801) xiv-xv and 105-116.
- 14 B T Barton, op cit, pp. 304-5.
- 15 Edwin Butterworth, Historical Sketches of Oldham (Oldham 1856) pp.156-7; See Chapter 5.
- 16 C Southern, The Changing Face of Bolton (Nelson 1975) p.25; StRO D1287 Tonge with Haulgh Award 1818; B T Barton, ed. Historical Gleanings of Bolton and District II (1882), 163.
- 17 T Hampson, Horwich and its History, Legends and Church (Wigan 1883) pp.175-203.
- 18 Minutes of Committee on Petitions relating to the Woollen Trade (P P 1806 III), p.95, Evidence of Jos Cooke of Pudsey, and 158, Evidence of James Hebblethwaite, Leeds merchant; Daniels, op cit, pp.51-2; JHC XLIII, 5/12/1787; W S Rodgers, 'The Distribution of Parliamentary Enclosure in the West Riding of Yorkshire 1729-1850', in Comm. University of Leeds 1952 pp.106-7 and Appendix; Leeds Intelligencer 17/9/1798 p.2 c.6.
- 19 J L and B Hammond, The Village Labourer 1760-1832 (1911) pp.51, 59, 60 and 333-7; JHC XLVIII, 26/3/1793, 449; 17/4/1793, 651-2, and 29/4/1793; Leeds Intelligencer 29/2/1796, 20/6/1796 p.3 c.5 and p.4 c.4, and 27/6/1796, p.3 c.5; Minutes of Committee on Woollen Industry, pp.8; 14. and 22, Evidence of James Ellis of Armley, Evidence of J Walker p.182, and p.444 Evidence of James Graham; Annals of Agriculture XLVII (1797), 311.
- 20 Leeds Intelligencer 11/7/1796 p.3 c.3; Minutes of Committee on... the Woollen Industry (P P 1806 III) Evidence of William Illingworth pp.127-8; C Richardson, A Geography of Bradford (Bradford 1976) p.38.
- 21 C Goodchild, 'Enterprise in the Barnsley Linen Industry in the Eighteenth and Nineteenth Centuries', Textile History XIII (2), 257-8; D Hey, 'Industrialised Villages' in G Mingay, ed. The Victorian Countryside I (1981), 362.

- 22 C Bruyn Andrews, ed. John Byng, Torrington Diaries II (1935) 11/6/1789, 22-3, and III (1936) 2/6/1792, 27 and 176; J Addy, A Coal and Iron Community in the Industrial Revolution (1969) pp.11 and 41; W S Rodgers, op cit p.52; WarO, CR 136/594, Sir Roger Newdigate's Diary 15/3/1763; JHC XXIX, 10/2/1763, 446-7.
- 23 David Hey, Yorkshire from AD 1000 (1986) p.195; 'A Brief Account of Little Sheffield', Sheffield City Library Local History Leaflet X (1962); SCL Ecclesall Enclosure Act 1779; Carolus Paulus, History of Ecclesall (Sheffield 1927) pp.46, 91 and 111; P J Nunn, 'The Landed Estate in S. Yorkshire 1700-1850', PhD, University of Sheffield 1985, p.425.
- 24 SCL 28 Geo. III c44 Brightside Enclosure Act 1788; Hey, op cit, p.195; Rodgers, op cit, p.53; B Hammond, 'Two Towns Enclosure', Economic History II (1931) 259; W White, Sheffield Directory (1849) p.26.
- 25 Leeds Intelligencer 27/6 and 2/8 p.3 c.3 and 23/8/1791; Sheffield Register 6/9/1787; H O 42/19, 29/7/1791 and 367-8; JPs of West Riding to H Dundas 1/8/1791; H O 42/20 69 and Colonel de Lancey 13/6/1792 and passim F K Donnelly and J L Baxter, 'Sheffield and the English Revolutionary Tradition 1791-1820', International Review of Social History XX (1975) 398-423; see Chapter 7.
- 26 R Mellors, Old Nottingham Suburbs: Then and Now (Nottingham 1914) pp.111-2, 142-3 and 148-9; W White, Notts. Directory (1844) pp.468-9.
- 27 S Bagshaw, Derbyshire Directory (1846) pp.187-8; S D Chapman, The Early Factory Masters (N. Abbot 1967) pp.94, 129, 146 and 150; see Table 14.
- 28 Dennis R Mills, Lord and Peasant in Nineteenth Century Britain (1980) p.72; R Mellors, op cit, ch.1 and p.36; W White, Notts. Directory (1844) pp.507-9; S D Chapman, 'Working Class Housing in Nottingham during the Industrial Revolution', Transactions of the Thoroton Society LXVII (1963), 76; R A Preston, 'The Structure of Government and Politics in Notts. 1824-35' PhD, University of Oxford 1978, p.223. New Radford was apparently not on new enclosures, J Blackner, History of Nottingham (1815) p.391.
- 29 See Chapters 3 and 6; VCH Warks. VIII (1969) 63-5 and 68-9; W White, Warwickshire Directory (1874) pp.614-20.
- 30 VCH Warks. VIII (1969), 82; WarO QS 75/36 1848 Award.



TABLE 23 - ENCLOSURE AND INDUSTRIAL SETTLEMENTS (Cont.)

Footnotes (Cont.)-

- 31 Nash, op cit, II, 207, 211-2 and App. 57; Society of Antiquaries, Prattinton Collection, XXX, i, 8; Misc. II, 40. WRO S143/21.  
Oldswinford Enclosure Award 1782; W Hutton, History of Birmingham (1806); Lewis, Topographical Dictionary of England III (1848), 199; W Scott, Stourbridge and its Vicinity (Stourbridge 1832) pp.93-5; Aris 6/5/1791 p.4 c.1; See Chapter 2 and Table 5, Enclosure and Tithes.
- 32 ERL Boulton Mss A.O. Letter Book Q Boulton to Hawkesbury, 17/4/1790; Table 19.
- 33 Midland Mining Commission (P P 1843, XIII) c111; Dudley Public Library. Rowley Regis Enclosure Award Map 1807.
- 34 VCH Staffs. XVII p.28; LJRO, B/V/5 1772 Staffs. Primary Visitations; J Reeves, History of West Bromwich (1836) p.56; Table 19; Staffs. Advertiser 29/9/1804.
- 35 N Land, The History of Redditch and Locality (Redditch 1986) pp.22-3, 35, 40-2, 60-7; J Rollins, A History of Redditch (Chichester 1984) pp.48-52; B C G Nokes, op cit, pp.133-8 and 154-5; JHC XXXIII, 31/1/1771, 114-5, and XXXIV 19/1/1773, 49. See 1st Ser. O.S. map and Chapter 7 re parks and timber; Plymouth's plantations were "very extensive" in 1813, W Pitt, A General View of the Agriculture of Worcestershire (1813) p.187. Hewell Grange by 1800 had a 850-acre park, landscaped by Repton in 1812 with a 230-acre home farm, VCH Worcs. III (1913) 244; G Carter et al, eds. Humphry Repton, Landscape Gardener 1752-1818 (1982) p.163; Berrows Worcester Journal 15/8/1799; 30/4/1772 p.3 c.4, 14/5/1772 p.3 c.4, 29/3/1781 p.2 c.2, 9/12/1784 p.3 c.2; property of the bankrupt needlemaker and maltster William Sheward - Aris 7/2/1785 p.1 c.4; Nash, op cit, II, 404.
- 36 Nokes, op cit, pp.132-3; Aris Gazette 22/5/1786, p.4 c.2, 26/6/1786, 14/7/1828, p.2 c.2; Prattinton Collection III, 5 and 7; JHC XXXIV, 28/2/1774, 513; W Pitt, op cit, p.59.
- 37 R C Gaut, Worcestershire Agriculture (Worcester 1939) pp.84 and 154-5; Prattinton Collection VI, 79, 268, 272, 297, 304-5; W Pitt, op cit, pp.22, 37, 52-3, 59, 78, 278 and 287; Nokes, op cit, pp.89, 123-4 and 128-30; Berrows Worcester Journal 13/3/1802 p.3 c.4; Aris Gazette 6/3/1797 p.4 c.4, 30/5/1814 p.2 c.2; S D Chapman, The Early Factory Masters (N. Abbot 1967) pp.68, 73, 104-5 and 114-5; Large, loc cit, 182-3.

- 38 Nokes, op cit, 130-2; Eddowes Journal 1/11/1809 p.3 c.4 and 17/1/1810.
- 39 VCH Worcs. III (1913) 111-2; Nokes, op cit, pp.135-6; Berrows Journal 25/9/1817 p.1 c.4, 9/10/1823 p.2 c.5, and 11/11/1824 p.2 c.5.
- 40 VCH Works. III (1945) 179; W&RO CR 549 or 889 qu. in J M Martin, "Warwickshire and the Parliamentary Enclosure Movement", PhD Univ. of Birmingham 1965, pp.20, 42, 136-7, 144 and 148.
- 41 StRO Q/RDc 90 Ogley Hay Enclosure Award 1839; D1317/1/14/1/2, Title Deeds Warren House and Plantation Farm 1841-69; D260/M/P/5/26/19, 21/9/1840; D4616 Cannock Conduit Trust deposit; Staffs. Advertiser 24/2/1841 p.1 c.7; 17/4/1841 p.1 c.7; 15/5/1841 p.1 c.5; 15/5/1847; 9/10/1847 p.8 c.4; 18/12/1847 p.7 c.4; 18/3/1848 p.4 c.6; 5/2/1848; 12/2/1848 p.7 c.6; 24/6/1848 p.1 c.2; 5/1/1850 p.1 c.6; 20/7/1850 p.8 c.1; 24/8/1850 p.8 c.2; 4/1/1851; 26/6/1852 p.8 c.5; 12/3/1853 p.1 c.5, let of 5 bedroom house near Brownhills Station; 19/3/1853 p.1 c.4, sale of freehold 3 bedroom dwelling in first street Ogley Hay near National School; 7/5/1853 p.8 c.1, sale of building and garden lots at Summer Hill near Muckley Corner; 4/3/1854 p.4 c.2; 24/3/1855 p.4 c.2; 22/4/1876 p.4 c.7. Wolverhampton Chronicle 3/11/1847 p.1 c.4; British Museum, General Catalogue of Printed Books to 1955 VI (1955); PRO RAIL 638/1 S. Staffs. Railway Minute Book and BT 31 567 no. 2322, Cannock Chase and Ogley Hay Land Co. 1861; F Linford, The History of the Cannock Conduit Trust 1735-1974 (Cannock 1974) p.39. Maps 12a and 12b.
- 42 JHC XXXVI, 8/11/1776, 15; Wm White, Devon Directory (1850) pp.749-51; Vancouver, A General View of the Agriculture of Devon (1808) 274-5 and 286-7; See also Newport, Salop, and Hereford, Chapter 5; G M Doe, 'Great Torrington Commons', Transactions of the Devon Association XXXI (1899) 160-9, 'The Woollen Industry in and around Great Torrington', Devon Notes and Queries XVIII (1935), 147-51 and 'Some Notes on the Woollen and Gloving Manufactures of Great Torrington', Devonshire Association Reports and Transactions LXX (1938) 225-7; W G Hoskins, Devon (1954), pp.59, 111-2, 127, 174 and 503-4; W Marshall, The Rural Economy of the West of England II (1796) 54-5.



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE

Common lands had long been appropriated for local community use by agreement between the lord of the manor and all the common right owners.<sup>1</sup> Later, individual acts were obtained solely to approve such uses and to regulate the institutions that they established. Acts mainly intended to enclose common land could also include clauses allotting land to specific local uses or to alter the management of such trusts.<sup>2</sup> Even if the act had omitted references to appropriating land for community uses, the freeholders could request the commissioners to make such an allotment if unanimous, as at Checkley.<sup>3</sup> Existing endowments often received allotments for their common rights or in lieu of their open field estates; these must not be confused as being new endowments.<sup>4</sup> 'Community' could increasingly mean the regional or national community in the case of acts establishing military bases or television masts.

#### 1. General Acts to Allow Enclosures for Local Uses

General acts often allowed the appropriation of common land for community uses and their importance has been generally ignored or overlooked. They often involved only small parts of the commons.

#### 2. Enclosures to benefit Local Community Groups

In a few towns, part or all of the commons were regulated by acts either to benefit burgesses or the whole community. Such acts were restricted to towns because there were generally no large and powerful interest groups in villages. Acts could also alter the management of such lands; where this power was left to commissioners, as at Leek, this could cause problems. The use of commons to deal with the problems created by poverty will be dealt with in Table 25 and Chapter 6.

#### 3. Enclosure and Recreation

Such common land was converted by local improvement acts or under the power of various general acts (apart from the 1845 and 1876 General Enclosure Acts) into public parks or recreation grounds. Some of these are doubtful examples of enclosure acts. Although all required the consent of the lord and common right owners, involved change in the common's administration and use and many had an award, some of the acts did not involve physically fencing the land. A few enclosures did involve issues of the morality of leisure pursuits and the contemporary debate about whether leaving land open encouraged or prevented political or immoral working class activity. Some commons are now unregulated open land which the lord uses for profitable recreational pursuits but the commoners' interests are protected as at Aberdovey Golf Club.<sup>5</sup>

#### 4. Enclosure and the Church

There are many links between the church and enclosure. The effects of the extension of the church's landownership and the whole contentious issue of tithes has been discussed elsewhere. This section aims to indicate the variety of ways in which enclosure by act or agreement was linked to improving church endowments, rebuilding or demolishing churches or the provision of sites especially in new settlements. Sometimes the acts and agreements were entirely intended for such purposes; in other cases such purposes were included in a wider scheme of enclosure. The provision of new places of worship on common land was not merely restricted to the Church of England. Many encroachments were allowed for nonconformist chapels on squatter settlements which contributed to the strength of religious dissent in such cases as noted by Everitt.<sup>6</sup>

#### 5. Enclosures for Institutional Uses

These institutions included barracks, schools, waterworks and reservoirs. Workhouses are dealt with separately in Chapter 6. In early cases, portions of commons for sites or endowments were enclosed by agreement or were licensed manorial encroachments as at Chasewater. Later enclosures were by act, often for reservoirs in remote hilly areas to supply growing towns. The CPS established precedents in the Klan Valley Act to protect public access and common rights. Several modern acts are effectively enclosures. They have established institutions on common land which need height or remoteness - two factors which have led to land remaining open.<sup>7</sup>

#### 6. Enclosure and Improvement Acts

Many large towns with commons and wastes attempted to use them to fund local improvements and generally this met with approval amongst the more perspicacious inhabitants; however concern over any loss of uncompensated rights amongst inhabitants, burgesses or the lord could cause opposition and the failure of such bills. Inadequate controls over trustees, otherwise called improvement commissioners, could either lead to abuses such as mismanagement and misappropriation of funds or inactivity as at Wallasey. Many acts are hard to classify like Kendal's which include provisions about poor rates. This indicates the need to study individual acts in their local context before attempting to draw generalised conclusions. Certainly later acts tended to avoid limiting the trustees to particular responsibilities and gave them general powers as under normal improvement acts; this trend was recognised at Newport where the Bridge Trustees' powers were broadened by an amendment act 90 years later.



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.) N.B.: Entries marked \* are enclosures without an act either by agreement or by a single owner.

1. General Acts to Allow Enclosures for Local Uses<sup>8</sup>

Year	Act	Notes
1601	Poor Relief Act	Common land could be enclosed by the lord and the majority of the overseers for poor houses.
1776	Clergy Residences Repair Act	.
1782	Poor Relief and Employment Act	Up to 10 acres of waste adjoining a workhouse could be enclosed by agreement to build upon or cultivate for the poor house's benefit.
1811	Gifts for Churches Act	This facilitated the donation of common land to endow a church.
1818	Church Building Act	See section 4, 'The Million Act'.
1831	Poor Relief Amendment Act	This amended the 1819 act for the relief and employment of the poor. Up to 50 acres could be enclosed by consent of the lord and the majority of commoners for cultivation.
1831	Crown Lands Allotment Act	50 acres of Crown waste and forest could be enclosed for the poor to cultivate.
1832	Enclosure Allotment Act	...to authorise (in parishes enclosed under act of parliament) leasing the poor allotments to industrious cottagers.
1838	Union and Parish Property Act	
1841	School Sites Act	
1845	Lands Clauses Consolidation Act	
1854	Literary & Scientific Institutions Act	
1875	Public Health Act	This allowed local authorities to take over common lands by agreement for recreation to improve public health as at Bloxwich; see section 3 re Bloxwich.

2. Enclosures to Benefit Local Community Groups

Year	Place	Notes
1780	Pontefract, W. Riding	325 acres of the 900-acre commons were set apart as Pontefract Park, managed by the 24 highest local rate-payers and thrown open from 12 May to 10 October for the benefit of residents of three years standing for a fixed fee. About 300 cattle were depastured. The remainder, discharged of common rights, became the property of the Ducky of Lancaster's lessee. A 1797 paving bill aimed to change the regulations of the commons. <sup>9</sup>
1795	Lancaster, Lancs.	The 240-acre commons were embanked, drained and leased (apart from four acres being given over to a workhouse) with the 80 oldest burghesses receiving the profits of the enclosed land. Holt believed in 1795 that this salt marsh would be worth £2 per acre more if enclosed into fields. <sup>10</sup>

TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1805	Leek, Staffordshire	Here there was already in existence town lands immemorially let "for the public purposes and benefit of the said freeholders and inhabitants of Leek and Lowe" but there were no trustees to administer the properties. The commissioners were not only empowered to make an allotment in lieu of the common rights pertaining to the Town Lands but also to appoint seven trustees "under such rules and regulations as the said commissioners shall in and by their said award direct and appoint". The award nominated the trustees but by 1841 there were problems because the commissioners had made no mechanism for appointing new trustees and under an act of William IV, no new trustees could be appointed until all the others died. A freeholders' meeting decided that a new act was required to allow new trustees to administer the lands, then worth £85 per annum; however the cost of a new act delayed any changes and by 1854 the heir of the last surviving trustee ran the estate. No new act was apparently obtained as the trustees still existed in 1923 and the new 1855 improvement act did not refer to such lands and there is no subsequent reference to the lands in directories. <sup>11</sup>
1823	Nantwich (Beam Heath), Cheshire	89 acres were enclosed, improved and managed by trustees for the benefit of natives, persons who had served seven years apprenticeship and inhabitant householders of seven years standing. The widows of such persons were also entitled to a payout, which occurred every time the funds reached £500; this amended an 1803 act to enclose the entire 400 acres which was so heavily opposed locally that it was never put into operation. <sup>12</sup>
1850	Nottingham, Notts.	Under the 1845 enclosure act, the management of the burgesses' allotment was vested in trustees. A Freeman's Rights Committee campaigned to control the management of the allotment and in 1850 obtained the Freeman's Allotment Act. Despite amendments in committee due to the Corporation's opposition, this gave them effective management of the allotment. <sup>13</sup>
3. Enclosure and Recreation		
1840	Allerton, Bradford, W. Riding	This dealt with six small commons near Bradford. One of these was Fairweather Green, the 'usual place resorted to by the lower classes'. The land was unsuited for building but the largest owner, Lister, obtained an enclosure act. This was unpopular amongst the poor but Lister was influential and the ground had "been latterly used by the Chartists and has got into bad odour". However Ellison felt that this was a bad reason to enclose; Chartism was declining but "if the lower orders have not places where they can engage in sports, it is the very thing to drive them to Chartism; there cannot be a better thing than to keep their minds engaged in matters of that kind". This may have encouraged Salt to build the model village of Saltaire and to subscribe to the 61-acre Peel Recreation Park. <sup>14</sup>
1841	Blackburn, Lancs.	The 1618 Town Moors agreement allotted one acre as a public recreation area. This enclosure act allowed its sale in 1845 to a railway company for £4701 which was used to help purchase the Corporation Park in 1855. <sup>15</sup>
1853	Battersea, Surrey	As early as 1772, an act for Battersea Fields had "been long talked of" but the same lack of local determination that delayed the building of the Battersea bridge for five years led to the field's continued use by local distillers for fattening cattle. The sale of small building plots in this low-lying marshy area and the plans to erect houses in 1843 "considerably below the level of high water and without any possibility of drainage" led to opposition from the public health lobby. After acts in 1846 and 1848 to raise capital, the Commissioners for Woods and Forests bought the fields under this act (accepted as an enclosure by Tate and Turner) which ended common rights on the 320 acres. An embankment was built and 198 acres laid out as a park by 1858; the remainder was resold as building lots to pay for the scheme. <sup>16</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1857	Petersfield Heath, Hants.	Seven of its eight acres were given for recreation by a scheme under the 1844 General Enclosure Act; an award was made in 1863. <sup>17</sup>
c1862	Woodhouse Moor, Leeds, W. Riding	This moor of under 90 acres was considered of little use unless enclosed for building land in 1833. There is no reference to its enclosure in Tate and Turner; however in 1862 Leeds Town Council debated fencing the moor which had been bought for £3000 from the lord of the manor as a People's Park under an act. Some feared difficulties with commoners, whose pasture rights were protected by the act. A football club, "Leeds Athletic Club", met on the moor regularly in mornings from 1864. This was probably part of an improvement act; there are probably several such acts which enclosed commons for public parks which are not listed as enclosure acts; but many are such, as they obey the criteria established in Chapter 1 about consents, change of ownership and fencing the land. <sup>18</sup>
1862	Langton Wold, E. Riding ★	This 700-800 acre Jurassic hill was owned by Major-General Norcliffe Norcliffe (1792-1862). His tenants were allowed to graze sheep there in summer and it was also used for military manoeuvres and for cricket matches. But its main use was for Malton races. The local horse trainers depended upon it as a galloping ground for 100 horses at 2 guineas a head yearly. Norcliffe's heir was his niece, who was strongly influenced by her son, the Rev. C B Norcliffe. She stopped the horse riding on the Wolds and had the grandstand demolished. This was reputed to be due to the moral objections of the Norcliffes who were supposed to be supporters of Dean Close. However the potential of the Wolds for very profitable arable farming was a powerful inducement. The enclosure also stopped up paths across the Wolds close to Langton Hall; the desire for privacy and for a cultivated landscape instead of a vista of horses and military manoeuvres might have been another motive. The land was ploughed by a steam engine, ancient rights of way ended and the land enclosed by the tenants. The paternalist owner refused any accommodation with the trainers. As their sole property, the enclosure (accomplished without an act) was uncontested legally although fences were destroyed. However the closing of public rights of way were contested by local magistrates who broke down the fences and rode across the growing crops. It seems that the rights of way were re-established but the economy of Malton was probably harmed by the stables which apparently had to close. <sup>19</sup>
1865	Bradford, W. Riding	This allowed the corporation to lease the Lady of West Curdworth Manor's property and rights for 999 years. They turned much of the moor into a park whilst apparently selling the rest probably as building land. Other commons on the borders of Hunsworth and Tong passed into the hands of public authorities and were used variously as park land and a cemetery. <sup>20</sup>
1868	Skircoat Moor, Halifax, W. Riding	Daniels states that this cattle pasture was used for "activities that seemed to reformers at best vulgar and at worst subversive - gambling, prize fighting, revivalist gatherings, populist political meetings". In 1839 it was the centre of local Chartist activity. The lord allowed some encroachment as for Crossleys' (the carpet manufacturers) "Manor Heath" mansion in 1852 and their orphanage in 1855. In 1863 the Ovenden ratepayers, including Francis Crossley and many of the employees at his Dean Clough Mill, petitioned the House of Lords to convert most of it to a public park. Much dispute ensued between the corporation who wished to enclose and lay out the area as a park and the freeholders who would give up their rights cheaply so long as the Moor remained open. In 1865 a judge complained of the nuisances of cattle to women and children and of gambling. In 1866 the Lord, Henry Savile, sold his rights there - worth £40,000 - for £100 to the corporation. The freeholders in 1867 agreed to accept £201 for their common rights, valued at £12,320, so long as it remained an open recreation ground - not a park. The agreement was embodied in the 1868 Halifax Corporation Waterworks and Improvement Act. <sup>21</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1879	Bulwell, Notts.	After much local agitation about the loss of recreation land by the lord's encroachment, the Nottingham Improvement Act enclosed some waste land in Bulwell and Bulwell Forest. The interests of the lord of the manor and the toftstead owners were bought out for £7,594 by 1883. 50 acres set out as a park and 90 acres for a cemetery and additional gas works - although much of the land was eventually sold to railway companies. <sup>22</sup>
1879	Bath, Somerset	An improvement act vested the Freemen's Common in the mayor and aldermen, compensating the citizens and authorising its use as a public park. <sup>23</sup>
1880	Clent Hills, Worcs.	This common was regulated under the 1876 Commons Enclosure Act under a Board of Conservators including freeholders and the representatives of the sanitary authorities of six Black Country towns. <sup>24</sup>
1881	Low Moor and Wibsey Slack, W. Riding	Threequarters of this area near Bradford were encroachments of buildings and spoil heaps of the Low Moor Company. 66 acres were given for recreation including a 6-acre reservoir and 22 acres were planted as a public park. Other land was used in an exchange for a cemetery. <sup>25</sup>
1881	Shenfield, Essex	The 38-acre common was subject to an award; the commissioners granted recreation over these commons. Tate and Turner consider such an act under the 1876 Commons Enclosure Act was "not rightly an enclosure" or they comment that "perhaps it should not be considered as an enclosure". Apart from Essex, the county which seemed to have used such facilities most is Lancashire with five such regulations apparently under the 1876 and subsequent acts. <sup>26</sup>
1887	Leindon, Essex	Its 26 acres were dealt with as per Shenfield. <sup>27</sup>
1887	Ewer Common, Alverstoke, Hants.	Its 28 acres for walking and playing games. Tate recorded this as a regulation rather than an enclosure as per Shenfield. <sup>28</sup>
1888	Therfield Heath and Greens, Herts.	Its 431 acres were dealt with as per Shenfield. <sup>29</sup>
1888	Bloxwich, Staffs.	The remaining commons and wastes were enclosed by Walsall Borough Council under the 1875 Public Health Act; Lord Bradford's manorial rights had previously been bought in 1878, funded by selling five of the 18 acres. <sup>30</sup>
1890	Cleeve Common, Bishop's Cleeve, Gloucs.	Its 1,100 acres were dealt with as per Shenfield. The award named 12 conservators to regulate its use and maintain its "ancient earthworks". <sup>31</sup>
1893	Henfield, W. Sussex	75 acres dealt with as per Shenfield. <sup>32</sup>
1893	West Tilbury, Essex	Its 105 acres were dealt with as per Shenfield. <sup>33</sup>
1893	Tebay Fell, Westmorland	Six acres of the fell were enclosed under the 1893 Commons Amendment Act for recreation. <sup>34</sup>
1895	High Road Well Moor, Halifax, W. Riding	An 8-acre moor was converted to a public park, maintained by Halifax Corporation. <sup>35</sup>
1899	Baildon Moor, etc., W. Riding	Bradford Corporation promoted a bill to override the 1876 Commons Act; it would buy the lord of the manor's interest for £7,000 and 50 of its 755 acres. The Commons Preservation Society, fearing the Corporation's intentions, had the bill amended to ensure it all remained open under a regulation scheme. This allowed public access limited by the existing common rights. It is doubtful whether the amended act qualifies as an enclosure. <sup>36</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
<u>4. Enclosure and the Church</u>		
1604	Radipole, Dorset	This first recorded enclosure act established a church and graveyard on waste land near Melcombe Regis and Weymouth. It was needed due to inadequate provision and fear of sea attacks if inhabitants had to go too far afield for services. <sup>37</sup>
1669	Norley, Cheshire	* The Quakers had been allowed to build a graveyard and meeting house by encroachment on the common. This was sold in 1669 and Trafford, the Lord of the Manor, granted the Quakers an encroachment of a few acres where their present meeting house now stands. <sup>38</sup>
1674	Chelsea	* Common land was enclosed by agreement for 21 years to defray some of the costs of rebuilding the church. <sup>39</sup>
1707	Tettenhall Wood, Staffs.	As the stipend was inadequate to attract a resident minister, the lords and owners of the manor of Tettenhall Regis obtained an act to enclose the 54-acre Kingswood Common to augment the living. This land and a parsonage were vested in trustees and any new minister had to be approved by a majority of the lords and owners. Otherwise the money was to be paid to the poor; by 1866 this land was worth £80 p.a. The former owner of the parsonage received four acres from the common and the pews, which went with the house. Another owner was allowed to enclose some of the land adjoining his stables. <sup>40</sup>
1713	West Riding	Due to the many large and populous parishes here, many chapels of ease had been built without adequate stipends. As there were often large commons and wastes of little benefit to the owners, this act let churchwardens (with the consent of the lord of the manor and threequarters of the owners in number and property) to enclose 1/6 of a parish's commons and wastes up to 60 acres to vest in trustees who could offer 21-year leases to augment benefices of under £40 p.a. The petition came from a Quarter Sessions. Land was so enclosed at Darton (parish), Barugh Manor, Hunslet, Farnal, Bolsterstone and Tankersley. Arthur Young, a convert to Evangelicalism, cited this act to show that a General Enclosure Act was shown to be viable. It was especially of interest in areas which "abound with waste lands and small livings". Some Yorkshire curacies, only worth £10-12 p.a. in 1700 "have, partly owing to this act, been augmented to near ten times that sum". In an expanding manufacturing district such an increase was perfectly possible. Despite the lower than normal level of consents, there were no disputes about the enclosures. <sup>41</sup>
1717	Betley, Staffs.	* The Lord, William Powlett and others added 20 acres of common to a grant of £200 from Queen Anne's Bounty to augment the living. No act was needed to confirm this, apparently as there was unanimity and no trust estates involved. <sup>42</sup>
1753 & 1787	Portsea, Hants.	These acts allowed chapels to be built on Portsmouth Common Field whose population was growing rapidly. Acts were needed to suspend common rights over the arable strips. <sup>43</sup>
1768	Wexborough, W. Riding	This bill was lost due to the opposition of Dr. Pyle, the glebe's owner. In 1774 he claimed "he was still not opposed to enclosure but wished to see the chancel of the Wexborough church repaired first". It seems he used his consent to a bill as a bargaining ploy to obtain his new chancel. <sup>44</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1772	Stoke Prior, Worcs.	This act for two commons, Stoke Heath and Finstall Heath (384 acres) gave 5 acres adjoining St. Godwall's Chapel, Finstall, as an endowment. This daughter chapel was rebuilt in 1773 apparently to serve the growing population in this northern part of the parish which adjoined the developing industrial town of Bromsgrove. In 1563 there were 49 families in the parish whereas in 1776 there were 110. The manorial allotment of nearly 20 acres included and extended an existing plantation. The vicarial tithes were commuted for over 97 acres and were added to the vicar's glebe allotment. These were situated adjoining the rectory to form the glebe farm worth £300 per year by 1848. The originators of this drive to improve the general value and appearance of the parish, as well as to improve the endowment and the provision of the local established church, were the lords of the manor and improprators, The Dean and Chapter of Worcester Cathedral. <sup>45</sup>
1774	Clapham, Surrey	By the 1680's this had become an elite London suburb; the drainage and planting of the common by Christopher Baldwin led to the growth of villas nearby. The existing parish church became too small to accommodate the existing population and so 2 acres and 15 roods of the common were agreed to be enclosed by the lady of the manor and the freeholders as the site for a new church to be built by a rate. However due to Sir Richard Atkins' will, parliamentary approval was needed to make the conveyance effectual. <sup>46</sup>
1778	Siddington, Gloucs.	The enclosure act allowed the demolition of one of the two parish churches and the sale of its furniture to pay enclosure costs. <sup>47</sup>
1784	Launceston, Cornwall	The first local act of 1755 was "for the better relief and employment of the poor"; this amending act vested the aftermath of certain lands which had belonged to the burgesses in the corporation. It was first let at £61 per year and then sold after 1828 for £1,506 which was invested in 3% consols. The proceeds were used for church repairs. <sup>48</sup>
1790	Wortley, W. Riding	John Smyth of Holbeck, the Lord of Wortley, had built "a commodious chapel" and graveyard on the Green because of its population growth with "the great increase of the woollen manufactory" and because of the smallness of Leeds church and Armley chapel. He wanted an act, promising an endowment in return for the right of nomination and the vesting of the chapel's site in him and successive lords. There were two counter petitions - one from the patrons and the vicar of Leeds parish church complaining that their consent was needed and that they should have the right of presentation; the other from several freeholders in Wortley, complaining that "the vesting the said common and waste land in the said John Smyth" would damage their interests by "destroying their Right of Common". The bill failed, but the chapel had been used since before 1786 when the two townships of Armley and Wortley were separated. The problems of patronage led the chapel members to be "under the necessity of declaring themselves Protestant Dissenters" but they wanted anglican services performed by any cleric who wished to minister there. <sup>49</sup>
1794	Skelton in Ripon, Yorks.	The curate's living was to be augmented by 2 acres and part of the lord's 1/18 so that its value reached £200 (unless augmented by Queen Anne's Bounty). <sup>50</sup>
1796	Ettington, Warks.	The enclosure act also allowed the lord to take over the site of the existing church whose stones were to be used in the building of a new church near the village. This ruined church was to be a mausoleum for the family and a romantic feature of his park. <sup>51</sup>
1801	Needwood Forest, Staffs.	Under an 1805 act, Christ Church was erected and endowed from the Crown's allotment with 10 acres for the site and 150 acres for the support of the minister. The church was apparently built at the instigation of Rev. Thos. Gisborne, Prebendary of Durham, who owned nearby Yoxall Lodge. <sup>52</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1808	Charnwood Forest, Leics.	One local Victorian historian, Potter, believed such waste enclosures had many motivations including the development of the area for settlement and to improve morals. Babington, a proprietor and Leicestershire MP, together with the Bishop promoted clauses to build and endow four churches with 200 acres. The other owners accepted the amendment. Similar clauses were found in the Wild Moors Fen Enclosure of 1801; elsewhere tithe allotments were so used. Funds had to accumulate before the churches could be built - eventually three of the four churches were built. <sup>53</sup>
1814	Ombersley, Worcs.	The moving force behind the 'spirit of improvement' which swept this parish at the time was the Marchioness of Down who owned the manorial estate from 1797 to 1836. She was already making considerable changes to her residence, Ombersley Hall, when she obtained two separate acts. The first allowed the old church to be added to the park and pulled down except for the eastern portion of the chancel which became the family's mortuary chapel. A new church and a workhouse were to be erected, paid for by a rate of 3/- in the £ shared equally between owners and tenants. However the church trustees resolved not to proceed with the church building until the award under the second act, an enclosure, was complete. This was probably due to the costs of enfranchizing copyhold and tithe payments to the lady of the manor on old enclosures which amounted to £35,966/1/1. The main purpose of the enclosure appears to have been to end these anachronistic dues as 68.2% of the commons were allotted to end vicarial tithes throughout the parish and to enfranchise allotments from copyhold payments and inappropriate tithes. A subsidiary motive was to facilitate the consolidation of estates; 33 exchanges (21 involving the Marchioness's settled estate) were made. However none of the exchanges nor the allotments involved the extension of the Marchioness's park. She thus gained a consolidated and extended estate with the funds to make improvements. Thus she drained Oldfield Common which was almost entirely allotted to her under the terms of the act. She had Oldfield Common drained on the vicar's allotment. In 1825, once the enclosure was complete, the church was rebuilt. Although the church trustees wrote that the enclosure was "a subject quite distinct from that of the church act" (unlike the single 1795 Ettington act for both enclosure and church rebuilding) the two acts seem to have been part of an attempt to generally improve the parish. The building of a workhouse and new church, the alterations to the hall, the enclosure and the ending of anachronistic dues (which improved the vicarial income and provided funds for land improvements whilst extending and consolidating the manorial estate) together with the building of a bridge over the Severn in 1826 by local act all formed the Marchioness's vision of improvement. She wished to create a suitable 'improved' environment for her home estate and 'country'. <sup>54</sup>
1815	Exmoor Forest, Somerset	As in many other forest acts, provision was made for an allotment for the site of a church and land for its endowment. In this case 12 acres were reserved for a church, churchyard, parsonage and homestead should the Forest become inhabited; if so, the extra-parochial forest would become the distinct parish of Exmoor (as happened in 1856). <sup>55</sup>
1816	Threapwood, Flints.	The Crown agreed to give a site on this extra-manorial waste on the English-Welsh border for a new church to serve this notoriously lawless squatter settlement. <sup>56</sup>
1816	Borough Fen, Northants.	The 1816 Fen Chapel Act provided for building chapels in villages being established in the Borough Fen and 400-acre Common drained by an 1812 act. The act was amended in 1819 and the 1830 Newborough Church Act provided for the creation and better endowment of a new parish and the construction of a new church and parsonage on sites to be awarded to the Bishop of Peterborough. Such acts indicate the awareness that by enclosure of waste lands what was happening was that a community was being formed as at suburbs like St. John's at Wakefield or St. George the Martyr at Tunbridge Wells. <sup>57</sup>
1818	The Million Act	This gave £1,000,000 to erect churches in settlements of over 4,000; the act stated that conveyances by the lords of manors containing such settlements of appropriate sites on the commons and wastes to the Ecclesiastical Commissioners were to be adequate title. <sup>58</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1829	Oldbury, Shropshire	Oldbury chapel was dilapidated and inadequate for the growing mining population and grants had already been promised by the Church Building Commissioners and the Church Building Society. Mining had developed locally due to the exhaustion of shallower pits and the upturn of the trade cycle after 1823 and Oldbury Green was "much encroached upon". The remaining 7 acres were extremely valuable for mining and building. This act aimed to remedy all these problems. The common was to be enclosed and sold with encroachments under 20 years to be offered to the encroachers at a valuation. After defraying the act's costs, the proceeds were to be divided equally between Parrott (the Lord of the Manor) and the trustees for building a new church. The Green was improved by an exchange to make it more suitable for building plots; two lots sold at over £700 an acre to a local builder but other lots were apparently unsold. The act seemingly failed to generate any funds for the church and in 1836 a fresh appeal was made for a subscription. 'Christ Church' was opened in 1841 with the aid of £3,500 in grants and "cost about £5,700, about £4,500 of which was raised in the neighbourhood, but not £300 in the parish". The expedient of the act had been tried due to this inability to raise funds locally. This confirms the Midland Mining Commission's criticisms of the local middle classes' lack of leadership and philanthropy. The local canal and ironmasters could easily have met the cost of the church between them. In the absence of their philanthropy and with the alliance of many of their leaders with the working classes on issues like chartism, aristocratic philanthropy was vital in preventing social dislocation and preserving traditional institutions. <sup>59</sup>
1834	Alstonefield, Staffs.	Sir George Crewe was appalled at the poverty and backwardness of his estates here. He built an agent's house and then undertook the improvement of these estates even though his debts obliged him to live away from his home at Calke Abbey. His private day books show that he felt he was God's custodian for his lands and had to improve the lot of the poor (both by personal example on his estates and his political opposition to the 1834 Poor Law Amendment Act) to prevent the spread of democracy. Therefore, as Lord of the Manor, he obtained an enclosure act for the moorlands; he felt the enclosure roads would bring civilisation to this remote, impoverished and demoralised parish. To aid in this task of moral improvement, he made philanthropic gifts to the poor and built churches, schools and parsonages on his estates. He took care in the appointment of clergymen to the livings. <sup>60</sup>
1841	Coundon and Keresley, Warks.	The act gave powers for allotments to be given up to help endow the new church living. However despite the prime mover's belief that the leading freeholders had agreed to do this, his premature death led many to back out and only a small amount of the land enclosed was so allotted. <sup>61</sup>
1850	Little Drayton, Shrops.	In 1845, the lord's trustees allowed an encroachment for a church to be built on this growing squatter village's common adjoining Market Drayton, confirmed by the 1850 enclosure act which was intended to help improve this suburb. <sup>62</sup>
1852	Fradswell, Staffs.	An 1850 advert asked for subscriptions to build a parsonage for this heath which had a church but no resident clergyman and was said to be a notorious den of iniquity; however the immorality of the villagers was questioned by a previous incumbent. The church was restored and enlarged in 1852 when an enclosure petition was authorised by the national commissioners "to render the land more productive". After several fund raising attempts like a bazaar in 1854, in 1860 the Earl of Lichfield's commuted great tithes were bought by subscription and used to build a parsonage and add to the living. Earl Ferrers gave land for a national school adjoining the parsonage in 1854. The enclosure formed part of a wider drive for improvement, not just in morality but also in preventing further encroachments and in improving the decayed manorial estate. <sup>63</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
5. Enclosures for Institutional Uses		
5a Barracks and other military uses		
1785	Southsea Common, Hants.	The marshy common was enclosed as part of an act but remained undrained and unused. Then in 1805 at the height of fears of a French invasion, the government bought the manorial allotment and fortified it to protect the adjoining naval base at Portsmouth. Later it was drained, levelled and used as a parade ground. The remainder of the common was eventually drained and used for the western part of the growing holiday resort of Southsea by 1848. The enclosure, by a Board of Ordnance order, of Laboratory Field, Portsea, seemed to have similar motives. <sup>64</sup>
1804	Horsham, Sussex	A depot for 10,000 stand of arms was to be built on the north part of the common by the Board of Ordnance to arm the peasantry in case of emergency. This was an encroachment by agreement. <sup>65</sup>
1812	Sandhurst, Berks.	The area does not seem to have been useful for anything but rough grazing and turbarry. There was a long history of dispute about the common in this manor between the lord of the manor who claimed the right to dig peats and turves and sell them outside the manor and the commoners who claimed that this damaged their grazing. An act to rationalize the situation by allowing the lord to dig limited areas each year failed in 1772 and the lord lost a later court case. The local poor had supported the compromise due to the high price of fuel in the area. As part of Windsor Forest, the verderers also opposed the cutting of turves as it harmed the deer grazing; therefore all parties were happy to allow the government to take over the land for the famous army camp in 1799. To authorize the encroachment for the buildings and a new road over the common, the Crown bought out the lord's and all the other common rights on its 240 acres. This needed an act of parliament - which was effectively an enclosure act. <sup>66</sup>
1854	Aldershot, Hants.	There were several cottage encroachments in 1801 which reduced the poor rates. By 1851 the township had 875 inhabitants but its heaths were too poor for agriculture. In 1853 an enclosure was authorised of 2,715 acres with large recreation allotment, 10 acres for the labouring poor and 15 acres to endow a national school. It was stated that it "will lead to the reclamation of a large tract, now almost useless" but in the next year the government purchased the heath, both to provide sites for army camps and suitable lands for manoeuvres. It was near the Channel in case of invasion. In 1855 the first two camps were opened and an award was executed in 1856. <sup>67</sup>
1879	Whittington Heath, Staffs.	338 acres of manorial waste were bought by the War Department after a lengthy negotiation and arbitration probably about dividing the proceeds between the Lord, the Marquess of Anglesey, and the freeholders; 40 acres were used for a barracks but Lichfield Races continued to be held on the heath and the remainder was still a sheepwalk. Eventually the Grandstand became part of the barracks and the common is now a golf course. The remaining small portions of common land were enclosed under the 1876 general act; the 1882 award makes no reference to the sale of the remainder to the War Department. <sup>68</sup>
1898	Donyland Heath, Essex	This was acquired by the War Department as a rifle range under the Military Lands Act of the same year. The CPS were too late to prevent this but were able to get a schedule of its use so it could be public open land at other times. <sup>69</sup>
1908	Woolwich Common, Kent	20 acres of this 158-acre common were enclosed under a forgotten act of 1803 which enabled the military authorities to better use it for training troops. This was intended to be used by troops on manoeuvre but not to prevent public recreation. The War Department used the act to build houses and a polo ground for the Royal Artillery Officers Riding School. Threats of removing entire establishment led to the borough council withdrawing its opposition. <sup>70</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1941	Lakenheath, W. Suffolk	★ In 1941 the Air Ministry served a requisition order on the Lord of the Manor, Lord Iveagh, for part of the 2,000-acre Lakenheath Warren. This prohibited the exercise of rights by commoners. After the airfield's enlargement in 1944, only half remains as sheep grazing. <sup>71</sup>
<u>5b Schools</u>		
1600	Newchapel, Montgomery	★ A free school was set up here in the early 1600s originally endowed with lands, "but when the enclosure of waste lands took place, about 60 acres were allotted for the maintenance of this establishment and the estate previously bestowed was returned to its original proprietors". <sup>72</sup>
1718	Aldridge, Staffs.	★ 65½ acres of waste were enclosed by the lord of the manor and the freeholders to endow a free grammar school with 16 freeholders as trustees. <sup>73</sup>
1745	Church Broughton, Derby	★ A school was founded by subscription c.1745 by the Duke of Devonshire, the Lord of the Manor, as chief contributor. He and the freeholders endowed it with common land. In the 1775 enclosure award, 19 acres were allotted and in 1826 were let for £30. <sup>74</sup>
1766	Snelson, Cheshire	★ A moss room of 28 acres was enclosed by agreement of the freeholders to maintain a school donated by the Mainwarings of Peover. <sup>75</sup>
1776	Norton Canes, Staffs.	★ The lords of Norton and Little Wyrley and the freeholders enclosed 55 acres and conveyed it in trustees to endow a school house for the poor, which they had built, and to support the curate and schoolmaster. <sup>76</sup>
1780	Waterfall, Staffs.	★ The free school here was built by subscription in 1780 and was endowed at enclosure by an allotment of five acres from the freeholders. This was worth £12/10/- yearly in 1880. <sup>77</sup>
1807	Warslow, Staffs.	★ 10 acres of waste were enclosed by Sir H H Crewe with the freeholders' consent to pay for the tuition of 15 free scholars in this moorland village school. <sup>78</sup>
<u>5c Poor Children</u>		
1707	Chelsea	★ The parishioners petitioned that the common be enclosed to clothe, educate and apprentice the children at the charity school. <sup>79</sup>
<u>5d Waterworks and Reservoirs</u>		
1735	Cannock, Staffs.	★ Dr Birch gave the village use of a copious spring on his estate at Leacroft. 30 acres were later enclosed by the Earl of Uxbridge at the local owners' request to support a subscription to repair and improve the waterworks. <sup>80</sup>
1837	Quay Dukinfield, Cheshire	This award was for an act to enclose common lands for Quay Dukinfield Waterworks, near Manchester. <sup>81</sup>
1878	Thirlmere, Cumberland	Manchester Corporation wanted to use Lake Thirlmere as a reservoir with a good deal of common land. CPS got clauses to protect public access. <sup>82</sup>
1892	Elan Valley, Radnor	Birmingham Corporation, led by its former mayor, Joseph Chamberlain, tried to enclose 50 square miles by purchase. The CPS felt the common rights were vital to the small farmers' economy and got clauses safeguarding the commoners' rights and securing public access. These clauses were a precedent for future acts. <sup>83</sup>
1898	Keighley, W. Riding	This dealt with 1,015 acres on Stainbury Moor under the same restrictions as the Elan Valley act. <sup>84</sup>
1900	Holne Moor, Devon	The Paignton Urban District Water Act dealt with this 718-acre Dartmoor waste under the same restrictions as the Elan Valley. <sup>85</sup>
1901	Roomer, W. Riding	The Leeds Corporation Water Act was to have dealt with 871 acres including Roomer Common; however clauses were added to restrict the land taken to 41 acres and no common rights were to be acquired. <sup>86</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1902	Llansantffraid-Cwmdenddw, Radnor	Birmingham Corporation tried to acquire 1,691 acres of common land; the CPS got the same restrictive clauses as at Elan Valley. <sup>87</sup>
1907	Birkenhead, Cheshire	The Corporation's water bill was amended to include 173 acres of common land in Denbighshire. <sup>88</sup>
<u>5e Harbours</u>		
1833	Rye, Sussex	The harbour had silted up since the 1700s and the parish had grown considerably by the deposition of Romney Marsh. Those marshes within the borough were manorial wastes, inundated at high tide. Therefore neither the freeholders, the corporation, nor the town generally gained any economic benefit from them whilst Rye's function as a port declined. The landowners adjoining Romney Marsh outside the borough, led by the Duke of Newcastle, obtained an act to drain the land. Then, as Commissioners for Sewers of Romney Marsh, they built a sea wall which further harmed the harbour. Therefore it was destroyed by the Commissioners of Rye Harbour who felt the act "had made the harbour subservient to the purposes of drainage". The landowners brought a series of court cases to gain damages. During the 1820s, the corporation's control of this rotten borough was attacked by the inhabitants especially when the mayor refused to count the votes of those paying scot and lot in the 1826 election. 'The Men of Rye' petitioned successfully for their enfranchisement and their representative was elected. This victory, albeit only temporary, allowed them to have clauses inserted in the harbour act to give them more influence over the harbour trustees. £10 householders, landowners and shipowners elected 12 trustees each, with the mayor and the 12 jurats or aldermen making up the rest. The act improved the harbour and navigation with an embankment which also protected the salt marsh in which the landowners and the corporation were interested. This was paid for by a rate levied on all the owners according to their section's improved value. This was to be stated by the commissioners in an award which also would record who owned the various sections of the marshes. There was a precedent for using rents from marshlands when in 1730 land was bought in the Fresh Marsh (adjoining other corporation property) whose rents were to pay for the town's paving, lighting and water supply. <sup>89</sup>

5f Public Buildings

1761	Pool, Montgomery	Much of the land was vested in the corporation and let for 21 years; it could borrow upon mortgage at 3% and apply profits in repairing and rebuilding the borough's public buildings. At the committee stage, Richard Edmunds proved the allegations that all the proprietors had consented, as had the corporation and the Earl of Powys. The surplus was to be paid to the relief of poor burgesses, but very few payments ever occurred - the last payout was £20 in 1824 before large-scale spending on new buildings. The Municipal Corporations Report 1835 inferred that half the land had been misappropriated by then. However it appears that some of the land was sold and the profits were invested with the interest being paid to light the town until the bank's bankruptcy. Some work on improvement to buildings had taken place - money had been borrowed in 1796 to repair the town hall, in 1824 to extend the town hall and in 1825 to build a larger assize court house. Around £19,000 was spent (partly on the security of this land) to build Assize Courts, Smithfield, Town Hall and Market. <sup>90</sup>
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TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1764	Newport, Salop	The Marsh was given to the burgesses in 1292. In 1749, parts of it were vested in trustees to repair a bridge, the town's roads and the Town Hall and Market House, subject to limited common rights for the householders over the remainder. In 1763, the burgesses petitioned the lords of the manor to enclose the Marsh to increase the income (overgrazing had become a problem) due to problems caused by repairing the roads caused by heavy coal waggons. The grazing rights, it was believed, had increased the poor of the town by attracting such people into Newport. The economic importance of the Marsh to them is illustrated by a riot of poor burgesses when they tried to exercise grazing rights - much in the same pattern as the later Burton-upon-Trent riots. The act increased the powers of the trustees to establish a manufactory in the town and apprentice the poor children. Some attempts to use the money in this way were undertaken. In 1787 a Sunday School was set up. In 1790 a stocking manufactory was built. Its failure led to a 1796 windmill to reduce the price of grinding corn. This was abandoned in 1801 and the money was applied to maintaining the streets and the supply of spring water to the town. Disputes about the election of trustees, the need to combine the Marsh Trust with the Bridge Trust and the desire to extend the trustees' powers to those of Improvement Commissioners led to a new act in 1854. <sup>91</sup>
1769	St. George's Fields, Southwark, Surrey	In 1758, a charity was set up to establish a reformatory for penitent prostitutes by subscription. But the house was ruinous and too small and a fresh subscription had been raised for a new house. Two trustees had 6 acres of open field strips here which they wished to exchange to make one consolidated plot freed of common rights for the site of a new reformatory. An act was needed to authorize the exchanges and enclosure. <sup>92</sup>
1772	St. George's Fields, Southwark, Surrey	Surrey Quarter Sessions decided a new prison was required as the old prison was too small and had no separate rooms for males and females or for disorderly apprentices. The most convenient site was on lammas land called Hangman's Acre which belonged to the county. This adjoined the King's Bench Prison in Dirty Lane and the old prison could be sold and so this would cost the county very little. The act was required to end lammas rights on the land and on adjoining land which Oliver Baron would allow the county to have. This was a growing suburb and one proprietor refused consent unless he knew where on the plot the building was to be erected. The remainder of the marshy common was apparently enclosed and drained in 1810 by act and covered with "civic villas". <sup>93</sup>
1775	Llanfyllin, Montgomery	Its Market House was in such a ruinous condition that it was demolished so that by 1789 "the resort to the markets and fairs had considerably decreased, and was still decreasing to the considerable injury of the owners of lands in the town and neighbourhood". Also the bridges needed repair, the streets were narrow and out of repair with buildings jutting out into them and the churchyard was too small. The noted land improver, Bell Lloyd of Bodvach, "was the chief promoter of procuring an Act for the enclosure and sale" of 125 acres of commons and wastes in the townships of Globwch and Bachiau; the profits were to be applied to rebuilding the market house and other improvements like street paving, widening and cleansing. The market house was rebuilt but little else was done as in 1793 the town was "a wretched place". The Municipal Corporations Commissioners found that nothing was known either about the street cleansing provisions or an allotment specified by the act to be made for the poor. A bill agreed upon for commons in Llanfyllin and Llanfechan was discussed at a meeting about Llandrinio Bridge and local turnpikes (which indicates the breadth of the notion of 'improvement' in which enclosure could be part) but made no progress. <sup>94</sup>
1801	SS. Botolph, Andrew the Great, Benedict and Mary the Less (ps), Cambridge	This was a parallel act to the Downing College Site Act. It extinguished lammas rights over 40 acres and enclosed the new site of Downing College. This was exchanged for the Dolls Close site previously purchased and found to be unsuitable. <sup>95</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1808	Croydon, Surrey	A new Town Hall was paid for by the sale of lots apportioned to the town (under the 1797 enclosure act) for £8,000. <sup>96</sup>
1808	Kingston-on-Thames, Surrey	The corporation was empowered under the Kingston and Imworth Enclosure Act to sell the burgesses' two allotments to erect a new Court House and Market House. In 1812-3 this raised £2,027. <sup>97</sup>
<u>5g Undefined Local Purposes</u>		
1854	Boughton Heath and Dee Banks, Great Boughton, Cheshire	This land adjoined Chester. "The object of the promoters... is to sell the land, which is at present a nuisance to the locality, and to apply the proceeds in some public work or otherwise for the general benefit of the township." Although directories do not refer to the disposal of the funds, by 1923 most of the high status houses in Great Boughton, an eastern suburb of Chester, were in the Dee Banks. <sup>98</sup>
1860	Bromsberrow Heath, Gloucs.	"prevent continual trespasses which are gradually destroying land, which it is proposed to sell with a view to the proceeds being applied to some public purpose." <sup>99</sup>
1864	Nantwich, Cheshire	The 34 acres "when enclosed will become available for various useful public purposes". <sup>100</sup>
<u>5h Post War Enclosure Acts<sup>101</sup></u>		
Post 1945	North Messary Tor, Cornwall	Part was enclosed for a television mast.
Post 1945	Fairwood Common Glamorgan	Taken over by Swansea Borough Council in an act to establish an airport and golf course.
1950	Towyn Trewan, Anglesey	700 acres was given by act for the use of the Air Ministry, the remainder to be a golf course.
1957	Winfrith Heath, Dorset	An act established a nuclear power station.
<u>6. Enclosure and Improvement Acts</u>		
<u>6a Failed Enclosure and Improvement Bills</u>		
1787	Nottingham, Notts.	In 1783 an Inhabitants' Committee proposed a scheme to watch, pave and improve the town and the corporation was asked to make a financial contribution. It only offered £50 and that so long as any rate would not be too great a burden on the town. In 1787, the Common Council received a 'Report of a Committee to take into consideration the mode of raising a revenue to be applied to the Improvements of this town which revenue was principally to arise from the Inclosure of the Fields'. In the subsequent vote 14 of the 18 present voted against the idea and the other 4 recorded no vote. The voting power of the burgesses in parliamentary elections prevented any enclosure until the 1840s. <sup>102</sup>
1793	Stamford, Lincs.	The petition to enclose the Tenter Meadow to let on building leases to pay to pave, light, cleanse and watch the borough does not mention Lord Exeter, the lord of the manor. Hugh and George Jackson gave evidence to support the petition and no toll or rate was to be levied. This and a separate petition to enclose some of the open fields failed probably due to Exeter's opposition which prevented any enclosure until 1870. This would fit Hoskins' view that Exeter did not want an enclosure to jeopardise this pocket borough by the building of houses carrying the franchise which he did not own. This inhibited Stamford's growth and (in this case clearly) improvement. <sup>103</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1796	Bridgnorth, Shropshire	The example of both Newport and Ludlow in Shropshire and the prevalence of similar acts in boroughs in the Welsh borders may have led to this proposal to build a new town hall and market house and establish commissioners to pave, clean, watch and light the town, etc. This was to be funded by inclosing and selling the 'Copy-foot', part of the Common of Morfe which lay within the liberties of Bridgnorth. The spirit of improvement seemed to be abroad in Bridgnorth because there was also a proposal to-rebuild the bridge over the Severn by means of an act. However the enclosure proposal failed. The whole Forest of Morfe was enclosed by act in 1806. <sup>104</sup>
1815	Tamworth, Staffs.	Tamworth's burgage owners enjoyed voting rights in parliamentary elections and stinted rights to depasture stock on Staffordshire and Warwickshire Moors. The 1815 Improvement Act at nearby Lichfield (together with the 1812 Burton Enclosure Act) seems to have led Tamworth to apply for both an Improvement Act and an Enclosure Act to sell its commons to fund it. However as the burgage owners apparently regularly exercised their rights, the bill did not proceed beyond notices being issued in the county paper. Warwickshire Moor is still open although Staffordshire Moor has been enclosed since 1945 for an industrial estate. The burgage owners organised committees to manage the commons in the 1800s and in the 1860s resisted neighbouring farmers depasturing stock. Without an improvement act, improvements depended largely on the 'philanthropy' of its MPs - in 1807 they headed a subscription to pave the streets. With the Peel's dominance of both seats for much of the 1800s, they had to take a leading role in such subscriptions. <sup>105</sup>

6b Successful Enclosure and Improvement Bills

1767	Kendal, Westmorland	The town's growth depended on the wool trade; burgages provided space for workshops and the fell was used for tentering, grazing and as a limestone quarry for building stone. The fell was only used for housing after 1861; previously new streets were laid out over burgage gardens. This growth caused problems with the recovery of small debts, an increased number of poor people and the streets needed lighting and paving. 44 persons subscribed for a bill to build a workhouse and light and pave the town and the lords agreed to the measure. The corporation petitioned for an act claiming the commons were of little use or profit. The bill was amended due to the owners of the Park and Castle lands, who claimed common rights and wanted the act to render effectual a Chancery decree (after a vexatious suit costing over £6,000) stating that these owners should pay 1/10 of all rates. The lighting and paving was paid for by a rate and the trustees (as in all such acts) employed contractors to do the work under the act; thus the modern trend towards contracting public services is not a case of 'Victorian values' but of 'Georgian values'. The workhouse with 35 lodging rooms was built in 1769 but the poor rates still increased although perhaps not so much as if it had not been built. The 1861 Kendal Fell Act allowed the trustees to make sales and 99 year building leases whilst leaving some land for recreation and tentering. The 1767 act represents a mixture of motives - local improvement and reduced poor rates - and therefore could easily be included in Table 25; this illustrates the need to examine the individual circumstances of each act before drawing general conclusions. <sup>106</sup>
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TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1768	Derby, Derbyshire	<p>The rapid growth of the silk trade in the late 1700s led to a new elite of merchants and mill owners challenging the old elite of local gentry who ran their estates from Derby townhouses. The Dukes of Devonshire had much political influence and allied themselves with the dominant party in the corporation. The town's two major problems - a lack of housing and the encroachments on Nun's Green by small buildings and gravel diggings which harmed public health and the grazing - led the corporation to obtain an act in 1768 to enclose and sell part of the common for building to fund the improvement of the remainder which would become a stinted pasture. High grade housing soon covered the sale lots and as the town grew an Improvement Act was needed. A 1774 mayoral appeal for donations to fund street repairs (in boroughs such appeals usually got support from the political ambitious, e.g. Tamworth in early 1800s) failed. In Dec. 1790 a paving and lighting committee reported that an act was needed to be funded by the sale of Nun's Green (which would raise £2,300) and a house tax to meet the remainder of the highest estimate of the cost £4,056. The committee reflected the town's changing social structure, including many industrialists like Strutt who had made the town prosperous. Opponents claimed such people 'packed' the committee whose proposals meant "A cotton spinner may erect 100 houses at £4/19/- per annum, to be lighted and paved at the expense of the middle classes of people". The struggle between the two elites focussed on this bill as many handbills show. The old elite, led by the former MP, D P Coke, said the enclosure would interfere with grazing rights (which the new elite claimed were never used) and existing houses on Nun's Green would lose value as they would no longer overlook open land. They claimed that the house tax was an unfair basis for the rate; all other improvement rates were based on the poor rate which employers had to pay for their premises and their stock. (Industrialists like Boulton much complained about paying poor rates, especially on their stock.) They suggested a toll on users of roads into Derby on a Sunday. The enclosers, supported by the Duke of Devonshire, accused the 1768 trustees of misusing their funds. The new elite gave large sums to the act's purposes to avoid accusations of trying to feather their own nests and argued that as trade was the town's lifeblood, helping it would benefit Derby generally. They said existing houseowners could buy land to give them gardens between themselves and the new houses. Finally, the old elite were accused of opposing any municipal improvement and their Sunday toll scheme was unworkable. The opponents used procedural errors due to uncertainty about what sort of bill it was to defeat it in 1791. As it involved selling common land, its solicitors wrote that "this Bill must either be considered in the nature of an Inclosure Bill, or a Bill for the sale of an estate". Therefore the 1792 bill was treated as an enclosure with consents obtained from most of the householders. Despite the opposition and an attempt in 1793 to obtain an amending act, the 1792 act was successful. Dyott commented in 1829, "I never saw a place so enlarged as Derby...Not a house [in 1774] on what was called Nun's Green, now an entire collection of streets".<sup>107</sup></p>
1774	Hereford, Herefordshire	<p>The largest political interest in this corporate city belonged to the Scudamores. Viscount Scudamore about 1680 left £400 to employ the city's poor which by 1763 amounted to £1,320. Such charitable acts were common in boroughs to help a family's political interests. The fund's trustees were unable to use the proceeds to help the poor despite a 1764 Chancery decree. £500 was given to a clothier in 1772 to teach the poor to spin wool "but this design failed through some mismanagement" so new powers seemed necessary. The expenses caused by the "numerous poor" and the lack of revenue from leasing some common land to fund street repairs meant that an alternative to a rate was needed when an improvement act was mooted. The solution was an act to enclose the commons. After allotments for tithes and to the owners in Holmer manor, the remaining common was leased as meadows to fund improvements. The racecourse was left intact. Also the trustees (or improvement commissioners) under the act were given greater powers over the Scudamore Trust funds. Surprisingly, the county paper did not mention the act until a letter was sent by 'Ingenuus' in January</p>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
	Hereford (cont.)	<p>1774. He congratulated the residents on setting aside the "spirit of faction" and adopting "A spirit of improvement [which] has extended itself to a great part of the Kingdom". He praised the use of the commons to fund the scheme "by which means to convert what is little use to a few people to the general benefit of the inhabitants". He welcomed the inhabitants' power to elect trustees from within their number which would ensure openness and diligence. He was largely proven right; by 1805 "Very considerable improvements have been made in the appearance of Hereford since... 1774" and by investment in mortgages, the Scudamore fund now stood at £3,000 - indicating that no money had been spent during the crisis years of the 1790s and early 1800s on the poor. Other towns like Eccleshall, Uttoxeter and Congleton also tried to use town funds to employ the poor but such schemes usually failed. The act's success may have led to similar ones in the other four major towns in the area- Ludlow (just over the border in South Shropshire), Leominster, Ledbury and Ross on Wye. An 1816 amendment act commented that the original act had improved the city and removed many nuisances but required extra powers to erect a slaughter house and to fund a night watch.<sup>108</sup></p> <p>The town was a weekend retreat from London. A 1766 Improvement Act had also made provisions to relieve and employ the poor. The 1785 act began as a bill to make this act more effective, build a larger workhouse to reduce the poor rates and buy a new cemetery. Then the manor's landowners petitioned that as its commons were of no more use to them (due to their small size and nearness to London) they should be enclosed and cultivated for the parish's benefit and a portion given as a workhouse site. Also two paths across the King's gardens at Kew, "a safe retreat for idle and disorderly persons", were to be closed. Despite a counter petition from Brentford against closing up the lanes, the bill appears to have been enacted essentially unchanged. Apparently a site for a new graveyard was also to come from the commons.<sup>109</sup></p>
1785	Richmond, Surrey	<p>This was the most ambitious of all enclosure and improvement acts. Bolton was a rapidly growing cotton manufacturing town. Its industrialists (who formed the local elite) had obtained an act in 1791 to build a canal to Bolton. Apart from transport, the main problems this elite faced were housing the immigrants and providing the necessary amenities and services for the growing town. Therefore they obtained an enclosure and improvement act for Bolton and its 170-acre adjoining moor. The joint lords consented in return for an allotment of 1/15. The act conditioned the town's spatial development and provided an essential local government body to maintain standards of public health, etc. Streets were set out on the moor and plots up to 4 acres each were sold for 5,000 years (which established the local trend for long building leases) for the best annual rent subject to an annual fee of £10 per acre. In 1795 it was noted that the population had risen from 5,339 in 1773 to 11,739 in 1789 and continued to do so "till the beginning of the present war". Despite the many workers who had enlisted, "houses for the working class are not procured without difficulty; and last summer many houses were built in the skirts of the town, which are not occupied". The trustees of both Great (trustees' residential qualification £1000) and Little (trustees' residential qualification £500) Bolton used the funds to pave, light, watch, cleanse and improve the streets and provide a free water supply - a special problem as chemical bleaching was already important here. However a private water company had to be established eventually. The trustees widened streets (mainly the Bury road which affected about 300-400 owners named in the bill's schedule). They could also license hackney carriages and sedan chairs and provide fire engines. Any surplus was to be used to aid the poor rates. The 1807 amendment act shows how the trustees had spent much of their annual income of £2,595/13/-; due to deaths and ejectments, the trustees again had lots on their hands; also they had "expended and laid out upon Part of the... Common... a considerable Sum... in... building divers Dwelling Houses and other Buildings upon an extended scale for the use of the poor of... Great Bolton". The act allowed them to sell these properties. Some moorland was cultivated before being built upon in the boom around 1823. The act was a remarkable attempt by the local elite to control and rationalize the town's development.<sup>110</sup></p>
1792	Bolton, Lancs.	



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1793	Ludlow, Shropshire	Lechmere Charlton's Ludford House was hemmed in by a turnpike and Whitcliff common which overlooked the town and the R Teme. In the early 1700s, locals had pulled down the park's walls, claiming that part was an encroachment. Charlton, Lord Clive and the Corporation petitioned for an improvement act; 78 acres of the common were to be sold to pay for the improvements. Charlton was allowed 1/14 as Lord of the Manor "to be set out next to his Park Wall or in such other place as he shall... require". He could also demand the sale of 31 acres adjoining this plot. No records of the commissioners survive. The funds proved inadequate but attempts to amend the act by levying rates or enclosing the remaining common failed. An 1820 bill to enclose 52 more acres failed due to a counter petition of 600 persons. Despite legal attempts to stop him, Charlton made further encroachments and planted shrubs and trees. An act was used to divert the turnpike away from his park and he closed off a nearby public walk. <sup>111</sup>
1808	Leominster, Herefordshire	Leominster was a 'scot and lot' borough which gave its inhabitants great influence in national elections although its corporation was closed. This probably delayed the enclosure of its marshy commons although the landowners and the corporation had the legal right to enclose without reference to the burgesses and inhabitants. Riots had led to the abandonment of a 1785 bill. News of both these disturbances and those connected with the eventual act was suppressed in the local paper; but the vicar, Jonathan Williams, who was writing <u>The Historical and Topographical View of Leominster</u> , mentioned a "violent and expensive opposition". A counter petition was presented in April 1808 and 160 persons pledged themselves to oppose the act. Williams saw an improvement act was needed but sympathized with the opponents who argued that: 1, existing laws were adequate to deal with nuisances; 2, the lands were originally given to all residents and so the act was unjust; 3, it would increase the rates by stopping the poor keeping stock; 4, it would only benefit the solicitor and the commissioners; 5, it was impolitic, as it ruined the independent tenantry who thus had nothing to fight for in the French wars; 6, it was unscriptural according to Isaiah 5.8. Williams hoped for reconciliation and that "The projected improvements... will... render Leominster as desirable a place of genteel residence". The act also improved drainage paid for by rate on benefiting landowners. After sales and allotments to owners in nearby Luston, the remainder was vested in trustees to pay for local improvements. The act covered 150 acres (35 of which were in Luston) and cost £3,132 (£3,578 including the drainage rate) raised by selling about 1/3 of the land. Despite the Earl of Essex giving his manorial allotment to the trustees, there only remained 55 acres to be let for town improvement. Put simply, the townspeople lost common rights on 115 acres whilst the trustees gained 55 acres of drained and enclosed commons for £445/19/11 to fund improvements. The corporation records do not refer to the act although most of the capital burgesses were trustees and no records of the improvement commissioners survive. The town does not appear to have gained better streets from the bargain; in 1830 Leominster "appears to be in more of a state of decay than improvement" and in 1835, its "streets are indifferently paved and lighted, but considerable improvements are in contemplation". The high costs confirm the opponents' prediction that the solicitor and commissioners would gain most from the act. <sup>112</sup>
1813	Ledbury, Herefordshire	One motive was concern about squatters on Wellington Heath. The act rationalised the situation by giving them their plots as freehold, even if only 10 years old, if licensed by the lord. The remaining 63 small allotments were sold to pay the act's costs. The major motive was to vest the town's common in trustees to pay for "cleansing and otherwise improving" the town. Some improvements were made. Lord Somers was building a mock medieval castle and planting and ornamenting his park at nearby Eastnor. His specified allotment was planted and extended his park and estate to the turnpike. Roads across his land were closed. Somers and the other main owners also used this act and one at Eastnor to make exchanges to consolidate their estates. Somers' plan to enclose and probably plant the adjoining Halvern Hills to extend his estate failed. <sup>113</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1814 & 1817	Tetbury, Gloucs.	The first act enclosed and vested the common in trustees. The second act was to pave and light the town with the trustees' funds; £1,000 had also been used by 1848 to repair the market house. These acts may have influenced the local elite in nearby Cirencester to obtain their own act in 1825. <sup>114</sup>
1815	Lichfield, Staffs.	An 1806 improvement act had been funded by a rate; previously, the Ansons and Leveson-Gowers as joint owners of the pocket borough had been obliged to support funds for civic improvements. They supported the enclosure of about 60 acres to fund local improvements, particularly to repair the bridge over the Minster Pool on the main Liverpool to London road to maintain the city's coaching and market trade. The town was small but growing (1781 722 houses; 1815 c.800 houses) and depended upon textile trades and market gardening. Land let at £3-4 per acre near the city. Its trade in food to the Black Country was largely by road although aided by the recently built Wyrley and Essington Canal. By 1814 the small and detached commons were only used by itinerant traders for their asses. Loch told Lord Stafford that the act "will be very advantageous to the town and the right of common your Lordship parts with is never exercised". The land and lammas rights were sold for about £4,500 by 1816. However meetings continued until 1831 "at the request of the principal Parties involved" to facilitate exchanges. <sup>115</sup>
1824	Evesham, Worcs.	"The spirit of improvement" reached here in 1823. A committee of the leading residents was formed and £900 subscribed to make improvements. The resident lawyers prepared an improvement bill gratis. The town's valuable commons were to be sold to raise funds. The act had the usual paving and lighting clauses but also allowed the Avon bridge to be repaired. At the time two new roads were being built to Stratford and Campden. The Corporation became involved; the common council and some of the leading residents became trustees under the act. The common was sold in 16 lots, each "containing sufficient space for Building a mansion or villa and for Gardens and Pleasure Grounds". The Alcester to Evesham turnpike trustees co-operated with "the general improvement" by easing the ascent and macadamising the main street. The aim was to improve Evesham's market function with better access, a cleaner environment and opportunities for merchants to move there. The enclosure provided funds and plots for mansions. Cox believed the act gave the town "a much needed facelift". <sup>116</sup>
1825	Cirencester and Preston, Gloucs.	This improvement act vested certain lands in trustees and discharged them of common rights. <sup>117</sup>
1830	Ross on Wye, Herefordshire	This was the fifth of a group of local improvement and enclosure acts. An 1815 plan was simply an enclosure and was opposed by 35 freeholders and burgesses who would not concede their valuable rights for "causidical projects and undefined and untried speculations". A spa was opened at this time. The marshy commons were unsuited for building, but draining this 'miasmatic' land would help the spa's success by preventing diseases and floods and providing accommodation land. However without more evidence, this is conjecture. The town's growth necessitated an effective improvement act and in 1830 the burgesses allowed rights on the 7-acre common and 93-acre lammas lands to be sold for £2,797 by act to fund the town's gas lighting, paving and general improvement. By 1835 "The town itself is much improved... the streets have lately been paved and lighted with gas". <sup>118</sup>



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE (Cont.)

Year	Place	Notes
1845	Wallasey, Cheshire	Wallasey grew rapidly as a holiday resort; its population rose from 663 in 1801 to 8,339 in 1851. This improvement act appointed 21 commissioners who could sell common land to raise funds. After six years their inactivity led to their replacement by a local board of health. <sup>119</sup>
1854	Cardigan, Cardiganshire	In the early 1800s, the Corporation exercised manorial control over the common through a court leet to amerce encroachments and to receive fines from owners of trespassing cattle..An enclosure had been mooted in 1794 but disputes made an agreement impossible and an act potentially expensive. A lawyer advised an 1809 enclosure and improvement bill would be liable to double fees; he advised that if an enclosure without an act went unchallenged, to proceed with an improvement act..An enclosure bill would encourage opposition as it would tacitly question the burgesses' sole rights on the common. From 1820 the buyer of the Priory estate; Miles, resurrected the estate's claims of manorial rights by destroying encroachments. By 1842 the Miles family had established their rights and the Corporation recognised that Miles' consent was needed for an enclosure. The land's potential value as improved pasture and arable was well known and the Corporation's attempt in 1836 to gain powers for 99-year leases shows its building potential. However the opposition of the old burgesses (who claimed special rights) and the Corporation's poverty prevented any act. The Corporation's only property was its burgesses' common rights and to pay for desperately wanted improvements it needed to enclose and lease or sell the common. Also an act was "the most effectual mode of abating encroachments". Legal problems and the old burgesses' opposition were overcome and an agreement made to give 1/4 of the commons to the freeholders to include the lord's 1/20 of the whole. The Corporation received the remainder; it sold 10 acres to Miles for £415 to pay its 1/4 share of the costs; 11 acres were allotted for recreation, fuel, gardens and a cemetery. The remaining 120 acres were leased and mortgaged with future market tolls to fund an 1857 improvement act to build a slaughter house and market hall. The rising cost of the improvements (£8,000) led to the sale of much of the Corporation's allotments which later became valuable building land. However the development of large steamers and railways destroyed the town's sea trade; so, despite the improvements, the town's population remained static between 1821 and 1931. <sup>120</sup>

Footnotes

- 1 Joan Simon, 'Town Estates and Schools in the Sixteenth and early Seventeenth Centuries' in Brian Simon, ed. Education in Leicester-shire 1540-1940 (Leicester 1968), pp.5-13 re management and origins of such estates; but she overlooks this source of endowment by agreement.
- 2 *ibid* pp.22-3; see Bedworth, Chapter 3.
- 3 D113/A/PV/1 quoted in Poor Relief in Staffordshire (Stafford 1975) p.25 - vestry in 1810 unanimously agreed to request 20 acres from commissioners for a house of industry.
- 4 Simon, *op cit* p.22.
- 5 Lord Eversley, Commons, Forests and Footpaths (1910) pp.219-20.
- 6 See Table 8, Chapter 2 fn 150 and D McClatchey, The Oxfordshire Clergy 1777-1862 (Oxford 1960) pp.99-122; A Everitt, 'Nonconformity in Country Parishes', Agricultural History Review Supplement XVIII (1970), 178-99.
- 7 STRO D877/6/3 Agreement Earl of Uxbridge and Wyrley and Essington Canal Co. Oct. 1800; Lord Eversley, *op cit* pp.267-9; re Macclesfield see Table 18; re Wirksworth, W E Tate, 'The Commons Journals as Sources of Information concerning the Eighteenth Century Enclosure Movement', Economic Journal LIV (1944), 80.
- 8 Lord Eversley, *op cit* p.201; W E Tate, 'A Handlist of Sussex Inclosure Acts and Awards', E & W Sussex County Council Record Publications I (1950) 40-2; Sir F M Eden, The State of the Poor III (1797; 1928 ed Rogers) clxix and cxclii.



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE - Footnotes (Cont.)

- 9 JHC XXXVII 7/2/1780, 567, 11/5/1780, 849; LII 21/2/1797, 306-7; Lewis, Topographical Dictionary of England III (1848) 589.
- 10 Although included in most lists, this is a doubtful example of an enclosure act, only satisfying the first criterion in Chapter 1. See Wm Harrison, 'Commons Inclosures in Lancashire and Cheshire in the Eighteenth Century', Transactions of Lancashire and Cheshire Antiquities Society VI (1888), 124; J Holt, General View of ... Lancs. (1795) pp.86-7; Sir F M Eden, op cit III, 215.
- 11 Staffs. Advertiser, 20/11/1841 p.3 c.5; 21/3 p.8 c.6, 30/6 p.5 c.2, 1/9 p.3 c.1, and 15/9/1849 p.3 c.1-2; 10/7/1852 p.4 c.4-5; 9/12/1954 p.3 c.1; W F Challinor, 'The Mystery of Leek Town Lands', Transactions of the N. Staffs. Field Club LVIII (1923-4) 79.
- 12 C Stella Davies, 'The Agricultural History of Cheshire 1750-1850', Cheetham Society, 3rd ser. X (1960), 75.
- 13 Gray and Walker, eds. Records of the Borough of Nottingham IX 1836-1900 (Nott. 1956) pp.51-70 and 120.
- 14 C Richardson, A Geography of Bradford (Bradford 1976) p.35; Report on the Health of Towns (P P 1840 XI) Evidence of Joseph Ellison QQ1628-40; S J Daniels, 'Moral Order and the industrial environment in the woollen textile districts of West Yorkshire 1780-1880' PhD University of London 1980, pp.240-2; J L and B Hammond, The Age of the Chartists 1832-1854 (1930) pp.125-6.
- 15 W A Abram, History of Blackburn (1877) pp.256, 259 and 378; W E Tate and M Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978) p.152.
- 16 Public Advertiser 14/3/1772 p.2 c.4; W James and J Malcolm, General View of ... Surrey (1794) p.33; W Stevenson, General View of ... Surrey (1813) p.522; G F Chadwick, The Park and the Town (1966) pp.126-132; Tate and Turner, op cit 326.
- 17 12th Rep. (P P 1857 IV) 37; Tate and Turner, op cit p.130.
- 18 S C on Public Walks (P P 1833 XV) Evidence of J Marshall, Leeds MP, QQ 605-617; Leeds Intelligencer 5/4/1862 p.7 c.3; Leeds Mercury 7/3/1864.
- 19 A Harris, The Rural Landscape of the East Riding of Yorkshire 1700-1850 (1961) pp.121-3; Leeds Intelligencer 15/2/1862 p.7 c.6; 14/6/1862 p.7 c.4; Westmorland Gazette 13/12/1862 p.3 c.2-3, 25/7/1863 p.3 c.6; Halton Messenger 3/1/1863 p.3 c.2, 28/2/1863 p.3 c.3 & 5, 7/3/1863 p.3 c.4, p.4 c.2, 14/3/1863 p.3 c.5.
- 20 J J Wortimore, 'Landownership and Urban Growth in Bradford and environs 1800-1960', MA University of Leeds 1963, pp.114-5.
- 21 A Dingsdale, 'Yorkshire Mill Town... Halifax 1801-1901' PhD University of Leeds 1974, pp.41 and 140; S J Daniels, op cit pp.146, 209-10.
- 22 Gray and Walker, eds. op cit IX, 1836-1900, 258-9, 268-9 and 305; R Mellors, Old Nottingham Suburbs Then and Now (Nottingham 1914), pp.214-6; Tate and Turner, op cit p.211.
- 23 Tate and Turner, op cit 327; see Chapter 4.
- 24 Spec. Rep. (P P 1880 XVIII) 503-524.
- 25 Spec. Rep. (P P 1881 XVIII) 521-552, and see Chapter 3.
- 26 Spec. Rep. (P P 1881 XVIII) 521-552, Shenfield Common, Essex; Tate and Turner, op cit pp.113 and 152.
- 27 Tate and Turner, op cit pp.113-4.
- 28 W E Tate, 'Field Systems and Enclosures in Hampshire', Papers and Proceedings of Hants. Field Club XVI, 272.
- 29 Tate and Turner, op cit p.140.
- 30 E J Homeshaw, The Story of Bloxwich (Bloxwich 1955) p.138.
- 31 Tate and Turner, op cit p.123.
- 32 Tate and Turner, op cit p.255.
- 33 Tate and Turner, op cit p.114.
- 34 Tate and Turner, op cit p.269.
- 35 Tate and Turner, op cit p.317.
- 36 Lord Eversley, op cit p.272; W G Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963) p.212.
- 37 Tate and Turner, op cit p.323; 1 Jac I c30.
- 38 C S Davies, loc cit, 73.
- 39 T Faulkner, An Historical and Topographical Description of Chelsea II (Chelsea 1829) 51.
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- 41 12 Anne c.4; J Goodchild, The Coal Kings of Yorkshire (Wakefield 1978) p.7; P J Nunn, 'The Landed Estate in South Yorkshire 1700-1850', PhD University of Sheffield, p.63; John G Gazley, The Life of Arthur Young 1741-1820 (Philadelphia 1973) pp.374-377; Board of Agriculture [A Young] General Report on Enclosures (1808) pp.130-4.
- 42 Robert Speake, Betley - A Village of Contrasts (Keele 1980) p.153; W White, Staffordshire Directory (1834) p.616.
- 43 Tate and Turner, op cit p323; JHC XLII, 25/2/1787, 405.
- 44 Nunn, op cit pp.425-6.
- 45 WRO A r143/5 (307) Stoke Prior Enclosure Award 1772; Nash, Collections for the History of Worcestershire II (1799), 381; VCH Worcs. III (1913) 513; Lewis, Topographical Dictionary of England IV (1848) 221.
- 46 P Brandon, A History of Surrey (1977) p.64; Tate and Turner, op cit pp.248 and 323; Hoskins and Dudley Stamp, op cit pp.67-8; 14 Geo III c12; JHC XXIV, 19/1/1774, 399.
- 47 H P R Finberg, The Gloucestershire Landscape (1975) p.108.
- 48 MCR (P P 1835 XXIII) 520 and 521.
- 49 JHC XLV, 5/3, 232, 24/3, 318, 16/4/1790, 400; Minutes of Committee on Petitions relating to the Woollen Trade (P P 1806 III) 181 Evidence of J Walker; Leeds Intelligencer 22/2/1796.
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- 51 See Table 26.
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TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE - Footnotes (Cont.)

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- 54 J A Yelling, 'Enclosure in E. Wores. 1540-1870', Transactions of the Institute of British Geographers XLV (1968), 166; VCH Worcs. III (1913) 461-2 and 464-5; P Reid, Burke's and Savills Guide to Country Houses III (1980), 221-2; WRO AP s143/56 (307), Ombersley Enclosure Award, 1827; 705/56 Bulk Acc No 1476 re Ombersley Enclosure and No 3972/6 re Ombersley Church Trustees; J West, Town Records (Chichester 1983) p.183; see also Table 27 Enclosure and Improving Landlords.
- 55 C S Orwin and R J Sellick, The Reclamation of Exmoor Forest (Newton Abbot 1970) pp.42-3; cf 10 acres E J Rawle, Annals of the Ancient Royal Forest of Exmoor (Taunton 1893) pp.103-8 quoting cl.70-9 of act.
- 56 Lord Hamner, A Memorial of the Parish and Family of Hamner (1876) pp.278-80 re concern about the 27 cottages and 150 inhabitants in this 'no man's land' in 1753; W Davies, General View of... N Wales (1813) p.266; Lewis, Topographical Dictionary of Wales II (1848) 398; C R Fay, Huskisson and His Age (1951) p.216.
- 57 1 Wm. IV c 59 Newborough Church Act; M Reed, The Georgian Triumph 1700-1830 (1984 paperback) p.248.
- 58 Shrewsbury Chronicle 1/5/1818, p.4 c.4; see below re Little Drayton.
- 59 10 Geo IV c 25; Wolverhampton Chronicle 19/2/1823 p.1 c.1, 13 acres of ungotten coal of Turton and Penn bankrupts at Rounds Green, Oldbury; ibid 18/2/1824 p.3 c.4, 33 acres ungotten coal at Rounds Green adjoining several working collieries at Oldbury "and pits nearly finished sinking within 150 yards thereof"; WRO, Bulk Acc 1002 705:133; Bulk Acc 1674 899:123; Hackwood, Oldbury and Round About p.97 states cost at £4,500 cf £5,700; Midland Mining Commission (P P 1843 XIII) Appendix p.37 Evidence of Rev. Geo. Sproston, Vicar of Oldbury; see Chapter 7 section 2; R Trainor, 'Peers on an Industrial Frontier: the earls of Dartmouth and of Dudley in the Black Country, c.1810 to 1914', in D Cannadine, ed. Patricians, Power and Politics (Leicester 1982) pp.70-132.
- 60 DRO D2375 m/44/1 Journal of visits to Staffs. Estates 1831-40; m/40/7-14, Day Books 1830-42; H Colvin, Calke Abbey (1985) pp.57-63; J M Robinson, 'Warslow Hall, Staffordshire', Country Life 1/6/1989 pp.168-71; Sir G Crewe, A Word for the Poor and against the present poor law both as to its principle and practice (Derby 1843); Staffs. Advertiser 17/11/1838 p.3 c.6. See Chapter 7.
- 61 See Table 23.
- 62 See Chapter 4.
- 63 Staffs. Advertiser 7/9/1850 p.1 c.1 'A Call to the True Friends of the Church Lay and Clerical', 14/9/1850 p.3 c.1, 22/5/1852 and 21/10/1854 Supp. p.1, 13/A/PV/1-4 Fradswell Vestry Mins.; Nat. Inc. Comms. Spec. Rep. (P P 1852-3 XL), 663; StRO Q/RDc 97 Fradswell Heath Enclosure Award 1855; White, Staffs. Directory (1851) p.416; Post Office Staffs. Directory (1864) pp.478-9; LRO 26D 53/1206 Conveyance of site for national school, 21/3/1854; see also Table 25 and Map 14.
- 64 JHC XL, 21/2, 538, 13/4, 840, 26/4/1785, 895; VCH Hants. III (1908) 196; 2nd Rep. on... the State of Large Towns (P P 1845 XVIII) App. pt II, 287 and 291.
- 65 Sussex Weekly Advertiser 6 and 13/8/1804.
- 66 JHC XXXIII, 12/2 476-7, 11/3 581, 25/3 621, 26/3/1772 624-5; Gazette and New Daily Advertiser, 1/4/1772 p.4 c.2; Staffs. Advertiser, 4/8/1798 p.1 c.5 and Leeds Intelligencer, 6/8/1798; 52 Geo III c124; Tate and Turner, op cit p.325.
- 67 Annals of Agriculture XXXVI (1801), 501 and 579-81; 8th Nat. Inc. Comms. Rep. and Spec. Reps. (P P 1852-3 XL) 697; Tate and Turner, op cit p.129; H P White, A Regional History of Great Britain: Southern England (N. Abbot 1972) p.129; M Aston and J Bond, The Landscape of Towns (1976) p.182; VCH Hants. IV (1911), 2-5.
- 68 Kelly's Staffordshire Directory (1880) p.366 and (1892) StRO D603/K 26/32 Correspondence 1849-57 re enclosure; K 27/17 Dyott to J Darling, 28/1/1971; K27/20 Horn and Murray to J Darling, 1875; Q/RDc 107, Enclosure Award Nov. 1882.
- 69 Eversley, op cit pp.218-9.
- 70 Eversley, op cit pp.223-6.
- 71 Hoskins and Dudley Stamp, op cit p.137.
- 72 Lewis, Topographical Dictionary of Wales II (1848), 264. Marchwiel, Denbigh, is another example of a school thus endowed.
- 73 J Gould, Men of Aldridge (Bloxwich 1957) p.94.
- 74 S Bagshaw, Derbyshire Directory (1846) p.281.
- 75 C Stella Davies, loc cit 72-3.
- 76 G Griffith, The Free Schools and Endowments of Staffs. (1860) p.177.
- 77 Kelly's Staffordshire Directory (1880) p.335.
- 78 W White, Staffordshire Directory (1851) p.745.
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- 83 Eversley, op cit p.268.
- 84 Eversley, op cit p.268.
- 85 Eversley, op cit p.268.
- 86 Eversley, op cit p.268.
- 87 Eversley, op cit p.268.
- 88 Eversley, op cit p.269.
- 89 W Holloway, History of Rye (1847) pp. 134, 252, 259, 262, 351-2 and 448; Morning Herald, 15/8/1817 p.4 c.1 and 26/11/1818 p.4 c.3; MCR (P P 1835 XLIV) 1036-7; West Sussex RO, QDD/E W5, p.145, Rye Harbour Award 1838.
- 90 JHC XVIII, 1086-7, 25/2/1761; MCR (P P 1837-8 XXV) 145-6; House of Lords Committee Book 15, 9/2/1761; H C J, 'Welshpool', Montgomery Collections IV (1882), 318-20; Lewis, Topographical Dictionary of Wales II (1848), 427.



TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE - Footnotes (Cont.)

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TABLE 24 - ENCLOSURE AS A COMMUNITY RESOURCE - Footnotes (Cont.)

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- 115 Namier and Brooke, op cit, I, 13, 67, 374-5; J R Wordie, 'A Great Landed Estate in the Eighteenth Century; Aspects of Management on the Leveson-Gower Properties, 1691-1833', PhD University of Reading 1967, pp.472-3 and 490; Thos Pennant, A Journey from Chester to London (undertaken 1780) (1811) p.155; Eden, op cit, II, 307; R W Sturgess, 'The Response of Agriculture in Staffordshire to the price changes of the nineteenth century' PhD University of Manchester 1965, p.363; R A Pelham, 'The 1801 Crop Returns of Staffs. in their Geographical Setting', Staffs. Historical Collections (1950-1) 229-42; StRO D593/K/1/3/2 Jos Simpson to Loch 30/7/1814, D593/K/1/5/3 Loch to Marquess of Stafford 3/8/1814, D593/K/1/5/4 Loch to Sparrow 27/2/1815; LJR0, D77/5/3 Orders of bailiffs and burgesses July and August 1814; D77/15/14 Enclosure Commissioners' Minute Book, passim quote from 19/8/1826; D77/15/2 46 Geo III c42 and 55 Geo III Lichfield Enclosure Act; Staffs. Advertiser 31/8/1805 p.1 c.2, 16/9/1815, 27/1 p.3 c.3 and 16/5/1816 p.4 c.5.
- 116 VCH Worcs. II (1906) 378; B G Cox, The Book of Evesham (Chesham 1977) pp.76-8; MCR (P P 1835 XXIII) 56; Berrows Worcester Journal 23/9/1823 p.4 c.2 and p.3 c.2; 16/6 p.3 c.3, 8/7 p.2 c.2, 14/10 p.2 c.3, 21/10/1824 p.3 c.2.
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- 118 Hereford Journal 6, 13 and 27/9/1815, 7 and 14/7 p.2 c.5 and 11/8/1830 p.3 c.2; W K Parker, 'Opposition to Parliamentary Enclosure in Herefordshire 1793-1815', Transactions of the Woolhope Naturalists' Field Club XLIV (i) (1982), 85; Pigot, Midland Directory (1835) p.105.
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TABLE 25: SECTION 1 - ENCLOSURE AND THE POOR RATES

Year	England & Wales £	Worcs. £	Staffs. £	Leics. £	Caerns. £	Anglesey £	Denbigh £	Montgom. £	Devon £
1640									c9,000
1682	532,000	10,640							
1685	665,362								
1688	Nearly 700,000								
1698	819,000								38,991
1701	Nearly 900,000								
1714	950,000								
1748-50	689,971								
1760	1,250,000								
1775							9,000	6,000	
1776	1,556,803*	29,757		26,360					
1783) 1784) 1795)	2,167,749+		45,404						
c1793					400+				
1803	4,077,391*	87,307	109,456	107,568	9,000+	6,000	27,000	37,000	
1813	6,656,106								
1818	7,870,101								
1819) - 1820)	-7,329,594*	- - -	- - -	- - -	20,000	16,000	40,000	40,000	
1824	5,736,900								
1832	7,036,969								
1834	6,317,255								
1837	4,044,771								

Notes

The sources tend to give contradictory figures for several reasons. Figures before 1748 are largely based on estimates and calculations, not returns. Even those based on government returns differ, partly because they do not seem to compare like with like. Some figures exclude Wales, others include all monies raised by rates. Other figures are those sums raised purely upon poor relief excluding costs of litigation from settlements. This cost rose from £172,776 in 1776 to £2,217,279 in 1813 which illustrates the growing desperation about poor rates. Therefore the most detailed figures available which are confirmed by other sources have been used here. Also symbols have been used to indicate (where possible) what the figures specifically represent.

- \* Excluding spending on litigation and workhouses
- + Total raised by local rates

Sources

Sir F M Eden, The State of the Poor (1797) pp.36-7, 39-40, 72; A H Dodd, A History of Caernarvonshire 1284-1900 (Caerns HS 1968) pp.288-9, 302; Sir G Nicholls, A History of the English Poor Law (London 1854); R Pointer, English Society in the Eighteenth Century (1982) pp.144-6; Wolverhampton Chronicle 30/1/1822, p.4 c.2; Wm Pitt, General View of... Worcestershire (1813) p.36, History of Staffs. II (1817), 25, and General View of... Leicestershire (1809) p.49.



TABLE 25: SECTION 2 - ENCLOSURES TO DIRECTLY REDUCE THE POOR RATE

Year	Place	Notes
1704	St. Martin in the Fields, Middlesex	Act "For the better improving" land in the parish "for the use of the poor". <sup>1</sup>
1716	Hadleigh, Suffolk	The 77-acre Aldham and Boyne Commons in this parish were enclosed "for the better maintenance of the poor". This was a declining wool town. The act was amended in 1733. <sup>2</sup>
1716	Chipping Barnet, Hertfordshire	The 135 acres of Barnet Common were enclosed by Lord Chandos and the rent used for poor relief. This amounted to £167 by 1848 and also the Poor Law Union of nine parishes had built their workhouse on this common. <sup>3</sup>
1730	East Wellow, Hampshire	Part of the common was enclosed by act, vested in trustees, who rented it out for the benefit of the poor. <sup>4</sup>
1764	Bromley Common, Kent	The "half year lands" were ploughed or pastured by the lord from April to October and then thrown open as common pasture. The act gave the land to the lord's lessee, William Scott, for an annual rent charge of £40 to the overseers. This was a cheap mechanism to allow land improvement whilst compensating all the larger claimants by a proportionately lower poor rate. However this harmed the poor who lost the use of the common and gained no extra funds to improve their standard of living. <sup>5</sup>
1767	Skipton, West Riding	The freeholders had long let out grazing rights on the 141-acre Tarn Moor in aid of the poor's rates; but as the town now had "a very numerous Poor" and the common adjoined the town it was decided to enclose and divide the common to increase the rental. Of the proprietors of the 141 acres only those of 5a Jr 26p did not sign the bill. <sup>6</sup>
1770	Newington Butts, Surrey	One 19-acre common was given to the lord and the other 48 acres called Walworth Common let "and the Produce thereof appropriated for the use of the Poor". Only one common right owner refused to consent. Despite the power to grant 99 year building leases, there was little building until after 1800 due to the land's tendency to flood. <sup>7</sup>
1773	Kingston-upon-Thames, Surrey	The Corporation obtained an act to enclose and lease 300 of the 900 acres of wastes. The profits were to meet the problems of the numerous poor and the need to pave, cleanse and light the town. Also the management of Henry Smith's charity was altered to better use the proceeds to reduce the poor rates. Some money was used to regulate and employ the poor and not just applied directly to reduce the poor rates. All this would benefit the payers of scot and lot. <sup>8</sup>
1782 & 1783	Newcastle-under-Lyme, Staffordshire	Increasing concern about the "burthensome" poor rate and about the use of a common called the Marsh for refuse led to a plan to solve both problems. The marsh was to be enclosed, tidied up and leased in aid of the poor rates. The realisation of the land's housing potential led to an amendment act to allow trustees to make 99-year building leases. Houses built there had to be worth £200 value. A theatre and many substantial houses were built there by 1851. It failed to produce the £548 per annum anticipated; in 1851 the profits only contributed approximately £200 a year to the poor rates. <sup>9</sup>



TABLE 25: SECTION 2 - ENCLOSURES TO DIRECTLY REDUCE THE POOR RATE (Cont.)

Year	Place	Notes
1785	Marston Montgomery, Derbyshire	<p>Marston Commons were "liable to great Incroachments" and generally "are of little value". The large number of encroachments was probably due to the lack of manorial control; (it was only on perusing Marston Park's deeds before the sale in 1798 that it was realised it included the Manor). Therefore the land was enclosed and leased with the appointed trustees applying rents in aid of the poor rates and other public expenses.</p> <p>The plan was copied from the nearby Uttoxeter model which had been contemplated since 1783. Only one owner of 6.6% of the land refused to consent. The west of the common and "all cottages and incroachments" were sold to pay costs. The remaining 86 acres were leased and seem to have contributed significantly to lowering the rates. The advertisement to sell Marston Park stated "The payment to the poor is very trifling in consequence of Marston Common having been enclosed and the profits appropriated... for the maintenance of the poor". Thus this act was an effective way for a small community of under 500 to prevent further encroachments, reduce the poor rate and divide the benefits of this small common equitably and cheaply between the landowners.<sup>10</sup></p>
1787	Uttoxeter, Staffordshire	<p>Squatters were attracted to growing towns like Uttoxeter, by the hope of work and of an acre or so of land for a cottage encroachment on the common. The dual opportunities such places offered gave a greater safeguard against impoverishment. High poor rates led the vestry in 1766 to accept the offer of Thomas Bowers, an Eccleshall cotton manufacturer, to train and employ its poor in a factory. He was paid £60 for doing this in 1767 when he made a similar contract with Stone parish. In 1770, he agreed with Stone and Eccleshall parishes to employ the poor at Eccleshall for a year. The Uttoxeter vestry minutes also mention freeholders ejecting or breaking down the fences of squatters to stop them gaining a freehold. There were 58 encroachments paying rent to the lords between 1774 and 1800 covering 5a Or 30p, an average size of 4 roods. However 84 separate encroachments on Highwood and 132 on Uttoxeter Heath were opened in 1783; some people had several encroachments. In 1780, it was first suggested to enclose and lease the commons to benefit the poor. A 1783 vestry believed "the most effectual methods for preventing Incroachments... will be to apply for an Act... to Inclose the said Commons for the Use of the Poor or other public use." The Lords' consent was delayed by a dispute between 1782 and 1785 about who was entitled to the rents of some cottages. Only in 1787 was an act obtained; trustees leased the 250 acres of commons with the rents going to relieve and maintain the poor and decrease the poor rates; any overplus was to go to public expenses. The cottagers were to pay their rents to the lords. The trustees soon proposed to the vestry that they should build a workhouse on the Heath and rent it to the overseers. The vestry agreed to pay 5% rent if the building cost under £600; the house was built by Thomas Garner and opened in 1790. It was only after 1800, as the plots were gradually sold off, that parts of the Heath were built upon.<sup>11</sup></p>
1788	Kangotsfield, Gloucestershire	<p>The commoners let Charles Bragge, the lord, enclose 37 acres of wastes. The 90-acre Kangotsfield Common was left out. He was to pay £84 a year towards the poor rate after 4 years, to allow him to improve the land enough to meet the charge. However "the petitioners are advised that such Agreement cannot be effectually carried into Execution without the Aid of Parliament". This was due to the lack of unanimity; 14% according to the Land Tax refused their consent. The Kingswood coal mines extended into the parish and may have led to high poor rates and encroachment which could have led to the act.<sup>12</sup></p>



TABLE 25: SECTION 2 - ENCLOSURES TO DIRECTLY REDUCE THE POOR RATE (Cont.)

Year	Place	Notes
1792	Colton, Staffordshire	The small commons were to be leased and the profits applied in aid of the poor rate. Exchanges were allowed under the act. Encroachment was not a factor here and Edward Blount's contemporary alterations to Bellamour Park appear coincidental. Only owners of land worth £14 out of £200+ did not agree. 41 acres were sold in lots of under 5 acres each to defray the costs and the remaining 50 acres were still poor grazing in 1963. The act was a cheap means of enclosure so that all the parties shared in the benefits according to the value of their property. Young praised this act as a way of converting small commons speedily to 'profitable cultivation'. The act was again probably influenced by the model provided by nearby Uttoxeter. <sup>13</sup>
1795	Congleton, Cheshire	There was a growing silk manufacture after John Clayton built the town's first mill in 1752 to employ the parish poor; the same policy was adopted at Stone, Eccleshall, Uttoxeter and Hereford to deal with the poor. However this expedient only worsened the problem by encouraging the trade; by 1788 the poor rates had risen from £300 to £1,000 due to "the influx... of indigent persons" attracted to the mills. Encroachment was not a problem but the commons were viewed as a resource which could help reduce the poor rates. A bill was projected in 1794 to lease the 600-acre commons and vest the proceeds in trustees to reduce the poor rates. The bill failed but the worsening food shortages led to a renewed application in 1795 with only the owners of 86 out of 1,740 acres being opposed. At least £5 million nationally was subscribed in the year after midsummer 1794 to help the poor in rates, charity and gratuities. The town council subscribed 5 guineas in January to a local poor relief fund. The act gave 1/16 to the lord, a fuel allotment and sold lots at Congleton Edge to defray expenses. After allotments to freeholders for their common rights, the remaining 370 acres were let to produce c£600 per annum. Although poor rates exceeded £3,000 in 1820, the trust's income of c£49 made "the poor's rates less burthensome than they otherwise would be". An 1849 amendment act allowed auction sales and the use of some land for public purposes. The trust is now a charity whose funds are used for churches and schools. Its annual income rose rapidly recently from £42,000 in 1974 to over £20,000 in 1985. <sup>14</sup>
1812	Burton-upon-Trent, Staffordshire	This was promoted by the Earl of Uxbridge, the lord of the manor. It ended the residents' lammas rights on meadows owned by Uxbridge and Worthington. It gave the two owners a freehold allotment and 62 acres were vested in trustees in lieu of lammas rights. This was sold in small lots for £4,928/6/1, possibly for market gardening and accommodation land. £706/11/2½ was also paid by the owners to make up the deficiency in the value of the lammas rights. The money was invested in 3% consols to reduce the poor rates. The act allowed many exchanges of old enclosures; Anglesey (Uxbridge's heir) wanted to make an exchange "under the inclosure act, the process is easy and simple and of trifling expense". The act was paid for by a rate of £4,199/19/- of which Anglesey paid £3,153/11/10. Therefore the act used the townspeople's lammas rights to reduce the poor rate only paid by the wealthier residents; also the Marquis of Anglesey got freehold title to much of the prime pasture in the low-lying meadows by the River Trent. Such land was valuable for providing fresh milk and meat which was in high demand, especially as many residents had lost the means to keep animals. Thus it is little wonder there was an organised riot when the commissioners ended the lammas rights. The residents forcibly depasturing their stock on the customary day, 15/7/1815. Although troops were needed to quell the riot, the disturbance was hardly reported - as in 1770 - and only one person prosecuted. The remainder admitted their guilt in return for a promise not to prosecute unless they rioted again. <sup>15</sup>



TABLE 25: SECTION 2 - ENCLOSURES TO DIRECTLY REDUCE THE POOR RATE (Cont.)

Year	Place	Notes
1819	Wensley and Snitterton, Derbyshire	It was first proposed to enclose the 130 acres of Oker Hill in 1787. This was probably influenced by the bills for nearby Uttoxeter and Marston Montgomery. The commons were to be enclosed, vested in trustees who were to rent them out in aid of the poor rates. Also a turnpike road was to be moved from the common to go over a meadow called Wensley-Lees. This bill and another in 1792 failed. The eventual act stated that trustees had to meet a property qualification. The costs were to be met by sales with part of the common lying between the turnpike and old enclosed lands being offered to two proprietors at a valuation. This alteration may explain the previous failures of the bills. The remaining lands were to be leased for 21 years. The usual rule about encroachments of under 20 years being common land applied by 1866, the land produced £224 per annum. <sup>16</sup>
1820	Codsall Wood, Staffordshire	This 40-acre common adjoining Giffard's Chillington Park was subject to cottage encroachments. The lord's lessee, the Earl of Darlington, received 1/14 after roads and sales. The remainder, up to 25 acres, was to be vested in the overseers and let on 14 year leases to reduce the poor rate. The commoners were possibly influenced by the earlier Colton act as a way of fairly dividing up the benefits of a small common between many claimants. Also encroachment and trespasses were apparently problems here on the fringe of the industrial area of S. Staffs. Giffard was to buy 4 acres of land at £45 per acre and "to take to the trespassers so that the Commissioners shall not be required to take the trouble of turning them off". After sales of nearly 37 acres and a 25-perch manorial allotment, the overseers received only 1.4 acres. Thus the act did effectively share the benefits of the common between the owners but also may have prevented nuisances and higher poor rates by reducing encroachment and trespasses. Plots were bought by farmers, labourers and a Wolverhampton butcher. <sup>17</sup>
c1820	Prees Heath, Shropshire	Mr Kennerley of Heath Cottage offered £10 per acre for the whole of this heath, near the market town of Whitchurch. The proceeds were to be used to help the local poor. The freeholders asked him to increase the offer but he refused. His motives were probably not agricultural due to the poor quality of the land. This led to meetings to discuss an enclosure but a claim from an estate largely in another parish led to the project's abandonment. <sup>18</sup>
1844	Helme Hill, Matland, ★ Westmorland	Wilson's properties in 13 townships had all been enclosed by act since 1814 except for this 200-acre hill near Kendal. This was being enclosed by agreement as it "was so small that they could never get a private Act". It was to be let and rented in aid of the poor rates due to one or two small monopolizing tenant farmers who dogged the other owners' stock and to prevent "some idle, dissolute potters turning their horses upon it, who have no right to do so". These 4-5 nomadic families "go into Staffordshire for their pots and go round the country with their carts in the summer and in the winter they come and live in the cottages. We seldom get any rent from them, so we have pulled the greater part of the cottages down". The agreement was not unanimous due to the opposition of the monopolizing tenants. The owners considered that even if one owner's tenantry disliked it "we consider that the majority will bind the minority". Also there was a dispute over the manor with the Sizergh family but they and their steward were not present to sign the agreement. There were lime kilns with limestone nearby and some of the land would be ploughed as the tithes were now commuted. It is unclear whether the agreement was executed; the tenants' opposition was irrelevant so long as the owners agreed. Certainly the common was never enclosed by act. <sup>19</sup>



TABLE 25: SECTION 3 - ENCLOSURE AND WORKHOUSES

Year	Place	Notes
1757	Kardisland, Herefordshire ★	The overseers failed to get the Marquis of Bath's consent as lord to enclose common land at Bearwood for a workhouse. This had been a poor parish as early as 1637 when there were 41 claimed relief. An enclosure act was passed in 1811. <sup>20</sup>
c1765	Nacton, Suffolk ★	In 1765 rioters trying to pull down the newly built workhouse were dispersed by the military. This was erected by agreement; the heath was enclosed in 1805. <sup>21</sup>
1772	Fulshaw, Cheshire ★	A workhouse was set up here by agreement; 90 acres were given to build and endow it, of which 43 Cheshire acres were enclosed by agreement. Apart from the workhouse, the remainder was let to support it. This example of local enterprise may have influenced the townspeople of Stockport to use the common in the same way. <sup>22</sup>
1774	Laleham, Middlesex and Surrey	The two previous attempts to enclose the common fields and its pasture at 'Laleham Burway' had been blocked by owners in Chertsey Beaumont who claimed the pasture was part of their manor and by a majority in number who owned 30% of the rights and land. Concessions were made about roads and excluding Laleham Burway to obtain an act. An award was made 29 years later; 13 acres were allotted to the poor for their loss of common grazing on roadside verges. This was too small for a stinted pasture. Instead it was vested in the overseers as trustees who could lease it for 21 years to a parishioner (it was wedged between the fields of Lord Lowther, lord of the manor) to reduce the rates or for 60 years to raise funds for a workhouse. In 1816 (during the post-war depression) one tenant of a 260-acre farm (with an 85-acre allotment subject to blight) had to find money from outside the farm to pay the rent despite 30% abatement; four farms were unoccupied. Many of the poor were unemployed and, unable to pay rent, were 'flocking to the workhouse'. <sup>23</sup>
1776	Gressenhall, Norfolk	In 1775 an act was obtained by the 50 parishes in the tythe hundreds of Mitford and Launditch for a workhouse for the increasing number of poor. There was an amended clause to enclose up to 200 acres of commons as a site, compensating the relevant lords and freeholders. This was amended in 1776 to determine compensation with the Lady of Gressenhall Manor. The house was completed in 1777 in 63 acres of ground which cost £15,442; £5,442 was still owing in 1794 when 447 inmates on average were relieved. The land was cultivated and some clothing manufacture took place. <sup>24</sup>
1790	Streatham, Surrey	Due to the increasing number of buildings, there were more poor people but no 'proper place for their Reception'. A plot was obtained on Tooting Common for a workhouse for the poor (who were currently farmed out at great expense) and an enabling act was required. A 1789 bill failed but an act in 1790 succeeded with a new clause to appoint an overseer. Elected overseers had got 'interested Deputies' to do the job. Their misapplication of funds increased the poor rates. <sup>25</sup>



TABLE 25: SECTION 3 - ENCLOSURE AND WORKHOUSES (Cont.)

Year	Place	Notes
1792	Forden Heath, Shropshire	At this time there were many acts in this area incorporating parishes to establish a poor house to reduce the rising rates. An enabling law for this had been devised by John Gilbert, agent to the Leveson-Gowers, major Shropshire owners. This act referred to Pool, Montgomery and other parishes and divided opinions. Plymley believed that although open commons like Forden Heath led to much squatting, building this workhouse as a wool factory would worsen matters by attracting even more poor to the area. By the act, the house was built on up to 30 acres of common land as a licensed encroachment in Overgordy manor for all the people in the union. The lord was to receive 1/14 of the rent and the rest was to reduce the poor rates in the manor. 400 persons worked in this wool and linen works in 1796 which was still working in 1813. <sup>26</sup>
1796	Bedford, Bedfordshire	This parliamentary borough was described as a "vile unimproved place, without trade". The town attracted many poor people due to Harper's Charity, worth £4-5,000 a year, which also relaxed the industry of many inhabitants. A scheme of improvement was begun in which Samuel Whitbread II (MP 1790-1815) played an important financial and political rôle in co-operation with the Corporation. He helped to build an infirmary, an asylum, a bridge and a canal and to obtain an Improvement Act in 1803. In 1793, a 1764 act regulating Harper's Charity was repealed and new regulations introduced. A 1794 act established a workhouse with a garden and farm on open ground to reduce the poor rate and better relieve the poor. Attempts to establish a flannel factory here failed. Then in 1795 an enclosure act was obtained - most of the land was allotted to country owners who let to tenant farmers rather than the town's tradesmen. Whitbread and the Duke of Bedford were only about the fourth and fifth largest owners. Although a quantity of land was grassed as accommodation land for the inhabitants, 450 acres more wheat was grown due to the enclosure of open fields. The town's expansion only really began after 1825 despite these efforts and the charity still had a demoralizing effect on the industry of the town's poor. Here the building of the workhouse and the enclosure of the common land, although not directly related, were clearly keystones in the strategy of improving the town. <sup>27</sup>
1798	Birmingham Heath, Warwickshire	Birmingham's rapid growth had increased the poor rate especially during recessions. When the American War of Independence harmed the local small metal trades, especially nailing, £6-10,000 per annum was spent on outdoor relief. This led to a 1783 petition for an act to build a larger workhouse which failed; at the same time a proposal was made to the ladies of the manor to enclose Birmingham Heath - a bill failed in 1788. Poor rates doubled between 1792 and 1793 to £25,000 due to the French wars. When the large freeholders petitioned to enclose the heath in 1798, a counter petition was organised by the Overseers. They negotiated under the "Guardian Act" to buy up to 100 acres of the common for the parish poor; but "the present application... has been made by a few individuals" without the town's agreement and "these few expect to divide the whole amongst themselves". Enclosing a waste "adjoining to so populous a Town as Birmingham is a Matter of great Importance" which needed a year's delay "for Deliberation and for investigating the claims of the Freeholders at large and the general Advantage of the Parish". Their arguments (which show as at Atherstone that town enclosures involved more than agricultural considerations) did not delay the act but probably resulted in a clause which led to a 30-acre allotment being made to the Overseers. This was used for a workhouse, an asylum, and a sand quarry, and potato patches for the able bodied poor. Using this land more effectively after 1818 together with an upturn in trade led the poor rate to fall. In 1822 enough potatoes were grown to supply the two institutions with 600 bushels to spare. By 1882 this allotment had been extended to a consolidated area of nearly 100 acres, "covered with public buildings for the use of such as need a common home". The workhouse, jail and asylum together cost £350,000. <sup>28</sup>



TABLE 25: SECTION 3 - ENCLOSURE AND WORKHOUSES (Cont.)

Year	Place	Notes
1805	Stockport, Cheshire	<p>The town's population trebled between 1780 and 1800 due to the cotton industry; the number of houses rose from 700 in 1780 to over 2,000 in 1790. Already from 1712 the lord, John Warren, sold encroachments for building and industrial purposes until stopped by the burgesses in 1767, claiming a share in the proceeds. The economic pressure to enclose the moor, in the heart of the growing town, grew but the problem was how to divide the benefits. After an improvement bill based on rates failed in 1775, Warren's opposition defeated another bill using the proceeds of the sale of the common in 1785. This was due to a dispute between Warren and the burgesses about his mill rights and market tolls. In the 1790s small encroachments for a prison and a dispensary were made and around 1800 the town's open fields were enclosed by agreement for building purposes. Sir George Warren's death in 1801 helped the process of change which the town's elite desired. The Warrens supported this 1805 scheme to sell the commons to fund local improvements as well as a new workhouse. The improvement provisions were dropped due to cost and their potential challenge to manorial authority. Also, concern about the escalating poor rates due to the influx of many poor people and the high cost of outdoor relief probably outweighed the desire for improvements. The act would also allow urban growth whilst the expected benefits would be shared amongst owners according to the size of their property by the poor rates being reduced due to the workhouse. Success depended on high prices being obtained for the common and the trustees' honesty. High prices were paid as the lots were used for factories and industrial housing. The poor house, completed in 1812, was specified not to cost more than £4,000. The remainder of the £7,092 raised defrayed the act's costs. The interest on any residue was to be used to reduce the poor rates. The Whig opposition in 1835 claimed that the workhouse had only cost £1,000 and the remainder had disappeared, perhaps with a clerk who fled to America. Despite this and the lack of accounts, the Municipal Corporation's Commissioner made no accusation of misappropriation; he only criticised the imprudence of using civic funds on a single project. The new Whig Corporation led by Coppock did not pursue the matter with the surviving trustees due to the lack of evidence. The rates continued to rise although the workhouse might have slowed down the rate of increase. The example of Stockport emphasizes how the expedient of using trustees to administer funds from former commons - whilst a more rational idea than trying to divide the land between the many claimants - often failed due to inadequate controls over trustees.<sup>29</sup></p>



TABLE 25: SECTION 4. - ENCLOSURE PROVISION FOR THE POOR

★ Denotes enclosure by agreement without a separate act  
 Column A: Acreage for benefit of poor    Column B: Total acreage

Year	Place	A	B	Notes
1708	Dunchurch, Warks.	★ 26½	3,137	This was taken in proportion from all the allotments in the fields and heath for the "poorest inhabitants". 15 cottages had been built and the remainder divided into 120 gardens by 1869. After expenses, the proceeds were given in coal to the poor. The parish's enclosure agreement was "to its great improvement". <sup>30</sup>
1728	Thurlaston, Warks.	★ 43	1,823	This was vested in the churchwardens and overseers to provide fuel to those poor with a settlement. They had liberty to cut bushes as they wished. <sup>31</sup>
1762	Snettisham, Norfolk	700	5,167	Young felt that this act was the best example of how a whole community could benefit from an enclosure. The lord, Nicholas Styleman, was an improving landlord who had spent £1,500 on a mile-long sea wall to reclaim a 300-acre marsh. A rent advance of £240 gave him a 16% return. He had also made a 100-acre plantation and was advised to plant shingle beaches. 41 cottagers had common rights on the open fields which prevented the use of turnips and clover. "This great inconvenience induced Mr. Styleman to... promote an act". He also used the act to commute his tithes as Impropiator. The 1766 award dealt with commons, open fields and old enclosures. Styleman gave each cottager 3 acres for crops and grazing rights in a 600-acre stinted pasture. Cottagers of under 40/- rent could cut 3,000 turves - sufficient for the winter - from a 100-acre turbarry. Young noted in 1771 that none of these cottagers ever claimed poor relief and the rates had fallen from 1/6 to 1/- or 9d in the £. The population had increased from 500 to 600. Despite these land allotments, the act had been profitable; rents had risen 33% and one farm of Lynn Corporation had risen from £160 to £360. Styleman was not sure whether to accede to the requests from outsiders for cottages as they would gain settlements and the rates would rise. Young contrasted this treatment with other enclosures "In lieu of rights of commonage, the proprietors of a parish inclosed, generally divide it amongst themselves and gives the poor no indemnity". <sup>32</sup>
1770	Abington Pigotts, Cambs.	-	1,000	This first act in Cambridgeshire was the result of Granado Pigott inheriting the manorial estate (which had all but 103 acres in the parish) in 1768. "Formerly every poor man had a cow, some by right, others by permission." All the allotments in respect of cottages (which all belonged to Pigott) on the 50-acre common were thrown into the lord's allotment and put into farms. As a result all the cottagers' cows disappeared and a neighbouring farmer told Lord Hardwicke that the harm done to the poor and the rising poor rates stopped "enclosing for many years" in the nearby villages. The next enclosures in the neighbourhood came in the shortages after 1796 which were met by alarm at Guilden Morden and riots at Harston. The enclosure was neither made to change cultivation (which remained a 3-year rotation) nor to apparently improve a home estate; Pigott retired to Bath after his wife died in 1773. The enclosure allowed consolidation of the 920 acres in the open fields and the end of inconvenient common rights; but although rents increased, the poor rates rose from nothing to 2/6d. <sup>33</sup>
1770 & 1774	St. Neot's, Hunts.	-	1,390	Arthur Young believed the act, amended in 1774, caused "a vast improvement", made "the country much more beautiful and has been a great benefit to the community". One resident complained that although the land was more productive, "the poor were ill-treated by having about ½ a rood... in lieu of a cow keep". As they could not afford to enclose the land, they sold their lots at £5, drank the proceeds at the ale-house and the men "spoiled by the habit" came onto the parish and so the rates rose from 2/6 to 3/5. Although rates also rose in unenclosed parishes, Young felt "better modes of giving the poor a share" could be adopted as in other enclosures. <sup>34</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1771	Stanwell, Middx.	30	2,126	A 1767 bill for all the manorial commons failed due to counter petitions. One complained Sir John Gibbons, the lord, had already enclosed Burrough Green to add to his park at Stanwell Place and had prosecuted cottagers who had pulled down his fences. It also said it would harm many cottagers dependent on the heath. When the bill was rejected many farmers rejoiced in Pall Mall as it "might have been the ruin of a great number of families". The 1771 act resolved the dispute; Gibbons kept the Green and closed a footpath on it, but he had to provide another path and vested land and £100 with trustees for the use of the poor. The act for the remaining commons in 1789 said that 30 acres were to be vested in trustees and leased to help those poor who did not claim relief and had no allotment. The land produced £30 a year and Eden believed that this helped the poor more than allowing them to graze the land, although the Hammonds contradict this. <sup>35</sup>
1772	Letcombe Bassett, Hunts.	-	3,467	"The poor seem the greatest sufferers; they can no longer keep a cow, which before many of them did, and they are therefore now maintained by the parish." <sup>36</sup>
1772	Hethe, Oxon	-	804	The proprietors including the lord, Trotman, petitioned to enclose the 804 acres of open fields and wastes. William Fermor separately petitioned that he owned the 75 acres of Cottesfield subject to common rights at certain times of the year. He agreed with the common right owners that their rights would end in return for an annual sum "for the Use of the Poor of the Parish". Also the Rector's tithes on Fermor's 12 Yardlands were to be commuted for land and he was also to receive the Rector's 1-acre glebe. More research would be needed to see if this was to help the poor or help the rich by reducing the poor rate. <sup>37</sup>
1773	Gailey, Staffs.	-	600	Sir Willoughby de Broke agreed to an act for this 600-acre waste but he wanted "a thing done in some enclosures of late which [is] very proper in these distressful times". This was to vest a few acres in the overseers "to be let and the profit distributed annually amongst the most necessitous people... who are not relieved by the parish poor rates". This was in lieu of fuel and other rights. Littleton dissuaded him by saying that this area had very few poor people who could find alternative common land. He commented that "a difficulty will attend the apportionment of these several allotments for poor house dwellers; and which will be rather bones of contention than Fragments of relief". He queried that the allotments would "go ultimately in aid of the poor rates only? And will not this be to give them not to the Poor but to the Rich?... Such of the Inclosure Acts in which the Poor are particularly considered... respect only such Poor as, by the connivance of the Lord and Freeholders, have erected dwellings and taken inn [sic] some trifling Inclosures out of the Wastes. There is none of These in the present Case". Moreton Walhouse, Littleton's nephew and heir and the major owner, thought an overseer might use the rents "to his own private emolument" and that there would be "many lawsuits and disputes about its just and proper application". Littleton and Walhouse's objections may have been because they wanted to enlarge their estates. Both their ley grazing on the enclosed common was offered to let together. Littleton added to his common right allotments by purchase to make his "Land on Galey complete". These lands were only converted into a farm by his nephew and famous improver, E J Littleton, in 1815, 3 years after he inherited. Also the Staffordshire and Worcester Canal, in which Sir Edward was a leading proprietor, agreed to drain the land between Gailey Pool and the canal into its line; benefiting owners paid money to the canal. <sup>38</sup>
1777	Weston Colville, Cambs.	-	1,927	This act led to cottagers with rights having parcels of land laid to their properties which led to them being better off. The smaller lots were used as gardens; others were 2 or 3 acres and were used to grow corn rather than keep cattle. Even in the scarcity of 1800-1, very few received relief. However those cottagers without rights lost their cows. <sup>39</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1778	Nazeing, Essex	-	453	This stinted the common rights on an enclosed regulated 453-acre pasture called Nazeing Park. Due to neglect of fences, there was a danger of bounds being lost and of encroachments and fresh regulation was needed. The land was vested in trustees who charged for each stint. This paid off the legal costs and funded the maintenance of the fences. The local poor were "a sad, lawless set of people" who "were remarkably idle and dissolute" before the act, but "the whole business seeming to have no other object but benevolence to the poor". The 100 commoners were to enjoy the same common right - 20 sheep and 4 beasts, later halved by the trustees - whether rich or poor. The leading encloser, Mr. Palmer, advanced each man capital enough for 10 sheep - their produce was to be Palmer's until he was repaid. Very many accepted his offer and all was repaid within 2 years. Letting to outsiders was forbidden but they let to each at up to 23 per right. The poor rates had risen to 4/- in the £ by 1801 and they would have gone up more but for the act. The population had increased rapidly since the act. Since "Mr. Palmer took them in hand", "they are converted to as sober and regular a people as they were before licentious". Palmer, a London merchant, built up his estate here and became the leading resident owner at Nazeing House which he rebuilt. No doubt he wished to 'improve' the community in the vicinity of his home estate. <sup>40</sup>
1780	Foulden, Norfolk	-	2,657	A counter petition to that of Tyson and others feared that the enclosure of 2,657 acres - most of the parish - would injure the owners and reduce their estate's value. The allotment to owners of tofts was inadequate - the value of rights to cut and take "firing" alone was worth more than the allotment. The "numerous poor" would become "a heavy Burthen" once "deprived of keeping Fowls, cutting Firing, Sedge and Rushes, by which they at all Times, when not employed by the Farmers, can support themselves and Families". Many petitioners could not afford the costs and it was felt that the petitioners had insufficient property to have the law passed. Despite this, the act was passed. <sup>41</sup>
1788/ 1810	Warendon Heath, Bucks.	150	2,164	Under the original enclosure, 150 of its 2,164 acres were allotted to the churchwardens and overseers of the poor for fuel gathering. By agreement, this land was to be vested in the Duke of Bedford for an annual rent of £300 to be used in buying coals half-yearly. This was near the Duke's home estate at Woburn. <sup>42</sup>
1791	Alconbury, Hunts.	-	3,200	There were 1,846 acres of open field and 300 to 400 acres of common pasture which was ploughed up. Its division between 37 owners increased the amount of crops but decreased the amount of stock. The rates had "risen very greatly, but not from the inclosure", but the poor and the owners both agreed the enclosure had "been injurious to the poor". Many of the poor had lost their cattle. The cottage tenants found their landlords put the allotments in lieu of their common rights to their farms. Freehold cottagers could not afford the enclosure costs and "were forced to sell" and became as the rest in this respect. The milkmen complained of lack of work but Young was doubtful about this. The enclosure cost £4,000 but an experienced farmer believed there were many advantages in preventing sheep rot and in saving time walking from strip to strip. <sup>43</sup>
1793	Kenley, Shropshire	★ 30	-	The Rector, Archibald Allison, with the consent of the lord and patron, turned his 30-acre glebe allotment in an enclosure agreement into 10 lots for "the poor people of the common who had the largest families". This was "the grand cause of keeping down that dreadful scourge of famine amongst the poor and preventing that enormous rise we have to deplore in other parishes of the poor rate". The lord, Sir William Pulteney, was a leading agricultural improver. In 1795 he ordered his tenants to plant potatoes due to the famine and he endowed the chair of agriculture at Edinburgh University with £50. <sup>44</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1795	Harlaxton, Lincs.	-	300	D Gregory, the main owner, gave the 26 cottagers (of a population of 265) renting from him some of the best land divided into summer pasture and winter keep fields enough for two cows. If generally adopted "it would encourage industry, preserve quietness and lower poor rates". Yet the 300-400 acre common was enclosed (with tithes commuted for land and corn rents) which Gourlay believed increased the rates by decreasing the number of cattle kept (especially by the cottagers). However the village was not closed; the population was 428 in 1841. <sup>45</sup>
1795	Great Parndon, Essex	-	124	Agriculture here was not well managed with too many small and unproductive farmers. The act enclosed 124 acres of common pasture. As it "yielded no fuel of any kind...no allotment was made for it... Small allotments were made to the poor people who kept geese, etc., but they have been bought, except a single one, by the land proprietors". A year before the award was executed in 1799, a workhouse was built. The poor rates which averaged £230 in the 1780s were £500 in the early 1800s and peaked at £634 in 1812. The loss of rights and sale of allotments must have contributed to this increase. <sup>46</sup>
1796	Maulden, Beds.	19	2,000	The famous Whig improver, the 5th Duke of Bedford, determined to enclose the common. Although this enlightened product of the Age of Reason sympathized with the French Revolution, he believed the long-term benefits of improvement should come before the short-term inconveniences of the poor. By this act he gained a large farm and paid an annual corn rent of nearly £300 to the Rector for the great tithe allotment. The cottagers and the poor could no longer practise their customs of grazing stock and cutting fuel on the whole common. One cottager had kept four cows on the common; after the enclosure he did not even keep a goose. An allotment of a 19-acre turbary was made to the minister and parish officers to distribute the turf to the poor and to use the rent of the herbage to reduce the rates. This was felt to be wholly inadequate by the poor who were "not contented with part of the common and claim a right to the whole". 200 assembled to prevent the ground being surveyed and had to be dispersed by troops. The Duke encountered similar problems at Streatham when he sold the turbary rights - formerly used by the cottagers - for £80. The furze was fired and an encroachment was destroyed. Enclosure was discussed but the poor's opposition from loss of grazing rights apparently prevented it. <sup>47</sup>
1796	Northwold, Norfolk	118	3,000	The poor were intended to be treated well in this act according to Burton, an enclosure commissioner. Firstly allotments for the poor were made inalienable from their cottages; Burton believed there was "a considerable benefit in the poor people having land enough for a cow; from 2 to 4 acres, according to the soil". Secondly 118 acres were allotted as a turbary to 70 cottagers who had no common rights. The 5 fen reeves were intended to let the turbary herbage to pay for the cartage. "The benevolent intention" of the promoters was to ensure these poor cottagers an ample supply of fuel with cartage paid for. However the fen reeves - dominated by farmers - who owned eight cottages decided to take the herbage belonging to their tenants. The act was not framed well enough to prevent this. The Rector's influence stepped this but the reeves forced any cottage tenants who wanted to benefit from the scheme to pay 10/- more rent, whereas the herbage was only worth 8/-. Therefore the landlords accepted the herbage of the cottage right, in part payment of rent "and thus the cottager is deprived of that relief, which was by the act of Parliament intended to ease his mind... and to make a <u>permanent</u> fund to pay the cartage of his fuel". <sup>48</sup>
1796	Thorpe Satchville, Leics.	10	900	This enclosure was probably under the 1796 Twyford Enclosure Act; the manors adjoined and belonged to the same lord. Very poor land at edge of parish was allotted to the poor as cow pasture. This was rented later to Quorn Hunt for £35 p.a. who planted it as a thick fox covert. This provided funds to distribute coal to the poor. The hunt similarly rented and planted Ashby Meadows, a cow pasture allotted to the poor in Ashby Folville. <sup>49</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1797	Raunds, Northants.	-	4,008	Nearly all the parish was enclosed by act. Large numbers of small owners petitioned against the act; "under pretence of 'Improving Lands'", cottagers and others "entitled to the Right of Common" would no longer be able to depasture their sheep and cattle. This allowed them to support their families in winter. These "bold and hardy husbandmen" as in other "open [i.e. non-enclosed] parishes" would be driven by enclosure from "want and necessity into manufacturing towns". They had not petitioned when this had happened in other enclosures as they personally were not threatened. But the act deprived them of their 400-acre common pasture. This was not done to convert the land to cereal; indeed 380 acres of arable land were lost to pasture. In the act, 10 acres were allotted for church repairs but the expenses of the act were paid only by the larger owners. The poor's fencing was done for them "if in needy circumstances and not entitled to more than 10 acres and thought objects of benevolence". A riot in protest led by women and shoemakers involving destruction of fences, is only known due to a subsequent poem in 1823; again the landed elite suppressed news of this. <sup>50</sup>
1797	Little Wilbraham, Cambs.	-	1,990	The common was allotted only to those who occupied under 20 acres rather than those who owned the properties. This ensured that only cottagers would ever occupy these common rights. Thus owners could not enclose the common used by cottagers and put it to their farms as they did at Abington Pigotts, Harston and many other cases. Tithes were commuted here. Great Wilbraham was also enclosed by act at the same time, probably due to Edward Hicks, who had large estates in both places. <sup>51</sup>
1798	Hethersett, Norfolk	-	725	The act proved how much the poor wanted property in severalty rather than in common. The cottagers under £5 a year could have had double allotments in a stinted pasture under trustees for free. This was in the best part of the 430-acre common, the Lynch, worth 26/- an acre, and near their houses, but they all chose single allotments with expenses despite opposing the act due to the advantages of common. Cottagers between £5 and £10 a year could have had single portions in the stinted pasture without expenses but they too preferred an allotment with expenses. Young noted that the loss of such commons led poor rates to increase - in this case from 5/- to 8/- by 1801. 295 acres of open field land were also enclosed. <sup>52</sup>
1798	Harston, Cambs.	-	1,400	The bill was proposed in 1796 probably by Rivers Taylor, tenant of the manorial estate, who bought the estate before the award in 1802. It was strongly opposed by 11 resident landowners and 27 of the 48 resident houseowners. The notification of a bill led to a riot amongst the labourers and the yeomanry who arrested the ringleader were pursued to Cambridge by a group armed with scythes and pitchforks. They were right to be concerned as the act harmed both tenants and owner occupiers of cottages. Those entitled to small allotments declined the option of sharing a common pasture instead; they were too poor to cultivate their lots and so they let or even sold their lots. The tenants of cottages did not receive the one acre allotted per cottage; instead the owners of large estates laid the allotments to their farms. Thus the large and mainly non-resident owners, together with Rivers Taylor, maximised their profits whilst harming the poor labourers. The poor rates rose from £130 in 1785 to £265 in 1803 and to £410 in 1814. However this was probably the act which Nash mentioned in 1844; after rioting, the men now "laugh at their folly, for the common is now divided into gardens and cottages that would before sell for 40/- now sell for more than 100/-". <sup>53</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1799	Chestnut, herts.	100	2,741	<p>The enclosure of 1,555 acres of open field and lammas arable and 1,126 acres of Chestnut Common was promoted by the lord, Sir George Prescott (bart.), Rev Joseph Martin (tithe owner), Oliver Cromwell of Chestnut Park and the other large owners. Of the 6,930 acres involved only owners of 3¼ acres were opposed and of 408 acres were neutral. A counter petition was mounted by a solicitor, Mr Rene Payne, who believed an act would harm the poor. He believed the land was too poor to repay the investment and was ideal for sheep breeding. The cottagers used their grazing rights extensively - but as the commons were distant, their small and remote allotments would be useless. These problems were currently avoided by a common herdsman. The cottagers themselves wanted only to regulate the common because a butcher from Epping Forest called Ruskins hired a 40/- cottage to turn out 1,800 sheep. This spoiled the pasture although many cottagers only grazed a few sheep and were believed to be too poor to buy even one cow. The cottagers threatened in a letter to Cromwell to kill the lord, the tithe owner and all the act's supporters. If the promoters allowed the poor to keep animals or let their common rights, this would "be an easement to them in the poor rates". Eventually 100 acres were vested in trustees as a stinted pasture for cottagers who had less than 1 rood and whose rent was under 2s. An 1812 amendment act allowed the trustees to lease the 100 acres for 21 years and divide the proceeds between the occupiers. This was due to the distance of the allotment from the cottages; the inability of occupiers to maintain livestock; and illegal depasturing of stock.<sup>54</sup></p>
1800	Gullien Norton, Cambs.	-	2,507	<p>The act was proposed in 1796 but failure to agree terms on tithe commutation delayed agreement until 1799. Cooch believed "there will be an end of cookeeping amongst the poor, as in the neighbouring parish of Abington Pigotts. The poor are therefore greatly alarmed and view the steps taken for enclosure with terror". The act did not contain provision for a common pasture for owners of commorable houses but all elected to take separate allotments; the poor tenants of these cottages would probably be deprived of the opportunity for stock keeping. The award was in 1801; by 1803 the poor rates were 23d.; by 1814 this had reached 25s.5d.</p>
1801	Over Hayford, Glos.	30	1,130	<p>This enclosure was largely of open field lands; there was only one acre allotted for Corpus Christi's memorial rights. The sale terms were probably the bestor, the Reverend William Pilmer, a noted experimental farmer, and Benjamin Churchill, who acquired many copyhold estates at the time. The poor's allotment was given in trust for the cottagers' fuel rights. In 1831 this was rented for 23d per annum. As the cottagers had no stock they received no allotment for any pasture rights.<sup>56</sup></p>
1801	Salwell, Staffs.	-	-	<p>The mayor called a meeting of freeholders and inhabitants of the borough and 'foreign' to consider a bill to unite the townships of the borough and foreign and to enclose "Part of the waste lands for the improvement and benefit of the poor". No progress was made.<sup>57</sup></p>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1801	Blofield, Norfolk	37	910	Blofield's 700-acre common was part of Household Heath near Norwich. The remainder, in Plumstead, was under an enclosure already. There were 30 Householders in Plumstead occupying 12-15 acres. Burrout, the lord, had allowed 30 cottages costing £40-£60 each to be built recently "by connivance" on the common. The 110 of the 150 Householders in Blofield parish saved the parish (population 420) £180 in 6 months of scarcity. Apart from their 40 acres and encroachments used for cereals, potatoes and gardens, they used part of the common as a summer run for 23 cows and 18 horses. Young believed by small loans to establish themselves, and 70 rather than 40 acres "as a reward for honest industry" all the parish poor could be kept off the rates and thus save £300. As it was, Young calculated the encroachment of 40 acres saved the parish £180 in poor rates. However owners of common right houses broke down fences and contemplated an enclosure act. If "ill framed", with "the commons divided in proportion to value of lands already enclosed throughout it, the regulation so common in enclosures, the whole mass of these people are ruined... A cottager who keeps three cows might get half an acre. To set fire to his house would be an equal favour". The greatest evil on the heath was paring for fuel especially near Norwich; the earth ashes were used as manure for potatoes. In the enclosure acts, 30 acres were allotted to the poor at Great Plumstead, the rent from 34 acres was paid to the poor of Little Plumstead and the rent of 37 acres of land was distributed in coal amongst the poor of Blofield. The population of Blofield had nearly trebled by 1841 to 1,112 inhabitants so enclosure did not 'close' the parish. <sup>58</sup>
1802	Stratfield Mortimer, Berks./Hants.	100	1,500	The enclosure act for Mortimer Common included provisions for a fuel allotment vested in the lord, vicar and overseers as trustees. By 1923 Burnt Common was unproductive of income and the swampy woodland was used for recreation. <sup>59</sup>
1802	Brightwell, Oxon.	-	1,587	Under this act, the 225-acre common was allotted apparently to one landowner, V Lowndes. "A sum of money is paid by the proprietor to purchase fuel, bought by the occupier for the consumption of the cottages entitled to common of turbary before the enclosure". Lowndes began reclaiming this in 1800 by building a homestead and then by paring and burning. Thus a summer sheep pasture was converted to arable using a 4-course rotation. The decision to enclose the open fields seems to have led to an act which also confirmed the enclosure of the common. <sup>60</sup>
1802	Henllan, Denbigh	-	8,000	15 miles of road were set out across this common called Denbigh Green. Bequests of £450 were spent in 1814 in building 10 cottages with 23 apartments on a site given by the act. This was let out rent free to poor persons. <sup>61</sup>
1806	Broad Somerford, Wilts.	100	1,147	The Rector, Mr. Demainbray, was an advocate of allotments, giving evidence to House of Lords Committees in 1830 and 1831 and publishing pamphlets on the subject. He used the freeholders' desire for him to accept land in lieu of tithes to stipulate some provision for the poor. Half an acre was attached to each cottage on the waste; this was vested in the Rector, Churchwarden and overseers; 8 acres were reserved for reallocation every year. This arrangement had excellent results, "every man looking forward to become a man of property". Eventually the Rector set out nearly 100 acres of his glebe for the same purpose here, which were "kept in the highest state of cultivation, to the mutual benefit of landlord and tenant and with the most punctual payment of rent". The scheme was copied in several neighbouring parishes such as Potterne, albeit with less success. However Demainbray's plan was not copied generally and he commented "Since that time [1806] many hundred enclosures have taken place, but in few of them has any reserve been made for the privileges which the poor man and his ancestors had for centuries enjoyed". <sup>62</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1809	Gillingham and Motcombe, Dorset	-	500	This "was attended with some riotous proceedings. The poor were in the habit of keeping geese and cows on the commons". <sup>63</sup>
1811	Woolhampton, Aldermaston, etc., Berks.	49	2,395	Under the 1808 enclosure agreement (confirmed by this act) two provisions were made for the poor in Aldermaston. A 49-acre allotment was let and by 1923 it was let for £40 which was spent in distributing coal to residents of 3 years or more. Their fuel rights were provided for by charging all the allotments with 1/- per acre annually. The fund was administered by the minister and churchwardens and distributed amongst the poor. The fund was successful here and induced the poor to behave properly in order to receive the money. The system of trustees managing such funds also worked well in a Lincolnshire parish. However usually such funds were badly managed. Another problem was whether the funds should be restricted to those who owned ancient messuages and usage of the rights, or to all the poor. The latter was chosen due to the difficulty of establishing usage. <sup>64</sup>
1812	Lopham, Norfolk	200	874	Despite this allotment to allow the poor continued exercise of their common rights, four persons were punished for demolishing a fence; one, Mason, addressed the court as the champion of the poor "whose property he said the commons were". The judge replied that the poor had no such rights here and Mason's sentence was four times heavier than the others. <sup>65</sup>
1818	Helston, Cornwall	-	328	Black Downs was allotted to the borough as trustees for the poor to cut furze for fuel. By 1875 the right was little used and fencing and rates led the council to lease it for 14 years at £20 rent. The poor felt this was illegal and the land should be divided into allotments. <sup>66</sup>
1824	Potterne, Wilts.	36	266	Potterne was notorious for its hooliganism by its "Lazbs". This act involved not just enclosure but 173 acres of exchanges. The poor's allotment was vested by the Lord of the Manor, the Bishop of Salisbury, in the parish vestry. They used the 2-acre plots as garden allotments for the poor. Those who took a plot on a small rent could not claim poor relief. This attempt to reform the 'demoralised' paupers of the parish and to create habits of industry failed as the poor preferred to surrender the land and live on the parish. The parish was still "filled with a very discontented and turbulent race" according to the Assistant Poor Law Commissioner in 1834. <sup>67</sup>
1829	West Looe, Cornwall	44	400	22 acres of waste within this small (100 acre) pocket borough were let in 1/2 to 1-acre plots at 15/- to 21 per acre. The distribution was by lot amongst the poor and belonging to the borough; the only conditions were that the lots should be properly cultivated and rents paid; this was applied in aid of the poor rate. This led to another 22 acres being enclosed in 1833 and let to any poor residents in the town, without regard as to their being parishioners. The land was fertilised by sea weed which could be collected for free and lime which was cheap to obtain. The rents of the first area were regularly paid but in 1834 the rents of the second were not due. The poor rate fell from 10/- to 3/- "but the moral effect upon the poor is beyond calculation, the population being principally seafaring men who, in bad weather, had no occupation, and who idled about, a dead weight upon the poor rate; but who have now occupation, and are happy, contented and laborious". <sup>68</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1832	Kempsey, Worcs.	★ 30	-	There had long been problems with the poor here. In 1670 40-50 levellers were dispersed by troops. By 1780, this "pleasant village" 3 miles from Worcester, due to "its justly admired Situation, is become the Residence of many Genteel Families"; but there were also many poor people and in 1821 a "very commodious" workhouse with 7 acres "enclosed and attached" was built. Under the 1832 enabling act, the Bishop of Worcester agreed to a freeholders' petition to enclose 30 acres as allotments for the poor. <sup>69</sup>
1833	Bradford Common, W. Riding	★ 15	20	Before the parliamentary enclosure of various commons in this area (in 1840) 15 of Bradford Common's 20 acres have been taken in for the poor. <sup>70</sup>
1834	Battersea, Surrey	★ 122	-	Lady Latchmore in the early 1600s left grazing rights on 22 acres to the parish. "A few years ago, in consequence of the Inclosure Act, the parish authorities took measures... to form it into... allotments ... given to several of the pauper inhabitants" claiming relief for a small rental. In 1836, when the enclosure was opened for cattle, the parishioners depasturing stock broke down the fences and the cattle ate the produce. In 1837 the same thing happened again after each side gave warning notices about prosecutions; a great crowd gathered with their stock and took possession. The police did not interfere as there was no assault. The parish authorities took legal proceedings. <sup>71</sup>
1835 & 1844	Stretham and Thetford, Cambs.	-	2,390 693	The proposed enclosure of these commons and to improve the drainage of Stretham Common under the 1766 act for Waterbeach Level was violently opposed by the "small commoners" in 1833. In 1804, the cottagers hoped no enclosure would ever occur as they would find allotments in respect of their premises thrown together into their landlord's farms. Only six or seven of the cottagers were freeholders. Despite a promise in the enclosure notice to allot land "for the poor inhabitants' exclusive use and benefit" the poor prevented the notice being fixed to the church door. 42 proprietors notified their dissent by a newspaper advertisement. Acts were obtained in 1835 for Stretham and in 1844 for Thetford involving 78 and 42 allottees respectively. Although there were probably concessions to small owners to obtain greater support there is no reference in the <u>Victoria County History</u> to what the poor actually received. <sup>72</sup>
1845	Foulmere, Cambs.	37	2,212	In the 1830 Swing Riots labourers went on strike for higher wages. The poor depended upon a marshy warren for hay, manure (as fuel) and cattle grazing. They cultivated and manured allotments there which were particularly important when there was unemployment or when "not receiving... wages adequate to the support of themselves, their wives and children and... their aged relatives". The scheme would deprive them of these customary rights without compensation; this had happened at nearby Thriplow, whose poor could not now support themselves due to the low wages. They asked for clauses to protect their interests, or else they would end up in the poor house. The danger of higher poor rates and the greater protection given by the 1845 general act seems to have led to alterations. The poor received a recreation allotment large enough for a cricket ground, 14 acres in lieu of loppings of the town willows and 14 acres for other common rights. This was let to parishioners in small parcels and the income of £18/10/- in 1856 was distributed to the poor in coal or cash doles. These allotments were small compared to the 1,350 acres allotted to the ladies of the manor. <sup>73</sup>



TABLE 25: SECTION 4 - ENCLOSURE PROVISION FOR THE POOR (Cont.)

Year	Place	A	B	Notes
1848	Wetley Moor, Staffs.	-	-	Two bills in 1806 and 1807 to enclose the part of the moor within Bucknall manor failed. The moor remained a barren waste used only for popular gatherings like Chartist Camp meetings. In 1848 there was renewed interest in overseers hiring land for workhouses and allotments for the able-bodied poor. 50 acres of uncultivated land (the maximum under the 1831 act) in Sheffield were rented from the Duke of Norfolk for spade husbandry (probably enclosed under the 1791 act). This encouraged Stoke ratepayers to approach the Board of Guardians. They noted that "Wetley Moor remains completely unoccupied and there could be no doubt, if an appeal was made to the freeholders around the moor, they would consent for a portion to be enclosed for such a beneficial object". This apparently never took place. <sup>74</sup>
1850	Dalbury Lees, Derby	35	35	The common in this small scattered village was enclosed under the 1844 act and apportioned between the lord and proprietors. They found the most profitable use was to let it "for cottage gardens". The provision of labourers' allotments was apparently not altruistic but for private profit, although it may have had social benefits. <sup>75</sup>
1852	Ewelme, Oxon.	53	2,371	This was enclosed under the Benson enclosure of 1852. One of the commons- probably 53 acres in size- was the "Furze Common" where every inhabitant had the right to cut fuel. It was allotted to one man without any compensation for these rights. Also allotments were set out to the owners of cottages not the occupiers. These lands became part of ordinary farms and the cottagers lost their rights without any compensation. <sup>76</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS

★ Denotes enclosure by agreement without a separate act

Year	Place	Notes
1719	Gratwood Heath, Staffs.	The detailed discussion of the Parliamentary Committee survives and reveals much about the enclosers' concerns and motives. One clause causing especial concern was one granting leases from the Lord, the Bishop of Lichfield, to all cottagers. Sir Bryan Broughton believed "this clause would lessen the number of the Poor by reason they would have enclosures whereby they would be enabled to live without assistance". The cottages were each worth £30 a year and the adjoining enclosures £4. The objectors who clearly feared being saddled with numerous poor, however, extracted the proviso that only cottagers with legal settlements were entitled to leases and the Bishop could eject at his pleasure. The Bishop also received 1/6 of the 1,000-acre common in a contiguous lot wherever he wanted (except for 40 acres) for loss of rents, free warren and manorial rights. <sup>77</sup>
1767 & 1777	Skelton, Cumberland ★	The open fields were enclosed by act in 1767. In the five years after the award, the number of baptisms fell by almost half which Bouch and Jones believe indicates that this arable enclosure led to depopulation. They dispute that the 1777 enclosure agreement of pastoral common caused depopulation as there was no significant fall in baptisms. However Hutchinson, a contemporary, noted a fall in population from 678 in 1786 (the year before the agreement award) to 631 in 1792. He blamed this on "two recent causes, the inclosure of common lands which occasioned many cottagers to quit the country... and the uncommon progress of manufactories which induced multitudes to engage their children therein". Although Bouch and Jones dispute Hutchinson's conclusions, there seems no reason to dispute the figures and arguments of this contemporary that enclosure of commons caused depopulation. <sup>78</sup>
1771	Ryslip, Surrey	"Great Incroachments" was one motive for this act. The commons "yield little or no profit"; the act would be "very advantageous to the several Proprietors thereof, as well as to the Church and the Poor of the said Parish". It would create work and ensure relief was spent on the parish's own poor, not extra-parochial encroachers. A counter petition apparently led to some amendments before the bill was enacted. <sup>79</sup>
1773 1783 1793 1809	Chatteris, Cambs.	The commons were progressively regulated to allow more arable farming on the Fens until in 1793 half of the 3,000-acre fens were ploughed for four years and became part of a mixed arable and pastoral rotation. Gardiner - the main promoter - opposed a full enclosure as consolidation would harm the smallholders. The 1793 act did not enclose the 500 acres of open field which Gardiner believed would have become pasture and left alone 1,500 acres of fen and 1,320 acres of pasture. Apart from the 163 houses enjoying common rights, in the five years before enclosure about 20 cottages per annum were built in a group around the entrance from March. Very few had gardens and cost £10-£12 to build but the common right owners stopped this in 1793 - presumably by the act. Jobson, the curate of March, who made his "little fortune" by this "rather imperfect" act, supported the cottagers being granted land generally. Scott, the incumbent of Chatteris, believed the sale of cottages to outsiders led to the common right owners stopping the encroachment which "increased the parish poor" but allowed poor persons from outside to gain support. Young commented that if poor persons without a garden and a cow were kept off the rates by such cottages, even in the recent scarcity, the effect of granting them a garden would be very beneficial in these distressful times. However Young did note poor rates had risen from 2/- to 4/6, which he linked to the loss of common and thus opportunities for others to build cottages. Scott believed the cottages had "encouraged industry and good morals" but he believed enclosure would be beneficial by improving drainage, increasing tillage and providing more employment. Eventually an enclosure act was obtained in 1809 in which 235 acres (apparently) were allotted as turbary. By 1837 so much had been cut as to make it useless. <sup>80</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1777	Ipstones, Staffs.	Although in 1809 Ipstones Park and a 295-acre estate was claimed to have its own manor, all the freeholders were lords of the manor. The resultant weakness of manorial control allowed encroachments to reduce the 1,500 acres of common in N.E. Ipstones by nearly $\frac{2}{3}$ to 582 acres in 1776. This was mainly by poor smallholders and squatters. This emphasized the already dispersed nature of the settlement. Many squatters came from outside and threatened to harm the poor rate. The many small freeholders drew up an agreement to safeguard their common rights. However the agreement was never executed because in 1777 an enclosure act was obtained. As a relative of one promoter wrote "it will put a stop to many encroachments that are every day making upon the commons by people who have no right to them and will keep many bad people out of the neighbourhood". Even existing cottagers contributed £100 towards the act; this indicates their opposition to encroachments by outsiders which damaged their rights and were a potential drain on the poor rate. The poor rate was used as a basis for the allotment to avoid a new survey and thus reduce costs. This meant the enclosure cost only £844 to which the cottagers contributed £156. Also 8 cottages and encroachments were not allowed as freehold; they were allotted to the overseers (there was no single lord to allot them to) who let them to the occupiers for 21 years with the rents going to the poor rate. <sup>81</sup>
1777	Selattyn and Whittington, Shropshire	The first enclosure proposal made in 1766 largely focussed on the cottage encroachments. The freeholders offered $\frac{1}{14}$ and all encroachments within 30 years. The lord's allotment for freeholders' encroachments were to adjoin his land. The cottagers were to be leased for two lives on current wastes. All lime quarries were to be allotted to the lord. Eventually he accepted $\frac{1}{13}$ but relinquished his mining rights. <sup>82</sup>
1778	Iron Acton, Gloucs.	The woods in this area had been cleared due to its ironworks. There were also sandstone quarries for building and a working coal pit by 1778. The coal and ironworks had closed by 1848 but they had encouraged large-scale encroachment by miners. The enclosure petition of the lord, Walter Long of S. Wrexall, and others complained "that, by Reason of the many Encroachments of late years by Persons having no right of Common, by erecting cottages, inclosing Gardens, Orchards, etc., it would not only be of great Benefit... to all Persons interested in the... Waste Land if the same were divided and inclosed, but of public utility". 11% of the owners by value did not sign their consents due to their neutrality, opposition or absence. <sup>83</sup>
1781	Dilhorne, Staffs.	The improvement of this moorland village was due to John Holliday, a London lawyer and conveyancer, who married the heiress of the Dillorn Hall estates. A contemporary wrote, "The Foundation of his Improvements was laid in 1780, when a Bill... was obtained for dividing and enclosing Waste Lands... and for making Exchanges of Lands, from whence great scope for Improvement... frequently spring". A turnpike act was obtained despite the mine owners' opposition but a bill for a branch canal and reduce coal prices 50% failed. Holliday planted a 3-mile chain of woods on the village's "circuitous moorland Hills which form a fine amphitheatre"; this landscape improvement was influenced by the picturesque philosophy of Thomas Pennant. Holliday won a Society of Arts gold medal for planting a 28-acre allotment with 113,000 mixed timber trees between 1789 and 1790. He wrote and published a long poem, 'The British Oak', which praised the aesthetic, moral and military (for warships) benefits of planting trees, his "favourite and principal amusement in the country". His tenant, James Dunn, paid 15s an acre for other allotments improved by deep



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
	Dilhorne (Cont.)	<p>ploughing and liming; previously they were worth under 2s an acre. Other owners like Boughey found it harder to agree terms with tenants. The act also dealt with the problem of encroachments. The common was estimated at 900 acres but only 603 acres were awarded; the difference was probably due to encroachments by large freeholders and squatters. There were 129 small encroachments by both these groups. The miners and pottery sellers had been allowed to make cottage encroachments, although having no legal rights, provided they did not exceed 2 acres. This was to prevent them being a charge on the parish. The poor had "been at considerable expence" to improve their plots and it "would be" injurious to deprive the poor of them. Thus the act allotted all such encroachments within 60 years to squatters with legal settlements subject to a quit rent to the lord. This clause occupied the commissioners a good deal. Other encroachments were deemed common and allotted to adjoining owners or to possess as part of their common rights. The eastern part of the heath was rotted with lime and compost and potatoes grown to sell in the Potteries. Holliday recommended potato grounds as a way that cottagers could support large families. By 1816, 97 of the parish's 165 holdings belonged to crofters holding under 5 acres. The act was also used by Ralph Adams to purchase claims to obtain an allotment of 115 acres. This act took a more progressive and enlightened view of how to improve a parish than several later ones due to Holliday's influence.<sup>84</sup></p>
1785	Meriden, Warks.	<p>Meriden was an 'open' scattered village with no resident owners and an absentee lord of the manor. There were considerable cottage encroachments on Meriden Heath, "an extensive and poor common" which adjoined the 'closed' single owner manor of Packington and the 4th Earl of Aylesford's home, Packington Hall. The Earl was a leading Tory and interested in intellectual activities. He continued his predecessor's work who had enlarged the hall in 1772. He was concerned about the state of Meriden village and the heath which lay across the main approach to the hall from the London to Chester road. Therefore he obtained an enclosure agreement with all the freeholders, bought the manor from Lord Derby and got a confirmatory act. His manorial tithe and common right allotments gave him 77% of the land enclosed (part of a policy of accumulating land here which continued after the act). By exchanges, he received a consolidated estate including the heath and many encroachments. He then destroyed many cottages and extended his park over the common up to the turnpike. He converted this into an enclosed bowling green with stone pillars as bases for butts. Aylesford was "perhaps the best gentleman archer in the kingdom". The Woodmen of Arden had annual meetings on the heath with a clubhouse called Forest Hall, possibly built by Joseph Bonimi in 1783. The land was turfed and planted. He also built a new approach across the heath and altered the line of the main road (as permitted by the act) to reduce the slope into Meriden. Byng in 1789 found that the poor hated the act as they lost their turbary and common rights. Only a few cottages and gardens were left at very high rents and fuel prices had risen. Byng argued the poor should have had an allotment to encourage industry; their "misery... and hunger will break down stone walls" - a clear indication of the fear of revolution. Aylesford's attitude was different; he built a new church in his park in 1787 and a workhouse (under Gilbert's Act) in 1792 to improve the morals of the poor. Aylesford had 'closed' the village and improved the landscape and was a "kind and indulgent landlord" but he had done nothing to address the problems of the poor.<sup>85</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1787	Milwich, Staffs.	<p>There was a lengthy dispute about encroachments in this manor. Their large number and size may be due to the weak manorial control. There were four lords, two of whom, Dive and the largest freeholder, the Earl of Macclesfield, were non-resident. Also the many small freeholders claimed that no-one could make a clear title to the manor. They used the vestry as a means of organising resistance to the encroachers after 1754. They tried to remove persons without a settlement, prevent the sale of encroachments and force encroachers to pay rents to maintain a schoolmaster. Matters came to a head in 1784. The cottagers had been making fresh encroachments since 1781 and the freeholders brought a court case against a cottager and tried to open up encroachments. Problems emerged over separating the various ages of the encroachments and the summer Quarter Sessions found that the lands encroached with 20 years' uninterrupted occupation belonged to the cottager. In 1785 another court case was brought at the Hilary Sessions and the freeholders' committee continued to meet to discuss the problem. In November the committee decided to call a freeholders' meeting "to consider the state of the waste lands... and whether a general inclosure thereof will be for the Benefit of the said Freeholders". In 1787 they presented an enclosure petition; a counter petition of 19 cottagers (including a farmer and a cornwainer) complained the act would jeopardize their title. Several amendments were made which seemed to satisfy the cottagers whose solicitor declined being heard at the report stage. The act's preamble included reference to encroachments both over and under the 20-year dividing line. It was decided that although the encroachments were made by people without legal rights, the encroachers ought to be compensated. They had invested time, effort and money in improvements "and many of them being Poor Persons, it would be injurious to them to have the same laid open... and allotted". Therefore all 20+ year encroachments were allotted to possessors; those under 20 years or thrown open within 20 years were vested in trustees. The lands were to be offered at a valuation based on their unimproved value to the possessors. Those who did not buy would lose their cottage encroachments but would receive compensation for improvements from the trustees' funds. These together with encroachments "made in benefit of Poor's Rates" were to be thrown into the general allotment. Arbitrators were to determine mineral rights. By the award, 150 of the 554 acres (27%) were encroachments - all the counter petitioners received their encroachments. The valuation was determined at 2 guineas per acre. One freeholder, George Vernon senior, used the act to purchase several allotments adjoining his own to form Withysitch Farm. He spent at least £380 to buy over 22 acres.<sup>86</sup></p>
1792	March, Cambs.	<p>This enclosure of 3,000 acres or so fen and common was very profitable - producing £163,220 in seven years due to increased cereal production. Jobson, the curate of March, had advocated the enclosure for 21 years. Even the common right owners "most averse to the Enclosure" thanked Jobson "for the active part I took to promote the Enclosure". Jobson believed the poor benefited from increased labour and claimed the 100 cottagers who had common rights benefited greatly. However only 95 persons including large landowners were allotted land in the award; also 20 dairymen who had hired common rights were reduced to day labourers or migrated and the cottage tenants "were ruined". Young again linked the enclosure to a doubling of the poor rates to £1,300 - albeit that this doubling took place ten years or so after the enclosure.<sup>87</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1792	Great Wyrley, Staffs.	This was intended to bring social control to a lawless area, as well as promoting mining in conjunction with the Wyrley and Essington Canal. Cheslyn Hay was an extra-parochial liberty, formerly part of Cank Forest; it adjoined Great Wyrley and so the common's central hill was called Wyrley Bank. "Beggars and lawless vagabonds" were attracted here due to "its extra parochial exemption from civil authority" before its enclosure. Many had "raised mud cottages on the heath, and enclosed plots of garden ground, which, after an unmolested enjoyment of several years, they claimed as their own freehold property. It then became a nursery for illegitimate children". However the Quarter Sessions had granted the cottages to the Great Wyrley Overseers who had frequent demands for relief from the cottagers. Only a few paid their rents. The act reiterated that the Overseers owned the cottages; but they still needed two court cases to enforce payment at the Staffs. Quarter Sessions in 1813 and on the King's Bench in November 1818. In the 50 years after the act, the village was "much improved... The opening of the neighbouring coalmines [mainly by William Gilpin who was praised for his 'public-spirited industry' in 1817], however, brought some respectable inhabitants to the place, who established a plan for relieving the poor, and erected a Methodist chapel [some time before 1819] and Sunday School". <sup>88</sup>
1793	Moreton and Wilbroughton, Gnosall, Staffs.	There were 60 cottage encroachments made by persons with legal settlements covering 38½ acres. These were allotted to the possessors who were not then entitled to any common rights allotments; all encroachments within 7 years possessed by out-parishioners were to be allotted as part of the common. Clearly these provisions indicate that there was considerable and accelerating encroachment especially by outsiders and this provoked the act. Only 126 acres remained for the owners and there was no manorial allotment. There were considerable exchanges involving more land than was enclosed - Lord Ducie gave up 180 acres to William Burder's trustees for 134 acres. Not long before 1818 Lord Ducie had sold his Moreton Park estate to Henry Green who made "great improvements by drainage". The consolidation of estates and Ducie's desire for a sale may have been equally as important as concern about encroachments. <sup>89</sup>
1794	Corse Lawn, Gloucs.	This 1,400-acre waste was "not only of very little real utility, but productive of one very great nuisance, that of the erection of cottages by idle and dissolute people... These cottages are seldom... the abode of honest industry, but serve for harbour to poachers and thieves". The parishioners were largely cottagers who depended upon it for sheep pasture. Enclosure was publicly advocated as a means of replacing tithes by a corn rent and preventing neighbouring parishes from over-stocking and damaging the pasture. But actions such as the lord pulling down the freeholders' unlicensed encroachments and the freeholders destroying the lord's licensed encroachments in 1785 reveals a hidden agenda; concern over encroachments. A 1797 amendment act was needed when the Quarter Sessions overturned a commissioners' decision not to allot 513 acres to Stanton freeholders. These were probably those outsiders whose claim to intercommoning rights had led to over-stocking and partly motivated the original act. The act was praised as it converted a rushy and wet sheep pasture into good wheat land. Rudge in 1807 believed that even if "some cottagers were deprived of a few trifling advantages... the small losses of individuals should not stand in the way of certain improvements on a large scale". <sup>90</sup>
1799	Pulley Common, Shropshire*	57 acres of this common remained to be enclosed by agreement of six owners and the lord. There were several cottage encroachments by workers in the coal and lime works. The cottages opened within 20 years were awarded to John Bather as part of his 1/13 manorial allotment; he received 14 separate lots covering six acres. One collier, Richard Hillward, supported his wife and six children in a one-acre encroachment for three lives from 1768 for at least 38 years. His family cultivated wheat, potatoes and vegetables whilst he worked. <sup>91</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1800	Walton-upon-Thames, Surrey	On St George's Hill on the wastes here, Gerard Winstanley established a Digger Colony in 1649 to farm the wastes communally, until evicted by Francis Drake, the Lord of Walton, with freeholders and troops. 50 acres of encroachments on its 4,000-acre commons were made between 1757 and 1797 when nearly half the houses were not rated for the window tax. Concern about encroachments may have led to the act. <sup>92</sup>
1801	Wath upon Dearn, W. Riding	15 freeholders petitioned Lord Fitzwilliam to agree to enclose. They believed that he would agree due to his responsible actions towards his county and the interests "of the poor in particular in the present crisis". The population was increasing rapidly and 189 of the 600 in Wath township received poor relief. With the current high food prices, "the common necessities of life are beyond the reach of the industrious labourer". <sup>93</sup>
1802	Westbury, Wiltshire	This was a rotten borough with two M.P.s, controlled by the Earl of Abingdon by his ownership of burgages. The town depended on the woollen cloth trade; merchants lived in the town but during the late 1700s many hand loom weavers moved to Dilton Marsh, built cottages on the waste and kept horses for carriage and cattle on the commons. By 1800 the Marsh was the centre of the weaving industry dealing with merchants both in Westbury and nearby Warminster. The Earl of Abingdon progressively sold all his land in the area and so his motives increasingly became promoting the general economic welfare of the town rather than the narrow financial interest of the landowners. Thus when the Marquess of Bath promoted an enclosure in 1800, Nathaniel Barton, Corsley House, one of the Earl's M.P.s and a Warminster solicitor, voiced concern about the poor. Davies, the Marquess's agent, argued the poor got little from the commons; very few kept cows and Davies was prepared to grant them each an allotment to cultivate worth twice as much. Some kept "ragged horses" which trespassed and destroyed the herbage and these persons would not be compensated. Enclosure would make a man who had kept a cow "a useful member of society. But as to leaving the commons as they are, Lord Bath will never consent..." In 1801, Bath bought Godswell Manor to strengthen his ownership in the manor. In the 1802 enclosure, 220 acres of common land were enclosed at the Marsh out of the 5,100 acres involved; many of the weavers gained frontages or adjoining plots. The weaving industry declined and the loss of commons and the chance of further encroachments to supplement their economy left the weavers in a pauperized state. In 1817 they marched to Warminster to protest at low prices. The overseers taught children to knit stockings and the weavers either rented land at 6d or 1/- a perch or received land from the parish; "but when they conceive that they have worked out their rent by abstaining from the parochial allowance to the same extent, they consider themselves entitled to full relief again". <sup>94</sup>
1802	Newton Heath, Lancs.	This was an area of numerous miners and hand loom weavers' encroachments. The manor belonged to Manchester Parish Church; such institutions often exercised ineffectual manorial control, although court rolls indicate that encroachments were regularly amerced under 21-year leases. The freeholders, led by John Lowe (who received $\frac{1}{3}$ of the common for his small rights and his costs in soliciting the bill), persuaded the lord to obtain an enclosure for the remaining 148 acres. The manorial estate was concerned about its own rights and the poor. After 21 acres of roads which included straightening the main road, $\frac{1}{2}$ was allotted to the lord for manorial and common rights and tithes. Already a school and most recently a workhouse had been built on encroachments; as these adjoined the parsonage and chapel, these too could have originated as encroachments. Three acres by the chapel and $\frac{1}{2}$ adjoining the poor house were allotted to the overseers. These 20 acres or so were to be rented and the profits brought in a considerable annual sum to aid the poor rate. This left $\frac{1}{3}$ for the common right owners. The manorial allotment was let and sub-let on short building leases. These short leases led to many small cottages being built on the hope of renewals. The decline of hand loom weaving led to links with Luddism and the need for economic change. All this contributed to its growth and changing economic development with cotton spinning and match manufacturing factories. The latter industry involved home working by women and children. <sup>95</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1802	Rhoshirwaun, Caerns.	<p>This area of 2-3,000 acres on the Lleyn Peninsula belonged to the Crown manor of Bardsey. "Scores of cottagers" had been allowed to squat there and supported themselves by sea fishing, smallholding and seasonal work for local farmers. They considered themselves freeholders by the custom of ty uannos. There were increasing fears it would result in large-scale impoverished peasant smallholding as in Ireland. Thus this first act in the county, after specifying 1/20 to the Crown and tithe allotments, granted all encroachments of under 20 years to adjoining owners as part of their common right allotment. The Crown did not want them - it had lacked effective machinery to prevent the encroachment originally and so rent collection would be impossible; also, it did not want the opprobrium of having so many impoverished tenants or of evicting them. The cottagers delayed the act's execution from 1806 to 1810 (as their cottages were to be sold over their heads and they would lose their fuel rights). English dragoons ended the resistance but the award was only executed in 1814. Some contemporaries attacked the act as once the squatters were ejected, the fit must go to trading towns, or America, or join the navy or the army. The old and infirm would have to stay and live on the paltry poor allowances. Although the act stated there had to be at least four corn crops in the first seven years, the landowners' enlarged holdings would only "add a handful of corn" to the national stores. They believed if owners encouraged tenants to cultivate "already enclosed wastes" in Lleyn and Anglesey, this would double their produce of corn and cattle.<sup>96</sup></p>
1804	Aston, Shropshire	<p>★ This agreement in S. Shropshire was due to concern about squatting. "An act of Parliament would have taken too much money. Before that inclosure, there were a great many quarrels, law-suits and litigation, and every evil that could arise; there were 7 or 8 most wretched hovels upon this land, inhabited... by the worst possible population... one woman... had eight bastard children, all chargeable upon the parish. From that evil this good arose; the clergyman, a very intelligent man... suggested an enclosure, and the lord of the manor... and the freeholders came to an agreement to inclose it." Better sheep breeding increased profits whilst the process only cost 13/- an acre. The lord "very generously gave up the hovels, although of long-standing, to the adjoining owners. They are now decent cottages inhabited by respectable people". The hovels had increased the poor rate "and so it is in every place where commons are uninclosed; the cotters had the houses for their lives rent-free".<sup>97</sup></p>
1805	Leek, Staffs.	<p>Many of the motives behind this act were linked to the growth of this North Staffordshire town and its silk industry. Land near the town on Ball Haye Green and Leek Moor had building potential. 50 acres on Ball Haye Green were sold to lawyers, merchants and manufacturers at £45+ per acre. Building clubs acquired many lots and allotments on Ball Haye Green and began building in the boom after 1824. By 1817 the hilly land north of the town, Leek Edge, was partly "planted with a great variety of trees by the Earl of Wacclesfield (who is lord of the manor) and by Dr Hulme of Ball-Haye; and Thomas Hills Esq. of Barlaston; so that the term ' Moorlands '... may soon give place to... ' Woodlands '." Hulme used this land apparently to extend his park at Ball Haye. The Roches, 758 acres north of the town, were sold for its game potential and its rugged and romantic scenery. Oats on this land produced little but part had been "more successfully improved into pasturage". Ladder-edge, south-west of the town, although high and stony, had produced good grain and turnips "by judicious cultivation, and the free use of lime" brought by the Caldon Canal. The act also tried to regulate the Town Lands which were to be used for the town's improvement. An Improvement Act led to the construction of two reservoirs on Leek Moor in 1827, enlarged in 1851. Thus the act aided Leek's growth and improvement in six ways. It allowed building development; it increased both cereal and meat production for the growing town; it facilitated the later construction of reservoirs; it aimed (unsuccessfully) to regulate the Town Lands to improve the town. Finally it aimed to improve the town's immediate environment by plantations. Most of these changes came about due to the profit motive - but profits were achieved in several ways other than by agricultural improvement.<sup>98</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1806	Forest of Morfe, Shropshire	There were at least 50 encroachments here in Worfield and Claverley which, if under 20 years, could be allotted as common land. The cottagers in Claverley and those on Wilmore Hill and Rudge Heath could buy their premises at a valuation or they would "be sold to indifferent persons, subject to the occupiers continuing to hold for a limited time". The squatters increased the already high rates; at nearby Bridgnorth in 1803 they were 19/- per acre (cf Madeley - an industrial parish - 8/-, and Church Stretton 9d) and by 1813 it had risen 4/- in the £. When cottagers at one Morfe Forest parish, Quatford, were evicted the land around their houses were "plentifully sown with sheep-skins, doubtless the most profitable branch of their poaching perambulations". The problems caused by squatters were at least a contributory factor (together with the desire to convert from pastoral to mixed farming and to end intercommoning disputes) in the decision to enclose. <sup>99</sup>
1808	Cheadle, Staffs.	The act was proposed either by a local lawyer, Blagg, who solicited several enclosures, or the Lady of the Manor, Mrs. Holliday. Her husband had obtained the earlier act for Gilhorne in which problems caused by squatters played a major role. However she only wanted to extend her estate "contiguity being so great an object to all" and improve her allotment. She bought 58 acres for £718 and gave up her claims to encroachments for an allotment of 1/15 adjoining her estate. The 124 acres of encroachments - nearly 1/6 of the commons - were sold at her agent's suggestion for £2,441 to help pay costs. The squatters, attracted by the growing coal, copper and brass works, account for the rapid growth of Cheadle parish's population - from over 1,800 in 1772 to 2,750 in 1801 and 3,191 in 1811. Although some, like the Duke of Devonshire's agent, were motivated by profits, influenced by the favourable report of Harvey, the prospective commissioner, it seems that concern about encroachment led most freeholders to support an act. Despite the support of Hubbard, who had hoped to be the bill's solicitor, the encroachers were ill-treated. Rich encroachers were believed to have paid for him to watch the bill in London whilst they made rapid encroachments which continued after the act. Blagg wrote that the commissioners would remember this when making allotments. The freeholders ensured this by one of them, Richard Smith, selling his rights to allotments to qualify as a commissioner. However 'A Philanthropist' (perhaps Thomas Bakewell of Cheadle) wrote to the county paper about the squatters here and generally. He praised their industry in making barren land fertile. Although they had "exercised the absolute right of ownership for a long series of years", they faced eviction unless they paid a valuation, with their crofts becoming part of plantations. The idea of making squatters buy their encroachments was used both at nearby Horton, and in N. Wales and Wakefield. There was interest in plantations as at nearby Whiston; Brett Stone wanted to buy lots "for planting on - It might be conducive to my health, although injurious to my pocket". The sterile parts were soon planted with firs and other trees but the cultivation of the remainder took place after the post-war depression in 1818. Other owners purchased land including Cheadle Brass Company who used their allotment for a 22-acre plantation, probably for boxwood. The range of prices per acre paid for sale plots indicate their various potential. The act allowed exchanges by life tenants so Heaton, as elsewhere, delayed his award to benefit from the extra work. However the other owners wanted the award executed to ensure a good title and avoid extra costs of meetings (although the costs of exchanges were met by those involved). They pressured Heaton in 1827 to produce an award, although it was only executed in 1831. <sup>100</sup>
1806	Dudleston, Shropshire	This was an area of considerable encroachment with the characteristic scattered and detached cottages surrounded by gardens, leasowes and crofts. At least one pre-dated 1740; a widow lived there whose daughter married John Barkeley who "built an end to the house in which he and Susan resided, until Betty Davies died, when he occupied the whole and enclosed more land to it from Dudleston Heath". This, like many other encroachments, had become freehold and were bought and sold like any other property. 30 cottages and 173 encroachments had been made or were not opened in the 20 years before 1808 which paid no acknowledgement



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
	Dudleston (Cont.)	<p>to the lord of the manor, the Powis Estate. To rationalise this situation, destroy the cottagers' independence and to prevent new encroachments to give the commoners some return for their diminishing rights, an act was obtained. Agents' provocateurs were blamed for the squatters' riots when the commissioners began their work - a frequent trait in this period when the elite believed (rightly or wrongly) that revolutionaries were trying to subvert the working classes. The squatters were assured that Earl Powis did not mean to evict them but merely make them pay a small rent under leases for 21 years or two lives - a common policy amongst Shropshire landowners when dealing with unlicensed encroachments. Unusually, the riot was reported in the county paper and handbills issued; this was intended to intimidate the rioters by threat of punishment and placate them by blaming outsiders and promises of fair treatment. Women, as was frequently the case, were in the forefront of the riot; those rioters arrested were only imprisoned for a week.<sup>101</sup></p>
1808	Shipley, Sussex	<p>The enclosure of the commons prevented further encroachment by cottagers. There were already 49 cottagers whose annual rental of £45 in 1826 was paid by the parish; this high proportion may have been due to the absence of any resident gentlemen. The 35 ratepayers had to support 287 out of the population of 1,159 on poor relief; in addition there were 233 labourers to be distributed between the landowners. The rental of the village was £2,600 but £2,314 had to be paid out in poor relief. "The rate payers were very anxious that a system of destruction of cottages should follow the removal of paupers" to their own parishes but closing the village had not reduced the rates. Cottages built just for one family now housed 19 according to Major Moody. Whilst this was probably an exaggeration, the problem was real enough according to the figures supplied.<sup>102</sup></p>
1808	Horton, Staffs.	<p>The decision to enclose in 1807 was occasioned by the fact that the encroachments were last opened in 1787 and if nothing was done then, these numerous and sizeable properties under the 20-year rule would become freehold and the commoners would get no compensation for the loss of their common rights. The "Horton Freeholders Agreement for laying open the encroachments and preventing the building of cotts and the making future encroachments on the waste" maintained that this action was necessary as they "have much injured and prejudiced by persons who have erected Cottages and made incroachments upon the Commons and Waste Grounds". They will lay open all existing encroachments and will pay a yearly rent according to the 1737 Land Tax Assessment for any court cases arising from the destruction of encroachments and cottages made in the future. A survey of about 1807 indicates that there were 193 encroachments including 97 houses or cottages and that several encroachers were bad payers of their amerements to the Lord of the Manor, Antrobus. Only 45 of the encroachments were clearly paid up to date (Easter 1807). The income from these encroachments was under £20 per annum and was probably considerably less. Therefore it seems that Antrobus concluded that the income to be derived from this source was not worth the problems of collection and the opprobrium from his tenants and neighbours. He made a careful survey of the mineral prospects of the area and safeguarded his mineral rights in the act. He gave up all rights to the encroachments and received 1/16 for his manorial rights. The encroachments were to be sold at a valuation- but unusually at their improved value. This was very harsh as the encroachers were not going to get the benefit of their improvements. The valuations received to pay for them amounted to £4,075/17/- for 251a 1r 25p which paid for the total costs of the enclosure, apart from the exchanges. This shows the capacity of poor people to raise capital when necessary. However, some concern was shown for the morals of the poor by an allotment being made for the site and endowment of a national school and six trustees were appointed. The soil was "thin, black and meagre... which requires much manure and cultivation" but the Leek branch of the Trent and Mersey and lime kilns at Horse Bridge facilitated cultivation.<sup>103</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1809	Whiston, Staffs.	<p>Encroachments were numerous here, covering between 154 and 173 acres and valued at £3,133/3/10. This represented 20-22% of the 782 acres enclosed. The land had been subject to damage from persons getting soil from the commons and enclosure had been mooted as early as 1804. Thomas Smith, of Whiston Eaves, a joint Lord of the Manor and the largest owner, was the moving force behind the enclosure. Blagg, the solicitor, noted that in 1807 "so many difficulties appeared to the mode of inclosing by agreement that... an act [was] determined upon". These concerned the Rector in respect of lost tithes, the claims of the Trent and Mersey Canal to an allotment for its cut across the common, and mines leased to the Duke of Devonshire and others in connection with his copper works. No tithe commutation took place and 22 of the 49-acre manorial allotment (specified by the act to adjoin Devonshire's works) were sold to the Duke. Many claims about encroachments were disputed and many people continued in defiance of the act in 1813 and 1815 to depasture cattle. In 1813 the pinder was assaulted by John Bloore and in 1815 Thomas Clulow destroyed fences and his stock damaged growing grain on the new allotments. However it was stated in 1817 that the act meant the country had "been greatly improved by inclosures and plantations of trees". Already in 1766 John Gilbert of Cotton - the Duke of Bridgewater's agent - had enclosed 16 acres to plant trees under previous general acts by agreement of the joint lords and freeholders. He had to pay £32 per annum to the poor rate to enable all the owners to share cheaply in the payments according to the size of their property.<sup>104</sup></p> <p>The enclosure of its 650 acres of wastes (including Dordansland Common) was "injurious to the poor". Previously they could get fuel from the common and together with depasturing cattle, sheep and pigs they could bring up a family of five or six children. After the act they had to rely on the parish relief which was crushing the proprietors; 34 had emigrated by 1834. Clearly the enclosure might have improved the productivity of the land but the short-term improvement of rentals was obviously offset by the escalating poor rates.<sup>105</sup></p>
1809	Lingfield, Surrey	<p>An area of old pits and squatter cottages. Ninety cottages were pulled down by force under the act as the squatters could not prove a legal title. By the award in 1821, its population was 2,420. By 1827 only 11 allotments were retained by the original owners or their heirs; the other 143 had been sold at least once, and some four or five times. The new occupiers rapidly removed the spoil heaps and land values soared, aided by a new turnpike in 1827 over the Fell. By 1831 the population was 3,339 and there was a church and an inn providing assemblies and concerts. The Fell had gained a reputation for healthiness. Many of Gateshead's elite together with Newcastle professional and merchant classes built villa residences. Stone-built terraced houses were also built for Gateshead's tradesmen.<sup>106</sup></p>
1809	Gateshead Fell, Durham	<p>Tidenham Chase was subject to considerable encroachment by the poor for cottages and by the freeholders. An enclosure scheme failed in 1775 and the poor rate quadrupled between 1776 and 1829. The Duke of Beaufort, who was keen to control encroachment, promoted this act. All encroachments with 20 years' uninterrupted occupation which paid no rent to the lord were allotted to the holders. The lord was to receive all other encroachments except those made by freeholders who received them as part of their common right allotment. 162 cottagers claimed their cottages as freehold but many were challenged by the Duke who promised the cottagers leases for three lives. In 1813 a building belonging to the Duke and other freeholders was set on fire and four years after the 1815 award, c60 of the cottagers refused to take their leases. The Duke's agents threatened to eject the leaders. The Duke also received 127 acres as lord of the manor and 140 acres as proprietor. The only other proprietorial allotments over 30 acres were for tithes. To help deal with the problem of poverty, 107a of the Chase and 36a of other commons in Woolaston were allotted to the poor. These allotments were used as stunted horse, cow and sheep pastures and as potato gardens for parishioners occupying property of under £10 per annum. 18a were given to the overseers. This was partly intended for a new poorhouse but this was never built. The enclosure was expensive and 380a on the west of the Chase were sold to cover expenses.<sup>107</sup></p>
1810	Tidenham, Woolaston and Lincaut, Gloucs.	



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1812	Penmorfa, Caerns.	<p>The vestries had encouraged cottage encroachments to reduce the rates. This had accelerated in the late 1700s and 40 of the 68 cottages which formed Garn village were built between 1800 and 1810. However Hyde Hall claimed in the latter year that the cottagers were "a very lawless race, who setting at defiance all parochial rights and an unprincipled population is thus assembled of little more service than giving subjects to the King and occasionally a few recruits to the militia". This shows the increasingly hostile view of squatters then and is contradicted by the Methodist and Baptist chapels at Garn. The cottagers petitioned Wynn as they feared losing the results of their toil and their valuable right of turbary as "coal is too dear" and "cannot be had by us the Poor, in this County". This would put them on the rates and "we are too numerous to have a Relief from the Parishes". The act led to riots (as did many N. Wales acts), put down with great severity. However the act, like many others, allowed 68 encroachers to buy their freehold at low prices, about £15 on average, probably based on their unimproved value. Many did so. The purchase by Huddart of Brynhir in 1810 may have led to the act. He also bought Wern in 1813 and secured the largest allotment of 753 acres. Agricultural change was not the motive here; the land rose to 2,000 feet and was still used as a sheep walk. Many allotments were never fenced. The act protected the owners from encroachment of their commons and the dangers of a high poor rate. They obtained freehold control of former commons at the squatters' expense who still kept the means to keep themselves off the poor rate and had a 100-acre turbary and some land was left as common grazing.<sup>108</sup></p>
1812	Nevin, Caerns.	<p>The act covered c10,000 acres of commons and waste on the Lleyn Peninsula. After manorial allotments, there were to be allotments to the burgesses for their 300-acre common and 400-500 acres for fuel; but it was said in 1835 what the burgesses received no allotment and the fuel allotment was "not half enough". "The inclosure... increased the rates... Many a poor man had half a dozen sheep then; now they dare not turn any thing into it: formerly they got turf to burn and ashes to manure the potatoes; but now they get nothing". Clearly the land remained pasture, so agricultural change was not a motive; the seizure and restriction of rights of the poor townsfolk lay behind the act. This also applied to the encroachers in the six parishes involved. All encroachments under 20 years were to be considered as common land. A counter petition on their behalf was supported by Lord Stanhope. In the Commons committee a clause was added giving dispossessed squatters compensation for their improvements. In the Lords committee, the fuel allotment clause was added at Lord Radnor's suggestion. The enclosers were surprised at the opposition, accusing Stanhope of being "a madman" and not "in full possession of his faculties". They did not understand the desperate economic need of the squatters. The solicitor was amazed that "opposition should proceed from persons who... encroached on the wastes without the consent of any person... in defiance of the law and the exertions of individuals". He said that the cottagers largely had no legal settlement but were attracted to the open commons of these parishes from their own 'closed parishes which had no commons. They kept sheep and dogged the legally depastured sheep; they were "generally idle and insolent, depending upon the... produce of their gardens, rather than to do any manual employment". The act "will excite the cottagers to active industry by the prospect of constant work rather to compel them to emigrate or remove". The solicitor stated the enclosure's motives as follows: "it will be of great public utility and will put a stop to any further encroachment by a class of people whose complaints have no other foundation than a spirit of opposition which they have uniformly shown to every Inclosure Bill that has been proposed within the county". Some cottagers of under 20 years' enjoyment bought their encroachments; another 50 or so received between £15 and £60 compensation each. Some cottagers rioted against the surveyors and two men were sentenced to death; one person's sentence was commuted to imprisonment. Women were in the forefront of the riot.<sup>109</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1813	Wainfleet St. Mary's, Lincs.	Fuller has noted that poor rates were a concern for landlords and tenants in Lindsey from the 1790s. However the lordship and a large estate belonged to the Bethlem Hospital in Beckenham, Kent. There was no resident agent and the manorial hall was occupied by a tenant; the governors rarely visited. In the absence of a resident owner and agent and with the enclosure of neighbouring manors, many outsiders encroached on the wastes, to gain settlements and some means for their support. Some tenants exploited this demand by erecting cottages on their land. A surveyor's report drew this to the governors' attention in 1811 and commented "it must be obvious that more buildings will be erected and the poor-rates will go on to increase in a way which must considerably deteriorate the value of the estate". The 1813 enclosure act, covering 6,360 acres, must be closely connected to this report, and the need to prevent further settlements. In 1836 the governors employed an architect to replace the tenants' cottages with model houses bearing the Hospital Arms to improve the estate. <sup>110</sup>
1813	Ashley Heath, Staffs.	This was a sheep walk with heath and gorse covering a thin black peaty soil. The manor was divided - $\frac{2}{3}$ an estate and the advowson was bought by Thomas Kinnersley, a Newcastle ironmonger and banker, for £22,500 in 1802; $\frac{1}{3}$ and another estate was bought by the Meynell family. The heath was at the crossroads of two turnpikes and adjoined Shropshire. Its position and the division of manorial rights between two non-resident owners made it an attractive place for encroachers. By 1773 over 100 acres had been encroached including 71 crofts, 52 gardens, 50 houses, 31 meadows, Loggerheads public house and a chapel. Between 1773 and 1793 another 31 acres were encroached leaving 431 acres. Further encroachments probably led the two lords who owned 75% of the land to agree to enclose. Owners of 40-year encroachments were to keep them. Encroachments between 20 to 40 years were awarded to the lords subject to existing leases; those without leases were given leases on terms determined by the commissioner. They decided upon 21-year leases from 1828. The 61 encroachments under 20 years were to be part of the 431 acres to be divided and were allotted to adjoining landowners. Concern about the poor rate and the idleness of encroachers is illustrated by a 4-acre allotment for a workhouse; the existing Poor Lands also received an allotment ring fenced at the owners' expense. Both owners improved their estates, but in different ways. Ingram's agent, Samuel Harding, was praised in 1851 for his work on this "barren heath, a desert waste... by your encouragement of skill, capital and industry, you have turned this same waste into smiling fields and fertile plains". When the Kinnersley estate was sold there were several plantations on the heath including 52 acres near Loggerheads. Although there was some arable, Hungerheath Farm was largely pastoral. The cottagers' lots were still intact. The population, which increased from 616 in 1811 to 825 in 1831, only rose to 1,853 by 1851; the act succeeded in 'closing' the village. The two leading owners also set up a national school to 'improve' the population but the arrival of the railway and the commuter started to turn Ashley Heath into a villa dominated settlement from the 1850s. <sup>111</sup>
1814	Lack Fell, Tumstall, Lancs.	This 3,000-acre fell was enclosed to prevent dogging and monopolization by those farmers living by the fell. However, selling the whole common did not cover the enclosure costs and a rate had to be levied; but the act "has been of advantage to the neighbourhood" by preventing mischief and making the land more productive. The act improved the population; previously "the monopolizers and those who were most violent were never seen in church" and disregarded all moral and religious duties. The poor cottagers were allotted a turbarry. <sup>112</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1814	Abberley, Worcs.	Colonel Henry Bromley inherited Abberley Lodge and the main estate here (built up partly by inheritance and partly by enclosure) in 1803. The commons had several cottage encroachments - some were amerced, some were rented and some acquired freehold status. The commons included a limestone hill and two nearby coal pits were used to fuel lime kilns. In 1813 Pitt noted the hill was "adapted for timber plantations" and overlooked Bromley's home. Thus he decided to promote an act - to prevent encroachments, secure other ones and plant the hills to form a suitable environment to his estate. There was already timber here as Bromley had 14 months under the act to remove existing timber. His attempt to set up a claim over Alton Common - enclosed at the same time - failed. There were 38 encroachments allotted, apart from cottage lands. The 779-acre estate including 20 cottages, were sold in 1836. Although some land was used for sainfoin, the 1850 6-inch OS map show much as plantation. <sup>113</sup>
1816	Rock, Worcs.	Alton and Buckridge commons were in a forest owned by the Baldwyns in the mid 1700s. Their estate was composed of a 700-acre freehold, the "New Parks" and a 1,000-acre common. There were disputes between the common right owners and the Baldwyns allowed many encroachments under lease; but many encroachments were made by poor persons illegally. The encroachers made a living by smallholding, stock keeping, making besoms and poaching. Rents were rarely paid and there were reputedly no marriages. However in 1780 subscribers built a small Baptist chapel at Buckridge. In 1673, an attempt was made to enclose the commons here and at Abberley and Bayton, and compensate the commoners by a remission of the poor rate. Already by the 1750s local owners challenged the besom makers' common 'rights' to cut shrubs and ferns; 17 cottagers were named as defendants in a bill for prosecution. In 1783 an Eardiston owner demolished a cottage building on Buckridge Common. By 1814 the lord was William Childe of Kinlet, a noted agricultural improver; he was advised that enclosure would be difficult due to the claims of Bromley, of Abberley Manor, over the common (which eventually were overcome) and the opposition of the encroachers. At the freemen's behest, Childe had held a manorial court after which all the owners agreed to enclose. "Almost the only persons who have any Benefit from the Common" were the encroachers, who had taken 100 acres of the common; the lessees' consent "must be applied" for; few illegal encroachers "are assessed to the Land Tax and the Question is how we shall get rid of them". The owners decided to avoid the cost of ejectments by accepting all encroachments over 20 years as freehold and allowing the others to buy "their land at a reasonable price" under the act. The lord was allotted 1/14 and the "New Parks" over which several owners had claimed common rights; but he could not claim common rights from these woods. Sales of open lands and encroachments paid for the act. Over half the buyers were encroachers - a dozen, however, refused to pay up a final 2200 which delayed the award. The largest buyer was Thomas Cartwright, a Bewdley linen merchant, who bought 59 acres. 210 of the 570 acres awarded were sold to cover costs - and many of these were encroachments under 20 years; and presumably there were 430 - not 100 - acres of old encroachments. This demonstrates the enormous amount of encroachment. The act prevented encroachment and introduced wealthier residents to the area. However Rock was not improved morally according to contemporaries - rates were hard to collect and Rock Forest was still "a criminal district" in 1841 and made Bewdley's proportion of criminals per head the highest in Worcestershire. The small sale lots actually reinforced the system of smallholding. <sup>114</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1816	Arwystli, Montgomery	Concern over the increasing number of encroachments was the main motive for this act. Encroachers had been granted leases from 1784. The third Sir Watkin Williams Wynn (1772-1840) "the liberal patron of agricultural improvement", inherited Arwystli manor in 1789. He was a paternalist who created work for the poor during the post Napoleonic War Depression and made Wynnstay the centre of the N. Wales Agricultural Society and its annual show. He bought Carno manor (which adjoined Arwystli) in 1808. Then between 1811 and 1813, he ordered a return of every encroachment and cottage in the two manors. Their numbers were increasing; the Arwystli Unchoed manor's courts leet from 1802 to 1819 were "thronged" with presentments; encroachers were fined 40/- for cottages and 2/6 for land. When Sir Watkin returned from France in 1815 he joined the freeholders in promoting the act. Those surviving award maps show many encroachments although the act dealt with over 14,200 acres. In low-lying areas there was some cultivation but the hills like Penstrowed (where there were several encroachments) remained as rough grazing. Wynn's motives were to prevent further encroachment, rationalize the existing situation, improve the land and seize common rights from the burgesses of Llanidloes. <sup>115</sup>
1816	E. Woodhay, Hampshire	In 1792 the 1,200-acre common produced some horses of little value but some good cattle; but if enclosed it would have been a good meadow. Graham described its residents as horse dealers and the like "of the lowest description"; they were regularly prosecuted for sheep and horse stealing. Their loose habits arose from the common. Most were "non-parishioners who had come from a distance" to this open parish. They occupied cottage encroachments, "turning off other people's stock". This led to complaints about overstocking exacerbated by adjoining parishes using commons without rights. The act was intended to deal with these social and legal problems and make E. Woodhay a "respectable" parish. Certainly with the low grain prices and lack of capital of the post-war depression, investment in agricultural improvement was not a motive. 772 acres were awarded in 1819 but the process of improving the land was only completed around 1830. The "universal opinion" was the parish was "improved in consequence of the enclosure... where formerly gentlemen would not reside, I find mansions built... [by] 14 or 15 families". Its church was rebuilt in 1823 possibly to encourage the cottagers who rarely went to a church or sent their children to school. Most of the worst cottagers had left and the remainder had become "a respectable class, looking up to the wealthier classes for labour" - my underlining. Clearly the desire to 'close' the village, convert the independent cottagers into wage labourers and encourage capitalist tenant farmers to invest in agricultural improvements was behind the landowners' decision to enclose. However there was "very great opposition" to enclosure although all those with proper claims received allotments. The cottagers resented their loss of independence and their capitalist employers and during the Swing Riots the labourers destroyed threshing machines and levied money. <sup>116</sup>
1819	Hayton's Bent, Stanton Lacy, Shropshire	This and adjoining manorial commons were subject to increasing encroachment; in 1732 there were 30 cottagers; by 1772 there was at least 57, who all paid a fine. Some cottagers found work at the copper mines and works here but they were abandoned long before enclosure. The Lord, the Earl of Craven, was non-resident and his estates were notoriously backward; the estates were progressively sold from the 1770s. In 1809 an apparently separate manor of Upper Hayton and estate including seven cottages on Hayton's Bent was offered for sale. An act to enclose the remaining commons and open fields - the last remaining in Shropshire - was obtained. The act allowed Craven to consolidate his estates, make a large exchange with Lord Clive and rationalize the situation; many squatters on Hayton's Bent and Vernold's Common were accommodated in consolidated farms; some bought sale lots to expand their encroachments. Wesleyans and Primitive Methodists both had chapels here by 1850. <sup>117</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
c1820	Crowborough/Rotherfield, ★ Sussex	Cottage encroachments on Crowborough Common and Warren began in the 1730s. It was reported in 1834 that the late Mr. Howis had enclosed and cultivated 1,700 acres of Crowborough Warren, employing nearly 200 labourers. The surplus labourers used the pretext of the Speenhamland System - making up wages from the rates - "to dictate an artificially high price for their labour". Many gained settlements in Rotherfield by encroachments from the lord, the Earl of Abergavenny. The land was improved but the poor rates were increased. Abergavenny's terms exacerbated the situation. The cottagers had to pay 5/- quit rent and could not receive relief. After two years, if he did, he had to give up the land to the Earl. Thus, rather than give up, a cottager would sell up which allowed other families to enter the parish whilst he became a pauper. The vestry decided in 1827 to object to all persons seeking a settlement and bought up allotments offered for sale to prevent a succession of families being settled on them. The vestry talked of huts, but the cottages were stone built and slated. The allotments were generally 4 acres but some as big as 12 acres. There was no enclosure act here. <sup>118</sup>
1821	Kilkevydd (Trelystan), Shropshire	The lord of this 240-acre common including parts of Long Mountain and Forden Heath was Archdeacon Plymley, an enlightened improver. The act was unusual as it contained a schedule of 74 encroachments including 11 dwellings covering 57a 3r 0p which were to be allotted to the lord as his manorial allotment. Encroachments under 20 years were to be allotted to other freeholders. In 1793 there were 17 dwellings and a population of about 85; there were 106 persons in 1841. Although the population here was small, the problem of establishing ownership of these encroachments appears to have been the main motive; the act's preamble does not refer to tillage or cultivation - only "of great benefit" to interested parties. <sup>119</sup>
1823	Biddulph, Staffs. ★	This agreement covered 312 acres of former commons of Nether and Middle Biddulph manors in this mining area. Little of the commons remained due to encroachments. Some were by freeholders but most, both by number and extent, were by cottagers made under lease from the Mainwarings, the lords of the manors. Due to these encroachments "disputes have been likely to arise" between Edward Mainwaring and the 45 freeholders. Therefore this enclosure was "for avoiding all such disputes". Mainwaring retained full mineral rights and received all licensed encroachments; 70 acres had to be allotted to the freeholders to be made up by Mainwaring's old encroachments if necessary. All costs were to be met by sales. The award showed large areas of cottage encroachments on the three main commons - Bradley Green, Greenway Moor and Kow Cop. Only 32 acres were unenclosed; Mainwaring gained 203 acres of leased encroachments (2/3 of the entire common) and 4 acres of encroachments adjoining his estate. Mainwaring gave up 24 acres of leased encroachments which were sold for £1,209 to help pay costs. After 4 acres of public allotments and 6 acres of old encroachments to occupiers, just over 70 acres remained. Over 30 acres were sold - largely to Mainwaring; only 40 acres were allotted. The enclosure ended disputes and enabled the freeholders to gain some recompense for their fast disappearing rights; the land remained pasture so agricultural change was not a motive. Concern about morals was also important here. First methodism and then anglicanism (encouraged by church extension and school building fostered by local landowners and industrialists) softened the poor of Biddulph moor from their "rough, unbroken and half-civilised" nature. A new road was built by act in 1837. The adjoining manor of Over Biddulph was enclosed in 1841 by agreement and 33 acres were sold; several of the plots were "well situated for building". Some building took place and the new church at Knypersley and the turnpike road meant it was described as "a very improving locality". Some squatters gained voting rights under the 1832 Reform Act which disgusted the reformers against whom they surprisingly voted. The potential of enclosure sale lots to confer county votes was commented upon at Over Biddulph. The 1851 census showed that most male encroachers were quarrymen and miners and many females worked in the silk trade. Many cottagers had migrated from Cheshire, Lancashire and Shropshire - probably attracted by the opportunities for dual occupation. <sup>120</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1828	Cranbourne Chase, Dorset/Wiltshire	<p>Lord Rivers enjoyed the sole rights to hunt deer here on both enclosures and open land. The deer damaged trees and prevented any agricultural improvement, especially arable farming. Proprietors like Batson and Wedgwood felt an enclosure would also be "highly advantageous to individuals as the chase corrupts the morals of the poor". The proprietors challenged Rivers' feudal rights unsuccessfully; then they tried (from 1787) to agree with Rivers to enfranchise the common in return for a pension. A fresh impetus came with the arrival of the improver Josiah Wedgwood junior in the area in 1801. It was then recognised that an act was needed "to guarantee the rent charges to Lord Rivers"; but he rejected an offer of £1,000 per annum and a small park. Rivers supported his rights to the Chase by sponsoring Chafin's book in 1818 which stressed the Chase's usefulness to the poor. They collected nuts, medicinal roots and fragrant flowers and used the coppice wood to manufacture hurdles for sale. Chafin also claimed "the Chase is not a lawless place" as commoners brought frequent law cases to reduce Rivers' rights. The 1828 act gave Rivers an annual sum of £1,800. Newspapers commented that "many thousand acres of excellent land will be brought into cultivation" whilst Rivers would have the meat from 10,000 deer.<sup>121</sup></p>
1833	Canarew, Herefordshire	<p>This small parish on the R. Wye near the Welsh border included Little Doward Hill, an area of little agricultural use but subject to increasing encroachment. An enclosure proposal of 1815 failed. The parish vestry minutes show concern about depreciating common rights and increasing poor rates due to the squatters who could not be found work. The overseers failed to destroy encroachments. Then a committee was formed to stop further encroachment "by act of parliament or otherwise". Between 1834 and 1837, the pages of the vestry minutes are torn out. This gap seems to be significant as it covers much of the period of the enclosure. The act's preamble referred to "the continual encroachments" on the hill as its motivation - a rare admission. The encroachers had to pay the unimproved value of their encroachments, less 1/20 for every year of occupation. 45 encroachments, covering 19a Or 27p, were involved. The remaining costs were raised by sales before any apportionment was made. The entire area had to be sold and 170 of the 191 acres were bought (mainly by private contract) by Blakemore, a local progressive Tory landowner with political ambitions in Hereford. He also purchased several encroachments before the award - presumably from parties who could not pay the valuation and had to sell up and move out. Whether Blakemore made other purchases thereafter is unclear, but the act did close the village and reduce its population. The freeholders felt that the lower rates more than compensated for their loss of rights; the vestry thanked William Morgan, the assistant overseer, for reducing its poor rates during the enclosure by "nearly 30% without in any wise neglecting the just claims of the Poor". The assistant overseer's allowance was reduced "in consequence of the Inclosure of Doward". By 1851 most of the hill was in the deer park of Kynaston Leys, "the seat of that benevolent gentleman", Richard Blakemore M P, overlooking "some of the most enchanting scenery on the Banks of the Wye ever beheld" at Symonds Yat. He had built an observatory on top of the hill from which the Bristol Channel could be seen. His estate, sold about 1860, consisted of a mansion, three farms of 676 acres and a 73-acre wood and 233-acre park.<sup>122</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1834	Bucklebury, Berkshire	<p>In 1830 there was an outbreak of machine breaking in the Swing Riots here. This may have persuaded the Lord, Hartley, to petition for an act and close the village. His inheritance of the estate in 1832 was also a catalyst in this enclosure attempt. He owned "the old manor house which from decay was taken down in 1833" in a large park and probably planned building a new one on the common. He would obtain most of the common with his manorial, tithe and common right allotments. He was opposed by 200 poor families, representing 1,000 of a total population of 1,300. 150 of his tenants at will signed a counter petition; but in the consents only 19 of them owned property and could oppose the petition and they held under 100 of the 4,050 acres involved. They thought the loss of fuel and grazing rights would destroy their livelihood. At the committee stage, one witness was called to support the bill. Walter (a county MP, proprietor of the Times and a champion of the poor) said that, although this witness said that if the land could be tilled, it would be trebled in value, "there was not a tittle of evidence that it could ever be brought into profitable cultivation". Again this hinted that the land was to be emparked, not farmed. Three witnesses believed the poor would be harmed. Judd, a former overseer, said the poor rate would rise. Hawkes, a surveyor, doubted if there was even 200 acres that would pay enclosing. Stewart, a land agent, said that the act would injure the poor and would not benefit "the public, because the land is of such inferior quality, that it is not calculated for agricultural purposes". He thought that it was a most beautiful situation if the lord emparked it; but if so, he could afford to give ample compensation. Despite fulfilling all the necessary consents, the bill was rejected. In 1844, Graham, a local solicitor and rent collector, included Bucklebury as one of several commons near Newbury whose existence led to a demoralised population of labourers who lived by thieving, collecting fuel and grazing animals rather than by "any honest means of living". The common was still open in 1923.<sup>123</sup></p>
1834	Alstonefield, Staffs.	<p>This is perhaps the clearest instance of the desire to civilize remote communities by enclosure. It was the last open and the most remote and backward of the moorland manors. Its Lord, Sir George Harpur Crewe, was a devout anglican and a paternalist Tory. His day books and diaries show how his religion dominated his actions. He found Benthamite Utilitarianism anathema. He believed that many owners' selfishness had caused the rapid increase of poor rates and that a return to Christian values of charity would stop the poor adopting democratic solutions to their problems. Thus he is more like a local contemporary, Ralph Sneyd of Keele, than the utilitarian improvers discussed in Chapter 7. His only previous interest here had been to stop encroachments; a 1769 enclosure proposal had failed due to the lord's demand to keep all encroachments and have a large manorial allotment on top of keeping his mineral rights. On his first visit here in 1831, he "found the people 100 years behind the rest of the world... [and] a property capable of immense improvement". He may have overstated his backwardness; the large community of hawkers, pedlars and petty chapmen of Hollinsclough hamlet in the parish, was capable of petitioning parliament against an act to regulate their trade and to increase their duties. Despite financial problems which forced him to close up Calke Abbey and live very humbly, he determined to civilize the squatters. He was "a humble instrument of his [God's] hand, dispensing merciful blessings to my poor, uncivilized and benighted tenantry". When he thought how much more he could have done, he felt "ashamed, distressed and sorrowful. The enclosure has been a heavy expence [He knew that it would be unprofitable as he had written in a pamphlet that since 1815, rents had fallen - arable from £2-3 per acre to £1/10/-, accommodation land from £2-5 per acre to £2 per acre] and repairs of buildings have almost swallowed up the income of the estate I cannot but... hope that we may find a rich vein of ore in some of the mines here by which we may through God's blessing... provide the people with places of religious worship, schools etc.,etc.". Sadly the mines never produced much money but he aided the church's work greatly in the area. Enclosure was the way to civilize and improve the estate and the people by concentrating them into settlements, encouraging their industry and bringing civilization to the area by new roads. The 1769 enclosure proposal had been preceded by a turnpike petition to repair local roads. Crewe built a house on the estate and planted trees around it to improve the landscape and he regretted that food shortages forced him to enclose and destroy the landscape.<sup>124</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1835	Ravensmoor, Cheshire	The preamble alleged that it "is subject to continual encroachment". 398 claims were made on its 450 acres; about 90 were disallowed and about 50 were withdrawn, probably as many were in respect of encroachments. <sup>125</sup>
1835	Tisbury, Wiltshire	John Bennet M P, of Pye House, Tisbury, complained in 1817 of the poverty here. He threatened to pull down his cottages if parliament made length of residence a means of gaining a settlement. About $\frac{1}{2}$ of the labourers' wages were supplemented from the rates and small allotments would not help. In 1830 his two large machines (blamed by the labourers for unemployment) were destroyed. The military killed one labourer. Lord Arundel, who lived in Tisbury, said that the parish poor "have been more oppressed and are in greater misery... than any Parish in the Kingdom". Bennett was probably the source of the oppression; he certainly oppressed his cottagers and his wages as elsewhere in Wiltshire were generally low - 7/- a week, when the norm was 10/-.. In 1834 the vehicle of an enclosure act was used to deal with the problem. Only one acre was enclosed and the act was used to divide the parish into three poor law parishes. Then in 1835 the Tisbury Poor Law Union was formed with other parishes. <sup>126</sup>
1837	Over, Cambs.	The population in this Fen parish almost doubled between 1801 and 1851. A fire in 1826 damaged many properties here. By 1834, the poor rates on 3,600 acres was £1,100 - a very high figure - with 25 men of its 909 population on the parish. Frederick Robinson (the largest farmer and lessee of the rectory) said it was hard to force the unemployed to work. "The parish could not conveniently hire land for this purpose because of its unenclosed state". Robinson advocated the enclosure of its 2,198 acres of open field and meadows but "the only objection is the expense; they are waiting in hopes of a general act". Nevertheless agreement to enclose (no doubt prompted by the desire to create work and so reduce the poor rate) was soon achieved by Robinson and a bill went to parliament in 1836. It was claimed that the poor "were unanimously against" the bill which "was supported only by a few of the aristocracy". 130 poor people petitioned against the bill as it took away "all rights to cottages, messuages, the feeding of cattle and sheep, etc., on the common... enjoyed from time immemorial". This was on meadows after the hay was mown in springtime. At the committee stage, the poor petitioners' solicitor agreed to various amendments. These involved allotments to the poor gratuitously fenced - this was supposed to be more beneficial to the poor than common rights. One MP claimed "the only opposition to the measure proceeded from the cattle-jobbers, who were in the habit of turning 200 or 300 cattle". However the poor petitioners' solicitor was supposed to have . been retained by the wealthy owners also, so the interests of the wealthy were secured whilst those of the poor were ignored. The poor mobilized their radical supporters - who argued particularly after the passing of the Poor Laws Amendment Act, the rights of the poor needed protection. The poor successfully blocked the bill in this year. However an act was obtained the year after without a parliamentary debate - so seemingly the rights of the poor were better protected. <sup>127</sup>
1837	Somercotes, Lincs.	Its 1,540 acres were enclosed under the Common Fields Act. 140 acres were common pasture and should not have been enclosed under the act, but the owners indemnified the commissioner. Land values were doubled by the act; small owners were especially keen for the act and their 1-2 acre allotments were worth three times their common rights. 100 labourers were employed for two winters in ditching, banking and draining. "The principal farmers" said "that that itself was of sufficient advantage to them, namely in the maintenance and assistance which it afforded in the employment of the poor". <sup>128</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1838	Munslow Common and Bayston Hill, Condover and Munslow, Shropshire	This act dealt with two separate and very different commons. Munslow Common was largely planted and formed a backdrop and an extension to Millichope Park. Bayston Hill was a squatter settlement on a common adjoining the Ludlow turnpike 2½ miles from Shrewsbury; only 42 acres of common remained to allot by 1838. The motive to enclose was to allow the freeholders some compensation for their disappearing common rights, improve the settlement and convert it to a turnpike suburb. In 1839 an acre of old enclosure, "a beautiful building site" with picturesque views of Shrewsbury and the Welsh border mountains was advertised for sale. 26 of the 41 acres were sold for £1,650 @ £37/4/6 per acre - a very high price. Only one owner - E W S Owen - was allotted land for common rights; seemingly all other claims were disallowed. A church was built by a subscription commenced in 1842; it was needed due to the hill's isolation from its parish church; also "In consequence of the Enclosure of the Common on Bayston Hill, the Population is rapidly increasing". The difficulty of generalizing about squatters as a social group is illustrated by William Jones who died in 1840 aged 60 years. A miser recently released from the Infirmary as incurable, he owned four cottages but had no furniture. He left over £770, chiefly raised by the sale of herbs and vegetables. <sup>129</sup>
1840	Llanhir, St. Harmons,	These Crown manors had been subject to considerable and accelerating cottage encroachment due to the Crown's weak control. The cottagers claimed freehold status both by the custom of ty uannos and, in some cases, the length of uninterrupted occupation. The Crown, keen to raise money and unwilling to deal with the squatters, sold the manors to James Watt junior in 1826. Although he had a reputation during the French Revolution for radical sympathies, he soon tried to make the squatters pay rents which led to evictions, riots and a court case. It seems he did not want to evict encroachers but only to prove ownership. He retired from business in 1840 to devote himself "to the improvement of his extensive estates". He therefore compromised with the Llanhir cottagers in 1840 to allow his improvements to proceed. The act allowed them to buy their freeholds at £5 an acre. For the 69 acres of premises between 60 and 20 years this went to Watt as lord; the 85 acres under 20 years went to pay the act's costs. This compares to 215 per acre paid for the 1/4 of the waste (over 500 acres) to cover costs of £7,518. Although most agreed that the parish "was much improved by the Inclosure", the 2,100 acre former common remained a sheepwalk. Fencing prevented dogging and illegal grazing. Improvement here referred as much to moral behaviour, industry and the absence of disputes, as to better farming. Watt received a large hill which "he was desirous of having" as a sheepwalk. The adjoining manor of St. Harmon was eventually enclosed in 1849, the stated reason being to prevent disputes, apparently due to the growing number of encroachments. However Lewis claimed that Watt obtained an act not as a compromise but to improve the land and increase employment. <sup>130</sup>
1849	Radnor	
1841	Challey, W. Sussex	Challey was a notorious open parish with 1,000 acres of commons divided between six manors. This made agreement about the prevention of encroachments or a general enclosure extremely difficult to achieve. The locals in 1771 blamed the recent rapid increase in poor rates from 2/6 to 9/- in the £ upon "a plenty of commons which encouraged the poor to such idleness as to bring vast numbers in". Young believed that this was an argument for enclosure of commons in 1771: "give a poor man 2 or 3 cows, you give him a dependence on something else besides industrious labour which makes him idle; an accident happens to his cows, and then he betakes himself not from idleness to work, but to the parish". However Young, as he said at Snettisham, did believe that in enclosures the poor should be given land for grazing and crops. John Arbuthnot thought that the problems of enclosure impoverishing cottagers, illustrated by Challey, could be solved by obliging commissioners to annex to cottages an equal proportion of land, and obliging proprietors to erect a barn and threshing floor for every so many hundred acres. Enclosure would increase food production by the loss of balks and would double the rents. The stress on increasing food production to avoid social problems is noteworthy. Only two manors came to agree on an enclosure of 300 acres. The number of small owners involved is indicated by the small average size of allotments - 3 acres. In 1890 there were still 561 acres of open common left. <sup>131</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1841	Gamlingay, Cambs.	<p>Gamlingay was notorious for its high poor rates, poor parochial administration and being an 'open' parish. There was no resident squire; the manor, tithes and a large estate belonged to Merton College, Oxford. They had allowed the poor from Gamlingay and other parishes to encroach, build cottages and gather fuel. This had created a vast number of settlements. Two Cambridge colleges also had large estates here and so there were few influential resident freeholders to oppose these trends. Poor rates rose from £50 in 1772 to £1,427 in 1832 whilst the land's rateable value fell from £2,945 in 1815 to just over £2,000 in 1832. Much of the increase was due to adopting the Speenhamland System from 1797. The farmers favoured enclosure as the bad drainage in the open fields caused sheep rot and prevented improvements. Merton College opposed an enclosure (which the Poor Law Commissioners believed would give much short term (and some, long term) employment) in 1834. Some said that difficulties in agreeing upon a land commutation for tithes prevented an act but the College claimed two motives for its opposition. Firstly the costs would make a profit improbable. Secondly the poor would lose their benefits from the common. Alternative solutions to the village's problems were tried. A poor law union formed in 1835 saved £2,600 in rates in the union and improved manners and the crime rate. Then academic attitudes to agricultural improvement changed. In July 1840, Cambridge University hosted a Royal Agricultural Society meeting and much interest was evinced in scientific agriculture. In October 1840 notices of a petition to enclose were issued; 1,880 acres of open field arable and 700 acres of waste were enclosed. The labourers lost their common rights and further encroachment was prevented. Large consolidated farms were built; Clare Hall's Blythe Farm of 130 strips put into one large 98-acre field. Mr. Brown bought 90 acres of the previously valueless Gamlingay Heath and invested £150 on drainage; the land in 1856 had a rental of £70 per annum and was valued at £4 per acre.<sup>132</sup></p>
1842	Kingsclere, Hampshire	<p>The high poor rates (12/- in the £ in 1833) was due to this village being open and backward in farming whilst adjoining settlements were enclosed and used modern methods (see E. Woodhay q.v.). This is why Kingsclere escaped the machine breaking in the 1830 Swing Riots. In 1834, the owners, led by Lord Bolton (the lord of the manor and impropriator) and the Duke of Wellington petitioned to enclose its 1,617 acres of open fields and 700 acres of commons and wastes. John Walter, M P for the adjoining county of Berkshire and owner of "The Times", championed the plight of the parish's poor. The parliamentary committee sent a surveyor to report on whether the enclosure would be beneficial. He found that £21 per acre would have to be spent on underdraining, fencing, bringing it into cultivation, etc., which would be beyond the means of small owners. Current farming practice was poor. This was because the open fields were largely let to small tenants at only 6/- an acre. He suspected that much of the land "might remain unprofitable pasture from the want of means of improvement". Currently the common was pasture for cattle in summer and sheep in winter. The cottagers gained little except fuel from an area 3 miles from village. The 50-60 cottagers and many small freeholders collected soil and manure from the commons for their gardens. Although a convenient 75-acre fuel allotment was proposed and the concession of giving every cottage two acres of land worth £2 per year were offered, the poor rejected the bill. This was despite the proposal of giving these allotments free of costs to avoid their being sold to meet expenses. Frankland, the witness opposing the bill, stated these allotments would not compensate the poor for their lost common rights. He reckoned 196 families - including many small freeholders - would be entitled to these two-acre allotments. He believed local enclosures showed unemployment would rise. The experiment of taking in the best 18 acres cultivated at the parish's expense had failed. In the Commons debate, Mr. Hughes attacked the feudal mechanism whereby cottage allotments were run by trustees including the lord, the incumbent and the overseers. Only cottagers who had stocked the common for 20 years or who had possessed their cottages for 50 years could benefit and could only assign allotments to other cottagers if the trustees agreed. If the cottagers left the area for 3 months, the trustees could seize the allotment. The bill's supporters like Gisborne argued that such acts would prevent emigration and force those living on the commons like</p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
	Kingsclere (Cont.)	<p>vagrants and gypsies "to adopt more regular habits". Hardinge stressed the generosity of the bill's promoters in the two allotments. He maintained Bolton "had desired no pecuniary object of his own in view, but that all he wanted was to give employment to the poor and by so doing to lower the poor rates". £525 of the £1,000 rates were paid to the 70 cottagers on the edge of the waste. Although owners of 10/11 of the property and 26 poor persons supported the bill, 170 petitioners opposed it. This, and the control over the cottage allotments, led to the bill's defeat. Walter crowed in "The Times" that the 'Old Borough Parliament' allowed the depredation and demoralization of the poor by "indiscriminately and recklessly" agreeing to enclosures. However when the Tories regained power in 1835 but were defeated again when they took power in 1842, a new bill was proposed and again Walter organised opposition. According to a Whig supporter of the bill, this was from "an almost morbid feeling of philanthropy and [he] could see no interest in this case but that of the owners of Geese and Donkeys adjoining the Common". Despite great radical opposition and arguments that even Maughan's compromises were not embodied in the act, the Duke of Wellington's influence obtained an act. 200 labourers now petitioned for the bill hoping for more work if the land was cultivated. The radicals focussed on a clause making all encroachments under 20 years common land to be allotted and allowing the owner - not the tenant - to remove the materials used in the buildings and fences. They wanted an amendment to allow the owners of such encroachments to buy them at their unimproved value - a clause common in previous acts, even in the recent Ormesby (Norfolk) Act - and that encroachments over 20 years were to be given an allotment. The MPs rejected this amendment, claiming lords could act in such a way against encroachers of less than 20 years enjoyment under common law and that it would alter property law about freehold rights. The radicals claimed this showed the Whigs were no better than the Tories, a charge Walter rejected in "The Times". Graham in 1844 believed the act would create more work by cultivation and the greater surface area liable to rating would thus reduce the poor rate per acre. He thought "the whole place is assuming a different aspect... all the poor are employed and there is a spirit of industry, and I think every prospect of improvement to the district". In 1845 Woodland St Paul Parish was formed on the common with a parsonage built in 1846 and a church completed in 1859. Thus the enclosure was the basis of an attempt to improve an impoverished parish by better farming, more employment, greater industriousness and morality.<sup>133</sup></p>
1842	Buckland, Bucks.	<p>An agent here some time before enclosure noted "a great want of employment for the poor" in this and other parishes between Tring and Aylesbury. If enclosed, a turnip fallow in the open fields would be avoided which would increase employment. Also, the proprietors' poor rates would be reduced "by means of bringing much property into parochial charges, so as to relieve their own property". There were several scattered cottages on the common. The major estate here had been oddly situated after 1821 as it was left to several solicitors. By the award in 1844, Peter Parrott had acquired the manorial estate; his acquisition of the property may have been a catalyst in the enclosure.<sup>134</sup></p>
1844	Bishop's Wood, Brewood, Staffs.	<p>There was considerable encroachment here but agreement to enclose proved impossible. The Giffards of Chillington leased the manor and 190 acres from the Bishop of Lichfield. Giffard bought the other two estates which left him and the lord as the only owners. His enclosure proposals nearly failed as he wished to open many old encroachments (which were larger than the remaining common) and count them as common land. These would have been thrown into the hotchpot and divided between him and the lord. By the agreement Giffard paid all costs despite his severe financial problems caused by overspending. This was part of his policy to consolidate and improve his home estate which forced sales of outlying properties. This enclosure was not just to prevent further squatting but also seems part of a policy of 'improving' the squatters. A church and a minister's house were built but there was no mass destruction of cottages as by 1851 "many cottages, originally built on encroachments on the waste, remain".<sup>135</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1844	Pontesbury and Pontesford, Shropshire	★ This was an area of encroachments on sheepwalks by workers in the White Gritt coal and lead mines and smelting works. In 1793 there were 200 poor families with two or more families sharing one house; the colliers earned good wages but spent much of it in the alehouse. The poor rates had increased 133% since 1773 and a workhouse was built in 1790. The parish's population continued to increase from 2,458 in 1821 to 2,936 in 1831. The vestry was very concerned about the number and morals of encroachers - in 1816 when the mines closed down they were employed in quarrying, repairing roads and potato husbandry. In 1836, the huts on the hills were believed to corrupt the morals of the children as several families lived in one room. Therefore all uncompleted cottages were to be levelled by the overseers and freeholders and all gardens which had not been amerced were to be thrown open. Already in 1828, 27 acres in Pontesford township was enclosed, planted with trees and by 1900 the cottages were destroyed. Part of the process of cottage destruction can be seen in an 1840 court case when the Heighways - large freeholders - recovered possession of a garden which was formerly a cottage encroachment on Pontesford Hill. The remaining 98 acres of Pontesbury Hill, Nills Hill, Gully Green and Pontesford Hill were enclosed by agreement. Although the agreement makes no reference to encroachments as a motive, there are references to new encroachments and the award clearly shows over 70 cottages and 88 encroachments. 15½ acres made up of 47 encroachments were allotted to the lord of the manor. T H Hope, of Netley, successfully claimed exclusive herbage over 11½ acres of Nills Hill. <sup>136</sup>
1846	Corley Moor, Warks.	The enclosure of the 50 acres (of which Viscount Lifford was lord) would increase its "productive powers"; there was no convenient land for a recreation allotment and the poor "are in possession of large gardens and other inclosures, originally, as it appears a part of the Common". The part of Corley common in Allesley was enclosed in 1829 but the part on Fillongley's was still open in 1874. <sup>137</sup>
1848	Tansley, Derbyshire	This moor was blamed in 1844 for making the poor idle. It was "scarcely of any value" and the poor got a living by putting some geese on it "and they will not work". In an enclosure, they would be allowed an allotment and it was only the cost of an act which prevented an enclosure. Where Derbyshire commons were enclosed, the labourers were "very much improved and a great deal more comfortable... more regular; in their habits and mode of living". Efforts had already begun by Edward Radford to improve the area. An anglican church was opened in 1839, a national school in 1843 and a parsonage in 1847. The reduced costs under the 1844 act led to the enclosure, the final stage in improving the community. Its 591 acres surrounded the enclosed lands and this fact, together with its own capacity for improvement meant an enclosure would greatly increase the value of local estates. <sup>138</sup>
1848	Kingsley, Staffs.	This manor and the advowson was bought by James Beech in 1790 for £3,300 and engaged in direct small-scale mining on the common. In 1807, he refused to enclose the common as his allotment would not compensate him for his harmed mining rights. The place was noted for its drunkenness, immorality and cruel sports. "Many miners and other workers built cottages on encroachments. Then in 1848 a spirit of improvement arrived; 286 acres of wastes were enclosed, drained and ploughed. This would provide employment. A Band of Hope and a Temperance hall were built. Heavy enclosure costs led to sales of 5¼ of the land in small lots. Adverts stated that many lots "adjoin good roads and a considerable portion" was "very eligible for building a house and making a good garden thereto and the reduction in the price of bricks now offers a favourable opportunity for any <u>industrious man</u> [my underlining] to become his own landlord". Thus the enclosure prevented further encroachments and offered opportunities for self help as part of a "spirit of improvement". <sup>139</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1852	Fradswell Heath, Staffs.	<p>The timing of this enclosure was determined by several factors, all of which indicate the range of meanings of 'improvement'. There had been a dispute since 1780 over the ownership of the heath. The Ferrers' claim of a separate manor of Fradswell was ended by the 9th Earl's purchase in 1850 of manorial rights over the heath from Lord Anglesey, as Lord of Haywood manor, for £450. The most valuable asset was ownership of the heath and rents from the encroachments which were also claimed by Henry Smith's charity. By 1842, 54 acres (over half) of the heath had been encroached upon, including 19 houses; after 12 acres of public roads were deducted, only 45 acres remained. Probably due to the long dispute over manorial control, many encroachments - mostly by the tenants of the other large owner (in 1842 Mrs Bree) paid no amercement to the lord. Other motives apart from preventing further encroachments and morally improving the township (see Table 24 Section 4) were involved. The national commissioners approved the scheme as it would "render the land more productive". Both the main estates at Fradswell had changed attitudes to improvement. John Smith had just bought the Fradswell Hall estate of 734 acres (Ferrers owned 581 acres of the parish total of 1,363a). Also the Ferrers' estate was beginning a programme of large-scale improvements (after a half-century of neglect and oppression of the tenantry to fund their living beyond their means). By 1847 the 9th Earl had debts of £70,800 and an income of £14,848 and his house was burnt down. In 1850 he applied for a drainage loan of £5,000 but real improvements began in 1854 when the estate went into trusteeship. £55,400 was borrowed (1854-64) and expended in drainage and rebuilding; £300 was spent in draining and planting part of Fradswell Heath. Rentals rose from £11,435 in 1854 to £18-19,000 (1860-3). Thus the prevention of further encroachments, the clarification of manorial ownership, the drive for moral and social improvement, the attitude of the new owner of the largest estate and the desire to improve the manorial estate were all motives in this enclosure.<sup>140</sup></p>
1853	Wychwood Forest, Oxon.	<p>In 1809, Arthur Young urged the forest's enclosure on grounds both of productiveness and moral improvement. "The vicinity is filled with poachers, deer-stealers, thieves and pilferers of every kind... [these] offenders are a terror to all quiet and well disposed persons; and Oxford gaol would be uninhabited, were it not for this fertile source of crimes". The Forest courts had lapsed; there were several clearings and unlawful cutting of timber and grazing destroyed its value. By its enclosure, 3,000 acres in its purlieus had already been granted by the Crown to private owners. Of its remaining 3,378 acres, 2,000 were allotted to the Crown. A new landscape of farms was designed by the surveyor, Hon. Charles Gore. Timber trees were sold for £34,000 - a few stands were left for ornament and shelter. Seven new farmsteads and 10 miles of roads were built and the land was cleared and prepared for cultivation. It cost £10 per acre. 31-year leases were made from 1858 at high rents but there were no tithes and small poor rates in the newly created Wychwood Parish. Fordwells was built for the labourers in the 1850s on the site of an existing squatter settlement. This was on the edge of two parishes, a no-man's land much favoured by poor squatters. It already had a Primitive Methodist chapel and land was set aside for cottages and allotment gardens. Thus the act aimed to convert a backward feudal and demoralised community into a modern, capitalist and improved settlement.<sup>141</sup></p>
1853	Hopesay, Shropshire	<p>The 200-acre hill had not been enclosed until tithe commutation was complete as one proprietor did not want the Rector receiving double the tithe. An agreement was still unlikely in 1844 due to mortgages and entail restrictions whilst other owners were abroad. An act would be too expensive especially as litigation would arise. Once enclosed "we should put our surplus population upon it, which we can now get no employment for". Once the general act was passed, Hopesay Hill's enclosure was approved because it would increase its value. Thus the act was motivated by problems over mortgages and entail; but the enclosure was motivated by increased employment and value.<sup>142</sup></p>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1856	Llangurig, Montgomery	★ Sir Watkin Williams Wynn was lord of the manor and his agent explained why he was in favour of an enclosure agreement. The boundaries of the very large exclusive sheep walks were well known and as little was suited for cultivation, the proprietors would only consent to an enclosure if it were cheap. Wynn was not interested in the game and so conceded these rights; but his main "inconvenience" were "parties continually making small... encroachments". The minerals here were "very valuable" and the encroachments "reduce the ambit of his territory. If an enclosure were to take place all these bickerings would be extinguished". <sup>143</sup>
1861	Bedworth Heath, Warks.	In 1848 about 20 acres here were enclosed and converted into gardens for the parish poor. The national commissioners approved this in 1861 stating that it would "put an end to encroachments". <sup>144</sup>
1862	Llanfechell Mountain, Anglesey	There were several labourers' cottages on these wastes which according to a poor tenant farmer's son were "an eyesore to a landowner in the parish... so he induced the Enclosure Commissioners to attach the common to the land of the gentry". The owner was Bulkeley Hughes, of Plas Goch, who, as an M.P., could have influenced the national commissioners despite local opposition. The commissioners' report stated "The inclosure will put an end to a system of squatting upon the lands which threatens to pauperize the parish". However the squatters were allowed to buy their encroachments albeit at their improved value. Nevertheless the reclamation, manuring and cultivation had not made the lands very valuable. 76 of the 283 acres were sold for £241 - only £5/10/9½ per acre; at 30 years purchase only 3/8¼ per acre annual value. Only a few encroachments were sold to outsiders. The award also showed considerable encroachments which were not allotted. Many of these had been made by Bulkeley Hughes' tenants to extend their small farms. Hughes wanted these lands so much "that he gave them [his tenants] notice to appear in a foreign court and obtained judgment against them by default. The result was one of them became insane". There was no recreation, garden or fuel allotments. The latter probably resulted from the mountain being already pared for burning. <sup>145</sup>
1863	Bisley, Gloucs.	The decline of the domestic woollen trade led to large-scale distress by the early 1800s. About 350 cottagers depended upon this industry, their garden encroachments and the common to depasture their donkeys (used for carrying on these steep hills) and to rack their cloth. By 1826 there was about 70% unemployment. The owners proposed enclosing and leasing the remaining common in aid of the poor rates. This would have reduced their rates in the short term but, by destroying the second crop of the cottagers' dual economy, would have worsened the long-term situation. In 1837, the parish paid for 68 people to emigrate; in 1839, there was a scheme to use part of the common as allotment gardens for the poor. In the 1860s, the heir to the Dorington estate promoted an enclosure of the remaining 89½ acres to treble the land's value by productive cultivation and "to afford a large supply of labour to the poor". However, despite the hope of more work and a 30-acre allotment for the labouring poor, many cottagers opposed the enclosure by pulling down walls. Many were still involved in the trade; 57 donkeys were depastured and Dorington was accused of stealing "the donkey's dinner". Dorington and other owners bought up sale lots and small allotments from c70 cottagers, c100 others received up to £5 in lieu of their rights. The remainder added their lots to their gardens; others with capital bought small sale lots adjoining their cottages. The enclosure aimed to transform the locality by preventing further encroachment, destroying the dual economy and creating a new source of employment for the poor. <sup>146</sup>



TABLE 25: SECTION 5 - ENCLOSURE AND THE PROBLEM OF COTTAGE ENCROACHMENTS (Cont.)

Year	Place	Notes
1863	Llangwm, Denbighshire	"The squatters who settled... [on these 3,103 acres] were sent away and the property was sold to pay the Enclosure Commissioners for the Costs". The moving force was apparently Lord Bagot who in 1859 made "a considerable purchase of land in upland parishes including Llangwm. He modernised the property by replacing the very dilapidated buildings and enclosures. This cost nearly £98,000 by 1896 but the only rent increases was when farms were rearranged with allotments and acreages were increased. His Pool Park estate of 19,000 acres was worth £7,496 in 1896. Thus Bagot improved and increased his estate but destroyed the economy of the squatters who stood in the way of his improvements." <sup>147</sup>
1865	Penboyr, Rhos Llangeler, Carmarthenshire	Lord Cawdor's new agent in 1863 apparently arranged this. Cawdor was Lord of the Manor and received "very extensive allotments" of the 772 acres. The commoners complained that the loss of turbary and pasture would ruin them. He replied that he wished to stop "much of that which they pray to have continued". The turbary was "fast making the commons useless". He wanted "to prevent an increase of pauper population" by 'closing' the commons and "to give employment in enclosing and cultivating or planting my portions of the commons that are worth the outlay". Also he wanted to prevent overgrazing by both parishioners and outsiders "and to make those who are interested to know their own and do as they like with it". Cawdor received the encroachments and the squatters had to pay a small rent. Improvements were encouraged but then Cawdor raised rents or even sold encroachments to the occupiers at as much as £26 per acre. Many believed that the squatters had suffered most through enclosure. Many of Cawdor's motives involved the problems caused by the poor and all could be summarized by the notion of "improvement". <sup>148</sup>

Footnotes

Section 2

- 1 Sir F M Eden, The State of the Poor III (1797) ccllii.
- 2 Sir F M Eden, op cit, III (1797) ccllii; Lewis, Topographical Dictionary of England II (1840), 324; Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978), p.243.
- 3 E C K Conner, Common Land and Enclosure (1912) p.62; Sir F M Eden, op cit, ccllii; Lewis, Topographical Dictionary of England I (1848), 151.
- 4 Sir F M Eden, op cit, ccliv.
- 5 P Norman, 'Bronley Common', in Archaeologica Cantiana, XXXIII (1918), 113-4.
- 6 JHC XXI, 22/1 and 12/3/1767, 217; Sir F M Eden, op cit cclxi.
- 7 JHC XXII 7/2/1770, 668; Sir F M Eden, op cit, cclxi; A G Parton, 'Parliamentary Enclosure in Nineteenth Century Surrey - Some Perspectives on the Evaluation of Land Potential', Agricultural History Review XXXIII (1985), 57.
- 8 JHC XXIV 25/1/1773, 60 and 1/2/1773, 95.
- 9 Keele University 16437-90, A Comparative State of the Advantages... from an Inclosure of the... Marsh... According to the Bill... and the Act (u/d c1783); See Table 2; VCH Staffs. VIII (1963) 1-79; White, Staffs. Directory (1851), p.309; JHC XXVIII, 7/2/1782, 695; J T Coulam, The History of Newcastle-under-Lyme (1908) pp.70-1.

- 10 JHC XL, 9 and 22/2/1785, 505 and 566; Bagshaw, Derbyshire Directory (1846), p.319; White, Derbyshire Directory (1857), p.220; Derby Mercury, 17/6/1784, 31/3, 28/4, 18/8/1785 and 2/3/1786; Aris Gazette 5/2/1798, p.4 c.3.
- 11 WSL 3/1/00, 7/5/1766, 8/5/1767, 3/12/1778, 2/4, 11 and 16/12/1783, 1/10/1788; S R Broadbridge, 'The Old Poor Law in the Parish of Stone', N. Staffs. Journal of Field Studies XIII (1973), 18; StRO D1504/6/4/1; StRO D240/E/F/8/19; Aris Gazette 15/5/1786, p.3 c.3; JHC XLII, 26/2, 30/4 and 16/5/1787, 407-8, 700 and 776.
- 12 JHC XLIII, 30/11/1787, 13-14, 6/2/1788, 186; Eden, op cit, cclxi; Lewis, Topographical Dictionary of England III (1848), 247-8.
- 13 JHC XLVII, 463, 1 and 21/3/1792; Board of Agriculture [A Young], General Report on Enclosures (1808), p.49; Rev. F P Parker, Colton (Birmingham 1897), p.181; Wolverhampton Chronicle, 14/11/1792; W C Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963), p.316; W Pitt, A Topographical History of Staffordshire II (1817) 96.
- 14 S Yates, The History of Congleton (Congleton 1820) pp.57, 61 and 73-4; Staffs. Advertiser 11/7/1795 p.4 c.1-2; JHC XLIX 17/2/1794, 182, and L, 3/2 and 20/4/1795, 118, 444; W B Stephens, ed. The History of Congleton (Manchester 1970) pp.85-7, 90 and 172-4; P Wilde, 'The Use of Business Directories in comparing the industrial structure of towns', The Local Historian XII (3 & 4) (1976) 53-5; J Hibbert, 'The Congleton Inclosure Trust', Journal of the Congleton Historical Society II (1977-8) 37-40; Congleton Public Library, Enclosure Trust Papers (333).



TABLE 25: Footnotes - Section 2 (Cont.)

- 15 Staffs. Advertiser 21/9/1811 p.1 c.4, 13/7/1816 p.1 c.3, 5/10/1816 p.2 c.3; StRO D877/189/8/1-8 and 23 W Lowe to Fowler, 13/9/1815 [quoted]; 189/9/1 Particulars of sale lots; 189/12/49 Details of rate; 189/15/4 Sanderson to Anglesey, 10/4/1821; 189/7/1 - 16 re riots; Q/RDc 79, Burton-on-Trent Enclosure Award 1821.
- 16 Derby Mercury 13/9/1787; 24/5 p.3 c.3, 27/9/1792 p.1 c.2; White, Derbyshire Directory (1857) pp.548-9; DLS 4636 Collection of Enclosure Acts III including 1868 Charity Commission Report; Tate and Turner, op cit, p.95.
- 17 StRO D590/684 copy Codsall Wood Enclosure Award 1824; /578 Plan showing sale plot; VCH Staffs. XX (1984) S4.
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TABLE 26 - ENCLOSURE AND E-PARKMENT

A=Manorial allotment; B=Tithe allotment; C=Pre-enclosure purchase; D=Post-enclosure purchase; E=Exchange

★ Denotes enclosure by agreement without a separate act.

Year	Place	Notes
c1610	Stowe, Buckinghamshire	★ Sir Peter Temple - The Temples were first interested in enclosing lands here in 1587 and 1599 for sheep farming. However the wealth this brought led "to wider social aspirations, a baronetcy, and a shift in the motives for enclosure". Sir Peter enclosed 12 acres of Stowe Waste and land at Wood Common to enlarge the park - apparently by agreement. However the completion of the work here was after 1730 when the village disappeared. <sup>1</sup>
1671	Euston, Norfolk	★ Earl of Arlington - The Earl was a member of the CABAL which helped Charles II to govern. He used his position to obtain a royal licence to embark 2,000 acres of the Breckland in Euston and adjoining parishes. This was for a mansion which he had built here between 1666 and 1670. <sup>2</sup>
1704	Colston Bassett, Notts.	★ Sir Edward Golding - This appears to have been a single owner manor. Golding enclosed the parish and he used part of the land to build a new hall. The village and church were stranded in the new park. Gradually the village was rebuilt outside the park by the estate for its workers and in 1892 a new church was built. <sup>3</sup>
1709	Ropley, Hants.	Bishop of Winchester - The commons were enclosed to be converted to arable; "many people would be employed in making such improvements, which will tend to the publick good". According to Thompson the Bishop, the lord of the manor, piloted the bill through the House of Lords "to which was quietly tacked an authority to 'improve' Farnham Old Park". Some 500 of the 1,000 acres of this land remained unenclosed over which some tenants claimed common rights. Also Lawday House in the park had been accidentally burnt down recently. The Act allowed the Bishop to enclose and lease the remaining 500 acres for 21 years to fund the rebuilding of the house. Also it would encourage the tenants and would generally improve the estate. Some manorial tenants petitioned against the bill and subsequently against the partiality of the commissioners who either ignored their claims or only gave them "half of their due". This particularly benefited the Bishop's steward, Edward Forbes, who was able to lease the entire park for only £70 per annum. This enclosure "sent a ripple of alarm" through the other episcopal manors about protecting common rights. <sup>4</sup>
1717	Greasbrough, W. Riding	★ Sir Thomas Wentworth - Sir Thomas enclosed Greasbrough Common by agreement with the freeholders. He received 261 acres as his share and for what he bought from all the freeholders as a park. The freeholders were allotted their shares of the remainder. At this time there were several collieries on their estate and a high percentage of colliers in the parish. <sup>5</sup>
1722	Thoresby, Notts.	★ Duke of Kingston - The Duke prayed the Crown's leave to enclose 1,217 acres of barren closes in Sherwood Forest to enlarge Thoresby Park. <sup>6</sup>
1722	Burton Agnes, E. Riding	★ Sir Griffith Boynton - Sir Griffith Boynton (d 1730) was virtually the sole owner of this manor where his mansion, Burton Agnes Hall, was situated. He engaged in a policy of enclosure with his tenants and in 1722 he enclosed 85 acres of open field land near the hall which he was having altered. This was used for plantations and parkland north of the hall; he diverted the main road to allow the park to be laid out. His eponymous successor employed John Outram, his steward, to allot and enclose by agreement Earmston in 1757 and the rest of Burton Agnes in 1759. Boynton was the sole allottee in both cases apart from the tithe owner. <sup>7</sup>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1735-66	Winkburn, Notts.	<p>★ Burnell - Winkburn Park was formed from two old enclosures adjoining the hall some time during this period when the village was enclosed. Burnell was the sole owner and so no act was needed.<sup>8</sup></p>
1738	Painshill, Walton, Surrey	<p>Sir Charles Hamilton (1704-86) was the brother of the Prince of Wales's mistress and so gained a sinecure position in the Prince's household until the affair was ended in 1747. In the meanwhile he gained the lucrative Receivership-General of Minorca in 1743. This funded his building of Painshill. After returning from the Grand Tour, Hamilton had bought a 31-year lease of a Crown encroachment from the hill of Walton Common, originally part of a deer park of Henry VIII. This was north of Cobham Bridge over the River Mole. He built his seat here "where is a great improvement making by inclosing a large Tract of Land designed for a Park but which was most of it so poor as not to produce any thing but Heath and Broom". The heath was burnt; turnips sown, sheep depastured and then the land was grassed and plantations made, with pines on the river cliffs. 99 acres were later granted by the Crown to complete the 400-acre pleasure grounds including 25 strips in Painshill Common Field, "the Abuttals and Boundaries whereof" were "thrown down and destroyed" and the land enclosed in the park palings. A contemporary wished that all gentlemen creating parks would inclose land of little value; for "whatever is here laid out, will be intirely and improvement since without it the Land would have produced very little Rent to the Proprietor". Hamilton continued to improve the gardens by an artificial lake but his loss of the Receivership in 1756 eventually meant he had to retire to Bath in 1775 and sell Painshill to Benjamin Hoskins who completed a ruined abbey in the gardens. Then Painshill was to be sold in 1795, the leasehold and freehold land were so intermixed that an act was required to convert the leasehold to freehold.<sup>9</sup></p>
c1740-71	Shugborough	<p>★ Thomas Anson (1695-1773) - Thomas Anson bought up all the copyhold and leasehold land in Shugborough between 1740 and 1770 to remove the village, enclose the common fields and create a park, famous for its garden ornaments. He extended his park by encroaching upon Sathall Hills in Cannock Chase for which he obtained a lease in 1771 from Lord Paget, much of which was converted to freehold in 1781 by his heir, George, who completed these improvements. Thomas also moved roads away from the village and park. His heir's son, Thomas, inherited an unencumbered estate worth £16,000 per annum. He became a Foxite Whig and gained his title due to Fox's influence in 1806. This and his marriage to Coke of Norfolk's daughter gave him an interest in public-spirited and rational improvement. Before 1804, he moved the course of the River Sow to prevent floods, and the main road away from the park. He had taken "into his hands a large tract of land" to form a 2,000-acre home farm. A farmhouse was designed by the architect Samuel Wyatt to adjoin the house which Wyatt also rebuilt between 1790 and 1806. There were near 300 acres of barley, almost 250 acres of hay apart from plantations and "wild" land from the hills of Cannock Chase; but most of the land was meadow and he kept a herd of near 1,700 sheep. The estate was managed by Wheelock, his farming steward, according to the Norfolk System and he employed only 25 men, except at harvest time. He also obtained an act for 2,500 acres near the Trent and Mersey Canal at Alrewas in 1802 where he was the Lord of the Manor and by 1834 "owner of nearly all the land". The process of enclosure could take some time; in 1812 his allotment was still uncultivated although the land was drained. The actual physical work of enclosing Alrewas Hay was not completed until after 1826. This land was probably used for improved pasture and meadows. He also enclosed land at Knightley by act. This was apparently very successful. He left an estate of 16,000 acres which according to the local paper had an unencumbered value of £70,000 a year - probably a gross exaggeration.<sup>10</sup></p>
1802	Alrewas	
1804	Knightley, Staffs.	



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1751 1772	Welton Welton, E. Ridding	<p>A, C - <u>Thomas and Joseph Williamson</u> - The development of two mansions and parks, Welton House and Welton Hill House were connected to enclosures promoted by the Williamson family. They were Hull merchants made wealthy by the Swedish iron trade. In 1748 James Shaw was lord of both Welton and Welton manors. His daughter married Thomas Williamson and apparently Williamson gained this estate. An agreement was immediately obtained to enclose 350 acres of Welton's commons in 1750 which required a confirmatory act. In the award, Thomas Williamson was shown as the owner of the Welton Hill estate. Between 1750 and 1794 he rebuilt Welton House - but Smith believes the building, park extension and plantations associated with Welton and Melton were more associated with Melton's enclosure in 1772. Before this act the land was bare of trees. Afterwards both Thomas and Joseph made plantations on their allotments to enhance the landscape of their parks. Thomas diverted the Hull road past Welton House and used the old road as a drive. Joseph also diverted the Ferriby road by the 1773 Turnpike Act away from the proposed site of Melton Hill House and was allotted the old road and the land down to the new road. This allotment was used to create Melton Hill House and its 100-acre wooded park by 1816.<sup>11</sup></p>
1756	Sowe, Warwickshire	<p>A, B - <u>Lord Craven</u> - The enclosure of the three wastes and open fields was advocated owing to the trespasses and disputes, and to commute tithes. Craven was lord of one manor, improPRIATOR and a sizable owner. He was allotted 460 of the 1,591 acres which was specified by the act to adjoin the manor of Combe, "the estate and property of Lord Craven". His tenants were rearranged into five large farms. Encroachments by miners from 1540 led to rising poor rates and disputes about grazing rights. The spread of hand loom weaving to the growing settlement of Sowe Waste occurred after the building of canals from 1768. The Combe Abbey demesne of 1,000 acres was subsequently landscaped between 1772 and 1774 for which he received £12,000.<sup>12</sup></p>
1756 1795	Tinwell Fields Stamford Baron St. Martins, Northants and Rutland	<p>A, E - <u>9th Earl of Exeter</u> - The 8th Earl had bought Stamford manor in 1747 to totally dominate the borough. Their home, Burleigh House, lay to the south of the town and when the 9th Earl inherited in 1754, he decided to extend the park and gardens which lay south and west of his house. Thus he engaged "Capability" Brown in 1754 and he prepared plans in 1755 to landscape his park. These plans evidently included the Cow Pasture to the north of the house as an enclosure agreement for Tinwell Fields in February 1755 allowed the Earl to receive the pasture in return for lands of equal value elsewhere in St. Martin's manor. The 9th Earl used the £70,000 he inherited at his wife's death in 1756 to systematically rebuild the town to a uniform design and so it gained its current Georgian beauty despite Byng's criticism of it as "an ill built town". It was literally an estate town. When the 10th Earl inherited his 28,000 acre estate in 1793 there remained some common land between the town and the park. The 10th Earl decided to enclose this and add most of it to the park. The majority of the 600 acres enclosed formed an extension of the park up to the town. The park now comprised 1,400 acres and the Earl still farms 4,000 acres. He built several lodges costing £5,000 and the park was thickly wooded. The mode of improvement seems to fit with the Exeter family's Toryism. They were conservative paternalists on a large scale - dominating their estates but keeping the world at a distance by park extension. Their attitudes to urban and agricultural development are reflected in the late enclosure and slow extension of Stamford in the nineteenth century. The improvement of his park to a style befitting the status of an Earl may have facilitated his being raised to an Earldom in 1804.<sup>13</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1757 and 1825	Four Oaks, Sutton Coldfield and Warwickshire	By its charter, Sutton Coldfield Corporation was allowed to authorize the enclosure of 60 acres of manorial waste by anyone who built his own house. About 1700, Lord Ffolliott built Four Oaks Hall and enclosed 60 acres. Simon Luttrell purchased the decaying hall intending to build a new one and obtained the Corporation's consent to enclose 48 acres adjoining at an annual perpetual fee farm rent of £12. This "Sutton Coldfield Inclosure" as described in the <u>Journal of the House of Commons</u> required a confirmatory act. In 1792, after having several owners, the Four Oaks estate was bought by Edmund Hartopp when it comprised 160 acres of freehold including a 95-acre deer park and water and 3/4 acres of leasehold. When the remaining common was enclosed by act in 1825, Sir Edmund Hartopp used the opportunity to enclose another 63 acres of Ladywood, adjoining his property, in exchange for 93 acres near the town. Some local people tried to fire the Ladywood in protest but were thwarted by a sudden fall of rain. <sup>14</sup>
1759	Fillingham, Lincs.	A - <u>Sir Cecil Wray</u> - Wray was a radical Whig and experimental farmer who a contemporary described as "independent in mind as well as fortune". He came into his estates in Norfolk and Lincolnshire in 1755. His home on Eastgate in Lincoln was bedevilled by noise from a smithy. He decided to build a new home, a mock Gothic Castle, on a hill at Fillingham, south of his ancestral estates at Glentworth. This was on high ground on the east of the parish near the road north from Lincoln. He and the other three parties agreed to enclose the 3,205 acres of common land on the 4,000-acre parish. An act was needed as 500 acres were allotted for tithes to the Rector and to allow the Dean and Chapter of Lincoln's lessee to enjoy the remainder of his lease. The act was extremely cheap as there were three owners and so it cost £300 or 3/6 an acre. Wray immediately began to improve his estate. By 1770 he had "considerably raised the value of his estate, built Summer-Castle, with extensive offices, formed a large [50-acre] lake, planted 70 acres, and richly improved above 300, ornamenting and enriching a country so greatly capable of improvement". The landscape of water, wood, cornfields and village was deliberately arranged to resemble 'a North American scene'. Upon his new 700-acre home farm, Wray had experimented with sainfoin and lucerne; although he had some arable he used the land to depasture 300 sheep. The park alone covered 400 acres in 1848. By 1794 the plantations covered 260 acres which were composed largely of Scotch Fir, used for posts and rails. Byng disliked the Scottish appearance of the house and he would have preferred sycamore and beech. Wray also obtained an enclosure for the adjoining manor of Ingham in 1769 and received an allotment of 778 out of 1,892 acres in the north of the parish bordering Fillingham. He used acts promoted by others at Glentham (1763) and Bishop's Norton (1771) to build up a consolidated home estate by obtaining allotments adjoining his existing properties. <sup>15</sup>
1759	Muneham Courtenay, Oxfordshire	★ <u>1st Earl Simon Hartcourt</u> - The 1st Earl disliked both his manor house and the tumbledown clay cottages upon his home estate. He apparently began his park in 1756 which would involve the movement of the village away from the new house (begun in 1760) to the London to Oxford Road a mile away. To achieve this, he arranged an enclosure agreement with the Rector (Harcourt was his patron) to receive all the open field strips which comprised his glebe and to give him 54 acres in enclosed fields. A commission was set up to supervise what was "probably part of a general enclosure". One open field adjoining the London Road was used as the site of the model village. The Rectory was rebuilt further north and a new church was built in 1764. The old one was converted into a domed classical temple which Horace Walpole described as "the principal feature in one of the most beautiful landscapes in the world". The road from the former village to the London Road became the approach to the mansion and the road to Abingdon was re-routed around the park walls (6 1/2 miles long) to the London Road below the old village. By 1786 all the land in the manor was farmed by Hartcourt (who also rented the glebe) in his home farm and three tenant farmers. The family's continuing concern about the poor was shown in the crisis year of 1796 when much of the park was ploughed up to raise grain. However the removal of the village caused contemporary criticism and Goldsmith's <u>Deserted Village</u> (1770). <sup>16</sup>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1763	Wiseton, Notts.	★ Jonathan Acklom - Acklom was the largest owner in the manor. After enclosing, he rebuilt Wiseton Hall, laid out plantations and shelter belts, enlarged the pleasure grounds and built stylish farm houses "on all the surrounding eminences". "They are not only ornamental to the grounds, and indeed to the whole estate" but were economic as the tenants took more pride in them. Also this avoided the danger of floods from the River Idle. <sup>17</sup>
1764 1794	Normanton (& act 1793) Empingham, Rutland	★ A, B, D - Sir Gilbert Heathcote - In 1764 a previous Sir Gilbert Heathcote had created a park at Normanton (where he was main owner), demolishing the medieval church and village and enclosing the common lands. In this park he built an Ionic mansion. Sir Gilbert was born in 1773 and his estate was run by trustees until he came of age. They had already bought Folkingham 25 miles to the north-east around 1790 and invested all the rental in new buildings. Heathcote was 17 and apparently influenced his trustees in the manner of developing an estate. When almost 21 years old, his trustees petitioned for an act to enclose Empingham's 3,700 acres. It confirmed Heathcote as lessee of the Prebendary estate and commuted the prebendal great tithes and the vicarial small tithes for a corn rent. Thus the act made Heathcote the sole owner in Empingham manor in return for corn rents whilst empowering him to make exchanges in Hambleton and the "lately enclosed" lands in Normanton "in order for the effectuating sundry improvements which are now making upon his estate around his house at Normanton". The park - 500 acres and including the Church and the Rectory - was well-wooded and included the artificially widened river to enhance the view. Heathcote became Lord Aveland in 1856 and in 1812 he purchased the 114-acre prebendal estate of which he had long been the trustee. <sup>18</sup>
1764	North Cave, E. Riding	A, B - Sir George Montgomery Metham - In the 1765 award of 1,588 acres (mainly of open fields) Sir George received 650 acres including 208 acres for tithes. This happened at the same time as the manor house and its grounds were being improved and the Beverley Road was being altered. In 1772 he sold Low Hall and 318 acres to William Sonley and soon after North Cave manor and 364 acres - together with two other manors and 36 acres - to Robert Burton. He received 66 acres at enclosure and was lord of the nearby manor of Hotham. In that enclosure (1768) he received 1,363 of the 2,511 acres. He used the common for plantations and as a warren. <sup>19</sup>
1765 1770 1787	Ticknall Derby Hills Melbourne Derbyshire	★ Sir Henry Harpur Crewe, 6th Bart. - Sir Henry (1739-89) had an estate of about 210,000 a year (rental of £7,200) based on Calke Abbey in a 185-acre deer park adjoining Calke village. He was often counted as a Tory in parliament but after being defeated in 1768, he became more famous as a racehorse breeder. When he came of age he ordered a plan of Calke from Samuel Wyatt and began to plan the enlargement and remodelling of his park. William Emes was hired in 1764-5 to make plans and estimates for the park and he enclosed the remainder of Ticknall's open fields and commons by agreement - he owned 75% of the land to provide for this. He removed the village of Calke which adjoined the abbey and added its fields to his park. This stage of emparkment was completed by 1779. In the meanwhile, he agreed to an act for the 310 acres of Derby Hills with Sir Peniston Lamb of Melbourne. Harpur Crewe received 50 acres which in 1846 formed "part of Calke Park". The Lambs used part of the land as plantations which the Harpur Crewes bought in 1919. The two families and the Earl of Huntingdon agreed to enclose 2,770 acres of arable and pasture at Melbourne in 1787. Crewe received 167 acres which was added to the north-east corner of his park, so it extended to 836 acres. The common contained a pool and mill for a furnace which was in use until 1772, and had a warren. The act was criticised by Dugmore; the Lambs gained 1/10 of the common (372 acres) for land for which he gained no income, the 70 or 80-acre pool (by exchange) and land adjoining the park which had belonged to the Earl of Huntingdon as lord was awarded to Lamb (although the pool had dried up). The roads near the park were closed and many poor people's claims denied after being made false promises by the vicar. The Lambs used the act to prevent building near the hall and to create a ring fenced allotment around the park without any rights of way across it. They ensured this by specifying the allotment of the Town and Dovecroft fields and Dovecroft Common and the pool. The latter was later used as an ornamental sheet of water for the house. Most of the common was converted to arable. <sup>20</sup>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1767	Haut Huntre, Lincs.	<p>Earl Fitzwilliam - Although not one of the lords of the manor, Earl Fitzwilliam received the whole of the Dog Dyke which was near his gardens in Billinghay. The enclosure of this 18,052-acre common seems not to have been popularly received; an amending act was needed in 1770 due to the destruction of fences. This allowed the sale of posts and rails and their replacement by ditches.<sup>21</sup></p>
1771	Bishop's Newton, Lincs.	<p>B, E - John Harrison - This parish adjoined Ermine Street which ran along the crest of the hills north of Lincoln. Harrison was the largest beneficiary of the act although the enclosure petition does not mention him. The five named owners were led by Sir Cecil Wray and the act merely claimed its current cultivation was expensive. Harrison received 288 of the 1,700 acres for £243 plus a half share of the tithe allotment. However he used an exchange with the Rector to secure in 1773 the most unpromising section of the open field on the hill on the south-west of the parish adjoining the road. As this exchange contradicted a clause in the act specifying the location of the tithe allotment, an amendment act was needed. The land adjoined other property in Clentham possibly enclosed in 1763 and its height gave it a good prospect. Harrison used this land to extend the park for his home estate, Norton Place, inherited from his father. He engaged "Capability" Brown to lay out the lawn, half-mile lake and bridge, walled garden and flourishing plantations which were praised by Young 23 years later. He also had the house rebuilt by the architect John Carr. This was probably an attempt to imitate, on a smaller scale, Sir Cecil Wray's estate based on Fillingham Castle (qv). A friend of Pelham Anderson, he became an MP in 1780 for Great Grimsby and the 'English Chronicle' noted him in 1781 as "a young man of genteel though not ample fortune". He was a Whig and supporter of popular rights as well as a noted agriculturalist and a supporter of enclosures.<sup>22</sup></p>
1771	Long Riston, E. Riding	<p>Peter Nevill - An enclosure commissioner, valuer and surveyor who had farmed at Skirlough since 1765. He bought a 200-acre estate in 1773, built Riston Grange, made plantations and landscaped his property. The award of the 1,600 acres enclosed was executed in 1778. At nearby Tibthorpe, Tibthorpe House and the Manor House were both erected in 1795 between the passing of the act and the making of the award in 1796.<sup>23</sup></p>
1772	Kew, Surrey	<p>Viscountess Fitzwilliam held several plots of land including encroachments from the waste adjoining "His Majesty's Gardens at Richmond". The Crown agreed with Fitzwilliam to enfranchise some of the premises whilst the remainder would be added to his gardens. An act was needed to confirm this. This coincided with the death of Princess Augusta who had founded the botanic gardens on nine acres and the appointment of Sir Joseph Banks by George III; the gardens were opened to the public in 1774.<sup>24</sup></p>
1772	Stapleford, Leics. Stainby, Lincs.	<p>A, B - Earl of Harborough - The 4th Earl of Harborough (1719-99), a cleric, inherited his estates in 1770 and seems to have determined on a policy of improvement. In two consecutive petitions in the Commons Journal he petitioned as the main owner for acts to enclose and commute tithes for land. He received 260 acres in Stainby parish and 165 acres in Gunby St Nicholas parish for tithes alone. The Stapleford enclosure involved the conversion of open field to pasture and also the extension of his park to 820 acres. Once he had acquired the land and rebuilt the bridge over the River Eye, he engaged "Capability" Brown in 1775 to landscape the park. He also rebuilt Stapleford and Teigh churches as well as building Saxby Church. Saxby had been enclosed in 1717 and adjoined Stapleford Park. He then became famous for his benevolent and public spirited</p>



TABLE 26 - ENCLOSURE AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Stapleford, Leics. & Stainby, Lincs. (Cont.)	<p>advocacy of improvement. He generously invested in prize livestock to improve his tenant's stock and introduced the drill plough successfully on his estates. He was a major supporter of and investor in the Melton Howbray and Oakham Canals from 1785 to their authorization in 1791 and 1793 respectively. These served the nearby town of Melton Howbray and there was even a wharf at Stapleford itself. He also helped light Melton by paying for the first 50 lamps of those erected by subscription in 1793. He acquired the manor of the town which gave him his title, Market Harborough, in 1785. This was not to accumulate an estate there nor to promote an enclosure as there was no common land left here. The motive was for status and the market tolls. To enhance its market function, he built a public building for the market and assembly rooms and in 1793 he supported the Grand Union Canal which passed through the town. In return he received a guarantee of £100 of market tolls and rents and £20 profits from a weighing machine.<sup>25</sup></p>
1774	Stratford-upon-Avon, Warks.	<p><u>John Partherliche</u> - John Partherliche obtained a specified allotment adjoining his old and ruinous Clopton House by a clause in the act which dealt with 1,600 acres. This was apparently the Welcombe Hills which were a common sheep pasture. The estate was enlarged to enable it to be sold and in 1775 it was bought by John Lloyd of Snitterfield. His son George inherited in 1777 and repaired the mansion as his place of residence. He employed Davenport to landscape the park and hills (which included an ancient entrenchment) with trees. The house was advertised to let in 1799 and included 81 acres of land. The enclosure act also involved draining a morass contiguous to Welcombe.<sup>26</sup></p>
1774	Kidderminster, Warks.	<p>A, E - <u>Samuel Skey</u> - The 1,500 acres of open fields and commons were enclosed on the petition of Thomas Reverend Lea, by local tradition "the act was brought about by... Skey... so that the lord of the manor could acquire the land in full ownership to sell it to Skey". The town's worsted and carpet industries were expanding and a bill to facilitate the recovery of small debts was proposed in 1772. The land was increasing in potential value although much of the heath between Bewdley and Kidderminster was gravelly. The vicar's tithes were commuted for an allotment which became the Vicarage Farm of 154 acres. The lord received 1/16 and equivalent for his warren; this was to include the pools called the Slashes. He could cut down all timber for a year after the award except John Soley's ornamental firs on Mount Pleasant near Blackstone. The land around the trees down to the house were allotted to him. Other land in the common was planted to form Oldington Wood by Jacob Turner, Lord Foley's steward. Foley, who was in dire financial trouble, agreed first to lease, then to exchange and sell part of his allotment of 1,013 acres (consolidated by exchanges) and the Slashes, totalling 141 acres, to Samuel Skey for £1,200. This required an estate act in 1786 as it was part of the entailed estates. Skey converted this barren waste by "his persevering industry" into an improved estate around his new mansion, plantations and park called Spring Grove. This was begun in 1797 (once he had a secure title) and completed in 1790. Then Carpenter viewed the fertile fields here, he could "not recollect a greater improvement". Skey was an idiosyncratic improver, using mules on his estate. He had made his wealth from his vitriol works in Dowles Valley and a bank he helped found at Bewdley in 1782. He also bought Dowles manor in 1783 and had developed a large estate on either side of the River Severn by his death in 1800. His estate in Dowles alone, apart from his works, was worth £700 per annum in 1794 and covered some 636 acres. He farmed most of this himself as pasture and also made large plantations, now called Skey's Wood.<sup>27</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1775	Flintham, Notts.	<p>A, B, D, E - <u>Disney/Hildyard</u> - This illustrates the danger of linking enclosure and emparkment by coincidence. The lord and largest owner, Disney (of Swinderby, Lincs.) with c.2200 enough stock to manure the land. The village's shortage of pasture prevented its farmers keeping there stopped a second enclosure attempt in 1736; if he had not, Kolyneux, sole owner of the adjoining enclosed village of Kneeton, would have done so by his common rights in Flintham. He had converted Kneeton to pasture and let the grazing at high rents to Flintham farmers. In 1759 large farmers pressed for enclosure again as the unstinted 450-acre pasture was overstocked by cottagers. The farmers believed it could be marled and turniped. Lewis Disney agreed to enclose when he married Elizabeth Ffytche, a wealthy Essex heiress and Flintham was part of the settlement. The enclosure may have been intended to make Flintham a more valuable counterweight to his wife's estate or to make it more marketable should Disney move, as he subsequently did, to Essex. But it seems more likely that he now had the capital to invest in its enclosure. He did buy the adjoining estate of Syerston from George Sutton in the same year - which however he did not enclose. Whatever the case, the two events appear closely linked. The act enclosed 1,929 of the 2,106 acres (92%) in the parish and involved 14 owners and six tenants of Trinity College. Fowkes argues that an act was the only way with such intermixed ownership to create a consolidated block for the Hildyards to build Flintham Hall. Certainly the award (in which he received 550 acres) gave Disney a consolidated block between the Fosse Way and the existing Flintham Hall which made the estate more marketable as having landscape garden potential. However the estate remained undeveloped until 1800. Disney moved down to Essex, selling this estate to the Thorotons of nearby Screveton (enclosed in 1776) in 1789 and adjoining Syerston (qv) to a commissioner at Flintham, William Fillingham, who had also surveyed the Syerston estate when Disney bought it from Sutton, which the latter enclosed for a consolidated mansion house estate. It was only in 1800 that Col. Thoroton rebuilt Flintham and landscaped the park as the land had more scope for this than Screveton Hall. He adopted his wife's surname Hildyard in 1815 when he married a wealthy heiress. By 1844 the Hildyards owned most of the manor except for 637 acres belonging to the two institutional owners (the Vicar and Trinity College). Pasture had increased to <math>\frac{1}{3}</math> (700 acres) of the manor.<sup>28</sup></p>
1776	Clewer, Berkshire	<p>Duke of Gloucester - The Countess of Waldegrave bought an encroachment on St. Leonard's Hill and enclosed 30 acres and improved it. She confirmed this in 1770 by an agreement to pay money to the poor rates for loss of common rights; she also promised to remove all the deer. After she married the Duke of Gloucester, he built a mansion on the land which enjoyed superb views. Other small encroachments for mansions had also been bought by paying money to the poor rate as the Duke bought a 2-acre mansion and converted it to a fishpond. Also a road was closed up. To confirm the legality of these encroachments and to rationalize the rates payments of £31, an act was obtained to confirm a 1775 agreement.<sup>29</sup></p>
1776	Wattlesborough Heath, Alverbury, Shropshire	<p>★ Sir Charlton Leighton, 4th Bart. - Sir Charlton (1747-84) had been on the Grand Tour and was a typical English improver of this time. His father gave up Loton Park in 1773 to Charlton for an allowance and his sporting and hunting debts being thrown upon the property by a mortgage. He also had to find dowries for his two sisters. Sir Charlton sold Shevlock for £26,000 but was left with little capital. He now owned 2,000 acres which included all but two small properties worth £110 per year in Alverbury. He hoped a political career would lead to a peerage from his friend Pitt the Elder and after being unseated on petition in 1774 was vp for Shrewsbury unopposed from 1780 to 1784 and voted consistently against Lord North's administration. This debt driven developer realised that he must make Loton Hall a fitting place for his ambitions and improve his income. Enclosure was the key to achieving this. He disparked the 306-acre Deer Park and ploughed part of it to try to profit from the high wheat prices but</p>



TABLE 26 - ENCLOSURE AND EXPARKMENT (Cont.)

Year	Place	Notes
	Wattlesborough Heath (Cont.)	<p>the tithe owners' demands led him to abandon this. The park had been leased as a farm by 1793. To improve the mansion, he moved the main Shrewsbury to Welshpool road away from the house which also shortened the distance and reduced the gradients. He extended his kitchen garden and planted a pinery by destroying the 30 or so cottages in the village. He not only wanted the land to improve Loton but also to remove this eyesore from his doorstep. Alberbury was a "considerable village" and "a bad place" made up of limeworkers. The works had been taken in hand in 1763 but were leased by Sir Charles and were very valuable - they provided £600 a year up to 1790 and still contributed £300 of the estate's income of £1,350 in 1792. He removed the people by granting them leases for three lives of plots on the 225-acre Wattlesborough Heath "then to be enclosed". This was already a squatter settlement with 32 cottages in 1711. The leases allowed the tenants to take in a certain number of acres at 10/6 to 12/- an acre, but they had to build their own mud cabin and cow house, keep a game dog and either deliver four fowls at Christmas, pay 2/- or do two days work. Already by 1792, many of the cottages were ruinous and as they fell down were "likely to be set to large farms adjoining". These were new-built by Sir Robert in 1786-7. In the mid-1800s, as the leases fell in, Sir Baldwin built new model cottages to replace them. The number of houses had already fallen from 340 to 324 between 1777 and 1792. A gang was used to remove those who would not move or whose morals made them unsuitable as tenants to find a settlement elsewhere. He also engrossed farms; after destroying the village, he granted the three farms at Alberbury to William Flavel and reduced the number of farms from 20 to 12. Most of the land was used as pasture. When Mrs Powys of Berwick did not elope with him he died after a fit aged only 37.50</p>

1776 Sledmere, E. Ridding

Sir Christopher Sykes, 2nd Part. - The Sykes family were Leeds and Hull merchants who acquired Sledmere when Richard married the daughter and heiress of Mark Kirby. Soon after in 1751, he built a house close to the parish church and demolished some of the village to open up a view from the hall of the new park and plantations. His brother, the Rev. Mark Sykes, was created a baronet in 1783 just before his death. He had enclosed low-lying lands on his own estates by acts of 1770 (East Heslerton in the wolds where he was the major owner), 1772 (Keyingham) and 1774 (instead in low-lying Holderness; but Richard had entailed his Sledmere estate to his brother's son Christopher (1749-1801) and Christopher was one of the first reforming Whig improvers; when JP for Beverley (1783-90) he voted for parliamentary reform. Christopher applied for an act, similar on a larger scale to Rousby's act for the adjoining manor of Croon in the previous year. He wanted to enclose 4,958 acres of open fields and wastes to add to the 378 acres of old enclosures which currently let for £340 a year. He wanted to enclose the land, lay out roads, build reservoirs and farm houses and needed powers to borrow money up to 4½% at up to 40/- an acre or more if trustees agreed. He expected rough grazing to be doubled in rent but it is not clear he intended to convert to arable at this stage. Rousby counter petitioned that the wastes to be enclosed included springs which his manor enjoyed and was especially useful for the several cottages and buildings that he was erecting. Also the road to the parish church, which passed near Sykes' mansion, had been for some time illegally closed and a new road laid out which was much more inconvenient for the church. Other roads had been altered and a common pond had been enclosed "for the Beautifying and Improvement" of Sykes' estate. Despite Sykes' promises of redressing these grievances, he had given no public notice of the bill, staked out roads and refused to allow Rousby sight of the bill. However no amendment was apparently made, seemingly because it was counted as an estate bill. The act legitimated Sykes' actions and set in train further improvements. The moor was drained, plantations made, the park extended and landscaped by "Capability" Brown with the main road moved away from the hall and the village removed beyond the walls, leaving the mansion and the church in seclusion. The home farm was a gothicized "castle"



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
	Sledmere, E. Riding (Cont.)	<p>to enhance the estate. In 1783 he started to embellish and extend the house according to his own design. According to Thompson he exemplifies the two generation rule for the nouveau riche to move from commerce to being a country gentleman. He tried to educate his children to speak without a Yorkshire accent. He gradually liquidated his banking and trading concerns to buy many thousands of acres of sheep walks. The family however kept shares in dock companies and later railways and mortgages. In the 1870s, 20% of the family's income came from such sources. The doldrums of the 1780s postponed the progress of enclosure but in the 1790s he began his programme of improvements afresh. He built farms, planted considerable woods and enclosed former sheep walks. Marshall praised the 500 acres of shelter banks Sykes was making on the higher wolds. They were 40 or 50 acres in extent and improve the climate; however Marshall felt other trees than firs would have been more ornamental. Despite his close personal interest, he let most of the land to tenants and allowed them to convert to arable. His second son, Sir Tatton, made his reputation as a sheep farmer at Malton before inheriting Sledmere in 1823. He continued the plan of improvement. He induced his tenants to turn their farms into model farms and use bone manures by allowing them "to reap the reward of their labours" by not continually raising rents. He fenced land, built many churches, schools, reservoirs and farms and continued making large plantations. Not only improvements were for its own sake and emparkment behind these improvements - vanity and status was also important - a tablet in West Heslerton Church said all visitors to the wolds who "contrasts their present appearance with what they were cannot but extol the name of Sykes".<sup>31</sup></p>
1779	Drayton and Binton	<p>A, C - Viscount Beauchamp/ - Viscount Beauchamp (1719-94) built up a compact estate in Warwickshire doubling his income between 1776 and 1797. He made considerable purchases of open field land, tithes and manors during this period as preliminaries to enclosure acts. Between 1770 and 1778, Beauchamp bought out the other four proprietors and then as sole lay proprietor he made an agreement with the Rector to enclose. This became embodied in the 1779 act for the adjoining hamlet of Drayton where he had a small estate. Viscount Beauchamp inherited Ragley Hall which had been built for the Earl of Conway in the 1680s. Beauchamp had the grounds landscaped by "Capability" Brown. Adjoining this was Dunnington Heath which included a rabbit warren and had 25 cottages scattered over it. The heath was in Salford Prior's manor of which Sir Thomas Skipworth was lord and Beauchamp was his heir. Beauchamp demolished two wings and employed James Wyatt to redesign the mansion. He also obtained an act granting him the whole of the heath in return for rent charges to the four other parties involved. The act designated particular roads to be built and Beauchamp was authorised to build a lodge at the end of Callows Lane to allow carriages to pass. The preamble stated that the act was obtained because "Viscount Beauchamp, the owner of Ragley Park, is desirous that the said Heath should be inclosed and vested in him... in order to enable him to enlarge and improve his Park". The cottagers were rehoused in cottages built alongside a new enclosure road around Iron Cross. This created a suitable environment to the estate but it did not lead to depopulation; much of the land involved is now farming land. Beauchamp inherited Skipwith's estates in 1790. Beauchamp had continued his policy of land acquisition by buying the tithes and five yardlands in Shotton for £11,183. In 1796 he overcame Stratford Corporation's 17-year opposition to obtain an enclosure act. He had 22½ yardlands and was awarded 886 acres - over half the total allotted. He also purchased other manors and estates not connected apparently with enclosures. His rental rose 106% to £5,906 in 1798 and he was created Marquess of Hertford in 1793. These acquisitions and spending on improving his "country" go against his reputation for "beggary economy to the increase of his own fortune" and seem to be an attempt to build up an estate suitable for a peerage elevation. He had been Lord Lieutenant since 1757.<sup>32</sup></p>
1783	Dunnington Heath	
1786	Shotton, Warwickshire	



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1779	Cobham, Surrey	A - <u>Thomas Page</u> - Page of Poynters in Cobham bought the manorial estate in 1778 and immediately obtained an enclosure act for the open fields. When he died in 1781, his trustees were authorised to sell his estates giving first option to his eldest son, Thomas. He bought the estate, enlarged Poynters and made it his residence. Page tried to extend his estate by offering to enfranchise copyholds in return for common land on Downside and Chatley Heath. The House of Lords judges said that this was illegal. Eventually he obtained an enclosure act in 1793 for the commons and wastes. This gave 300 of the 1,700 acres as a fuel and pasture allotment and Page received 49 acres in Downside Common. Many of the 132 cottages entitled were pulled down and in 1862 the owners of the remainder applied for an enclosure but were blocked by the lord. <sup>33</sup>
c1779	Himley, Staffs.	★ 2nd <u>Viscount Dudley</u> - The 1st Viscount had begun improving Himley by building a Church in 1764 and a Rectory about 1769 adjoining the park. The 2nd Viscount continued this by enlarging and landscaping the park. Raybould showed how this noted enclosure used acts as the cornerstone of developing his industrial estate. But although not the sole owner, he consolidated his demesne by exchanges and an enclosure agreed with other owners and his tenants. Enclosers preferred this cheaper mechanism to an act. Some open field land was laid to his park and was landscaped with "Capability" Brown's advice; the remainder became a home farm. He also moved the road away from the house. He extinguished common rights over several woods and included most except Baggeridge in the park. His motives for planting might not have been altruistic; his heir's chancery order in 1788 restrained him from removing trees from rides in the park and Baggeridge. This made the eastern half of the parish a private reserve and shows how Lord Dudley was a product of the enlightenment who wished to make ordered and rational improvements on his estates. Further improvements were made by the 3rd Viscount and were praised in poetry by Luke Booker, Vicar of Dudley, in 1803. <sup>34</sup>
1781	Eynsham, Oxfordshire	A, C - <u>Robert Langford</u> - Robert Langford bought a 6,000-acre estate from the 'unfortunate' James Lacey in this area some time after 1769. He built a new hall here in 1778 but he encountered problems with poaching on the common and the adjoining hall grounds. He proposed an enclosure in the same year claiming land values would rise £1,000 a year. When this failed he began to enclose a large part of the common adjoining the park in 1780 under the Statute of Merton. This led to destruction of fences in a riot perhaps orchestrated by Sir William Jones, bart, who petitioned against the act. Langford petitioned to enclose all the manor. When this bill failed, Langford obtained an act to enclose the Old Coppice and part of the heath adjoining his park comprising 472 acres whilst the remainder would become a stinted pasture and turbary under three reevesmen. Despite some opposition and complaints about a clause allowing lammas rights to be exonerated for a cash payment the act was obtained despite Jones's opposition. It enabled Langford to create an 800-acre park and home farm including 200 acres of woods. The act enabled him to make an approach road across the pasture to his hall from the Oxford to Witney turnpike alongside which he could "plant five ornamental clumps of trees on each side" occupying one acre. Attempts to amend the act in 1782 failed. When he died in 1785, the unfinished hall and the farms on long leases with an annual rent of £1,400 were sold to the Reverend John Robinson. Byng criticized its position, high and exposed without shade or water. The remaining heath was enclosed in 1800 when Robinson was only allotted the coach road, the clumps and another acre as nearly all his common right and manorial interests. The poor's right to cut bushes and furze and carry them away on their backs for their personal use was recognized by an equivalent allotment vested in trustees. They could use it as a turbary or let it for 14 years to produce a fund to distribute coal to cottagers on Christmas Eve. Subsequently Woodleys Coppice (203 acres) and Blindwell Coppice (78 acres) were added to the park. <sup>35</sup>



TABLE 26 - ENCLOSURE AND ENPARKMENT (Cont.)

Year	Place	Notes
1781	Grinshill Clive and Sansaw, Shropshire	<p>A, C, D - <u>Richard Hill</u> - The Hill family and John Gardner were the leading promoters of this act. There were four commons involving 533 acres. Only a small amount was allotted to these parties - but Gardner used 25 of his 43 acres to extend the park of Sansaw House which he had altered in 1774. The Hills acquired 26 of the 59-acre Madnall or Hardwicke Heath; after the award they apparently acquired the whole of the heath and the other freeholds. This included a hamlet composed of "clod covered cottages". In 1808 Richard Hill left his house here, Hardwicke Grange, to General Lord Hill. When he returned from the Napoleonic Wars, he greatly improved the hall and pleasure grounds and erected a handsome lodge. An old windmill was converted into a mock ruined fortress, and new houses, plantations, "admirable roads" and "fruitful fields" "distinguished and adorned" the former common. This seems to have cost him most of his fortune as his effects were sworn under £30,000 at his death in 1841. This act also allowed other heaths to be enclosed for agriculture which demonstrates the variety of motives a single enclosure could have.<sup>35</sup></p>
1781	Escrick, E. Riding	<p>E - <u>Beilby Thompson</u> - Thompson, the lord and major owner, was an enlightened improver. According to Allison, this act "which triggered off the long sequence of changes to the old landscape" was "not limited to enclosure; rather it authorised the many considerable improvements which he intended to make around his manor house" which had recently been enlarged. Thompson was allowed to exchange old enclosures for the Rector's glebe which was intermixed with his own land in the open fields and to enclose. He was also allowed to rebuild the parish church and rectory - of which he was the patron - away from the hall. By 1809, Thompson had rebuilt them north of the village, constructed new roads and had removed 26 of the village's houses. This demolition and enclosure allowed him to extend his park considerably, both north into the village and south over the open fields. His concern for the poor was shown by his forcing his tenantry in his several manors to sell a proportion of their cereal crop at cost price in 1795 and by giving £120 to ministers and overseers to buy food for the poor at their discretion.<sup>37</sup></p>
1781-2		
1828	Wimbleton Common	<p><u>Lord Spencer</u> - Lord Spencer was lord of Wimbleton manor and proposed the first bills which failed due to opposition based on loss of grazing rights on the open field and the common. When the second bill failed he enclosed 92 acres with the approval of the parish in 1782 to add to his park which was now 167 acres. Many other owners followed suit. In 1785 his house was burnt down and was grossly under-insured. The Earl rebuilt the house and had a 600-foot well dug between 1795 and 1796 for £2,000 to prevent future fires. The Leveson-Gowers, who had had a villa at Wimbleton, rented Lord Spencer's home for £100 per year from 1826 whilst their own London town house was altered. The two parties tried to obtain an enclosure act in 1827. Spencer wanted to gain a large allotment in the common and lamas-fields either to let as grounds to the Leveson-Gowers or to let on building leases. Stafford, as prospective tenant, was also interested in obtaining an act and maximising the allotment in the open field adjoining, as buildings "will very much diminish the value of the Marquis's residence". The lease of Spencer's other property "was on the understanding that an enclosure was to take place when Lord Spencer could complete the arrangement. Local residents led by Karyat, an MP, tried to buy Spencer's rights over the common to keep it always open and to introduce a "clause to limit the Building [of] houses of a certain description on the Common Fields". Failure to agree led to the common remaining open. In 1842, the Sutherlands sold their villa at Wimbleton for £45,000. The Spencers added the lordship of Wandsworth Manor to Wimbleton before 1827 and in 1865 put forward a bill to enclose Wimbleton Common and convert it into a public park paid for by selling j of the common with a residence for himself in the middle. The opposition of the Commoners and the CPS led to this bill failing and Spencer's rights being bought out to make Wimbleton Common a public open space. Similarly the Wandsworth Common Act in 1871 vested the land to conservators, paying Spencer £260 a year for his rights.<sup>38</sup></p>
1865	Wandswoth Field	



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1783	Boynnton, E. Riding	<p>A, E - <u>Sir George Strickland</u> - Sir George (1729-1808) "actively engaged in improving the estate" especially by the enclosure. He altered the house between 1765 and 1780, employing John Carr. He diverted the old road away from the beautiful valley of the Gypsey Race in 1768 to enlarge the park and secure privacy. He rebuilt the church in the park - there was already one in the village to serve the 20 families of estate workers. In 1770 he built a cloth mill for his unemployed farm workers. It was situated in the woods near the hall. After the considerable planting of woodland in the "spirit of improvement" which followed enclosure this was converted to a sawmill. 80% of the village - 2,000 out of 2,613 acres - was enclosed by the act. By extinguishing tithes and an exchange with the school, it left Sir George Strickland as the sole owner. This seems to have enabled him to extend his park and plantations. By 1812 there were 380 acres of plantations on the valley and lower wold slopes north and south of the hall in the park. In 1796, Marshall noted Strickland's shelter banks on the heights of the wolds. The abolition of common grazing led to the Stricklands paying much more attention to livestock improvement. Sainfoin had already been planted on enclosed wold land in 1770.<sup>39</sup></p>
1785	South Cave, E. Riding	<p>A, B, C, D - <u>Henry Boldero Barnard</u> - Leuyns Boldero family bought an estate in South Cave in 1748 and assumed the name Barnard to inherit their great uncle's property. The family came from a Hull mercantile background. South Cave adjoined Wallingfen and had many proprietors which meant agreement to enclose was difficult to achieve. Also Ann Walford's opposition as the tithe owner to enclosure and the alteration of cultivation which would effect her income contributed to attempts failing in 1776 and 1778. However Henry Boldero Barnard inherited the estate after 1781 and agreed to buy the rectorial estate and tithes from Ann's son, the Reverend William Walford, in 1785 and both parties petitioned for a bill. Lord Spencer guided its passage through the Lords. Barnard's steward, John Levitt, a tenant farmer, was a commissioner. He negotiated other purchases for Barnard before the award which Crowther believes allowed partiality. The land acquisition through the mechanism of the act was part of a general plan of improvement. Already in 1785 a request was made for land on the hills for a plantation and the parish had 173 acres of woods by 1801, mainly belonging to the Barnards. The old manor house was rebuilt as Cave Castle in 1791 and the park was extended from 10 to 65 acres across the North Field. This was landscaped by William James as soon as the allotment was made. The land adjoining became the home farm with new buildings. Barnard received 775 of the 2,188 acres allotted including 126 acres for rectorial tithes. The Vicar, who received 24 acres, claimed an agistment tithe and won a court case against Barnard to secure payment in 1791.<sup>40</sup></p>
1792	Burnham, Bucks.	<p>★ <u>Lord Grenville</u> - In 1792, Lord Grenville bought a small property called Dropmore in Burnham and engaged James Wyatt to enlarge the house. Grenville apparently enclosed "a wild common" here to extend the park to 600 acres. Trees were planted to form Burnham Beeches. Grenville followed a policy of land acquisition here "as a political speculation, building up their influence in the county". The reversion of Burnham Manor was bought in 1812 but they could only lease the estate until 1830. Thus they only fully enjoyed their estate for two years before the Reform Act which Eversley believed made the political advantage of the property nugatory. This appears a doubtful argument as landed influence in counties remained important after 1832 but Grenville's death in 1834 ended the family's political ambitions. To make the most of their purchase, cottages were demolished or left derelict to reduce the rates. Rents were increased, nearly all the remaining freeholds purchased and the exercise of turbarry interfered with. In 1879 the manor, 175 acres of freehold, the Beeches and the common were offered for sale with the expectation of enclosure; eventually London Corporation purchased it for £6,000.<sup>41</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1792	Syerston, Notts.	<p>A, C, E - William Fillingham - Fillingham (1736-95) was a surveyor, commissioner (in 44 acts) and land agent to several owners including the Dukes of Rutland from 1767. He amassed a large fortune, invested wisely in river improvements and canals and bought the 768-acre Syerston Manor estate for £12,375 from Lewis Disney Ffytche. He had previously surveyed the estate in 1775, when Disney enclosed his adjoining estate at Flintham and so was well aware of its potential. An enclosure act was obtained for the manor's surviving open fields and commons. He received 284 of the 484 acres allotted. His allotments included an area of common and Foss Field running from Foss Way to the river well away from the village. He converted much of this into a park with plantations and started to build Syerston Hall in what was Coneygree Furlong. He died in 1795, before the award, and his son inherited large debts. He replaced his father in all his jobs and by careful accounting he was soon able to extend his estate in adjoining Elston. It took him three years to complete making the roads, planting quicksets, making plantations and levelling ground.<sup>42</sup></p>
1794	Crawley, Hants.	<p>A - Richard Keyler as lessee - Richard Meyler was a Jamaican plantation owner who Gras sees as the "architect" of the enclosure. He had a lease for lives of the Bishop of Winchester's manorial estate. He sublet the Manor Farm (which was already in severalty and thus specifically excluded from the division) but occupied the Mansion House. By the enclosure of 1,611 acres he received 1/50 of the commons and downs, 1/30 of the woods together with a common field allotment to add to Manor Farm to extinguish copyhold farms. All these allotments were to be placed "as near to the Mansion House" as conveniently possible. The 1871 OS map shows a large park around the mansion, the extension of which seems to have been the purpose of the enclosure. The mansion apparently provided him with a base for his political career (as MP for Winchester) and his fox hunting. This may have led him to buy Headbourne Worthy manor in 1799 for £2,000 and later Wonston manor for the gaming rights. He died from a fall when riding before 1820.<sup>43</sup></p>
1795	Much Marcle, Herefordshire	<p>C - Edward Walwyn - Edward Walwyn Noble was a London lawyer who inherited his mother's 1/3 share of the Hellen's estate, one of the two largest in the parish. He dropped the 'Noble' when he inherited from four other heiresses by 1789 and bought out the other three. According to West, he also made exchanges to build up his property. The estate was 710 acres of which 185 were in 156 pieces in the open fields. He failed in 1790 to establish the estate's manorial rights due to the absence of manorial courts since 1738 owing to a long period of non-residence; he made notes on the state of the property there and noted the estate's lack of influence and the number of hog-style cottages allowed without adequate land. He decided to increase the estate's influence, improve and consolidate it and build a new mansion house. To accomplish this he proposed an enclosure of the 800 acres of common land to the other large owner, Monev, of the Homhouse estate. 350 of its 1,150 acres were in the open fields. He also wanted to exchange old enclosures, allot land for tithes and stop up unnecessary roads. The correspondence between both owners saw the act as benefiting the whole community as well as themselves. This brought problems with the Vicar, Roberts, who had assaulted Walwyn at a parish meeting in 1793. Various tithes had to be excluded and Walwyn wrote that the local opponents should be suppressed "when occasions offer". The Bishop of Bangor sat on the parliamentary committee and had his tithes excluded. He also added a clause to restrict the vicar leasing the glebe and to receive 20 acres adjoining the vicarage. Walwyn tried to get the vicar to take other land but Roberts refused. Walwyn was furious at the loss of these old enclosures "because it will spoil my homestead and affect my plans for a new house". Monev's estate increased to 1,449 acres due to a large allotment of low value land on Kercle Hill. The public costs were only 16/6 per acre and Walwyn's investment paid off. He enlarged his farms and boasted that the enclosure had increased his estate's value by £8,000.<sup>44</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1795	Eatington, Warks.	<p>A, E - Evelyn Shirley - Shirley inherited in 1787 about 1,400 acres worth £1,200 a year here including a park and home farm of 500 acres. He wanted to improve his estate home and park at Lower Eatington. He obtained an estate act to make leases for three lives on his Monaghan estate so he could repair, enlarge and encase in stone his small and inconvenient mansion. A 1792 enclosure scheme for the 2,000 acres Eatington Field aimed to commute tithes and increase rents. However Shirley wanted a specific allotment, Horniblow to sell his tithes and a farm to give him a larger allotment. Land tax returns indicate the family were buying up land before enclosure. He also demanded that a footpath be closed to the church which was to be abandoned and a new one built away from the hall and the deserted village of Lower Eatington to Upper Eatington. When he failed to obtain all this he counter petitioned against the act. Bevington said he would oppose too, as 60 poor families would be distressed by the loss of fuel and also employment when it was laid down to grass. However, after the eventual act, there was only a reduction of 20 acres of arable although most of Shirley's land was used as pasture and stock sales increased. Between 1793 and 1794, the dilapidated church in the park was agreed to be given to him on his paying all costs over £350. However many poorer inhabitants opposed losing their old church and burial ground especially just for Shirley's convenience. He wanted to make it a picturesque ruin and family vault within his well-wooded park. The 1795 act combined provisions to move the church and to enclose. There were three counter petitions complaining about stopping up roads, the loss of the easily repairable church where many friends were buried and the commutation of tithes on the basis of payment in kind rather than a modus. The third added that there were "certain other clauses giving to Evelyn Shirley... some particular undue Advantages". Sir John Kordaunt tried to conciliate and get Shirley to make concessions to which he did to a certain extent - but not enough to stop the third petition. The act allowed visits to the old churchyard but also Shirley could specify the site of his allotment before the fields were valued. Shirley received 830 acres but many exchanges were abandoned. Shirley disputed the payment of the tithe allotment's fencing and was reluctant to pay his share of the £3,278 costs. The land adjoined his Park Farm but not the park. The enclosure increased his rents 90% although he subsequently sold 110 acres of distant allotments at Upper Eatington to redeem land tax. In 1798 he cleared the park of the vicarage, mill and cottage (the remains of the deserted village). Thus the act played a key role in his plan of improvement - it helped to provide the income to pay for his mansion's rebuilding, gave them a consolidated estate and allowed him to complete the extinction of Lower Eatington village and create a picturesque park complete with ruined chapel and stopped up rights of way across his park. Another owner, William Horniblow, a surgeon, used this with five other acts to build up a large landed estate of over 1,000 acres.<sup>45</sup></p>
1796	Cheswardine, Shropshire	<p>A - Major Henry Zachariah Jervis inherited a small estate at Soudley together with a Wolverhampton ironmonger's business from his father. He also inherited the ancestral estates in Cheswardine, The Hill and 1/3 of the manor from his uncle, Rev. Henry Jervis and other estates from his uncles. He shared part of the estate with the owner of the other 2/3 of the manor, the Earl of Shrewsbury. In 1774, Jervis acquired 230 acres by an exchange and partition with the Earl. In 1776 he entailed the estate to his wife and then his son Henry. He seems to have determined to improve his estate in 1795 when his son, Captain Henry, came of age and the entail could be broken. He obtained an enclosure act and acquired 300 of the 580 acres of the manor's commons. The New Farm (shown on the award) in the south and Chipnall Leys in the north were sited to develop the allotments. He also started to rebuild Cheswardine Parks Farm and the Hill Hall itself which overlooked the commons. The timing appears to have been determined by his son's ambitions for an 'improved' estate. A subsequent dispute between father and son led to the estate's break-up.<sup>46</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1796	Tarrington	A, E - Edward Foley - Foley (1747-1804) was an MP from 1768 to 1806. He inherited the Stoke Edith estate
1799	Yarkhill, Herefordshire	A, E       "       "       in 1777 but was in such serious debt that he couldn't appear publicly until elected in 1780. However this did not stop him from improving Stoke Edith's grounds. The public road ran close to the house and gave travellers a view of the house. Foley consulted Repton in 1788 and he produced a Red Book in 1792 concentrating on the pastures below the house. The road was diverted 500 yards away from the house with a 36 feet wide road replacing the old 20 feet wide "channel" which he gained in exchange. Wilkins built two new entrance lodges and a model village at Stoke was built. Repton introduced Foley to Nash who altered some rooms and Tatham designed other rooms and the park gate. The park was extended and the immediate environment planted and improved by two enclosure acts. Under the Tarrington act, he received 168 of the 453 acres at a cost of £855 including all of Radlow Field and much of Westhill Field which were included in the park and allotments on either side of the new turnpike. He also made 11 exchanges to consolidate his property around the village. Under the Yarkhill act (all the costs of obtaining the act were paid by Foley) roads could be altered (except the new turnpike moved away from the house). Foley's infant heir received 522 of the 1,461 acres enclosed at a cost of £955 and there were a huge number of exchanges. An exchange whereby Foley gained the remainder of Stoke Glebe adjoining his park apparently caused a legal dispute with the Rector in 1807. Considerable plantations were made on the land added to the park and on adjacent allotments. <sup>47</sup>
1797	Settrington, E. Riding	A - Lady Henrietta Sykes - Henrietta was the heiress to the Masterman estates. Her marriage to Mark Sykes, heir to Sir Christopher Sykes, of Sledmere in 1795 was apparently a catalyst. The couple seemed to have planned to make their home here - at least until Sir Christopher died. They planned to remodel and improve the estate (which was by far the greatest owner in the manor) in which enclosure played a key role. The manor house was rebuilt which involved demolishing the houses on the south side of the broad outgang through the village. The act empowered the building of a normal roadway along which Henrietta started to build new model cottages after 1796. The Rector's tithes were commuted for land and money. When she died in 1813 childless, the estates apparently passed to Lord Middleton. <sup>48</sup>
1797	Croydon, Surrey	James Trecothick - The enclosure was promoted by the recent purchaser of the tithes, Boxall, but was supported by proprietors for various reasons. The land's building potential was one - by 1827 Croydon Common was "almost a town of itself" and Croydon had "swelled out into a wen". Apart from agriculture, promoted by the opening of the 1803 Surrey Iron Railway, another motive was emparkment. James Trecothick of Addington Place claimed part of the common was within his manors. His father, Barlow, was a Tory who had used his profits from trade with the American colonies to buy the Addington estate of about 5,000 acres for £38,500 in January 1768 and had died in 1775. Addington Place had been built between 1773 and 1779. His opposition was withdrawn in return for a clause which stated he could receive part of the manorial allotment if he proved his rights. If he failed he could buy part of Addington Hills by private contract. These 130 acres of pebble covered ridges were soon planted by pine and silver birch trees. As was commented in 1827, the loss of common rights had thrown 900 on to the poor rate, although 237 acres were allotted to trustees to benefit the poor. As against this loss, "a gentleman has taken an immense tract of it [2950 acres in total] and converted it into a park; a person in the middling walk of life has bought an acre or two". <sup>49</sup>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1797	Bunny	A, B, E - Sir Thomas Parkyns, Bart. - Bunny and Bradmore were single-owner manors belonging to Parkyns. His
1798	East Leake, Notts.	A <p> eponymous predecessor (1662-1741) rebuilt Bunny Hall and put an arched wall costing £5,000 around his pleasure gardens and deer park; part of this wall is still standing. He also built a school, almshouses and brick barns, the latter with his initials and date of construction picked out in black bricks. The later Parkyns married a heiress whose estate more than doubled his ownership in the adjoining manor of East Leake where he had two of the three manors. He blocked attempts to enclose at East Leake, claiming in 1781 that the enclosure would not produce "any improvement to the proprietors but will put them to heavy expense". However his opinion changed by the late 1790s. He decided at his own expense to enclose the 1,303 acres of open fields and common in Bunny and to end the vicar's rights to small tithes in Bunny and Bradmore for a small landed estate. He used exchanges of old enclosures near the vicarage to gain a consolidated freehold estate around the village and his park. He apparently added 69 acres of land beyond the park wall to his demesne and planted the edges of this with trees. He also planted the 28-acre hillside of Windmill Hill which was visible from the hall. The act also empowered the vicar to make 21-year leases and Parkyns to borrow up to £3 an acre on mortgage - these powers and the exchanges and tithe commutation probably explain why an act was used rather than an agreement. The enclosure here probably encouraged him to support an act to enclose and commute tithes for land at East Leake as commissioners' and surveyor's costs (John Bailey surveyed both manors) would be reduced. Apart from the cost and getting the 71 proprietors to agree, another problem at East Leake was about the ownership of the manors and no lord was named in the act. However to protect his interest, Parkyn's brother-in-law, J Boulbee, acted as his commissioner in both acts. Parkyns established his claim to two of the three manors in East Leake and in total received 440 of the 2,408 acres (18.3%) including a specified allotment on Lime-Kiln Hill to supply his home. The Rector was the largest single allottee with 465 acres for his glebe and tithes although he complained about the commissioners trying to turn the Derby to Melton Kowbray road into a bridle path. Parkyns' change of mind seems to have been actuated originally by a desire to gain freehold control of his immediate environment for reasons of status and landscape improvement in his park. However economic historians following the dictates of the "Agricultural Profits Model" would see the price rise between 1781 and 1798 now making the enclosure viable.50 </p>

c1798	Moccas	* A, E - Sir Geo Cornewalle - Sir George Amyand (1748-1819) married his cousin Catherine, sole heiress
1809	Bredwardine, Herefordshire	A, D, E <p> to the Moccas estate in 1771, and assumed her surname. He had inherited his father's share in a banking firm of Amyand, Staples and Mercer in 1760 which he had disposed of by 1776 to allow his ambitious schemes of being an improving landed gentleman. He became MP for the county in 1774 and supported the radical wilkes. To fit his landed and political ambitions, he decided to rebuild Moccas Court overlooking the River Wye. He engaged Lancelot Brown in 1778 and then Repton in 1793 when he decided to extend the park. To facilitate this he enclosed Moccas Common in 1798 and received 37 of the 44 acres by common right and manorial allotments and exchanges. One of the two cottages ornées built as lodges in 1801 was on the former common. The remainder was either used to extend the park or wooded pasture and the more distant land was farmed. He later promoted the Bredwardine act which included Dorstone to avoid unnecessary fencing. He apparently bought 64 acres at £1,152 or £18 per acre on Bredwardine Hill and received 338 acres - 92.6% of the land in Bredwardine which adjoined the deer park (separated from the Moccas Court park by the Hereford to Brecon road). To afford the purchase he sold more distant land. In Dorstone he received 256 of the 623 acres again adjoining his Bredwardine allotments. Thus Cornewalle used enclosure to extend his landscape and deer parks, improve the immediate environment of his mansion within a ring fence to fit his new status as an important country gentleman.51 </p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1799	Pattingham and Patshull, Staffordshire	<p>A, B, D - <u>Sir George Pigot</u> - The Bishop of Carlisle believed Sir Jn Astley offered his estates here "at a price which no man in his senses would give for it; I sho'd be sorry to have some Indian nabob or West Indian planter in possession of an old English Commoners noble seat". However the nabob Lord George Pigot bought the estate for £400,000 in 1770. He then set about extensive landscaping which Astley had already begun. He closed up a road across the estate, extended the pool and employed "Capability" Brown. By 1774 he was in financial trouble but this landscaping was continued by his brother and his nephew, Sir George. The latter inherited in 1796 and determined upon a large-scale programme of development. He engaged Wyatt to remodel parts of the house. He obtained an enclosure act which allowed him to extend and consolidate his estate and to receive £2,042 to commute copyhold and tithe payments. The act specified an allotment at Westbeech, adjoining his home estate. To fund the developments he sold the Pigot diamond by lottery in 1801. He then engaged in agricultural improvement. His home estate in Patshull of 1,292 acres was confirmed to him by the award; 341 acres were used as a park and 1,200 acres (including some land north of Patshull parish in Albrighton, Shropshire) as a home farm "upon a magnificent scale". He used Norfolk husbandry, large buildings, the best tools and water-powered threshing etc. He and his tenants engaged in stock farming. He leased Burnhill Green and Snowdon Farm, both of which were on Burnhill Common, in 1811, and Medleys Farm (including land from his demesne estate and probably allotments in Pattingham) in 1814. These leases included very detailed conditions about cropping. He died in 1841 and his investment apparently failed. The estate was heavily mortgaged, and required much investment when sold to Lord Dartmouth in 1847 for £234,000. Its rental was nearly £8,000 per annum. An amending act in 1849 was needed to confirm the appointment of a new commissioner - which was probably needed to ensure a good title for a sale.<sup>52</sup></p>

1799	King's Bromley, Staffs.	<p>A, E - <u>John Lane</u> - The manor had belonged to the Agards who sold it in 1670 to John Newton of Barbados. The Newtons tried to improve their estate by buying Turton's right of free warren over the manor as part of the ancient Forest of Cank after 1719. Littleton felt his title to free warren was doubtful as Hardman had killed game there without Turton's consent. Their descendant, John Newton, petitioned to enclose the commons and wastes in 1780 and 1783. The Grand Trunk Canal was built through the area and could bring lime to help cultivate the land. Each time the petitions failed possibly due to doubts about the title. An anonymous letter to the Home Secretary warned them that the Crown would lose very valuable rights or their land equivalent; where the Crown's rights had been ignored at Alrewas in 1726, the allotment in lieu of rights had sold for £57,000. John Newton died in that year and then his estate passed to his sisters and in 1794 to their cousins, John and Thomas Lane, who were London lawyers. They were very wealthy, having a reputed £50,000 in the funds. In 1799 they obtained an enclosure act for the 1,000-acre common. This gave them powers to divert the turnpike road away from the hall in 1801 which led to them extending their park by exchanges. This was easy to achieve as Lane was appointed as a surveyor of roads. They also received specified allotments in the act for warren, purchases of common rights and "such cottages, gardens and waste grounds near the Mansion House...whereof they have not at present the Exclusive Right, Interest and Title, but the Right thereunto has been reserved by Entry or Payment of Rent". They also used exchanges of over 626 acres (1/3 of the total acreage involved in the act) to acquire a consolidated estate including most of the common. The soil was gravelly and sandy. It was converted to arable by improving leases - including an allowance for soughing tiles "for a great deal of the Common land is very wet and of little value till underdrained". Much of it was later converted back to pasture due to the difficulty of making it pay in the post-war depression. Hatherton thought the house "was a wretched place" despite these alterations.<sup>53</sup></p>
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TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1800	Culmington/Seifton Forest, Shropshire	<p>A, B?, C, E - <u>Gideon Bickerdike</u> - Corfham manor and 900 acres of land with common rights over Seifton Forest had belonged to the Earl of Stafford. It had been advertised for sale in 1771 by his heirs but when it could not be sold it was jointly owned by C W B Rouse and John Woodhouse of Yatton Court, Hereford. Woodhouse enjoyed the advowson within his share and the Reverend James Woodhouse was Rector. The common fields were enclosed by Hall and Woodhouse after they had bought out the other owners. Negotiations to enclose the commons and wastes began in 1787 but a bill made no progress in 1791. In December 1798, a Quaker merchant from Glasgow, Gideon Bickerdike, bought the manorial estate of 1,658 acres, 757 of which "were lately enclosed from Seifton Forest". He seems to have bought this distant estate and wanted to increase its value so that he could build and endow a school at Ackworth in Yorkshire for 20 poor Quaker boys. Therefore in 1800 he obtained an act for the remaining 384 acres of the common with owners of neighbouring manors. The previous enclosure was confirmed by this act; 200 acres of the common - which lay on Wenlock Edge, a prominent limestone ridge - was annexed to the manor house at the foot of the Edge. He acquired such a large allotment by exchanging his old enclosures near the Rectory for glebe rights - this also allowed the creation of the 20/30-acre glebe farm. Bickerdike died in 1807 and left his fortune of £200,000 and Culmington to Benjamin Flounders, a nephew that he brought up. His expectations had led him to a profitable marriage to the daughter of the proprietor of Wallsend Colliery and a shipowner. Bickerdike asked Flounders to set up the school for him; however Flounders was very interested in shooting game - so much so that he left the Society of Friends in 1801. Thus he planted the estates on Wenlock Edge and used the manor house as a shooting lodge. Indeed the enclosure may have been planned to enhance the value of the property by creating the potential for such an estate. Flounders built a tower on Dinchope Hill called Flounders Folly where the four large local estates met. It was only in 1845 that Culmington was sold to George Wood for £40,000 which was vested in trustees to set up the school - although now it was called the Flounders Institute.<sup>54</sup></p>
1802	Sewerby with Marton, E. Riding	<p>A, B, E - <u>John Greame</u> - The two leading proprietors, John Greame (the lord of the manor) and Creyke, lived here at adjoining mansions. Greame was allotted 84½ acres including 322 acres in lieu of tithes in 1811. Already between 1807 and 1808 his Sewerby Hall was considerably altered. He extended his park over the common, closed up the road past his front door and built a new house farm. The Creykes received 200 acres and a good deal of the allotment adjoined their estate. Marton Hall was altered, the park was extended over the former common with plantations to give the park privacy. A road set out by the commissioners divided the two parks and estates. Both estates were interested in improving their homes, parks and adjoining estates.<sup>55</sup></p>
1805	Upton Scudamore	<p><u>William Temple</u> - Temple (1781-1875) inherited his estates as a baby, so he was only able to take control of them in 1802. The enclosure of Upton Scudamore near his home at</p>
1808	Bishopstrow, Wiltshire	<p>A, C, E - Bishopstrow, where he had the second largest allotment, apparently encouraged him to obtain an act for his home manor. He was allotted 657 acres whereas the next two owners were only allotted 85 and 20 acres respectively. The main farm on the estate, Bishopstrow Farm, was already 445 acres. It was increased by 104 acres at the time of the enclosure by purchase and exchange for land elsewhere. A new farmhouse was built north of the Salisbury Road and a rent of £600 was charged in 1814. He built an elaborate tunnel under the road as an entrance to a new house north of the road in 1815. He also built a model village along the main street at the time of the act. He also bought land adjoining this estate at Westminster in 1821 by another exchange. Temple used enclosure to create an enlarged estate with a new mansion, village and farm.<sup>56</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1807	West Bagborough, Somerset	D, E - <u>Francis Popham</u> - Popham came into control of his estate here in 1801. Bagborough House was near the church on high ground under a western ridge of the Quantock Hills with fine views of the Vale of Taunton. Although not lord of the manor, a solicitor's bill shows that he instigated the process of enclosure and exchange here to develop a park around his home and the church. He helped finance the enclosure by a £500 mortgage. He purchased 36½ acres for £776 to increase his landownership and received 151 acres in return for 94 acres that he gave up. He secured many old enclosures around the church and the hall and much of 1,270 foot high Bagborough Hill above his house. He made a huge plantation of timber upon this land to shelter and ornament his home. 108 acres of the hill were used as a turbarry. <sup>57</sup>
1809	Oulton, W. Riding	A, B - <u>John Blayds</u> - Blayds was a partner in Beckett's Bank of Leeds who inherited Hollin Hall here and he obtained this act. He secured the 115 acres of common in Oulton township out of the 453 acres enclosed under the 1818 award. By November 1809 he had engaged the foremost landscape gardener of the time, Humphry Repton, to landscape his grounds in a style suited to a country villa. Repton stated in his Red book for Oulton that when two rooms were recently added to the house to give a distant and more wooded prospect that "it was not then in contemplation to annex much more property or to obtain the act of Parliament by which the Common has lately been allotted to the premises". Repton was so full of self-congratulation that he wrote "The change to be made in the Character of this place can hardly be classed under the name Improvements, it is rather a total creation of a new place". Planting was used to obscure some cottages and provide a backcloth to the new park, but those nearer the house had to be removed. The many tracks across the common were replaced by a curving approach road and the common was grassed. <sup>58</sup>
1809	Sheringham, Norfolk	A - <u>Abbot Upcher</u> - Humphry Repton was asked to find a suitable estate for the newly-created Lord Nelson (brother of the Admiral), whose family came from Norfolk. Cook Flower's estate at Sheringham was suitable in terms of its size, coastal position, existing plantations and potential as a mansion site. However concern that its value was inadequate led William Repton, on Flower's behalf, to obtain an enclosure act. The property was, however, eventually sold to the Upchers and Repton reorganised the estate. Upcher was a utilitarian who wished to improve the visual appearance, social relations and the agricultural management of the estate and allowed Repton carte blanche to achieve this. He built a new mansion sheltered from the sea winds; a rotunda was built for visitors to view the estate and the plantations were extended. Repton proposed siting a cornfield in view of the house where men could be seen working at harvest time, thus "humanising as well as animating beautiful scenery so the land appeared as a village green. The poor were given two turbaries under the act and Upcher was determined to do "all the good which lies in our power to the poor and needy of Sheringham". The workhouse boundary wall was removed and coursing on the beach encouraged to promote close social relations between owner, tenants and labourers. Thus the enclosure facilitated the creation of a model utilitarian estate intended to promote moral order as well as a picturesque environment for an improving landowner imbued with the spirit of the "age of reason". <sup>59</sup>
1809	Stanton in Peak, Derbyshire	A, B - <u>Bache Thornehill</u> - Bache Thornehill came of age in 1806. He rebuilt Stanton Hall and wanted to consolidate his estate and develop a park with plantations. He obtained an enclosure act for 851 acres of common pasture in Stanton and Birchover townships in which he received an allotment for his common rights and moiety of the manor of 4¾ acres. Thornehill made two exchanges with the other main owner, the Duke of Rutland. He gained 201 acres of allotments (including the tithe allotment in Stanton) and 312 acres of old enclosures for land elsewhere. An exchange of five acres for the vicarial tithe allotment of 45 acres gave Thornehill all 580 acres enclosed in Stanton township and made him the sole owner. He was thus able to proceed with extending the park and beautifying his estate with plantations before dying in a shooting accident in 1828. <sup>60</sup>



TABLE 26 - ENCLOSURE AND IMPROVEMENT (Cont.)

Year	Place	Notes
1810	Hunshelf, W. Riding	A - Hon James Mackenzie - The 750 acres of moors enclosed by this act adjoined his park. The act specified 180 acres called Wire Will Common enclosed by Mackenzie's ancestors and occupied by John Hague was confirmed as Mackenzie's property. Also 275 acres adjoining his park and old enclosures was allotted to Mackenzie. This was in lieu of his manorial, certain mineral and common pastoral rights. He also retained all cottage encroachments for which rents had been paid. There was also an allotment to him for those who wished to extinguish encroachment, chief or quit rents. <sup>61</sup>
1810	Llanenddwyn and Llanddwygau, Merioneth	A, D, E - Sir Thomas Mostyn - Corsygedol was acquired by the Mostyns who used this enclosure for 6,887 acres to improve and extend what became their home estate. Before the act, the estate was extended by several large encroachments. Under the act, Mostyn made several purchases and exchanges to consolidate his estate both in the coastal marshes and the hills. This led to further expenditure in embankments, drains, fencing and farm buildings. By 1840 "the Corsygedol home farm extended from the modest homestead eastwards for four miles and upwards 1,800 feet to the 'natural boundary', the crests of Moelfre, Y Llethr, Diffwys and Llawlech". In 1844 "a considerable portion" of Llanenddwyn's 2,307 acres "has been brought into a good state of cultivation". About half of Llanddwygau's wastes were still uncultivated. Corsygedol itself had a long avenue of trees leading to the house which was in extensive woods. <sup>62</sup>
1811	Croxton, Cambs.	C - George William Leeds - The Leeds family, who were also patrons of the Rectory, had built up their manorial estate in the eighteenth century and built Croxton Park in 1760 in a 38-acre park. The agricultural practices were backward - 1,000 of 1,400 sheep died in 1792 when grazing on the undrained open fields. George Leeds inherited the estate in 1808 and determined upon improving it. In this he was possibly motivated by enhancing his status in 1812 (the year after the act) he was created a baronet. Already in 1806, the Leeds family had bought the last large independent estate, Westbury, from Bacchus. Leeds arranged an agreement to enclose with his father-in-law, the Rector. The Rector's 34-acre allotment would be in the eastern side of the parish with a new rectory and farmhouse. The new buildings and the enclosure costs were paid for by Leeds. Apart from two small allotments, the remaining 94.2 acres went to Leeds. He extended the park itself 106 acres by the enclosure in several ways. Firstly the Rectory was demolished and became a pool. Then two roads were stopped up. Finally enclosure allotments in Millfield were added to old enclosures and the site of Croxton village to create the park. Model cottages were built in Westbury for the displaced cottagers. Large farms were created of which the Home Farm of 116 acres was the smallest. He also became the tenant of the Rectory Farm. The investment proved to be a costly failure. For example, the rent of the Rectory Farm fell during the Post-war Depression from £350 to £300 in 1826 and even further in the 1830s. In 1816 Leeds told the Board of Agriculture the Post-war Depression had left many Cambridgeshire farms untenanted and the labourers unable to support themselves. In his own parish he was the only occupier "who must maintain the whole of the indigent poor". He felt "the dreadful pressure of the poor's rates that will crush the remaining occupiers. The depression, the lack of tenants and the high poor rates apparently forced Sir George to put the estate into trusteeship in 1818 and to sell the estate about 1826 to Samuel Newton, a descendant of a Liverpool merchant. <sup>63</sup>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1811	Shenstone, Little Aston, etc., Staffordshire	<p>A, C, D - <u>William Tennant</u> - The Tennant family were London merchants and lords of the adjoining manor of Shenstone and had rented Little Aston Hall since 1770. They had spent "a very large sum of money in beautifying and improving its 160-acre park. The Hacket family tried to sell the estate and manor of Little Aston since 1798. However the Tennants claimed Little Aston as part of Shenstone manor and their advert warning the public of this claim seems to have put off purchasers. In 1803 William Tennant succeeded his father and married Maria Pelham in 1804, whose large dowry allowed him to buy the freehold in 1807. Already in 1795 the adjoining manorial wastes of Great Barr and Aldridge had been enclosed and some land improved by lime brought along the Wyrley and Essington Canal. Tennant's purchase of the manor, funds from his wife and the purchase of the 1,400-acre Shenstone Park estate in 1797 from Lord Berwick by another improver, Edward Grove, led to the eventual agreement to obtain an act in 1811. Tennant received all of Little Aston Common by allotment and purchase which adjoined his existing park. This was used to increase his park and plantations to c.400 acres and to extend his home farm. Pitt, in 1817, praised him as "a great improver". The draining upon the lower part of his estate at Aston has been executed at vast labour and expence, It has fully answered its purpose, having reclaimed a considerable tract of land that was before of little or no value. His improvements upon the new inclosure on Aston Common [400 of the 1,134 acres involved] are equally conspicuous. Part of it he has judiciously selected for planting; the other he will soon turn into productive turnip and barley land". It is noteworthy that Pitt commented upon the plantation, the expence and the conspicuousness of the improvements rather than their profitability. The plantations were sizable. Sutton Corporation was criticised because they had not claimed 100 acres on Aston Common at this time "and Mr. Tennant having planted a quantity of trees on it, it is now his Freehold". The expence - over £1,000 in legal costs and £3,100 to purchase plots on the common alone - may have led Tennant in 1818 to sell 353 acres inherited from the Smith family in Wombourne. When the Tennant estate was sold in 1828 to Leigh of Roby Hall, Lancashire, it covered 3,000 acres and had manorial rights including heriots and chief rents over 8,500 acres. The farm houses were "in the most perfect order" and the park was well timbered with a large sheet of water and a handsome stone bridge. Grove was also noted as "for a long time paying great attention to agricultural pursuits". The process of improvement was aided by the building of a canal branch to carry lime, coal and manure over Stonnall Common. The act also allowed some exchanges to be made. The success of the enclosure for the entire community was noted by 1850. The area was thinly inhabited but its population had "very much increased lately; and since the inclosure of waste lands in 1816 [i.e. the lands were farmed two years before the award was executed; thus delays in executing awards did not necessarily mean a delay in farming the land] agriculture is very much improved and many more freehold houses built, so that Shenstone has more registered freeholders than any parish in the county of the same size".<sup>64</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1812 and 1815	Kynydd Bach, Cardigan	<p>D - Augustus Brackenbury - These two acts enclosed 10,000 acres overlooking the coast between Aberystwyth and Aberaeron. Despite the difficulties that Brackenbury was to encounter he had a fairly clear appreciation of the area's problems. The rising population had no manufactory to employ them and they were "too numerous for the land now cultivated". As Jones notes, there was increasing pauperism from 1813 and the famine winter of 1816-17 caused enormous distress. Many that could, chose to emigrate when the enclosure acts - clearly intended by the landowners to encourage proper investment in cultivating the wastes to provide food and work for their discontented labourers - threatened to destroy their livelihood by depriving many of their "ownership" of encroachments and all of their pasture and turbary "rights", they resisted. Brackenbury found the populace full "of the most desperate characters". The encroachers were "so numerous, and so lawless, that they aid and assist each other to enclose the Waste Lands, and to keep possession thereof". Buying timber for a cottage left them so lacking in capital that they could not improve and cultivate their land, depended upon poor relief and often had to give them up. His solution was for capitalist owners to cultivate the wastes, build cottages and rent them cheaply to the industrious. The poor were not so forward thinking and despite being allotted a 543-acre turbary, the 1812 act for Haminlog lordship was resisted. The mobs' hostility was directed against John Lloyd of Mabws, a leading supporter of the act and the surveyor, and his workmen. At a meeting of country gentry at Aberaeron in 1816, only one J.P. attended and many of those present refused to act as special constables due to threatening letters. Even after the award mobs attacked Lloyd and destroyed fences despite the presence of soldiers. Undeterred, an act for Mevinidd lordship was made. Under this act, the commissioners sold 900 acres including a turbary in November 1819, to young Augustus Brackenbury, the third son of Henry Brackenbury of Scremby Hall, Lincolnshire. He intended to cultivate it and build a house called Green Meadow or "faun las" in Llanrhystid. However he and his workers faced continued assaults - mainly from tenant farmers and labourers who objected to their loss of turbary and feared a loss of work and even from a freeholder who turned against the act when land was sold to defray expenses. As an outsider, he was an easily identifiable target. Local magistrates abandoned him and the mobs evolved their own ideology of resistance with the "Turf Act". Threatening letters, oaths of resistance especially to Brackenbury's "blood money" for informers, stoning of workmen and destruction of walls occurred each time he tried to build. Despite his bribes, soldiers sent by the Home Secretary and counter violence by Englishmen he brought in in 1825 to colonise his land, when his third attempt to build his house led to its destruction and the local legal system failed to punish the mob, Brackenbury gave up. He left the area and sold up around 1828.<sup>65</sup></p>



TABLE 26 - ENCLOSURE AND IMPROVEMENT (Cont.)

Year	Place	Notes
1813	Eastnor, Ledbury, Herefordshire	<p>A, D, E - Lord Somers (1760-1841) was a reactionary Tory who published an anti-Reform pamphlet in 1817, <u>A Defense of the Constitution of Great Britain and Ireland against the Innovating and Levelling Attempts of the Friends of Annual Parliaments and Universal Suffrage</u>. It said that the reformers should be persecuted to avoid "a revolution" which would endanger all property. As Girouard noted, his feudal philosophy was embodied in the mock Gothic Castle of Eastnor with its authoritarian overtones. The Castle was begun in June 1812 from Smirke's designs six years after inheriting the estate. Stones were dragged by mules from the Forest of Dean at a reputed cost of £12,000. Somers' eldest son died at the same time at Burgos. Also at this time he promoted two enclosure acts at Eastnor and the adjoining town of Ledbury. The latter act allowed the rationalization of squatting on Wellington Heath, the town's improvement and exchanges amongst all the leading estates to facilitate consolidation. The latter appears the main motive with only 268 acres enclosed but 1,350 acres exchanged. Many exchanges here were connected to the Eastnor enclosure where 220 acres were enclosed but 580 acres were exchanged. The connection between the acts is shown by the simultaneous newspaper notices, Thomas Fulljames being the sole commissioner for both acts and meetings being held on consecutive days. Somers' lawyer, Thomas Price, was clerk to the Eastnor act. Under the Ledbury act Somers received a specified allotment on Malvern Hill between the Upton-upon-Severn turnpike and his Eastnor Castle estate as his share of the manorial allotment and his common right allotment. The rights over this part of the common were ended in December 1813 - long before the remainder of the land presumably to allow plantations to be made to enhance the skyline from the Castle. Apart from consolidating his estate by exchanges, he bought Bradlow Common (a brickmaking area) and closed up several roads as he did at Eastnor. Under that award he gave up 377 acres, including much land at Ledbury, for 203 acres at Eastnor; the difference can be explained by the value of land close to his proposed castle. The exchanges not only gave him a ring fenced estate but got rid of adjoining properties which allowed him to extend his park. He planted much of the skyline and he was "monarch of all he surveyed". He even planned to enclose the 6,000-acre Malvern Chase which adjoined the edge of his plantations, probably to extend them. Pitt believed in 1808 that the highest part of the Chase was only suited as a sheep walk or a plantation. However this was abandoned in 1815 due to the complexity of boundaries and claims and probable litigation. To fund all these improvements, Somers sold his estates at Dumbleton and Strensham (qv) for £150,000 and allowed the unregulated and disordered development of Somers Town in London. The Castle was finished in 1824, by which time Lord Somers had become an Earl. Somers created a rural backwater where he could shut out the democratic tendencies of his time and act as a feudal paternalist lord.<sup>66</sup></p>
1814	Cardington, Shropshire	<p>A, D, E - Archdeacon Plymley - Plymley was a noted "improver" who wrote the revised <u>General View of...</u> Shropshire and was a leader of Shropshire's enlightened intelligentsia. He was also interested in the history of the British chief Caractacus who fought the Romans. By legend, this chief's camp was on a hill in Cardington manor called Caer Caeradoc where annual celebrations were held in his honour from the 1750s. In the enclosure act, Caer Caeradoc and Lawley Hills were specified to be allotted to Plymley - as these steep and high hills were unsuitable for anything but sheep grazing; this has been their use ever since according to O.S. maps. To secure all the 1,048 acres, Plymley had to give up 200 acres of old enclosures. His motive was clearly to possess these hills, probably for his intellectual and historical interest. However status, possible plans for plantations (never executed) or some other motive might have been involved.<sup>67</sup></p>



TABLE 25 - ENCLOSURES AND IMPROVEMENT (Cont.)

Year	Place	Notes
1814	Hilderstone, Staffs.	<p>A, D, Z - <u>George Vernon</u> - Hilderstone Manor and a newly-erected hall and farm of 2½ acres were advertised for sale in 1735 together with several cottages on the waste. It was probably bought by George Vernon Jun., a Stone lawyer, whose father was a yeoman farmer involved in expanding his Flithysitch Farm by enclosure at nearby Milwich. Vernon Jun. was involved in Stone Brass Works between 1798 and 1803 when he sold his interests; he appears to have had financial troubles as he sold the household contents of Hilderstone Hall. In 1814 he obtained an enclosure act for the remaining 92 acres of Hilderstone Heath - on which there were over 29 acres of encroachments. The act specified an allotment to George Vernon of all encroachments except one on the south side of the road from Hilderstone toll gate past the hall to Carball Green; he had to pay a valuation to the "owners". He also got 1/14 "to be as near to Hilderstone Hall as possible. He used the act to move the road away from the hall by an exchange and extended his park and removed encroachers near by. He also had to pay £300 to gain 18 acres, which was somewhat more than his share of common rights. He also bought four acres for £50 and received ½ acres as a manorial allotment. In 1817 he sold his estate to Ralph Bourne, apparently under sad circumstances; when his son left as the farm tenant in May 1818 he was pleased to "have now done with this unfortunate Place".</p>
1818	Strensham, Worcs.	<p>A, B, D, E - <u>Lord Somers/Taylor</u> - Lord Somers acquired this manorial estate and the advowson of the rectory in 1811 when his father-in-law, Dr Treadway Nash, died. Somers was engaged in very expensive improvements on his home estate of Eastnor (qv) and so decided to capitalise this asset and to sell another estate, Dumbleton, for £50,000. He obtained an enclosure act in 1814, which commuted tithes for an allotment in the north of the parish; in addition a new 11thc farm could be erected by the commissioners paid for by a rate. After some small allotments, the remaining common land was allotted to trustees of Somers' son, J J Cocks, under a complicated entail deed. An amendment act in 1817 was required to give Cocks an allotment for his ½ share of the great tithes. Many improved roads with one ton of gravel per 6 sq. yds. were constructed. Having thus made the estate more marketable it was advertised for sale in 1818. It was sold for £63,000 to John Taylor II, a button manufacturer. His father, John Taylor I, was reputed byutton to have made nearly £200,000 from this trade. Although the transaction was only completed in 1817 (after the award) there is a copy of an 1818 notice in the award (dated after the auction was advertised) extinguishing common rights on those parts of the common "that have been sold". Taylor immediately made a will establishing a building fund for his son under trustees. They were to sell estates in Worcestershire to finance a building fund which paid for purchasing Cocks' estate, acquiring the other small adjoining properties and rebuilding Strensham Court. Already in the act, roads immediately adjoining the house were closed up but enclosure roads were closed up after 1817 and a large common allotment added to the park. After Taylor died in 1823, his son, John Taylor III, started to rebuild Strensham Court in 1824. The act was clearly intended to improve the value of the estate to make it more attractive as a home estate for an upwardly mobile man looking to acquire the status of a landed gentleman. Further purchases of the small remaining freeholds such as Ludlowia and Stratford's lay farm in 1823 were made.</p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1820	Hinxton, Cambridgeshire	<p>A, B, E - Wedd William Nash - Nash was a Royston solicitor who had been steward to his father-in-law, William Hollick, who had always opposed enclosure. He inherited Hinxton manor and the lease of the Rectory Farm and the tithes from the Bishop of Ely in 1817 and projected an enclosure to end lammas rights and cattle trespassing on balks. These prevented any improvement and so the poor were offered an agreement. They were to be allowed first choice of property on the commons and garden lands adjoining their cottages in lieu of balks. As a result he obtained an act and devoted himself full-time to his estate; his son carried on his legal practice. Linked to this process of improvement, all copyhold land was enfranchised within two years of enclosure. Nash was allotted 982 of the 1,365 acres allotted and the act cost £1,500. By exchanges between the manorial and rectorial estates (the latter of which he was only tenant) he acquired a consolidated property covering most of the north of the parish. The former manor house became part of Rectory Farm estate and Nash built a mansion called Hinxton Grange in grounds adjoining the Cambridge to Saffron Walden road. He also built an entrance lodge, three model cottages and a farmstead to serve a 1,000-acre farm which he managed himself. By 1834 it was "one of the most highly cultivated in the country", but he had to accept labourers under the gang system which increased his labour bill to £1,200 and their poor work damaged his estate. Despite the greater efficiency and use of a four-course rotation, agriculture here was so depressed after enclosure that many of the other farmers could not pay their rents in 1849.<sup>70</sup></p>
1822	Bobington, Staffs.	<p>A, C, D - William Moseley - James Moseley bought Leaton Hall in Bobington in 1749. His eldest son, Walter, inherited this estate and his heir was his nephew, William. In the low prices of the Post-war Depression, Walter acquired property in Bobington. In 1815 he bought the Whitmore estate's tithes here which he gave to his heir. In 1821 he bought the manor although not the 40-acre Manor Farm. Then the family obtained an enclosure act for Bobington Common in the north of the parish. This included land adjoining Leaton Hall, which was also enlarged at this time. There was no tithe allotment but buying the tithes prevented any possible opposition on the basis of changing land use affecting the tithe owner's income. The estate received 68.86% of the land awarded in 1828 which implies that Blacklands, Manor, Saltershall and Whittimere Farms - nearly all of which adjoined the common and would enjoy considerable common rights - had been purchased by then. By 1840, William Moseley owned 1,508½ acres in the parish (56.26% of the total). Also Manor Farm had been extended from 40 to 216 acres by allotments to Walter Moseley.<sup>71</sup></p>
1823	Cherry Burton, E. Riding	<p>A, D - D Burton Fowler - Fowler was owner of the manorial estate based on Burton Agnes Hall. His heir, David Robinson, inherited in 1828. He was allotted 1,083 of the 2,017 acres allotted and he used this to greatly enlarge the park over the former South Field to the Beverley to Walton road. In the 20 years after the act, 350 acres were bought by Burton. The Rector also acquired a 9½-acre consolidated estate by allotment and exchange and Lord Rotham also enlarged his estate by purchase (qv).<sup>72</sup></p>
1824	Kew, Surrey	<p>George IV - Kew Green was 20 acres in 1649. George IV enclosed some land here and gave a meadow east of the bridge as a common in lieu. This was part of a design (never executed) to demolish the Dutch House and build a new royal palace.<sup>73</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1824	Alton, Staffs.	<p>A, D, E - Charles, 15th Earl of Shrewsbury - Alton was a minor moorland estate of the Earls in the Churnet valley with its waters used for a lead smelting mill from 1741 for local mines and later a cotton mill and a brewery. The estate agent lived at Alveton Lodge and 102-acre farm in earlier times probably rent-free in return for his services with the Earl having private rooms for his visit. In 1741-2 a partnership was envisaged to create a rabbit warren on Alton Common which was apparently constructed. By 1784 the farm was leased. By 1811, the 100-acre Alton Abbey Farm had been created apparently as an adjunct to a small Gothic abbey built about 1809 as a summer residence and home for Catholics and enclosures were made from Oakmoor Wood as a cattle ley. Many of the items on receipts of the two farms involved hiring out the farm's team of horses, especially on the Earl's pleasure grounds. In 1812 the Earl had decided to enclose and convert the 600-acre warren into pleasure gardens. As a Catholic, he was excluded from public life and was a man "of a very retired temper and much addicted to music and mechanics". He wished to create a closed environment for reflection and contemplation and - much like an artist - to create a model landscape from his imagination. He spent huge sums to move earth to make pools and canals, to plant colourful garden shrubs and to erect fountains and temples. The abbey was extended and completed by Pugin's designs in 1827 and the lodge destroyed. To gain control of the adjoining hills, the Earl promoted a bill in 1815-16 which failed; but he did stop up inconvenient roads by quarter session order. He could not decide upon the landscape he wished to create - he pulled down several ornamental temples by 1817 and erected a commanding tower in 1824, a Swiss cottage was built for a blind Welsh harper to "discourse the music of his distant hills". In this year he obtained the act to enclose with his manorial steward as his commissioner. He closed up footpaths through his plantations. The act did not mention the warren which seems to have been accepted as the Earl's private property. By allotment, purchase of 138 acres for £2,518 and exchange, he gained 87.3% of the common including all the hills around the Abbey. He gave up land in Alton village - he was not a paternalist who wanted a model estate village - he wanted a closed environment, trusting to divine intervention to reform the wickedness of the time by a Catholic revival. The act and exchanges also allowed John Bill to extend his park at nearby Farley. Until the Earl's death he continued to work on the gardens - in 1825 he spent £20,000 on a conservatory. Although constructed for privacy, he did allow the public to visit before his death in 1827. His son continued his work, making huge plantations on the estate's common allotments, funded by the immense personal estate of £500,000 he inherited. Whilst he was a minor, he was obliged by Chancery order to continue the work at the Towers which increased the estate's debts from £25,000 to £45,000 as expenditure exceeded rental. The total costs of the two Earls' work was over £1 million, funded partly by the insurance money from burnt down Heythrop. The new Earl continued the work after he came of age; but his intentions were to use Alton as a base for Catholic evangelization. Hatherton wrote that he had beautified the place "for the purpose of according recreation to the working classes and all those who were disposed to visit it". He published pro-Catholic tracts and contributed to many Catholic churches and chapels including one at Alton completed in 1833. He built the Hospital of St. John and Alton Castle on a ridge opposite the Tower in Alton village between 1840 and 1851. Alton and the Churnet valley became very desirable places for villas due to its picturesqueness but opinions were mixed - the Tower's almost surreal gardens were described as "the work of a morbid imagination joined to the command of unlimited resources". A High Church Tory, Sneyd, who built a more picturesque closed environment for his park at Keele, described his garden as "one of those monsters which tasteless wealth spawns over the face of the land". However Loudon, the leader of gardenesque, called the gardens an "Enchanted Valley" which words cannot describe. The 15th Earl's motives may be best understood by the words on his memorial bust overlooking the garden, "He made the desert smile".<sup>74</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1826	Soughtin, Flintshire	<p>D, E - <u>M. J. Banks</u> - Banks redesigned his home estate around Soughtin Hall in this parish in the 1820s. In 1821 he remodelled the hall and moved the main entrance to the north side. He agreed with the turnpike commissioners to move the main road across the common away from the hall by an exchange for a straight line across his old enclosures. A common called Soughtin Mountain adjoined the old road and his estate and there were several encroachments. An enclosure was agreed in 1823 but an act was required to confirm the allotment. Banks went to London to supervise the act. The Crown was allotted 1/15 including 33 encroachments of 17½ acres and the rest of the 130 acres was to be divided amongst the proprietors. Banks expected to be allowed to buy the Crown's allotments and encroachments, to be granted the old road with full access to the turnpike and to receive an allotment adjoining his estate. However he did not specify this precisely in the act and so he was dissatisfied with the results. The Crown offered the encroachments to the occupiers and so Banks was only able to buy the Crown's 5-acre manorial allotments and 5 acres of encroachments for £257. Conway bought his encroachment adjoining Banks' boundary "only... for the purpose of annoying my place". The commissioner, William Williams, was an agent for another estate and was only allowed with Banks' agreement. This may account for the commissioner's partiality and Banks' decision to take solicitor's advice about the commissioner's actions. Although "the common extends nearly the whole length of Mr. Banks' Park Wall in front of the House", the whole of the common on one side up to the entrance of Soughtin Hall belonged to Mrs. Lloyd. He wanted this land to make the gate way "more uniform and complete, a thing very desirable, there being a fine avenue of old timber leading to the House". He also disliked the public quarry near his entrance but accepted it because of his central position. He argued the road should not be part of his allotment as he had already given up old enclosures to secure the line. Finally the specified allotment to the Crown's mining tenant, Jones, of the rail road, blocked off one approach road from the new turnpike. This latter problem seems to have been partly settled by an exchange of roads in 1833.<sup>75</sup></p>

1838	Munslow and Bayston.Hill, Shropshire	<p>A, C, D, E - <u>Norgrave Pemberton (1790-1848)</u> - Edward Pemberton had inherited Millichope Hall, park in Munslow only apparently worth £400 a year and 1,000 acres from his cousin - Mrs. Catherine More - in 1794. This led to accusations from the More family that he had put unfair pressure on the old lady to leave him as beneficiary. His son, Thomas, of Lincoln's Inn inherited and when he died in 1832 he left his property to his nephew, the Reverend Norgrave Pemberton, Rector of Church Stretton since 1818. He had already added to his plantations at his home - seemingly Church Stretton Rectory - by 1820. Norgrave wished to establish a landed family based on the Munslow estate he planned to create around Millichope Park by using the income from his life tenancy of his paternal estate. In 1832 he tried to enclose the 94-acre Munslow Common which overlooked Millichope by private agreement but problems led to delays and eventually an act which included Bayston Hill in the same parish. Pemberton secured most of the common including all the parts overlooking Millichope by buying Lord Powis's manorial interest and nearly all the sale plots before the 1847 award. He made these into part of his plantations running along the north and going into his park. He also used the act to exchange lands around the village for lands within his own property to extend his park southwards. In 1843 he took down the old house and built a new one nearby. Apart from the 34 acres of sale lots, he bought about 800 acres at Millichope and farms at Roddington. Then he died in 1848 he left the property now worth £2,500 a year and £2,500 from mortgages and funds to Charles Childe (exclusive of his paternal inheritance at Stretton which had been entailed for life to Charles Salisbury). However if Childe inherited Kinlet or Keen, his Millichope property was to go to Childe's younger brother, "Pemberton's great object being to prevent his property being joined to any other". Childe Pemberton increased his estate by buying £60,000 of land from Craven and other smaller owners.<sup>76</sup></p>
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TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Year	Place	Notes
1850	Warkworth, Northumberland	<p>A, D - Warkworth Castle was a medieval ruin in a picturesque landscape overlooking the River Coquet. The 4th Duke of Northumberland agreed to the freeholders' proposal to enclose the 217-acre burghage common as a "progressive measure"; but his real reason was to secure privacy by obtaining the ground around the castle which he used for summer picnics. Already in 1848 he appointed a new keeper and considered roofing the castle. In 1849 he subscribed towards a policeman to protect the site from the large parties arriving from Newcastle on the newly opened Newcastle and Berwick Railway. The enclosure could proceed as arbitrators had determined that the railway had to pay £450 and build a new road for the 4½ acres they had taken. In his agreement to enclose the 4th Duke demanded the same principles as the 3rd Duke required. This included having all his 1/16 manorial and burgess right allotments together on the river banks as "Ornamental Grounds for the Castle" and being able to buy all the sale lots at a valuation and all the burgesses' rights who wished to sell. The common right owners except one wanted the enclosure as their grazing rights were made worthless by the common being overgrown by whins. In addition they saw the opportunity to sell their rights at a premium to the Duke. The national commissioners approved the enclosure as the land was "of little value and yearly deteriorating; its productiveness may be greatly increased and additional employment found". As a stinted common, no allotment for the labouring poor was considered necessary. The Duke bought all the 25 acres of sale lots at auction and with many freemen in unison buying 54½ lots at £35.10 per acre. He faced competition in buying sale lots to acquire a protective belt for the Castle and so had to pay £24.4 per acre. His agent said this was because of "bidding up by the townspeople for lots in front of the Castle, which they wanted for buildings and gardens and the prospect from the Castle would have been injured by buildings". The purchases cost him £5,409. Only 19½ lots of 4½ acres were not sold to him. This was to remain a stinted pasture by the agreement. With its distance from the Castle and the restriction of building upon it the Duke's desire for privacy was satisfied. He had much of the Castle's masonry renewed and two rooms renovated and made habitable between 1853 and 1858 by Salvin. He had trees planted on his 167 acres (78% of the total allotted) on the steeper slopes and quicksets upon high banks for privacy. He bought other lots in the 1860s.<sup>77</sup></p>
1853	Beacon Hill, Staffs.	<p>A, C, D - <u>T. W. Giffard</u> - Giffard was lord of the manor and with nine other freeholders enjoyed common rights on this six-acre hill, only 1½ miles from the new Penkridge station on the main line from Birmingham to Lancashire. Giffard bought out the other freeholders and secured the hill in the 1862 award. This was put to his other properties and advertised by his trustees as a suitable site for a mansion house estate in 1863. The views of the "magnificent scenery" apparently encouraged John Kitchell, a Willenhall coalmaster, to buy this and the adjoining land from Lord Hatherton for that purpose. The act was clearly intended to acquire this crucial central ground for the potential value that it gave to the rest of the estate. It also may have given a clear title to the estate to allow its sale.<sup>78</sup></p>
1866	Berthamstead, Herts.	<p>The manor of Ashridge and its house in an 800-acre deer park belonged to Earl Brownlow. The park adjoined the 1,150-acre Berthamstead Common which was part of the royal manor of Berthamstead. In 1862 the Crown sold the manor including a 1,630 demesne to its tenants, Lord Brownlow's trustees, for £143,000. The lease had contained a special reservation of the commoners' rights but now the trustees proceeded to arrange an enclosure. According to Lord Eversley, they did not want the common for cultivation "but as an addition to Ashridge Park". They closed up all rights of way across the common and they tried to buy out the rights of objecting commoners. All inhabitants of Berthamstead claimed fuel rights and the trustees offered them 10 acres as a garden and 32 acres as a recreation ground. Some commoners accepted but an encroachment of 4¾ acres in February 1866 led one wealthy commoner and defender of the privileges of common people to act. Augustus Smith of Ashlyns, Berthamstead, supported by the CPS, employed 120 London labourers to destroy the fences. In the subsequent court case <u>Smith's</u> action in 1870 was vindicated and the common remains open.<sup>79</sup></p>



TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

Footnotes

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TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

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TABLE 26 - ENCLOSURE AND EXPARKMENT (Cont.)

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TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

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TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

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TABLE 26 - ENCLOSURE AND EMPARKMENT (Cont.)

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TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT

A=Manorial allotment; B=Tithe allotment; C=Pre-enclosure purchase; D=Post-enclosure purchase; E=Exchange

★ Denotes enclosure by agreement without a separate act.

Year	Place	Notes
1734	Woollesthorne, Lincs.	E
1765	Scalford	B
1766	Croxton Kerrial	A, B
1766	Braunston	A
1766	Waltham	A, B
1767	Ayleston	A
1769	Eaton	B
1770	Bottesford	B
1771	Sproxtton	A, B
1771	Saltby	A, B
1779	Long Clawson	A
1780	Stonesby	A, C
1789	Harston	D
1790	Harby	B
1791	Barkston and Plungar	A, B
1791	Hose	A
1792	Redmile	A
1792	Stathern	A
1792/7	Knippton	B
1794	Thornton & Bagworth, Leics.	A, B
1795	Bisbrooke, Rutland	
1804	Gonerby, Lincs.	

John, 3rd Duke of Rutland

E

B

A, B

A

A, B

A

B

B

A, B

A, B

A

A, C

Trustees of 5th Duke of Rutland

D

B

A, B

A

A

B

A, B

The Rutlands were a noted family of paternalist Whigs. Already in 1683 their rent roll was £14,482. In 1734 in an act to confirm the exchanges and enclosure of Woollesthorne and regulate the stocking of its common apparently allowed the extension of the Belvoir Castle demesne into Woollesthorne. Later enclosures at Harston and Stathern led to further extensions and plantations. Half the common wood at the latter was allotted to the estate for its manorial interest, the other half as part compensation for his common field strips. These woods overlooking the vale were planted for fox coverts and "a great ornament to the country". The 3rd Duke (1696-1779) engaged in a series of acts from 1765 onwards piloted through parliament by his nominees George Sutton and Thomas Thornton. Many of these manors followed a three-course fallow rotation and the acts led to a good deal of drainage and conversion to pasture as at Eaton which had not prevented rapid population increase between 1801 and 1841. This was due to the estate's paternalism; tenants at will were rarely evicted and were held in families for generations and the small peasant holdings were left undisturbed into the nineteenth century. After 1771, the process stopped except for two acts at the end of the 3rd Duke's life, the one for Stonesby following a purchase. Although other estate properties were enclosed, it was only a relatively small owner. Rents increased but not all the enclosures were well conducted; at Saltby and Sproxtton, the "public roads were awarded without fences" and thus trespasses from cattle were frequent. However the enclosure of the former had led to the ending of racing on its heath which had led to the idleness of the poor. The 4th Duke followed a policy of land acquisition, buying Scalford over 15 years after its enclosure from the Cumfreys, but not enclosing. His investment was the tasteful acquisition of Italian paintings. Meanwhile the Castle itself was allowed to go to "neglect and ruin" according to Byng. The 3rd Duke had died with debts of £60,000 despite marrying an heiress in 1750 with above £130,000. When the 4th Duke died, the trustees, led by the Duke of Beaufort, found a heavily indebted and run-down estate. What followed according to Byng was a "stingy" minority. The trustees pursued a broad and active policy of estate improvement to restore its fortunes. Purchases were made like the Catholic Eyres' single owner manor of Eastwell and of small freeholders at Harby for £62,391; 36,240 were expended upon plantations at Stathern Point which could be seen in most of three counties; £25,973 were spent on enclosures. Apparently the 4th Duke had agreed to the Harston act before his death, but the others were the product of the trusteeship. These were encouraged by the results of the Eaton enclosure which by conversion to pasture had increased in value from 300£ to 2,500£ by 1794. These "were managed with great economy, by often uniting two parishes in one act and under one commission". Legal and fencing costs (using estate timber) had a notional cost of £3/10/- per acre as compared with 23 in other counties. Tithes were also generally exonerated. Again the land was largely converted from a three-course fallow rotation to pasture. The mode



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Woollesthorpe, etc. cont.	<p>of development depended upon the Grantham Canal which cost over £100,000. It ran for 10 miles over the estate's land and the trustees were large shareholders. It furnished coal, lime (vital for improvements), gravel (to improve the roads) "in a country almost inaccessible by land carriage in winter". It benefited farmers by £50 a year. The canal was planned to improve "the magnificence of the prospect around Belvoir Castle" and "rude" old enclosed game covers at Muston Gorse in full view of the Castle. "The whole country is improving so fast in beauty and profit" by plantations, enclosures and farm buildings, canals and other improvements that the Castle would be not only "the most princely seat in the county but the whole estate around in the best condition". The only open field estate left was at Gonerby where the trustees blocked an act by the major proprietors fearing damage to the estate's electoral interests in Grantham. The trustees discharged £87,195 of debts and increased net income from £22,729 to £38,751 - <math>\frac{1}{4}</math> due to enclosures. Rents increased 300% on enclosed land. The returns varied between 10% at Bisbrooke and 33% at Bagworth - and averaged 19%. The Duke's coming of age celebrations led to a £20,000 dinner service being brought out of the bank and cost at least £10,000. The Duke purchased Gonerby, ignoring his political interest and invested £60,000 in repairing and renovating the Castle. He allowed no domestic industry but allowed small peasant tenants to continue their occupations. He planned to replace them by larger farmsteads when tenants died. His active interest in the local paupers is shown by his regular attendance at the Board of Guardians and visiting paupers. He kept 2,000+ acres in hand including pleasure grounds, plantations, farmland and leys. In 1816 the castle - valued at £120,000 but only insured for 240,000 - was burnt down.<sup>1</sup></p>
1734 1778	Saltney Marsh Hawarden	<p>A, B - Sir Stephen Glynne - The River Dee was silting up which was destroying Chester's function as the main port in the north-west. From 1734 what became the Dee Navigation Company built a canal across Saltney Marsh; it appropriated 800 acres north of the canal for its own use by the act, paying £200 p.a. to the lord and trustees. The company enclosed a further 3,000 acres north of the River Dee between 1754 and 1790. Meanwhile the parishioners of Hawarden were suffering. A mill built by Sir John Glynne (1712-77) in 1767 had a millstone complaining of high prices and "the poor were starving, Riotous and Hanged". Sir John, a moderate Tory MP, tried in 1770 and 1775 to get an act to enclose and drain the 2,000-acre Saltney Marsh which was inadequately protected by a sea bank of £600 maintained by £50 a year all paid for by the Dee Company. His son inherited in 1777 and seems to have concentrated upon his estates as he did not follow his father into parliament. In 1778, despite Lord Grosvenor's counter petition, he obtained an act to enclose the marsh. The meagre cattle pasture was converted to cereal and 1,000 acres were added to the Glynne estate and "the Spirit of Industry" was awakened in the neighbourhood. Local food prices would be reduced and employment increased to avoid the poor becoming riotous. However in 1848 several hundred acres of Saltney Marsh still remained unenclosed and open to the sea. In 1791 the Dee Company obtained an act to confirm an award of land between the company and the adjoining manors and to create a township of Sealand to maintain its own poor out of the land it had reclaimed north of the canal. This was despite several counter petitions, one from the Hawarden owners said that many Sealand labourers gained settlements "by various means" in Hawarden and were a drain on their poor rate; this was because the company refused to allow one habitation to be built in 50 years in Sealand. The company by the act would not have to contribute at all to Hawarden's rates. Another counter petition complained that the company's works had led to the sea destroying many hundred acres and also were using the act to award poor rates especially when there was no provision for a chapel in Saltney.<sup>2</sup></p>



TABLE 27 - ENCLOSURE, "TERRANAILA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1762	Stoneleigh	<p>A - Revd Thomas Leigh - There had been progressive enclosure of the wastes and open fields here during the late eighteenth century, which had increased the estate's rental. This had led to the growth of an entirely new rural community and increased population. The Reverend Thomas Leigh, Rector of Adlestrop, inherited the 25,000-acre estate in 1806. He had already made great improvements in the landscape of Adlestrop parsonage. He engaged Repton to landscape the very old-fashioned grounds which was completed in 1813. When approached by Adam Murray, the Board of Agriculture's surveyor, he said he knew "very little about farming himself" and his steward was unco-operative and frightened the tenants by threats of increased rents into silence. Westwood Heath of 523 acres was enclosed by act in 1813 with the lord receiving 1/18 for his manorial rights. This led to some planting - however the Heath was some three miles from the Abbey but it appears to be part of Leigh's attempts to improve his estates.<sup>3</sup></p>
1806		
1810		
1813		
1763	Wombwell, W. Riding	<p>Sir Charles Turner, Bart. - Turner was an "eccentric" and "old-fashioned Whig" MP who, according to Marshall, "ranks highest as an improver of the [N. Yorks.] Morelands". He ran his family's estates during his father's lifetime from at least 1764. At Kirkleatham on the coastal plain he had a serviceable but plain mansion built by Carr. By 1771 he had led a subscription to improve the roads; he had built five new farmsteads more centrally to the lands and had done the same with his estate at Wombwell (where he seems to have promoted an act for its 700 acres of wastes in 1763). He took land into his own hands, improved it by experimental farming with cabbages and clover and relet it. He kept 1,000 acres - of what was only a medium-sized gentry estate - in his own hands. He demolished alehouses which were dens of idleness, drunkenness and smuggling and replaced them by two handsome inns with farms annexed and creditable landlords which had stopped these "mischievous practices". At the inn on the coast, he had built bathing facilities. He encouraged the poor to come to his estates by building cottages. He replaced old cottages by 14 new ones around a green at Yearly. However the idle poor were rapidly dispatched as Turner was an active magistrate who used his powers. At the confluence of the Dalholme Beck and the Tees, a warehouse, granary and quay was constructed. Grain was to be brought by packhorse and then sent to market by ship. At his moorland estate at Kildale he was already making encroachments from the moor. When his father died in 1774, he gained full control of his estates and determined upon a policy of rapidly converting Kildale's wastes to cereal production. In 1775 he obtained an act to confirm an enclosure agreement with the Rector of Kildale. The valley bottom "has formerly been inclosed... but had been rendered unproductive, for want of drainage". Although the improvements were conducted in an "irregular way", the improvements still exceeded the expense. He let one 150-acre farm in 1783 for £150 and was building three more substantial farmhouses. Kempswidden was a high ridge of black moor which had been mostly enclosed with stone walls by 1783. However part of it had first been broken up for corn. When the rich loams of the valley were found better for arable, the hills were converted to grass which was much more suitable. Marshall felt "the inclosing of Kempswidden was evidently premature"; Sir Charles should have begun his improvements at the valley bottom and progressively climbed up the sides. He was created a baronet in 1782, a year before his death.<sup>4</sup></p>
1775		
1765	Bulbeck Common, Northumberland	<p>A - George Baker - This was a 12,000-acre moory waste until George Baker of Elenore Hall and Lord of Bulbeck Manor tried to obtain an act in 1763 but as many manors were involved, agreement proved difficult. In 1765, he got Newdigate, MP for Oxford University and an improving High Church Tory, to manage the passage of the act through the Commons committee. Baker received 437 acres as his 1/16 manorial allotment and 531 acres for his freehold. By 1843, the "moory waste" was "now nearly all under cultivation and a pleasant appearance with thriving woods, plantations and new buildings.<sup>5</sup></p>



TABLE 27 - ENCLOSURE, "TERRANANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1771	Kirk Langley, Kedleston, Derbyshire	<p>Sir Nathaniel Curzon, Bart. - Nathaniel (1726-1804) inherited Kedleston from his father, the 4th Baronet, in 1758. He was a Tory with ambitions to enhance his status and gain a peerage. Despite an annual rental of only £8-9,000 he began immediately to improve his home estate, hiring Robert Adam, fresh from the Grand Tour, to take in hand the deer park and pleasure gardens in December 1758 and later the rebuilding of the house. The formal gardens, the site of the old scattered village (NW of the house) and the deer park were formed into a 600-acre landscape garden. This involved the moving of a road and perhaps the enclosure of some of the village's old commons. The village was rebuilt half a mile away from the church (now isolated in the park) with model cottages so that there would be no obstruction to the view. The land was drained, canals and lakes formed, and plantations made both north and south of the house. The "natural landscape" however included neo-classical temples and garden buildings, one housing a sulphureous spring. He also built a house to accommodate visitors to the spring. Between 1760 and 1767 at least £42,000 was spent and the house was never completed. In 1779, the Queen Square estate worth £1,100 a year was sold. He achieved his peerage as Lord Scarsdale in 1761 but was disappointed in 1764 when he asked George III for an elevation as "it might increase my consideration in the Eye of the world". In 1770 Young was impressed by Lord Scarsdale's work on poor soils especially in draining boggy ground into excellent pasture. He commented "this is one great national advantage of the nobility and gentry improving the environs of their houses, whether they design it or not". This was borne out in the next year when the remaining commons in Kedleston were enclosed in part of a 200-acre enclosure. The act commuted tithes and in 1846 Lord Scarsdale owned all of Kedleston's 972 acres which was principally used for dairy farming.<sup>6</sup></p>
1771	Hartford	<p>Sir Robert Bernard - Bernard (1739-89) of Brampton Hall succeeded his father in 1766 and used his £45,000 capital to engage in a radical political career. In 1767 his agents were reported to "throw away sums without use or discretion". This expensive campaign for universal suffrage seems to have led him to engage on a policy of enclosure. This is shown both by the close timing of the acts and the existence of a single book dealing with his accounts for all the enclosures. He may have been persuaded by the enclosure at Hartford where John Cotton was the Lord and Impropriator. However Burton believed he was the "prime mover" both here and in the other six parishes. The investment seems successful; certainly his rents rose from 7/- to 17/- per acre at Grafham. The land there was not converted to pasture after enclosure and a fallow rotation was still used. Bernard left national politics in 1774, apparently due to gout, and devoted himself to his estates whilst using his interest to get radical nominees elected. By his death, his estates were worth £14,000 a year apart from his personal property.<sup>7</sup></p>
1772	Brampton	
1773	Houghton-cum-Wyton	
1773	Little Stukeley	
1774	Grafham	
1774	Easton	
1774	Ellington Huntingdonshire	
1771	Kilham, E. Riding	<p>C - John Outram - Outram was the East Riding's most active commissioner. He had been Sir Griffith Boynton's steward at Burton Agnes in succession to his father, Benjamin. Then between 1769 and 1772 he purchased bovates and land from the several heirs of John Sinclair. Although he received only 6d. of the 7,003 acres allotted, he seems to have been the leading promoter of the enclosure. Tithe extinguishment appeared to have been a contentious issue; the vicar (who was hostile to enclosure) received 82 acres in lieu of tithes whereby the impropriators received 950 acres, £206 in corn rents and 88 acres of glebe.<sup>8</sup></p>



TABLE 27 - ENCLOSURE, "TERRAFANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1772	Edlingham and Simonburne, Northumberland	<p>Sir Edward Swinburne, 5th Bart. - Swinburne of Capheaton Hall inherited his estate from his brother in 1763, much of which was 19,000 acres of wastes in these two separate parishes. He cultivated and improved part of this by proper husbandry and he thought he could improve the rest. The act allowed him to raise money to pay for this once he had effected the improvements. All those in the entail consented. He was a Catholic who before he died in 1786 conformed to the Church of England. The Swinburnes were noted improvers in the late eighteenth and nineteenth centuries, building two new villages, developing mines at North Tynedale and building roads and bridges.<sup>9</sup></p>
1772	Stainton	<p>11th Duke of Norfolk - The Duke inherited his estates in 1786 but as his father built himself a home at Deepdene, the development of this estate was left to this radical Whig. Already in 1772 he promoted an enclosure for lands on the edge of the estate. He tried to challenge Lord Lonsdale's political influence here and decided that he needed a home estate to rival the 4,000 acres at Lowther. He bought out estates at Blencow in 1802, Greenthwaite and Johnby to help form a 5,000-acre park. At the same time he extended and Gothicized Greystoke Hall; although he developed and expanded the Arundel Castle estate, Greystoke was always his favourite estate. He planted 600,000 trees covering nearly 2,000 acres. He also promoted enclosures in the area. He bought Johnby, east of Greystoke, from William Hassell and obtained an act to confirm its enclosure and enfranchisement by agreement - probably to improve the title. This was possibly the new enclosure where he built model farms for his tenants which reflected his politics and his humour. They were castellated and Gothitized to complement the Castle and named after events in the American War of Independence - Fort Putnam, Bunker Hill and Jefferson - to annoy his Tory neighbours. His most distinctive farmstead was Spire House - a building with a spire built as a practical joke on a tenant who worshipped in the open air. To complete these improvements and to enhance the home estate, he tried to obtain an act for Greystoke itself. A bill failed in 1785 and the eventual act of 1795 was met by considerable resistance. The counter petitioners claimed the lands, due to rocks and morasses, were incapable of any great improvement and not worth the cost of enclosing. Although the Duke would pay all parliamentary costs and those of persons with estates under £15 a year, they would be unable to manage their allotments and have to sell them cheaply. The Duke received large allotments including a specified one of 380 acres within the demesne of Greystoke Park at Greystoke Townhead. The tithes on barley and oats growing on part of this was subject to a lawsuit in 1832. The enclosures meant "that the parish now [1829] presents a succession of beautiful scenes, where wood and water, hill and dale, unite their charms in pleasing combination". Clearly enclosure was motivated by the desire to modify the landscape according to his radical notions of rational improvement. Central to this was the creation of Greystoke Park, an expression of his political ambitions.<sup>10</sup></p>
1783	Johnby	
1795	Greystoke, Cumberland	



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1772	Warwick, Warwickshire	<p>A - <u>Earl of Warwick</u> - The Earl (created 1759) lived at Warwick Castle and was keen to improve his home estates to fit his new status. He bought Warwick manor in 1742 and made considerable alterations to his park. He was reputed to have a rental of over £20,000 per year to fund this. The old park at Wedgenock was enclosed and converted to agriculture and the Earl became interested in enclosing the borough's commons. Warwick's Cow Common was overgrazed and attempts at regulation were made in 1755 by the corporation. However the enclosure act only dealt with the 1,615 acres and open fields and hay meadows. The Earl's bill to enclose Warwick Fields and commute all tithes in the manor was managed by Sir Roger Newdigate. A counter petition of Lady Greathead secured a specific allotment in Hardwicks Fields for her lands. This adjoined Guy's Cliffe, a mansion built by her husband, and was used to extend the grounds. The Earl died in 1773 but his work in improving the town was continued by the 2nd Earl. He rearranged his estate and the town. He knocked down streets to extend the park northwards. He moved the main southern entrance away from the Castle by demolishing the old ruinous bridge and contributing £4,000 in 1785 to a bridge across the newly-enclosed St. Nicholas Meadow. This enhanced the view from the improved Castle and enlarged grounds. He was also the decisive force in obtaining the Warwick and Birmingham Canal. Enclosure appears to have made a major contribution to his scheme of improvement to his estates and the town generally.<sup>11</sup></p>
1774	Dunton, Bucks.	<p><u>Earl Spencer</u> - Spencer was lord and sole owner apart from the Rector's glebe (which lay intermixed with Spencer's in the open fields) and tithes. The act vested the glebe and tithes in Spencer in return for compensation. This allowed him to enclose, rationalize and improve his estates.<sup>12</sup></p>
1775	Hammer, Flint	<p><u>Sir Walden and Sir Thomas</u> - Sir Walden (1717-83) was a Tory lawyer and MP who inherited the Hammer estate from a cousin in 1773. He obtained an act almost immediately to enclose, drain and cultivate 2,000 acres of wastes as arable and pasture. Sir Walden pursued his political career and seems to have remained at Simpson in Bucks.; his son Sir Thomas resided at Bettisfield Park on the estate. He appears to have been the moving force behind the scheme, having an interest in agricultural improvement and visited the Duke of Bedford's Woburn sheep shearings. He began to drain part of the Fens Heath and ploughed 120 acres of it for his experiments in 1778. His 'country' believed it was a "chimerical scheme... that would never answer, though its expense added to his perseverance". However he used various rotations of turnips, legumes and cereals and in 1784 was able to let it to a tenant at 10/- per acre. He won a gold medal from the Society of Arts for his "extraordinary exertion" which "contributes to the general good of the community" by giving work and therefore subsistence "to the indigent and industrious poor". He felt such reclamation work would increase "labour and population to add greatly to the power, strength and riches of this happy and civilized country". He also won praise for planting 10 acres of the Fen with mixed timber. Apart from cultivating and planting wastes, he built farmsteads and made many roads. This however seems to have been undertaken without an eye to the return as his grandson inherited a debt on the estate of £130,000.<sup>13</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1775	Knapwell, Cambridgeshire	<p>D - Wright Squire - Squire obtained an act to enclose the open fields despite opposition from two smallholders. Arthur Young observed such "wretched husbandry" that he could not understand why "they enclosed relative to management". He felt "rent is the only explanation which has risen from 5/- tythed to 10 or 11/- free [for 3 roods]". They sow hay seeds and clover but little comes except rye grass and thistles". Clearly two motives were to convert arable to pasture and to commute tithes for land. But another was the desire of Squire to dominate the parish and improve his income. He received 64.2 of the 1,083 acres enclosed but he leased the 146-acre Rectory Farm created at the enclosure. He also acquired the 223 acres allotted to James Rust and the 60 acres to the Duke of Bedford shortly after the award. Although the rents had increased, "Mr. Squire, the proprietor," had had to spend £10,000 in building, fencing, etc., and the investment of nearly £10 per acre did not pay so well as expected.<sup>14</sup></p>
1775	Croom in Sledmere, E. Riding	<p>R J C Rousby - Rousby was the lord and sole owner of Croom which comprised 1,144 acres of open ground and 119 acres of old enclosures. He wanted to replace the inconvenient system of public roads and to enclose, fence and create reservoirs. To do this, he wanted powers to borrow 40/- per acre on mortgage towards forming the roads, building farm houses and all the other necessary costs. To reap the rewards of the investment he needed powers as tenant for life to make 21-year leases. Therefore he obtained an enclosure act appointing three commissioners to close up the inconvenient roads and set out others and establish the enclosure's legality. This act probably led to the large 1,300-acre arable farm referred to by Marshall at Croom in 1796. This was seemingly part of the conversion of the wolds' common grasslands to arable more associated with Sykes of Sledmere (qv).<sup>15</sup></p>
1775	Cutsdean, Worcs.	<p>A, C ) - John Darke - John Darke was a noted agricultural improver who died about 1805. He was an advocate of enclosure of commons and wastes. "The advantages are innumerable, to population as well as cultivation; and instead of a horde of pilferers you obtain an useful race as well of mechanics as other labourers". In 1775 he acquired Cutsdean estate and manor in this parish and immediately obtained an enclosure act. He also bought, together with John Parsons of Kemerton, the manorial estate of Oxenton, Gloucs., from the absentee landlord and rented the Earl of Coventry's tithe estate in the same year. He "obtained an act" and both he and Parsons received 453 acres each, including 180 acres for great tithes and 100 acres for Lord Coventry's estate. Both acts appeared to have been speculations in agricultural improvement which paid well. He converted the open fields to sheep pasture, more suited to its "strong clay" which led to the annual value rising from 8 to 30/- (although price increases had made some contribution to this). His success led to further spendings; he bought Parsons' interests between 1794 and 1803; he reunited the moieties of Bredon manor in 1786 and re-built a mansion on the estate but was unable to arrange an enclosure for the manor. He wanted to drain the open fields which were liable to floods, to prevent scab and rot amongst the sheep. This meant only 40 of the 1,000 sheep pastured on the fields in autumn, after grazing on Bredon Hill, were drawn off for slaughter. His heir, Richard, tried to sell the Bredon estate of 290 acres of freehold, 40 beast pastures and exclusive right of 121 sheep pastures over 300 acres of rich aftermath in Bredon Meadow but apparently obtained no satisfactory offer. Then he obtained an enclosure act for the open fields, meadows and small commons and to extinguish tithes. He was allotted nearly 200 acres in a consolidated estate between the mansion house, the River Avon (where he enjoyed the fishery) and the Tewkesbury Road. This extended over Bredon Meadow. The Rector received 158 acres for his glebe and 420 acres for his tithes. Bredon had several cottages and about 80 stocking frames employing 100 persons dependent on the Tewkesbury market.<sup>16</sup></p>
1775	Oxenton, Gloucs.	
1808	Bredon, Worcs.	



TABLE 27 - ENCLOSURE, "TERRAVANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1777	Enfield Chase, Middlesex	<p>Enfield Chase in the late 1600s gained 100 squatter cottages full of loose, idle and disorderly persons. This wooded royal deer hunting preserve with a lodge was leased to various rangers who tried unsuccessfully to benefit from hunting its game, cutting its timber and making encroachments. Several efforts were made to enclose the Chase which included Enfield's sizable open fields; disturbances by encroachers and claimants of common rights in 1659 prevented any such proposal. Eventually an enclosure was agreed between the owners and the Crown to divide the Chase, partially enclose and discharge from tithes. This would yield more to all parties and in the words of the patrons its size, good soil "and its vicinity to the metropolis will also be of public utility". A rumour of a bill to enclose Enfield Chase and Epping Forest in 1766 was welcomed by a letter writer "as a means of adding considerably to the supply of provisions to this overgrown metropolis". After an amendment to allow a common in South Mimms also to be enclosed, the act was obtained. Each parish received an allotment but only South Mimms enclosed its land; 40/- cottagers there got 1½ acres; 40/- to £5 cottagers, 1½ acres; £5 to £10, 2 acres; and £10 to £14, 2½ acres. Enfield kept most of its allotment as a pasture which was monopolised by jobbers until the 1801 enclosure; 200 acres were enclosed and let in aid of the poor rates and land tax. Despite the enclosure, several footpads were noted on the Chase in 1785. The Crown was allotted 3,859 acres of which several lots between 20 and 150 acres were sold to defray costs. When this was announced, the Press advocated enclosing all Chases to reduce the price of provisions. The remainder of the Crown's allotment was leased for 99 years at 10/- an acre to men like Kays (lessor of over 1,000 acres) who were largely "gentlemen retiring from trade". Despite their commercial expertise, the new owners failed to acquire the skill and knowledge necessary for success. These inexperienced farmers spent fortunes on expensive experiments but only succeeded in clearing a small area. Kays' allotment was in its original state or badly cultivated. Also Mr. Hyde's "unfortunate circumstances" led to much of the Crown's allotment being uncultivated. Marshall feared this would "throw a damp" on enclosing other royal wastes. Sir John Sinclair advocated the formation of experimental farms to avoid proprietors losing money and increase production. Other parties used the act for parkland. Dr. Wilkinson of White Webbs bought 14 acres from the commissioners and 60 acres by purchase of common rights and used this forestry land at the back of his house as woodland to shelter and ornament his estate. Francis Russell was awarded 270 acres at Beech Hill which he converted into ornamental gardens and a farm. Sir R. Jebb received 200 acres and converted it into the ornamental gardens and parkland called Trent Park. The three existing lodges were also allotted land. The Crown also allowed several exchanges of old enclosures at the same time to round off estates but these were not included in the award. Due to the exertions of men like George Byng, Middlesex MP, about 600 acres of the Crown's allotment only were still uncultivated and offered for sale in 1806.<sup>17</sup></p>
1779	Buckland, Gloucs.	A, B, E - 3rd Viscount Weymouth
1780	Warminster & Corsley, Wilts.	A, D (1st Marquess of Bath)
1782	Kingston Deverill, Wilts.	A, D
1783	Heytesbury, Horningsham, Wilts.	A, E
1785	Pifield Bavant, Wilts.	A, B
1790	Longbridge Deverill, Wilts.	A
1795	Cheddar, Somerset	A
		<p>Burnett notes, "During the latter part of the Eighteenth Century, agricultural improvement was regarded as a favourite occupation for the country landowner". He immediately appointed the estate's Wiltshire</p>



TABLE 27 - ENCLOSURE, "TERRAVANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Buckland, Gloucs., etc. cont.	<p>solicitor, Thomas Davis, as steward to his 50,000-acre estate. He was a noted agricultural improver, writer of the 1794 county report, enclosure commissioner and founder-member of the Bath and West of England Agricultural Society in 1777. In 1778 he supported the Viscount's claim for an allotment disallowed by the Glastonbury commissioners. He protected the poor and small occupiers in the existing landed system - but he believed this could be coupled with more efficient commercial agriculture in the 'Spirit of Improvement'. Thus he supported enclosure especially of both wastes for better agriculture and for increasing rents. The Longleat estate rents doubled to £9,197 by 1807. Gunstone claims "he justified enclosure by viewing it, not in the narrow immediate context of hardship in particular localities, but in the wider one of the betterment of husbandry methods to enable the gross national product to sustain an increasing population. This would lead to social betterment and economic gain throughout the country". He encouraged the 3rd Viscount's aesthetic interest in plantations on the estate's 2,000-acre demesne. He saw it as a way of generating income and providing employment for those harmed by enclosure. Longleat Park had already been landscaped for £8,000 by "Capability" Brown; but now income from timber was trebled to £4,878 in 1807. In 1784 600 acres of poor woodland at the foot of the Wiltshire Down was grubbed out and properly planted; this was probably enclosed under the Warminster and Corsley act of 1780. By 1789 300,000 trees had been planted and by 1796 over one million. Nearly all of the acts involved manors in which Weymouth was Lord and began with an act on the distant Gloucestershire estate of Buckland. The acts for Warminster, Horningsham, Kingston and Longbridge Deverill involved land around Longleat. The act for Warminster and Corsley when he received 2,089 acres as Lord of five of the six manors, lessee of the Rectorial tithes and as a freeholder. The lessee of Warminster Rectory petitioned against the bill and was subsequently bought out for £6,664 in 1787. The estate invested in improving the town's market facilities and consolidated small farm tenancies into large productive units. The cottagers were compensated and were given work in the forestry programme. At Kingston Deverill he received 60% of the land, and the Rector (of whom he was patron) received 14%. By the late nineteenth century he and the Rector were sole owners. This bill was Davis's plan and he worked thoroughly to protect all interests including small owners. The legal costs were £1,100 and the Viscount was allowed to charge his allotments with £433 towards this. In the Longbridge Deverill and Monckton Deverill act the (now) Marquess of Bath received 2,524 of the 3,289 acres enclosed and bought 277 acres to pay the costs. A generous bargain was made with the Rector, replacing tithes with a rent charge. He was sole owner apart from the Rector in Longbridge and the largest owner in Monckton. He was allowed to borrow £1,200 on his allotments but these charges were inadequate to fund all the improvements and clear the debts. Thus in 1790 he sold Drayton Bassett and his electoral interest in Tamworth for £138,000 to a consortium headed by Peel. The estate continued its investment in enclosure at Church Stretton (see Table 28) in Shropshire and at Cheddar in Somerset. The estate also used the opportunities provided by the Earl of Pembroke's large-scale enclosure act of 1785 to enclose Fifield Bavant and Ashe a Court's act for Keytesbury to divide the prebendal estate at Horningsham and Tytherington with three other parties. The Marquess was sole owner at Horningsham and the 2nd Marquess kept cows to supply milk cheaply to cottagers who had lost grazing rights; however he would not enable them to keep their own cows. Despite these efforts, an £80,000 loan still had to be negotiated in the 1790s. The 2nd Marquess continued the enclosing policy by buying Godswell manor in 1801 at Westbury and seemingly the Earl of Abingdon's land before obtaining an act in 1802 (although Abingdon was named as lord of a manor and allotments were made under his name).<sup>18</sup></p>



TABLE 27 - ENCLOSURE, "TERRAHANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1784	Felbrigg, Norfolk *	<p>William Windham III - This "introspective intellectual" was held by Humphry Repton to be "the ideal of the benevolent landlord". "Weathercock Windham" - so called from his political career - gained possession of his estates in 1771. He owned all but one small farm in Felbrigg and was lord of both Felbrigg and the adjoining manor of Sustead where Repton lived from 1778 to 1786. Windham bought out the last yeoman "by open and liberal proposals" in 1781 and enclosed the remaining 800 of the parish's 1,467 acres. This included Felbrigg Heath which was largely unsuited for arable but was suited for plantations. Advised by his agent, the famous agriculturalist Nathaniel Kent, he rearranged both the estate layout and his park. Although Kent was more practical than the more ornamentally minded Repton. When the latter admired the improvements, he saw (according to Laurie) "conservative principles made manifest in the landscape" despite Windham's political radicalism. A turbarry was left for the poor and the best parts of the sandy heath and open field were divided into hedge-rowed arable fields of about 10 acres each. He began a 600-acre plantation on the rest of the heath to shelter and ornament the house and park. Roads were laid out. Kent wrote a good deal about how gentlemen should organize their estates and he promoted "a productive but socially balanced landscape with 'a just equilibrium' between landlord, tenant and labourer". By his enclosure Windham had "done away a nuisance and planted industry and plenty upon an almost useless waste : and this too, without rendering himself odious or his tenants miserable". Young recorded that its population had increased due to the enclosure. His paternalistic radicalism echoes that of Dowdeswell at Bushey and the later ideas of William Cobbett.<sup>19</sup></p>
1783	W. Harnham, Netherhampton, etc.	10th Earl of Pembroke - The Pembrokes were the largest owners in the county and both of these men were famous army officers. The 10th Earl was only involved in three enclosure acts but
1785	Alvediston, Fovant, [etc.	the two for which he was responsible involved 12 manors, nearly all his own. The
1786	Pifield Bavant, etc	idea was apparently to reduce costs. The West Harnham act involved individual
	Berwick St John	provisions for each manor to meet local needs. The 1785 Alvediston Act dealt with
1796	Fugglestone St Peter *	16,720 acres in eight manors, of which Pembroke was lord of seven manors involving
1802	W. Overton *	15,908 acres of unenclosed land. He was by far the largest proprietor. In both
1809	Barford St Martin and	acts, although some townships enclosed and farmed in severalty, others were
	Grovely	allotted into consolidated blocks but then separated by balks and grazed in common together with the Downs.
1809	Great Wishford *	New regulations for cropping the open fields were established - a three-course rotation was used at
1814	Broad-Chalke and	Netherhampton which could only be altered by a 12/17 majority of yard landers at the court baron with
	Chilmark	the Earl's consent. The arrangements for finance were that the lifeholders under the Earl were assessed
1814	W. Overton	for their share; those who could not pay had it paid for them by the Earl but had to pay an increased rent.
1823	Dinton and Teffont Wagna	The Fugglestone agreement again was a consolidation of strips within an open field farming system but
1826	Wilton, etc.	estate policy under the 11th Earl apparently changed. The West Overton agreement was a more conventional
	Wiltshire	enclosure and led to an immediate rent rise from £665 to £915 on 204 acres; although not allotted land in
		the 1814 act, he did extinguish tithes on old enclosures for £1,380. The real investment appears to have
		been made after 1809. Apparently £200,000 was invested at as much as £10 per acre. Considerable sums were
		invested in enclosures - in 1815 nearly £1,350 was invested in enclosures, mainly under the 1809 Barford
		St. Martin Act and the expenses were being paid off long afterwards. The enclosures involved considerable
		exchanges. The inclusion of Wilton in an 1826 act was apparently to allow exchanges of old enclosures in
		his home estate and the allotments included the Earl's deer park. The investment of such capital was
		coupled to a capitalist approach towards the tenants. Rents were doubled between 1807 and 1814 so only



TABLE 27 - ENCLOSURE, "TERRANANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	W. Harnham, Netherhampton, etc. cont.	<p>farmers with large capital and a commitment to modern methods could survive. One tenant needed £7,000 capital to farm 1,000 acres of mixed arable and pasture. The new system meant that the estate - as in 1834 - would take in hand a farm and invest £5,400 in stock and tools rather than underlet it and create a precedent for other tenants. Although rents had to be decreased slightly in the Post-War Depression, the estate took advantage of short-term upswings by increasing rents from 1837 to 1842. This high letting policy would account for the high turnover of tenants noted in the later 1800s. The £200,000 investment was claimed to have helped treble the 11th Earl's rent roll from £35,000 to £105,000. This seems to be a gross exaggeration; the Earl's descendant did not enjoy a rent roll of over £100,000 in 1883. However the VCH Wiltshire praised the capitalist form of management introduced under the 11th Earl as it "reacted perfectly to the needs of the time". However much of the money was invested in building model farmsteads and cottages. In 1849 the <u>Morning Chronicle</u> singled out the estate's cottages for praise. Of all the estates using enclosure which have been studied, the Earl of Pembroke's apparently adopted the most capitalist approach.<sup>20</sup></p>
1786	Narberth Forest, Pembroke	<p>A - <u>William Knox of Slebach</u> - Knox had been Under-Secretary for America from 1770 to 1782 until the loss of the American colonies. He withdrew from active political life and became interested in agricultural improvement. Knox was lord of seven manors which had 2,540 acres of waste including the 1,200-acre Narberth Forest; over 870 acres were wooded in James I's era but by 1786 were "overgrown with brush-wood, furze and brambles". In Howell's view he and Cawdor at Castlemartin promoted the only two acts before 1807 in West Wales because they were "concerned to transform waste tracts on their properties into good farming land and not solely interested in 'improved rents'". The absence of other acts for better land, Knox's founding of the Pembrokeshire Agricultural Society in 1784 and the rapid development of his allotment shows this improving zeal. Knox received 500 acres for his manorial and common right interests. Small owners and cottagers suffered however. The cold and dry weather had already impoverished them and then Knox "the hard hearted wretch obliged 'em to put away all their sheep from these mountains". However this witness's claim that as a result 80 persons were so ill that they could not work, and grief had made 50 people sick in Templeton and some had died as a result. However Howell feels that improvement could not be carried out for the common good "without its ill-effects on certain individuals". The difficulties small owners faced is shown by Eden's report in 1797 that 700 of the 1,800 acres of hills in Narberth manor "remain uncultivated owing to the poverty of the soil and the low circumstances of the occupiers". Charles Hassall, of Eastwood, a noted local improver and author of the 'General Views of Carmarthen and Pembroke in 1794', apparently leased the manorial allotment in 1789 and by 1793 had hedged, cultivated and improved 330 acres of waste land "sufficient for the use and occupation of a tenant" for pasture and some arable - about 90 acres remained to convert to turnip land. For this he received a gold medal. By 1810, Fenton praised how this "cheerless waste" had been "metamorphosed... a change of appearance contributing greatly to ornament as well as the wealth of the county". By then "the whole is now converted into well cultivated farms, interspersed with small portions of copse wood". Not just the picturesque improvement made by owners like Knox were praised by contemporaries. Hassall in 1813 praised "the progress of improvement" since 1783 due to "the spirited example of several intelligent gentlemen of landed property".<sup>21</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1786	Ashill	<p>Thomas Coke - Coke was a Foxite Whig who inherited his estates in 1776 when aged 22. His great uncle, Lord Leicester, had already improved the estate of over 30,000 acres by enclosures, plantation, reclamation, consolidation, creation of large farms and the adoption of turnips, clover and sainfoin. Excluded by his Foxite Whiggism from court life and political office and with an inherited debt of £100,000, Coke immediately determined upon the rational improvement of his estate over which he took personal supervision. He immediately began holding his famous sheep shearings where tenants could exchange ideas and examine new methods and tools on his home farm. This was progressively extended as tenancies fell in to 3,000 acres by 1800. He also put land from former farms into his park and planted large amounts under Repton's advice. These were not just ornamental but generated over £1,000 a year between 1816 and 1831. He also planted a common at Fulmodeston (see Table 28). He employed Samuel Wyatt between 1780 and 1804 to design five lodges, a Great Barn for the home farm and model farm buildings and cottages. He bought land where possible and used 21 year improving leases. He was fêted by agricultural reporters and acquired great social standing denied to him politically. Great enlightened Whig landowners like the Duke of Bedford and Charles Pelham Anderson and other improvers copied his example. His enclosure activities began on a small scale away from his main estate at Ashill and only began in earnest after the improvement of his old enclosed estates and his reputation as an improver had been made. Already by 1804 he had invested £100,000 on farm buildings alone. Enclosures apparently represented a minor expense - Martins calculates this was over £7,000 - but these were only legal costs and did not include spending on new farmsteads, roads and drainage. Although this heavy expenditure was later criticized, the work done was thorough and efficient; the new farms were more convenient to work and attracted a higher rent. Although on his home estate, Holkham, alone his rental rose from £2,200 in 1776 to £20,000 in 1816 and his overall rental (excluding increasing acreage) had doubled from £12,332 to £25,789, his expenditure on entertaining visitors, politics and improvement between 1816 and 1832, the debt reaching £288,000. This led to the appointment of Francis Blaikie as his first agent to take a tight rein over Coke's expenditure. He was particularly critical of Coke's extravagance in buildings for tenants and stressed careful book keeping. Even so, his salary had to be cut by £100 to £550 to help relieve Coke's financial problems of which his employer appeared unconcerned. This was resolved by selling outlying estates - Hillesdon (Bucks.) for £125,000 in 1823 and Minster Lovell (Oxon.) for £3,500. Lower interest rates and rising rents meant that all debts were extinguished by 1842. Hatherton reported that Coke - now Lord Leicester - had just paid off his last mortgage of £18,000 when he died. Parker believed his achievements were exaggerated by Coke due to his vanity and desire for popularity. However his improvements - of which he had personal supervision as well as control for 40 years - were motivated by his notions of rational improvement and reflected his political philosophy. Despite Parker's assertion that "his estates were run for profit not for show", profit was clearly not the motive as he was very negligent with money. Also they enabled him to acquire a social status denied to him by his politics.<sup>22</sup></p>
1795	Lexham	
1795	Bintry	
1806	Billingsford	
1808	Fulmodeston	
1809	Sparham	
1809	Weasenham and Wellingham	
1811	Wells and Warham	
1814	Mileham	
1814	Longham	
1821	The Burnhams	
1830	Elmham	
	Norfolk	
1788, 1790 & 1811	Walldraeth Marsh, Anglesey	<p>This was originally an ambitious plan to drain the 3,000-acre Marsh, protect it from the sea by an embankment and use the River Cefni for ships to reach Llangefnï. It would also help work the coal pits which flooded, help transport the coal and lime and end agues and fevers. However some of the owners were frightened at the growing costs of £12,000 and withdrew their support when the embankments neared completion. A 1790 act to enforce contributions by rates failed in its aim due to poor drafting. In 1809, the "friends of improvement" met to discuss "the regulation and improvement of the waste lands"; and in 1811 the act was passed to drain the Marsh and allot 1/16 to the lord. The dykes were completed in 1819 and the river was used for transport.<sup>23</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1788	Castlemartin, Pembrokeshire	<p>A, C - <u>John Campbell</u> (1755-1821) was a lifelong Tory who inherited his estates from his grandfather in 1777. His grandfather hoped that he would not ignore his Scottish estates but he made his home at Stackpole Court in Pembrokeshire and concentrated his political career in this area. Nearby was Castlemartin Corse, a 500-acre clay waste covered with peat which was subject to flooding. The copyholders grazed their cattle here "but their loss frequently overbalanced their profit" as their animals drowned and the pasture was poor. Lord Cawdor bought out the other owners, enclosed it, "cut a main drain and laid down a tunnel to discharge the [stream of] water through sand banks to the sea", "and for his better security he obtained an act of parliament". John Mirehouse lived at Brownslade, a mile from the common, and he approached Campbell to lease it, provided Campbell paid for cutting the drain and tunnel according to his instructions. Once done and the tide guarded against, he settled a lease in 1794 and immediately proceeded in the drainage. Willows were planted for shelter and he spent £500 himself. 100 acres were laid to arable including wheat, oats, coleseed and turnips, and 173 acres were laid to pasture. The soil was immensely fertile and grew high yields; 1½ bushels of oats were sown and yielded 96 bushels. For this Mirehouse received a £500 prize in 1800 from the Society of Arts. Campbell's improvements to his Pembrokeshire estate (which yielded £9,764 in 1801) included planting 8½ million trees - more than even Johnes. He was created a peer in 1796 and he inherited the 50,000-acre Golden Grove estate of his Carmarthenshire friend, John Vaughan. However he inherited Vaughan's debts of £41,000 which Cawdor increased by his electioneering of 1810-12 and 1819 and his improvements. When he died his debts amounted to £90,000. In Howell's opinion he was "concerned to transform waste tracts... into good farming land and not solely interested in 'improved' rents" - as illustrated by his mounting debts.<sup>24</sup></p>
1789 1793	Dunston, Lincs.	<p>A, C - <u>Sir Francis Dashwood, Bart.</u> - Sir Francis (1708-61) of West Wycombe Park (Herts.) was an opposition Whig who was strangely influenced by the Grand Tour and his subsequent European travels. This is shown by his work on West Wycombe Park and his being a founder member of the Society of Dilettanti in 1732. His eccentric behaviour led to accusations - probably false - of a hell fire club at Medmenham Abbey from 1751, but after inheriting the title Lord le Despencer in 1762, he was an efficient joint Postmaster-General from 1766 receiving £2,000 a year. He was extremely keen to own all the property in his Lincolnshire manor of Dunston and then to enclose and improve it. It included a large part of Lincoln Heath which was low lying and subject to flooding. The enclosure of the heath was projected in 1750 and supported by Lord Middleton and the Bishop of Lincoln who thought the plan would benefit the parish poor. Dashwood was very keen on the project as a way of bringing the dark heath into the light of civilization. Thus in 1751 he erected the Dunston Pillar as a lighthouse to guide travellers across Lincoln Heath. Byng criticized it like all of Dashwood's follies as "a waste of stone", saying that Dashwood's "original fancy was... to form a lighthouse for the guide of stray travellers". However the sympathetic and enthusiastic Rector of Welbourn (7 miles S.W. of Dunston) believed it was a symbol of man's determination to tame this lonely and dangerous heath. It was "the Vaux Hall of this part of the world" where people gathered to drink Dashwood's health, admire the bowling green and plantations which "will be in a few years the paradise of Lincolnshire". However the enclosure could not be agreed as owners wanted to participate in the anticipated profits of enclosure. Thus Hobart would not sell his Dunston land (which would receive a 200-acre heath allotment) as he had recently enclosed (1766) heathland at Welbourn which had increased its value 700%. Dashwood wrote to Dr. Willis (George III's physician) that he wanted to buy any freeholds in Dunston that he knew of. After a 1770 meeting to discuss an act fell through, an attempt was made in 1773. However when Dashwood discovered that Willis, far from informing him about freeholds for sale, had bought six himself for £3,150 and held a mortgage on another, he angrily cancelled his plans. Dashwood's agent, Thomas Sandon (1770-8) was also a radical; he opposed Bury who tried to buy the tithes on the rumour of an enclosure, as he did not believe in compensating</p>



TABLE 27 - ENCLOSURE, "TERRAVANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
Dunston, Lincs., cont.		
1789	Wavendon Heath, Bucks.	<p>tithe owners in an enclosure. Dashwood's death in 1781 led to his half-brother Sir John (1716-93) inheriting. In 1789 an act was passed to drain Dunston and drain and enclose Metheringham. This led to calculations about the projected benefits of an act which had been estimated at £206 a year but actually finished up as £303. This included 4½% interest on an investment of £3,109. Young, in his county report, praised how the rapid progress of enclosure over Lincoln Heath in the last 20 years had converted heath to a scene of "thriving industry" and profitable arable. Thus the act was delayed by Dashwood's desire to dominate the parish's improvement. Either the family's success in purchases or the realization of the opportunity for profit led to the act. More research on estate manuscripts and the award would be needed to determine this.<sup>25</sup></p>
1795	Husborne Crawley	
1796	Ridgmont	
1796	Maulden	
	Bedfordshire	<p>A, B, C - 5th Duke of Bedford</p> <p>A progressive Whig, the Duke used acts to enlarge his demesne and to improve his estates. Denied status by his political isolation after 1793, he took close personal control and accelerated a programme of improvement. He had already planted hundreds of acres of waste near Woburn Abbey and had part planted Wavendon Heath about 1781. His extravagance shows that profit was not a motive. Enlightened ideas of rational improvement, public utility, and a philosophical commitment to the principle of enclosure - shown by his resolutions which cheapened enclosure costs and led to the 1801 General Enclosure Act-were motives. So too was his scientific interest, typified by employing the great inventor Edmund Cartwright. Fox believed that farming "seemed to him in these times [of food shortages] as the most important [employment] to engage in." He established annual sheep shearings at Woburn and was the President of the Smithfield Society. Some like Young ignored the harm done to the poor and praised him, but conservative enemies like Byng attacked him for "wasting a princely fortune" on buildings at the mansion as well as estate offices and the Home Farm. Already in 1790, his chief agent grumbled "The vast expenditure here is beyond conception". Farey, his Woburn agent, felt he cared little about the cost and had he lived he would have ruined the family. He did have to sell the Stratton and the potentially valuable Streatham estates. He raised £150,000 by annuities paying 10% rather than 5% which was praised as a way for large owners to improve their estates. His main achievement was his 3,000-acre demesne farm attached to his 3,500-acre park, the former being extended by the Husborne Crawley Act. The family had acquired small properties to maximise allotments in any subsequent act both here and at Maulden; he accelerated the process, and in 1794 bought the rectorial estate for £9,444 and proceeded with an act. Young commented that he had converted "a dismal spectacle of poverty" by building and repairing cottages and adding gardens and forming a new road into "a clean, well-built cheerful village". The proximity of the village explains why Bedford in contrast allowed the St. Neots' poor to live in "miserable mud hovels" which encouraged "Democracy". Despite his democratic sympathies, he would end the poor's customs to promote his improvements - this failed at Streatham and led to a riot at Maulden over an inadequate 19-acre fuel allotment. He rented the Rector of Maulden's tithe allotment for £300 per annum and his bailiffs ran the farm. The 6th Duke continued these policies by an 1810 act to rent the 150-acre Wavendon Heath fuel allotment for £300 per annum to buy coals. The 5th Duke believed in the sanctity of private property and no doubt felt that conceding democracy could allow the landed elite to preserve their economic interests. Despite causing an overall reduction of 115 acres of land growing wheat, the three Bedfordshire acts included a clause allowing the Duke to build irrigation canals across other persons' property, paying compensation. This allowed him to drain boggy ground very effectively. The estate's success in 1802 where Elkington had failed on Prisleigh bog at Flitwick apparently led to the 1806 Flitwick Enclosure Act. He also improved some sandy hills only used for fuel. He was allotted them for a £30 rent charge to the poor; "To unite ornament with shelter for game" a 100-acre belt of woods were planted and the heath marled and planted with turnips. Batchelor wrote that "The principal Agricultural Improvements" in the county "have almost entirely originated with the late Duke of Bedford". Young felt that this influence was nowhere more needed than Bedfordshire and praised his combination of improvement and scientific research.<sup>26</sup></p>



TABLE 27 - ENCLOSURE. "TERRAKANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
c1790	Hafod, Cardigan	★ <u>Thomas Johnes</u> - Thomas (1748-1816) was a Tory MP from 1780 (after his father died) who had been to Oxford University and on the Grand Tour. He was given a £500 secret service pension in 1780 and in 1781 he became Auditor of the King's Land Revenue in Wales. He sold his mother's dowry of Castle Croft in Herefordshire in 1785 to fund the rebuilding and improvement of his paternal estate at Hafod where he resided from 1783. This estate was to become, in Everett's words, "the Quintessence of Improvement" where Johnes showed a paternal interest in the landscape and welfare of his tenants beyond the park itself. He found an impoverished estate with impassable roads, enormous barren wastes, miserable huts and lacking facilities. He built new roads, cottages, farms, schools and a church. He provided medical attendants and gave work to all who asked for it in 1799. He founded the Cardiganshire Agricultural Society in 1784. He planted many millions of trees on high wastes - nearly four million between 1796 and 1813 alone for which he received three gold medals. Unlike Brown's unnatural clumps of trees, he planted in a picturesque way naturally adapted to the mountainous beauty of the area and included no ornamental follies. He enclosed many acres of waste land on the estate and converted them to pasture and arable by drainage, liming and turniping - and he abused his position as a Crown agent to encroach 8,000 acres of Crown wastes. The Society of Arts felt that already by 1798 his "unparalleled exertions" "has converted a Desert to a Paradise" and had made it more beautiful than the Swiss mountains. He promoted a scientific approach to land improvement hand in hand with tasteful landscape improvement. He brought Scottish farmers to settle there and considered importing 500 Swiss families to set an example in hill farming to the local tenants. He introduced new stock more suited to the area and experimented in producing different varieties of cheese. He broadcast his ideas by letters to the <u>Annals of Agriculture</u> and other magazines and by his pamphlet <u>A Cardiganshire Landlord's Advice to his Tenants</u> in 1799. These profligate investments and his dilletante interests - he set up a printing press in 1801 and built up a tremendous library - led to huge debts. He borrowed £34,000 from Equitable Assurance in the late 1800s. This was made worse when his house was burnt down with much of its contents. He lost £70,000 and only received £30,000 in insurance. After his death, his trustees had to sell up to settle his £50,000 debts and the purchaser, the Duke of Newcastle, had to pay the Crown £800 in 1843 to settle the encroachment dispute. This "greatest of all Welsh reforming landowners" represented in Colyer's words "the eighteenth century ideal of the 'whole man' combining scholarship with farming, connoisseurship with forestry and politics with philanthropy". Like Coke and the Duke of Bedford (to whom he erected an obelisk) he put improvement and beauty before profit. <sup>27</sup>



TABLE 27 - ENCLOSURE, "TERRANANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1791	Chadwick, Worcs.	<p>A, D, E - <u>John Carpenter</u> - The manorial estate belonged to the Dean and Chapter of Oxford Cathedral who leased their lands on 21-year leases (renewable every seven years) to Thomas Wight but mainly to John Carpenter. Carpenter seems to have come from a family of agricultural improvers going back to the late 1600s. Carpenter himself published a book on agricultural improvement in 1803-5. He procured an act of parliament - because as virtually a perpetual tenant he enjoyed considerable security of tenure - to enclose the sheep walks in the manor for cultivation. He already had land of his own plus 300 acres he rented called Chadwick Manor Farm. He gained 336 acres by allotment to the Dean as Lord and freeholder, himself as freeholder and purchaser and in exchange. He obtained Wight's lands as the other lessee and fenced and cultivated some 300 acres much faster than ever before in the area by paring and burning rather than by ploughing and sowing oats. His best crop was 40 acres of potatoes. He also drained 60 acres of peat bog by Elkington's methods to form good meadow land. His desire that the cottagers should receive land was respected and some cottages were built on enclosure plots and potatoes were grown. He apparently sub-divided the land into five farms after bringing it into cultivation. To fund all this, he seemingly mortgaged the estate to John Read, a Tipton ironmaster and sold his own mansion and 380 acres called Woodrow Farm. Despite his success in reclamation, his finances were overstretched which led to Read foreclosing. Then on Read's bankruptcy in 1812 it was offered for sale for two years until bought by Willcocks. Although Carpenter was a tenant of two farms on the estate in 1812, he was not a tenant by 1813. However in 1816 Carpenter was still a farmer in Bromsgrove parish and suffered like his fellows from the high poor rate and lack of demand.<sup>28</sup></p>
1792	Tealby, Lincs.	<p>A - <u>George Tennyson</u> - The Lord of the Manor, George Tennyson, was keen to enclose; Col. Robert C, D - <u>Ayscoghe Bourchette</u> Manners, who also had a manor in Tealby, would have opposed him unless Ayscoghe Bourchette (who owned all 5,800 acres of the adjoining manor of N. Willingham) was able to buy land in Tealby beforehand. Bourchette wanted to ensure that he could keep his neighbours at a distance from his home, Willingham Hall. Tennyson agreed to sell 243 of his 1,340-acre allotment in the S.W. of Tealby to Bourchette and the act went forward. In the award Bourchette was also allotted 485 acres - seemingly by purchase. Thus Tennyson's motive may have been profit but Bourchette's was to acquire an enlarged fenced estate to extend his demesne - but not his park.<sup>29</sup></p>
1792	Mold, Flintshire	<p>A - <u>T S Champneys</u> - Champneys had financial problems apparently. He gained control of this estate around 1790 and ordered a survey of its 1,395 acres in 1791 before it was vested in trustees as part of his marriage settlement of 1792. He was advised to negotiate particular terms in an enclosure act to secure land from the commons and Mold Mountain to attach to farms, commute tithes, secure the sites of limestone quarries and protect his mining rights. He was also advised to borrow £20,000 on the security of the estate. Already there was a hafod - or summer house - on the mountain, with plantations and "a prospect of vast extent over the Chester and Liverpool rivers and surrounding country". The act specified that his manorial allotment of 1/15 was to include the hafod and the adjoining lands. An amending act of 1794 was obtained and the enclosure proceeded. This provided useful employment for the local lead miners whose works were at a standstill. They "would have been reduced to great extremity" but for the enclosure work. However by 1799 only the sale lots (which had fetched £5 to £8 per acre) had been brought to cultivation. Eventually much of the mountain was converted to enclosed farm land but the area around the hafod (now a hotel) was left uncultivated except for some plantations - perhaps for game. Champneys auctioned the estate in 1801 which was bought by his wife's relative, Sir Roger Mostyn, in 1809. Champneys had to borrow £20,000 in 1821 and by 1838 he had to sell his remaining interests in his estates as an insolvent debtor.<sup>30</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1793	Wells, Somerset	D - <u>John Billingsley</u> - In 1797 Billingsley, of Ashwick Grove near Shepton Mallet, had been "extensively engaged in the cultivation of Waste Lands for 25 years and wants others to profit by it". Thus he sent details of an improvement he had made at Shepton Mallet to the Society of Arts for which he won a silver medal and 20 guineas. He had bought 124 acres of Mendip Forest for £1,115 even though it was 1,200 feet high. He grew wheat and oats upon it. After total costs of £2,453 and estimating its value based on its rental at 25 years' purchase as £1,830, in his county report in 1794 he advocated enclosure (although the commissioners often favoured the large owners) because it encouraged hard work, improved morals and reduced the poor rates. The poor could not winter or even keep stock overnight and the one or two cattle they kept gave the poor a false dependency. He cited the parish of Wedmore, which was the largest and most opulent parish in Somerset and had many cottage commons. In 20 years, 3,000+ acres of moors were enclosed which had been overstocked, unproductive and were subject to inundation for six months a year. Now it was worth 30 to 60/- per acre and poor rates had been reduced; whereas in Somerset in parishes which remained open over the same period, they had doubled or trebled. <sup>31</sup>
1793 1808	Swindon and Wombourne Wombourne and Orton, Staffs.	B - <u>Sir John Wrottesley</u> - Wrottesley inherited Wrottesley Hall and estate in 1787. He was an aristocratic banker of Wolverhampton and a Whig. He had a 1,600-acre home farm and particularly encouraged drainage work. An enclosure had been made in the Wrottesley's manor of Trysull and Seisdon in 1773 by act but it was only in 1792 that John Crockitt of Woodford Grange began to drain 36 acres of Woodford Moors that he leased from Wrottesley. When MP for Lichfield, he got drainage tiles exempted from duty and used 40 to 70 thousand per year. He personally laid out the plan of the drains at Wrottesley "very scientifically". He supported the Swindon and Wombourne act and received a specified allotment adjoining his Heath Forge on Chasepool Common for inappropriate tithes. However the vicar, after a court case, received 200 acres instead of Wrottesley in lieu of tithes. The land was converted by sod burning to turnip and barley soil and in 1827 Wrottesley rebuilt the forge as a corn mill. The Wombourne and Orton act - where he was lord - was more successful for him, although his share of the 420 acres was small - he only had 117 acres in total here in 1816 - well under half of Shaw Hellier's property. Wrottesley's income improved steadily by his quiet living and carefully managed improvements. He had inherited estates so encumbered by jointures, etc. that he only had £200 clear annual income; by 1838 it was worth £10,000 a year. However he squeezed the tenants by taking high rents. In 1836 he had faced a combination of all tenants asking for rents to be reduced; he summoned them to Wrottesley and said that if they felt their rents were too high, they could quit their farms. <sup>32</sup>
1793	Trafford Moss, Lancs. and Cheshire	Trafford Moss was 6,000 acres of marshland in Barton manor whose lord was John Trafford of Trafford House, Manchester. It was part of Chat Moss, 1,000 acres of which extended into Worsley manor; that part had been enclosed and drained from 1765 by the Duke of Bridgewater although according to Raines in 1825 "his agricultural improvements... were not pursued with the same vigour as his mining operations". The success of this and other local reclamations (Rainford in 1780 and Martin Mere in 1783 for arable and pasture) encouraged Trafford to try to capitalize on his potentially valuable asset. The Moss was a manorial waste but was held to be Trafford's sole property; perhaps he was the sole owner of the manor. John had already made a "new road" over the Moss in 1781. He chose not to risk his own capital but to make 90+ year leases so that entrepreneurs would be tempted to invest in drainage and have time to recoup their investments.



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Trafford Moss, cont.	<p>To do this he required an act to break the entail's restrictions on his leasing powers. Although this was treated as an estate act, it was as much an enclosure act as others for single owner manors - the common rights of cutting turves and peat exercised by Trafford's tenants were ended, the land use was changed and the lands would be fenced. In 1795 Elkington, a drainage expert, "had been near agreeing to take 4,000 acres (<math>\frac{1}{2}</math> of Chat Moss in Lancashire)" but two Liverpool men, Thomas Wakefield and W Roscoe, leased 300 acres and got Elkington to advise them. Wakefield apparently took the lead. He used the adjoining Bridgewater Canal for transport. He made drains six yards apart opening into wider drains 100 yards apart to carry the water to the Irwell. Then Wakefield found marl in the middle of the moss to cover the surface making it so fertile that it was expected to be worth £3 an acre in 1797. Roscoe bought out Wakefield and his success led him to another lease of over 2,500 acres in 1805 for 92 years on a progressive rent rising to £450. He and his steward, Robert Stannard (an experienced Norfolk drainer) probably succeeded at first in cultivating most of the area - in 1816, Stannard designed "floating raft" railways to reduce marling costs; Stephenson copied this on the Liverpool to Manchester Railway. Greenwood's 1818 map shows the "improvements". However drainage led to the peat sinking and Reed believed in 1833 that Roscoe's attempts were unsuccessful. James Roscoe auctioned the leasehold in lots and Edward Baines leased 1,100 acres and Joseph Nelson of Leeds helped him cultivate cereals to transport by canal to the Manchester market; he also planted 200,000 trees. About 1828 some Liverpool gentlemen took 700 acres of what was Roscoe's to be managed by Reed. He used unemployed hand loom weavers to dig up the drained bog earth, burning it and bringing manure and building materials by canal from Manchester. By 1833 the other 1,800 acres were taken.<sup>33</sup></p>
1794	Little Compton, Warks.	<p>A, C - M Corzan - of Enstone, Oxon. The manorial estate had belonged to a widow until 1792. The parish was described in 1779 as much uninclosed having a large and very improvable common, possibly as a result Sir Robert Heskett sold the estate in 1793 comprising the manor and 1,073 acres to Corgan who immediately obtained an enclosure. Little alteration was made to the Manor House, so Corgan's motives were apparently only improvement. He resold the estate in 1815.<sup>34</sup></p>
1794	Wolvey, Warks.	<p>A, B, C - John Foster - Foster bought Leicester Grange and one manor here in 1780 and bought the other manor and 664 acres in 1794 from the Earl of Coventry. He then obtained an enclosure act for the open fields and commons. This was a complicated act involving two other lords and disputed tithes which were to be commuted for land; Foster was to receive half as proprietor of the great tithe allotment. His heath allotments including 1/16 as lord were specified by the act to adjoin Leicester Grange.<sup>35</sup></p>
1794 and 1807-9	Abergele, Rhuddlan, Dyserth and Melen, Denbigh and Flint	<p>These acts formed part of a plan to drain the coastal marshes in the Vale of Clwyd, to introduce cereal farming, to build a canal through the valley, and to develop the port of Rhuddlan. Howell notes that such investments in Wales took place during the high corn prices of the French war; but he believes "the current climate" was equally as important when "agriculture was becoming 'a fashionable study as well as amusement'," as the contemporary agronomist Davies commented. Howell states that "successful efforts were made towards improving the landscape" with new farms in regularly hedged fields growing cereals replacing open marshes. "The work of enclosure and improvement" owed much to the encouragement and investment of the large and mostly titled landowners like Sir Roger Mostyn and Lord Plymouth.<sup>36</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1795	Prees	A, C, E - Sir Richard Hill (1733-1808) was an unusual mixture of pious Calvinistic
1797	Moreton Corbet	A - Sir Andrew Corbet      Methodism and Tory politics. His benevolent philanthropy and political
1800	Stoke-u-Tern, Shropshire	championing of the poor was commented upon by contemporaries. By a 1794 act, he exchanged estates around Coventry with the Bishop of Lichfield's manor of Prees which adjoined Hill's. home estate at Hawkstone. His family had leased the manor since 1767 but now Hill decided to enclose it. He immediately obtained an act for several local commons of 2,550 acres with his brother and heir, the Reverend John. They received 1/14, all pools and fisheries and all squatter encroachments. These remained intact in Prees but according to Whitfield they were destroyed in other townships involved. However in view of Hill's noted paternalism this would be surprising. The act also allowed exchanges to be made to consolidate estates. The act cost £3,000 which had to be raised by sales. There were 161 acres offered for sale which were "very eligible for the Augmentation of Church Livings". It seems the act may have been connected with the building of the Citadel as the agent's house and the changes in the landscape gardens before 1806. Perhaps in connection with this, 1,000 acres were privately enclosed by agreement including Hadnall and Marchamley Woods, Igthfield Heath and Cotton Wood which closely adjoined Hawkstone. Certainly the creation of a lake in the park about 1795 was done to provide work. The act also allowed Sir Andrew Corbet (1766-1835) who inherited his uncle's estates at Acton Reynold in 1796 to reshuffle his entailed estate and sell part of it. Having thus raised capital, he determined to enclose his townships. He surveyed his estates and found 2,380 acres might be enclosed for him but tact and caution were needed with smaller owners opposed to enclosure by act. Thus in 1797 he enclosed eight townships by act but four others were enclosed by agreement to reduce costs. This seems to have been linked to the destruction of Acton Reynold village, a new turnpike skirting an extended park of 381 acres and the enlargement of the hall which occurred by 1810. The removal of the village may have been aided by a clause granting all encroachments over 20 years old to the lord. The improved estate seems to have contributed to Corbet obtaining a baronetcy in 1808. A dispute in the Prees enclosure between Hill and Sir Corbet Corbet of Adderley about the manor of Moreton Say seems to have led to another act for the adjoining commons at Stoke-upon-Tern in 1800 where the Adderley estates of 8,000 acres were situated. This seems to have been motivated by profit; in 1799 Corbet Corbet was unpopular with his tenantry for his "rapacity". <sup>37</sup>
1795	Great Barr, Staffs.	Sir Joseph Scott - Scott (1752-1828) inherited and spent three fortunes. He gained control of his growing family estate from his grandfather, a wealthy Birmingham linen draper of Nether Hall, Great Barr, in 1773. After his marriage settlement, his estate was worth £26,882. In 1777 he began the building of Barr Hall as a mansion suited to his future status. He proposed to enclose Sutton Coldfield Common in 1778, the year before he was High Sheriff. He anticipated inheriting Hoo's manorial and other estates through his wife, and wanted freehold control of lands around his park and to improve them by liming. Already in 1772, Thomas Hoo had petitioned to amend a turnpike act to allow him to continue to send lime free from his Hay Head limeworks, opened in 1770, to encourage agricultural improvement. However Scott's finances were overstretched and in 1782 he had to put his estate in trust for his creditors' benefit. He leased Nether House to Samuel Calton for 21 years where some Birmingham Lunar Society meetings were held. In 1792 Hoo died and the two heiresses through whom Scott hoped to inherit established their claims which improved his financial prospects. He would have known of Young's advocacy of enclosing wastes near the growing market for food in Birmingham and the Black Country. He obtained an enclosure coupled with building a canal from Hoo's coalworks to the Hay Head works and then improving the 2,500 acres of



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Great Barr, cont.	<p>old enclosure and 3,000 acres of wastes in the manor. A canal was essential to carry the heavy lime; without it, "the Spirit of Improvement" involving liming "which is now become of such general Use in the Improvement and Cultivation of Land... so essential to the Wealth and Prosperity of this Kingdom", would be impossible. He was motivated not just by a wide vision of improvement but also to increase coal and lime royalties and farm rents to fund the creation of a park and mansion fitting his social ambitions. He began improving and extending the park and in 1795 Repton planted Merrions Wood and some allotments. Some old enclosures (immediately let back to him) were exchanged for the Chapel Hills from the Church trustees and were used for the Queslett Lodge and an oak plantation. He contributed £1,750 to St. Margaret's Church which adjoined the Merrions Lodge avenue to his park from the Walsall to Birmingham turnpike. He also made a third lodge at Hollywood which led to the house past a serpentine pool. The old narrow road was replaced by a spacious turnpike from Sutton to Dudley running past the Queslett and Hollywood Lodges. By 1801 he had removed some of Repton's injudicious plantations on knolls. He planted much of his side of Barr Beacon with trees around a grove specified in the act on top of Barr Beacon to be allotted to the ladies of the manor. Such groves on prominent hilltops were observable status symbols. The Scotts in total received 1,038 acres; however the speculation failed. In 1843 much of his land remained open sheep walk with some woods whereas other land had been successfully cultivated. In 1803 Carpenter noted that liming together with good rainfall and lack of pests had led to a good turnip crop. Around 1802 the Hay Head estate was apparently sold to John Wilkinson. Scott used the Beacon for military exercises in 1799 and in 1800 he pacified the hungry Walsall mobs by promising cheap corn. This was the role he aspired to and the need to feed his locality may be another reason why he wished to cultivate his wastes. He was MP for Worcester from 1802 to 1806 when he became a baronet. In 1810 his debts led to a case for default of payment for buildings made in 1778. In 1825, the money for the growing timber taken in the Chapel Hills exchange was demanded from Scott who refused to pay as he had contributed to the Chapel. He apparently had to live abroad for a time and it was claimed that an uncle who was going to have left Scott his fortune cut him off without a penny and gave the money to Shustoke. The debts seem to have led to his running the estate by 1822 and treating his tenants harshly.<sup>38</sup></p>
1795	Newton Regis, Warks.	<p>A, C - <u>William Phillips Inge</u> - He inherited the Thorpe Constantine estate in 1785 including a <math>\frac{1}{3}</math> share of Heath and the 600 acres in Newton Regis open fields but failed. In 1794, Sir Francis Burdett sold his <math>\frac{1}{3}</math> share of the manor to Inge. This seems to have enabled an enclosure to proceed and allowed Inge to maximize his allotment, thus extending his estate in the vicinity of his mansion. Inge was allotted 85 acres of Clifton Heath in Newton parish which adjoined his Thorpe Constantine estate, together with nearly 42 acres in Newton's common fields. Clifton Heath in Clifton parish was divided between Watkins and Clarke. The timing of these events indicate that the personality of Inge as an improver was crucial to the enclosure. In 1817, Pitt noted that Inge had "in his hands a large farm, which is very well managed. he has made great improvements in draining, having thereby turned cold unsound land into good turnip soil". He had large herds of long horned cattle and Leicester sheep. Thorpe is an unusual estate village established on a quadrangle with the mansion on one side, the church on another and model labourers' houses on the third side.<sup>39</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1796	Tysoe	A - 9th Earl of Northampton - Long Compton manor and 50 yardlands belonged to the 9th Earl of Northampton (1760-1828) of Compton Wyniaties. He had inherited in 1796 an estate impoverished by an election contest at Northampton which had led his father to live in Switzerland. The 9th Earl had pursued a political career as MP for Northampton since 1780. Although a Tory he had voted for parliamentary reform in 1785. Upon inheriting, he determined to improve his estate. At Tysoe, there seems to have been increased unemployment and poverty which led to panic by the 1790s. The inheritance of the 9th Earl seems to have been a catalyst in the act by which he received nearly 1,000 of the 2,600 acres enclosed. As Martin noted, the rents on this estate rose considerably as a result, whilst many smallholders like Ashby were ruined and had to sell up and poverty, after short-term employment in fencing, etc., increased. He obtained an enclosure act to commute tithes and bought up 21 yardlands in Long Compton from 10 owners which increased his allotment from 1,110 to 1,596 acres. After this, the poor rates decreased during the Post-war Depression although some rents fell 20%. He increased his purchases after enclosure according to land tax returns. This may have facilitated his elevation to a Marquisate by the Prince Regent in 1812. He sold this estate in 1820. His descendant in 1854 became the sole proprietor in Winderton - a hilly village only a mile from Compton Wyniaties - by buying out the last three freeholders of 166 acres before arranging the enclosure. <sup>40</sup>
1811	Long Compton	A, C
1854	Winderton Warks.	A, C
1796	Cartmel, Morecambe Bay, Lancs.	John and William Wilkinson - One of the most adventurous schemes of this time was to embank and drain 38,710 acres of Lancaster sands. Proposed since the mid-1700s, it was widely supported as it would convert "a general nuisance" to something "beneficial to the community" and would also open up Furness to development by a road on the embankment to Lancaster. It would increase the land available, reduce prices for the poor generally and provide work for many thousands. Another incentive was that reclaimed coastal sands would be tithe free and thus reclamation schemes would be more likely to pay. John Wilkinson, of Castlehead, a partner in the famous ironworks partnership, investigated the scheme and offered £50,000 towards its £200,000 costs; but in 1794 "these patriotic and public attentions" failed as manorial lords would not invest in the scheme but would not relinquish their claims and owners of fisheries would not be bought out. The Wilkinsons were innovative and ambitious businessmen who, like many wealthy entrepreneurs, believed that they could repeat their success in agriculture. The owners in Cartmel, led by James Stockdale, then proposed their own limited scheme to embank the marshes and enclose the commons and wastes which were subject to encroachment. High poor rates were another concern here and so arguments about increased employment would be influential too. Stockdale advanced money for the act and later costs, kept accounts and did most of the work after 1804. The work was paid for by selling about 1/5 of the 12,760 acres enclosed for £18,437. Stockdale, the two Wilkinsons and other large owners bought plots. Although 100 people received allotments, 10 got the lion's share. The surplus of £6,000 required an amendment act in 1808 to allow the proprietors to divide the proceeds. Lord Frederick Cavendish used many of his allotments to extend his deer park and as plantations to ornament his home, Holker Hall, and ensured the road was moved away from the park. William bought land on Winder Moor, built a large farmstead and forced the authorities to build proper roads. Although the embankment was improperly made and 230 acres were washed away in eight years, the scheme brought great benefits to the local economy and allowed the population to increase and ended the ague, but poor owners suffered and many lost their land according to the land tax returns. The scheme encouraged Stockdale to make another embankment on Winder Moor which was destroyed by the sea in 1828. Other similar acts at Egton-cum-Newland (1802) and agreements at Salthouse (1814) followed the examples of this act. <sup>41</sup>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1797	Bedford	C - Samuel Whitbread II - Samuel inherited these estates from his father in 1796. He had built up his property here by purchases financed by his brewery profits. Immediately upon inheritance he put forward three bills to enclose land near his estate at Southill. His motive appears to have been to facilitate his acquisition of land to form a large compact estate. In 1799 he obtained an amendment to the Southill act to allow him to exchange with Lord Ongley. Ongley gained land in his home estate of Warden; Whitbread received Ongley's land in Southill. Lord Ongley created a model picturesque village at Old Warden whose inhabitants had to walk about in tall hats and red cloaks to people this landscape suitably. Some agricultural change did result from enclosure; the Bedford act led to 450 acres being converted to arable. Although Whitbread had a home farm of over 500 acres at Southill, built model cottages and was interested in agricultural improvement, his political career came first. His motives appear to have been the desire for status. He used enclosure to build a consolidated model estate using improved methods around his mansion. He spent £54,000 on rebuilding Southill between 1795 and 1803. Such an estate was a necessary accoutrement for anyone with political and social ambitions - especially as he wished to establish himself, a nouveau riche parvenu, -as a member of the landed elite. <sup>42</sup>
1797	Elstow	
1797	Southill	
1802	Cardington	
1814	Potton	
	Bedfordshire	
1800	Zorebridge, Staffs.	Zorebridge, near Stafford, was part of an area liable to flooding from the Sow and Penk between the Staffs. and Worcs. Canal and Stafford. In 1798, there was a proposal to carry a branch canal by aqueducts over this area. This may have been linked to drainage proposals but the potential danger of this measure to the meadows led to the landowners' opposition and the building of a railway to carry coal. The landowners were engaged in complicated discussions with millowners about altering water levels to end flooding whilst compensating them for loss of power. There were considerable legal problems and disputes about rights. The landowners originally intended to buy Lord Talbot's St. Thomas's Mill but eventually agreed to reduce the water level and build a larger wheel which was included in an enclosure act. The act enclosed 168 acres and protected 827 acres. The <u>Staffordshire Advertiser</u> commented upon this "public improvement" by building a cast iron aqueduct to discharge stagnant water. This would allow over 500 acres to be improved by at least £1 an acre. No work could be of "greater national importance" by releasing pasture land and thus allowing the arable uplands to grow grain. To this lack of pasture and pressure on arable "may be attributed the late unhappy scarcities of grain and bread corn". The works were soon completed but the deaths of commissioners, difficulties in assessing the apportionment of the costs of £10,000 [eventually met partly by sales] and as some owners saw it, the commissioners' deliberate delays to increase fees, led to an award only being executed in 1851. <sup>43</sup>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1801	Weald Moors, Shropshire	<p>2nd Marquess of Stafford - This was the project of the heir to the Gower estates, the future 2nd Marquess (who ran the estates from 1788), and the estate agent, John Bishton, an agricultural improver and industrial entrepreneur, and a great advocate of wastes enclosures. The 2nd Marquess was a noted improver, which was the true motivation for the large-scale social and economic engineering which led to the cruelties of the Sutherland clearances. He also wanted to use his life enjoyment of the Duke of Bridgewater's estates before his second son inherited to develop an even wealthier inheritance for his eldest son. The Weald Moors were 1,200 acres near Stafford's home estate at Lilleshall, composed of black peat on saturated red sand. It was used as summer grazing but rain led to it and 600 acres adjoining being flooded leading to the inhabitants often suffering from ague. The drainage was poor due to the crooked strines, the want of level to drain it and the River Tern being pounded high by mill pools. As most of the land belonged to Lord Stafford and thus he bore most of its expense, Lord Stafford chose the surveyor to do the work. Wordie states that the act dealt with 750 acres of commons of which 600 were allotted to Stafford although 1,200 acres in total were improved. Bishton built a new level to below one mill pool, straightened and embanked strines. Bishton's plan was judiciously conceived but after his death in 1803 the work was poorly done by the surveyor and costs unnecessarily increased until 1815 when James Loch was agent. He encouraged the 2nd Marquess's schemes for improvement not only here but around Trentham (at Newcastle and Tittensor) and in Sutherland. The depression in the iron industry threw many workers on to the rates and thus effectively on to the Marquess's hands as chief landowner. Rather than pay poor rates for them to do nothing, Loch (as he wrote to the Marquess) employed them in drainage works, quarrying and road building on the Weald Moors. A new surveyor, Lewis, was appointed who reduced expenses and put it all in better order. Wind breaks were planted and the lands were rapidly improved by 1820, "becoming equal to the best meadows" on the estate. Problems with George Bishton, who succeeded his father as commissioner, in approving works done by agreement between the Marquess and other owners, led to no award being executed by 1828. Thus the act owed its origins to the desire for improving commons and wastes in the vicinity of a large owner's home estate but was completed due to the desire of the 2nd Marquess - under Loch's influence - to improve his estates and provide employment to avoid social unrest.<sup>44</sup></p>
1801	Needwood Forest, Staffs.	<p>Matthew Boulton - The Crown's 1778 enclosure proposal from concern about poaching and harm to its rights was rejected due to the influential local Tory lords, Bagot, Vernon and Talbot, who favoured a regulatory measure for stock rather than an enclosure and conversion to tillage. Boulton was the most influential lobbyist of the time and was the main reason why this act was obtained although he was not a freeholder. He chaired a committee for the act and wrote to the future Lord Liverpool to enlist his support. His motives, shown in the declarations of the public meeting he chaired and both public and private letters were a mixture of philosophical belief and enlightened self interest. He claimed that stinting would not be properly observed and that damage by deer would continue and pasturage would not be increased; "neither will it contribute one additional penny to the National Purse" - a reference to the physiocratic argument for enclosure as it increased the taxable land. Pitt in 1794 claimed its enclosure would add £147,000 to the national capital and increase its annual product to £40,000. Boulton believed</p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Needwood Forest, cont.	<p>the land's value would double. He also saw other economic benefits, influenced by Adam Smith's <u>The Wealth of Nations</u>. This and other waste enclosures would reduce the imbalance of corn trade which was now "more than 1 million per annum against this country - whereas in former times it was often more than half that sum in our Favour". Around 1775 corn imports were 162,000 quarters a year; now they were nearly 900,000 quarters costing £5.1 millions. This mercantilist view was taken to its usual political conclusion; it would prevent Britain being "at the Mercy of her Neighbours", i.e. Revolutionary France. His personal and political reasons came from this fear. An act would benefit both public and claimants by releasing 9,400 acres of "valuable fertile land" "sufficient to produce Bread for 35,000 persons p. annum" near to "several... manufacturing towns in the Co.s of Stafford, Derby and Warwick. From the present scarcity and dearthness of Corn and all other provisions which pressure upon the public may in some degree be accounted for by the inadequacy of yr lands now in culture and to produce even in a plentiful season the necessary supply as these are". "The distress of last winter" from this reason "is fresh in the memory of every one of us". He felt it unimportant whether the scarcity was real or "the designs of avaricious and evil-minded men". He felt the King, from "the great Attention which he has always shown to the Improvement of Agriculture" and all men would support this "great National Object - the Adoption of which is loudly called for by the distresses of our Fellow Countrymen". These quotes hint at his political and commercial fears rather than any real concern for his fellow Britons. In the 1791 Birmingham riots his house was threatened; there had been bread riots in Birmingham since. Apart from the pressure high prices would exert on wages, such threats to the social order were obvious to those that had seen the French Revolution develop from bread riots and who feared subversive plots to blockade, forestall and regate. His social objections to wastes, as shown by his opinions about Handsworth and Sutton Coldfield, were again shown about the Forest which, if left open, "will still remain a nursery for poachers and deer stealers". Already by June 1800. 2/3 of the freeholders had consented; their motives are impossible to ascertain although they were probably merely hoping to profit from higher rents for arable land. It took all of Boulton's influence to obtain the act with 21 opponents in the Lords' Committee. Many like Sir Oswald Mosley thought afterwards that the land was unfit for tillage and should mostly have remained wood; he criticised "a kind of enclosing mania" since 1780 to convert any land thought capable to tillage to feed "an increasing population". Some land was used for villas and small mansions.<sup>45</sup></p>
1802	Whatcote, Warwickshire	<p>A, B, C - James Graham - The 9th Earl of Northampton (qv) sold the manor, advowson and 538 acres in 1801 possibly to fund improvements at Tysoe and adjoining his home at Compton Wyniates. "The greatest part... is in an open field state and capable of considerable Improvement by an Enclosure". It was purchased by Graham who immediately obtained an enclosure act. He received "reasonable satisfaction" for his manorial rights on the common. He was also allotted 1/5 of the arable, 1/8 of the pasture and yearly rents for old enclosures (from those with insufficient common land allotments) for tithes. By 1826 the estate had passed from Sir James (as he became by 1817) to Sir Adolphus John Dalrymple.<sup>46</sup></p>



TABLE 27 - ENCLOSURE, "TERRAWANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1803	Inglewood Forest, Cumberland	<p>A - <u>Duke of Devonshire</u> - The Duke of Devonshire bought the lordship of the 28,000-acre forest with all of the late Duke of Portland's property in the county. Half of Penrith parish was part of this open forest and the landowners petitioned the Duke to enclose in 1800. The motive according to their letter was "the alarming scarcity of corn and hay" which had been felt to a varying extent for many years. This had "forcibly stimulated a wish long generally entertained by the inhabitants of this Town that the very valuable and Extensive Wastes... should be converted from their present comparatively unproductive state into that of Cultivation and Improvement". These concerns would influence the Duke who wanted to maintain not just his political influence but his very position as a member of a privileged elite. Once he had agreed, the bill faced opposition from the Forest's landowners about the proposed basis of the apportionment. This was intended to be "in proportion to the poor rates and thereby to allow the inhabitants of the large and populous market town of Penrith for... their several Cottages, Houses and Shops... rateable to the Poor, equally ad valorem with the Proprietors of Lands". The enclosure seems to have set in motion other improvements in Penrith with a new shambles in 1807 and grandstand for the racecourse in 1814.<sup>47</sup></p>
1804	Shuttington, Warks.	<p><u>Samuel Pipe Wolferstan</u> - Arthur Young's views influenced many owners like the radical Samuel Pipe Wolferstan who wanted an act here anyway to extend his estate in that area by exchange with Lord Essex and to obtain a new road from near his mansion house at Statfold Hall to the village of Shuttington. He had been prepared to insist on these two conditions, but Claridge, Essex's agent, refused to commit Lord Essex to the exchange. He wrote in his diary "thought I'd e'en write I give up expectation [of the exchange] and accordingly reconcile mind, ask his Lordship pardon, and intimate lustily I should not sign [my consent] or take further part [in the enclosure bill]; but (from perusing this very day sentiments of Ar. Young on Wastes) subjoin I'd co-operate heartily and unconditionally if Act taken up anew on plan of giving spots to the poor". He then saw Essex's local agent "T. Willington who ... cried Well I see you don't mean to sign the petition, talked again of his persuasion of lord Essex's and Claridge's accommodating disposition - same time dropped not a hint condemning me, but said t'would perhaps be best to defer for this year". He disagreed with Wolferstan that the resolutions threw "Lord Essex's 2 farms in hotch pot under discretion of Commissioners; at any rate, they will never deem Coppnals in way of the enclosure - T. Willington repeated 'public good' and was little apparently impressed by my ideas from A. Young". He saw soon after a letter from Claridge to Willington saying "I apprehend Mr. Wolferstan will sign petition - have a letter from him seeming to wish allotments for cottages" and seeming to accept the principle. The act went ahead the year afterwards and included tithe commutation for land. Wolferstan alone had insufficient land to block an act but although he got his road, there was no specific reference in the act to the road or the cottagers' allotments.<sup>48</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1807	Traeth Mawr, Caernarvonshire	<p>W A Madocks - Madocks (1773-1828) was a lawyer who became MP for Boston in 1802. He was interested in political reform but in Beazley's opinion his "moving spirit" was "eighteenth century improvement rather than nineteenth century reform". He used an inheritance to buy Tan yr Allt estate in 1798, poor land with an annual rent of £221, adjoining a sandy marsh called Traeth Mawr. He seems to have bought it as it was relatively cheap land in unsurpassed scenery with boundless opportunities for agricultural improvement. He was probably influenced by the Fenland reclamation he witnessed about Boston. Also although he admired the rugged mountain scenery he also wanted to convert the marshy valley into a pleasing enclosed landscape. He recovered 1,082 acres of his freehold at Penmorfa Marsh in 1800 by an embankment costing £2,800 which was used for cereals. This was praised by the Rector of Penmorfa because during the scarcity of 1800 the work kept 200 men off the parish while others starved. Encouraged by this, he projected the wholesale improvement of Traeth Mawr - an embankment to create a huge new area of arable farmland, a road across the marsh, a market town and a canal to the sea to transport food. There had been schemes for this since the 1600s but Madocks was a catalyst and had even wider ambitions. He encouraged turnpikes and the development of Porthdinllaen Harbour to try to secure the Irish ferry trade for Southern Caernarvonshire. He sold off his inheritance from his mother in 1804 to fund his schemes. In 1805 he began to build a market town at Tremadoc with all the necessary public buildings and a race course. There was a wool factory, fulling and corn mills to process the expected increase in local produce. It was connected to the sea by a canal. In 1806 his petition to embank and enclose Traeth Mawr failed, due to the deaths of his engineer and Madocks' brother, a major backer. Nevertheless in 1807 he promoted two acts - one to build a harbour at Ynys Cyngar to serve Traeth Mawr [47 Geo III c 71] and one to build a 1,600-yard embankment to enclose and drain 3,042 acres. He would build the embankment in return for 1/5 of the rent of the land reclaimed. The land was to be allotted to owners of common rights on the adjoining marshes. His calculations of profit were based on high expectations of 40s an acre rents based on reclaimed Lincolnshire pastures. The embankment proved difficult - rocks were brought by railway but sunk in the sands; rush matting was used as a foundation. A new channel for the river had to be dug and then the breach filled in. In 1808, he obtained an act for a road from Barmouth with a bridge over Traeth Bach to link with the road across the embankment. His "stupendous public improvements" in improving communications with Ireland (part of the UK under the 1801 Act of Union) and reclaiming land "at an immense expense" won him considerable praise. "This patriotic undertaking" was completed in 1811 for £100,000 - much of it borrowed, including £30,000 from Girdlestone. In 1812 the wall was breached; it was repaired but the extra debts led to Girdlestone's imprisonment for debt; Madocks was safe as an MP and married in 1815 a woman with a private fortune. The new channel had scoured out a deep water harbour. In 1821 an amendment to the embankment act allowed quays to be built at Port Madoc for the local produce and for the slate mines at Pfestiniog. It also granted him 1/5 of the land reclaimed instead of 1/5 of the rent; as the land still had not been divided, it was still undrained and unirrigated. The port prospered, especially after a railway was opened to Pfestiniog after he died; but the land was never reclaimed.<sup>49</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1808	Charnwood Forest, Leicestershire	<p><u>Earl of Moira</u> - Only a week after the 1800 county crisis meeting about the lack of corn, the Lords of its last large waste, Charnwood Forest, promised an enclosure act if the proposed general act much discussed since 1797 failed. This response to a petition of 400 freeholders of 1796 was really occasioned as "the pressure of the times seems now more than ever to call for" an enclosure. The leading mover was the Earl of Moira who had ordered his tenants to follow his example and thrash their corn to supply the local poor. All were aware of the situation's gravity; the Earl of Chesterfield wanted to pass the winter at home as "in times like the present, nothing is likely to preserve the interior peace of this Country as the residence of persons of fortune on their estates" by relieving the industrious and deserving poor. Simmons' plan for fixed corn prices to avoid "the dreadful evils under which we now labour and which bid fair without early and effectual remedy to shake our whole society to its foundations" was opposed by Moira who did accept that the county "scarcely produces one fourth of its annual consumption" of grain. Disputes about each manor's rights had prevented previous agreements. In 1802, Moira paid John Claridge, a London land agent, to report on the prospects for enclosure; his report did not mention profits at all. Claridge was surprised "that in these times of countenance and support given to Improvement in Agriculture, Commerce and Manufactures" that 18,000 acres where land was so valuable was unimproved. Hoping for the commission he eventually got, he felt its enclosure, drainage and cultivation "eminently deserve Your Lordship's Patronage and Attention as an Inhabitant of Leicester, and from a national point of view as a zealous Patron of everything tending to the Welfare of your Country". Moira was an enlightened Whig improver who had already enclosed and developed Ashby Woulds and promoted the welfare of his local country and this argument was likely to elicit his support. Claridge believed an act would lead to 10,000 quarters of wheat per annum within seven years from 16,000 acres in a four-course rotation. In this industrial area, this "Advantage" should induce all to support the measure; the markets of adjoining towns would be well supplied with grain assisting "the Commercial World in supplying all those Persons who might build and reside on the waste". More work would be created and the rates reduced; tax revenue would be increased from duties on produce "as well as the probable increase from new settlers thereon". He believed that minerals would be found and their very mention implies that an act would aid their development. Enclosure might also help revive the unfinished Charnwood Forest Canal serving pits north of the forest. Moira now supported an act but it was a complicated and expensive business; after two failures in 1805 and 1807, the 1808 act's public costs including many legal disputes, were over £70,000 to enclose 12,000 acres. One claimant fearing the costs "would nearly devour the whole forest, sold his right thereupon for £1"; however his fears were exaggerated; the purchaser was awarded 6 acres and 2 perches. Thomas Gisborne, a lawyer, built Charnwood Lodge and planted the grounds called Gisborne's Gorse on part of the newly-enclosed land.50</p>
1808 1815 1818	Great Forest of Brecknock	<p><u>John Stewart/John Christie</u> -The Commissioners of Woods and Forests were trying to maximize their income by enclosing their properties and leasing or selling allotments. The Forest was 40,000 acres, largely barren and mountainous upon which neighbouring owners had common pasture rights subject to small fixed fines and was much encroached upon. In 1794 an act had been obtained to improve the Crown's revenue from the forest. In 1808 an enclosure act was obtained to secure an allotment for its rights to be used for sales and a 2,000-acre oak plantation. The investment of the proceeds of the sale in 3% Stock was predicted to be more remunerative to the Crown. A full enclosure and division was felt to be too complicated and potentially expensive and in 1812 the Crown was advised to sell its interest.</p>



TABLE 27 - ENCLOSURE, "TERRANANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Brecknock Forest, cont.	<p>However, local opponents brought court cases in 1813 about their "claim of Homages for unlimited pasture". An agreement was reached to limit these rights and thus their claims for land, "to depasture as many cattle as they could maintain in winter in their respective occupations". A local owner, Colonel Wood, suggested that after sales to defray costs, the Forest be divided with half to the Crown and the remainder to the commoners. This was the basis of the 1815 act. It was subsequently said that without this compromise, "the expenses would have swallowed up the whole concern of 40,000 acres". The commoners realised that if they had their allotments in severalty, the costs would lead to large scale sales which would make their allotments too small to be worth fencing. Thus they agreed in 1816 to have a stinted allotment so long as the Crown's allotment was in the remote heights in the centre of the Forest. To confirm this agreement and extra sales to cover the costs, an act was obtained in 1818. The Crown allotment of 13,760 acres was sold in 1820 to John Stewart, a London merchant nominated by John Christie of Mark Lane for £16,330. The commoners had their grazing rights reduced from 40,000 acres to some 17,000 acres over which the Crown still claimed manorial rights. The act reduced the value of their farms - up to <math>\frac{1}{3}</math> in some cases - in two ways; the pasturage was limited and, after the sales of the lowest land to defray costs, many farms were cut off immediate contact with the hills. Christie also encountered great difficulties as the Crown allotment was over 2,700 feet high. He enclosed the land with high walls, drove out the mountain sheep and introduced an "improved" breed which could not survive the harsh climate. Christie's large fortune was wasted and in 1827 they had to sell their allotment due to bankruptcy. Cowling felt that Christie had gone about it in a "speculative" and "improper mode". As at Exmoor "an individual comes down himself, not acquainted with the subject and employs persons who have no interest in it and possess no local knowledge". He felt only men of considerable fortune who could pay considerable personal attention and use local knowledge could succeed. By 1844 a company bred mountain sheep on the former Crown allotment; it was little planted and little altered from its original state. A Scotsman purchased a good deal of former forest land and used a Scottish system with turnips but found it difficult to get oats to ripen due to height.<sup>51</sup></p>
1809	Leaton St Mary's, Shropshire	<p>A, D, E - <u>Francis Lloyd</u> - By 1805 an agreement had been made to enclose both Leaton and Bomer Heaths. However a claim was resisted and necessitated an act for 223 acres in Leaton manor which included part of Bomer Heath. The commissioner disallowed claims from the Murrington owners for 332 acres as well as those from other townships and several objections about manorial boundaries. He invited the Murrington owners to "try your cause at law". Lloyd, who was lord of Leaton manor, bought 19 acres for £1,230 and received 81 acres adjoining his estate. Francis died in 1814 (the year after the award) and John Arthur Lloyd (1787-1864) inherited. His brother had lived at Domgay in Montgomeryshire. In expectation of his inheritance Lloyd had already (in 1812) bought Jeffreys' estate between the heath and the River Severn to build a mansion called Leaton Knolls. He used this and some of his inheritance from Francis for his park and his plantations extended on to Leaton Heath. After a dispute in 1834, he got the quarter sessions in 1846 to allow him to move the Baschurch Road away from the river to extend his park and had bought up all the other freeholds in the manor - such as Price's in 1841. The former Leaton Hall became a farm and he built a school in 1828 and a church in 1859. The enclosure was motivated by problems over intercommoning and an act was needed to define rights legally. However the release of freehold land enabled the heir to create a single owner improved estate with a mansion and park.<sup>52</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1810	Slapton	A, D - 7th Earl of Bridgewater - The 7th Earl (1753-1823) inherited the 3rd Duke of Bridgewater's estates
1821	Ivinghoe	at Ashridge and Ellesmere in 1803 and also the Duke's shares and annuities of £600,000. The Duke had landscaped Ashridge and its 986-acre deer park between 1759 and 1768 as a future residence but when his marriage fell through he concentrated upon his industrial activities at Worsley, Lancs. The estates remained unenclosed and backward. The 7th Earl was a Tory and obsessed in restoring the family's status and hoped to create an estate with this wealth to merit a marquise or even a dukedom. Therefore he pursued a policy of large-scale investment in acquiring and improving his estates. He spent £300,000 rebuilding Ashridge House. In Buckinghamshire alone he bought at least 5,004 acres for £144,787. In Bedfordshire at least 736 acres were bought between 1813 and 1853 for £23,235. In Hertfordshire he bought the manors of Berkramstead in 1807, two at Studham in 1808 and 1815 and Puttenham in 1810. In the latter case, as at Pitstone, Cheddington and Edlesborough, the purchase was followed by enclosure. In 1809 and 1819 the purchase of manors at Ivingoe was followed by enclosure and here and at Slapton, acts were used as a means to acquire land. When he died his wife, as life tenant, and his trustees continued this investment. They were said to be investing £20,000 a year in the family's 20,000+ acre estate but even so the estate was "a very low letter of land". The 7th Earl entailed the estate to his niece's son, who was already a Lord in his own right, provided he was raised to at least a Marquisate within five years. This unusual condition demonstrates the Earl's motives. His niece's grandson challenged his stipulation in the courts and inherited the estates by taking the surname Egerton. This formed the basis of the large Brownlow estate which led to the family's elevation to the Earldom.53
1853	Pitstone	A, D
1853	Cheddington	A, C
1856	Edlesborough Bucks.	C
		A, C
1814	Puttenham, Herts.	A, C
1810	Kidlington, Oxfordshire	A, D - George, 5th Duke of Marlborough - Young criticized the backwardness both socially and agriculturally of this village. An inefficient four-course fallow rotation was used in the open fields of this village through which ran the Oxford Canal since 1790. The arable fields were common after harvest and Campsfield Common was used for sheep in the winter and cattle in the summer. The common was infested with footpads and highwaymen and was shared with Thrupp manor. At the time of the act the 4th Duke of Marlborough (a Foxite Whig) had owned the manorial estate for 52 years and was 71 years old. Neither he nor his estranged son appear to have been behind the act, but other owners, like William Turner of Shipston on Stour, who extended his maisonette's small park by buying eight cow commons (worth £60 each) and 14 sheep commons from small owners unable to pay the costs. However in the 1818 award the 5th Duke received most of the common and later bought Turner's property. By 1831 the common was a highly cultivated area with its substantial residence and cottages erected by the 5th Duke of Marlborough (1766-1840) who lived at nearby Blenheim Palace. He inherited in 1817 but was a notorious spendthrift and spent lavishly on his gardens and library. In his latter years he "lived in utter retirement at one corner of his magnificent palace, a melancholy instance of the results of extravagance". The 4th Duke inherited estates of £70,000 a year and £500,000 in cash. But a quarrel between his wife and his eldest son led to the unentailed estates being settled on the second son and a small annuity. This led this extravagant man to borrow from Jewish money lenders at ridiculous terms - he borrowed £50,000 on the payment of £150,000 upon his inheritance. The entail ensured the estates remained intact for the 5th Duke's successors - however he did try to fell timber on his estate at Blenheim for cash despite a Chancery case by the trustees of the entailed estate in 1818. In 1819 a Chancery injunction did prevent him selling the plate left in trust by his father's will. Despite this he appears to have been behind the improvement - perhaps as a desperate means to improve his income. More research would be needed to prove this.54



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1812	Great Limber and Brocklesby, Lincs.	<p>A, B - <u>Earl of Yarborough</u> - Charles Pelham of Brocklesby (1749-1823) inherited his father's estate in 1758 and his maternal uncle's estates in 1763. He was said in 1780 to be "one of the richest commoners in England" who had large estates and electrical interests at Grimsby and Beverley. He obtained a baronetage in 1794. He came of age in 1770 and imbued with the "Spirit of Improvement" according to Reed immediately began restructuring his 55,000-acre estate. "Capability" Brown was engaged at once and produced a plan for "Disposing of the Plantation in the Estate of Great Limber and Audleby". He remodelled the hall and park but the huge scheme of planting envisaged by Brown only began in 1788 and was completed in 1823. He planted 100 acres per year up to 1798 - but this pace slackened as he had covered nearly all the land he had envisaged. The main belt of woodland ran for 10 miles from Brocklesby park to Fonaby Top in Great Limber, the highest point on the Lincolnshire Wolds. Here the Pelham's Pillar was erected which is still visible from any point of the Pelham estate and records that 12.5 million trees had been planted. About 1794, Repton was engaged to redesign the park. The forest had not really been planted for profit - "till the Railways came" the estate "had been obliged to burn much or leave it to rot". The enclosure of the home parishes (including provisions for tithe commutation) in 1812 was apparently intended to complete this process of landscape improvement although exactly how would require study of the enclosure award and a subsequent OS map. However by 1856 the estate contained about 7,000 acres of wood which had principally been planted by the 1st Baron and by 1889 17½ million trees had been planted in 8,000 acres of ornamental and commercial woodland. Baron Yarborough was noted as a liberal landlord. In 1850 Caird noted the estate's farms had been "held by the same families for generations". All his cottagers had a cow and a garden. His tenants from the war period could count their profits in thousands of pounds per year and lived like gentlemen with the 2nd Earl even allowing the tenants the privilege of game. In the later nineteenth century, Wright bought the entire parish of Wold Newton from the Earl for over £100,000. These profits resulted from low rents, the high corn prices and two phases of enclosure. The first phase undertaken by the 1st Earl was before 1800, and involved the enclosure of peripheral low-lying estates; and the enclosing and ploughing of huge areas of the gorsy Wolds for arable and turnips to maintain mixed farming based on sheep between 1809 and 1814. The family tried to prevent wool imports and allow wool exports before 1825. The 1st Earl continued his father's improvements by enclosure, the creation of five brick-yards to provide drainage tiles and bricks for large numbers of estate farmsteads, cottages and schools (all bearing the family crest). These buildings were far more lavish near Brocklesby than those further away. This was partly financed by mortgages from John Burcham of Coningsby, the wealthy estate agent and commissioner, paid £2,000 a year by the Earl. Pusey in 1843 compared the enclosure and improvement of 30,000 acres of gorse into turnip land as "equal in the spirit, magnitude and rapidity of its improvement to the well-known estate at Holkham". In the late nineteenth century, financial problems (including the loss of £34,000 to a decamping Queen's Counsel in 1861) led to the sale of outlying estates. The family still occupy the estate. The desire for rational improvement and an estate whose appearance would fit their status as the leading family in North Lincolnshire and whose rental would finance their ambitions underpinned their activities.<sup>55</sup></p>
1813	Winterborne Konkton, Wiltshire	<p>A, B, D - <u>E L Popham</u> - Popham already had a 640-acre old enclosed farm before the enclosure. He received 453 of the 905 acres enclosed by the act which Lavrovsky associated with the disappearance of peasant owners. Without citing his sources, Lavrovsky states that Popham was "a gentleman" who became "a big farmer" after the enclosure. Following the enclosure there were three large farms - the Manor, the Parsonage and Brown's. The latter was bought and absorbed into the Manor farm about 1850 and this was divided into three farm units by 1861.<sup>56</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1814	Hardiwick Heath, Sandon, Staffs.	<p>A, C, D, E - Earl of Harrowby (1762-1847) - The Ryders made their fortune from the law and in 1776 estate for £70,000 as a fitting seat for his new status. He bought more land to consolidate his estate, funded by mortgages, and he rebuilt Sandon Hall on a hilltop with plantations. His son carried on the policy after 1803. Harrowby was a Tory cabinet minister from 1812 to 1827 but he did support liberal and reforming legislation and was a key figure in influencing Tory lords to allow the 1832 Reform Act. His politics reflected his attitude to his estates - of improvement but of keeping his tenantry at a distance and out of sight behind plantations. An enclosure agreement for the common was proposed in 1770 due to "many encroachments" and illegal pasturage "for want of proper Gates" but failed due to the Lord's insistence on his man being sole commissioner and a larger allotment for his warren. This led to more encroachments and so the freeholders asked the new lord in 1777 to enclose; but the Ryders waited until they owned nearly all the land in the manor. From 1806 to 1810 an exchange was negotiated of Harrowby's land in Burston for some of St. Vincent's land in Sandon. Harrowby had insufficient land to get all of St. Vincent's land but made a point of obtaining all his common rights. Finally he purchased most of Mrs. Dickinson's Farm and 184 acres for an "extravagant" price - about £14,000. He said beforehand in August 1812 "If I get the Hardiwick Estate I should be desirous of taking steps this year for the enclosure of the common". In 1813 he proposed an enclosure to the vicar and the remaining owners. He obtained 1/18 for his manorial rights and an allotment for his warren in the 1814 act. He also received four allotments by exchange; in total he gained 85% (286.85 acres) of the 337 acres enclosed. He also received 30 encroachments including 27 houses covering 64 acres. His share of the enclosure costs was £1,850 out of £2,046. He trebled the cottage rents and commenced sizable plantations on the heath at Candlemas (February) 1815. They covered 27 acres in 1830 and were even larger by 1844 as the land was gradually reclaimed. These were used for posts and rails in 1827. He made rides through his estate and a visitor in 1819 said it was "very picturesque and as a calm, happy agricultural landscape, unequalled almost in England", although Hatherton in 1859 disliked the estate. Harrowby only bought adjoining properties in his parish (which meant by 1912 his descendant was the sole owner) as he was "so hemmed in by Grantees that there is no chance of my being able to enlarge my territory to any considerable extent and small additions (particularly to a remote corner of the estate) are not a sufficient object". However in 1847 he bought Marston, one of the grandee's estates, funded by sales of stock and a mortgage. It was worth 20% more to the Earl than anyone else due to "its contiguity to Sandon" and to augment his "territory". Harrowby had set up an Agricultural Society in 1839 and encouraged improved agriculture as compared to Giffard. By 1861 the estate was worth about £7,000 a year.<sup>57</sup></p>
1814	Penkridge, Staffs.	<p>A, C, D, E - E J Littleton - Littleton inherited these estates from his great uncle, Sir Edward Littleton, a noted improver involved in the Staffs. and Worcs. Canal and the 1773 Gailey enclosure (see Table 25 Section 4). He had built a new house at Teddesley together with a 300-acre model home farm, and bought 1,916 acres for £52,000. His interest in game rights may have been linked to his wanting to enclose the Chase but this was not accomplished in his lifetime. His heir was his great nephew, E J Walhouse, who took the name Littleton. He was an improving Canningite (later Whig) landlord who followed his uncle (MP 1784-1812) as county MP. He was famous for representing the industrial interests of the county and his Truck Act. His later inheritance of his paternal estate of perhaps 3,500 acres allowed a large estate in acreage to develop but charges to support relatives were £500 more than its rental and accumulated debt eventually exceeded its value. Like other Whigs, he wanted to improve and extend the Littleton estates of 9,500 acres which had debts of £11,085. As the Pagets would not agree to enclose the whole Chase (see below) he decided in 1814 to enclose his manors, acquire most of the land and create a huge</p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Penkridge, cont.	<p>park, home farm and improving tenant farms. By the summer of 1821, he prepared to turn "plans for improvement about my place into execution this winter, all consequent on enclosure". The commissioners would not allow him the maximum £5 per acre on his original allotment of 1,772 acres and he could only borrow £8,000. He bought enclosure sale lots at what he felt were exorbitant prices, common rights, and paid over £16,000 and gave land in exchange for Lord Anson's allotments adjoining Teddesley. Littleton believed in 1817 "to make the Estate here perfect I must continue to purchase the claims of between 3,000 and 4,000 acres of Land". He received 3,163 of the 3,517 acres or 86.3%. This cost him at least £34,373 in buying allotments, common rights and estates not including £16,000 or so as his share of the commissioners' costs. He purchased in total 3,458 acres of old enclosed land and enclosure plots at a cost of £120,000. He planted trees for ornamenting his park and estate, game and shelter, drained the land and progressively brought into cultivation by liming and turniping. This was to take over 40 years as he lacked the capital for the work and profits to re-invest were not forthcoming. He created a 1,700-acre home farm adjoining Hatherton Hall and planted his park. He used the act to close up the old Penkridge to Cannock road which passed near the hall. Sturgess notes that these changes were vital to Littleton and his wife's dreams of improvement and advanced social position. However Littleton was dissatisfied; his nominated commissioner, Wyatt, was formally appointed Lord Anson's agent during the enclosure and gave him "more than he ought to have and placed part of it close to my Farm Land"; but during the enclosure he did not wish to delay his plans. However when he discovered the expenses were £20,117, he brought a case in 1829 against Wyatt (the other commissioner had died) for embezzlement. Despite showing that he paid the surveyor (his Clerk) a high fee for his work and then pocketed most of it himself and charging double fees by carrying business over two days, the case failed. Littleton's improvements were very expensive. Mainstay Farm of 1,000 acres, including some common, had been drained, fenced and built in 1861 for £2-3,000. He drained 180 acres and used the water through a 500-yard tunnel for irrigation and a water mill. This cost £1,700 but was worth £500 in motive power. Between 1821 and 1830 he spent £65,000 on drainage - on which £15,000 or so were wasted. His work impressed contemporaries. Dyott in 1829 felt it would be a fine place in 50 years when the plantations had grown. "No individual deserves better of his country than Mr Littleton as an improver and beautifier of his large estate." However all this lost him enormous sums and he could not convince Salt, his London banker, that he "was not making an Immence Interest on my Outlay about Teddesley - no doubt there are parties who assisted in pillaging me at the... Enclosure who would gladly create a public Belief that I was making mints by what I got". He engaged in costly experiments and new inventions encouraged by his agent Bright (who was defrauding him). All of them worked but failed to make money. He left debts of £282,351. His annual spending always exceeded his income by about £3,000 but he could not stop himself. In 1839, 1840 and 1841 he tried to cut back. In 1842 he resolved not to take in new common land for two years but in 1843 he was still down £3,500. In 1851 he found he had lived within his income by £200 for the first time in his life. He admitted in 1862 to his mismanagement, "The Estate is greatly improved. No doubt - but not by economics of foregone years" for which his successors would have to pay. His continued expenditure despite increasing debts shows that profit was not really his aim. He wrote he had improved his inheritance by "labor" if that "is the name for the cultivation of soil, who only indulges his taste". "Landscape has been my great motive to farm my Common Land as extensively as I have done. Improvement of surface, Planting and Flora and Evergreens have been through life my passion and have gained for me the character of a Farmer. I could not command these objects without enclosing and improving my Land... it is the Spirit of Improvement and Order which impel me - not the Economy of the Farm". He delighted in showing visitors his improvements and his estate fitted his elevation to a peerage after being a failure as Secretary for Ireland.<sup>58</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1815	Middleton by Youlgreave, Derbyshire	<p>A, B, C - <u>Thomas Bateman</u> - The manorial estate of 1,561 acres was advertised for sale by the co-heiress of Viscount Howe in 1813 together with about 5/6 of Middleton 612-acre moor. The estate was bought by Bateman who obtained an enclosure act in 1815. He received 379 acres of the moor and 278 of the 312-acre pasture. The deficit was due to Bateman exonerating tithes by land on the moor. He received 76 acres for wool and lamb tithes but 156 acres were allotted to others. The charge on Bateman's estate for the enclosure was £1,683/13/-. Some of the moors were converted to arable but the parish was mainly pasture and meadow. Bateman and his heir were resident owners at Lamberdale House and in 1826 he erected an Independent chapel and endowed it with £40 per annum. Bateman was interested in antiquarianism and archaeology and began a library and museum, continued by his son and especially his grandson. The local tumuli and the fact it was "one of the most beautiful portions of the peak", near Stanton (see Table 26), probably influenced the purchase and enclosure to secure freehold ownership.<sup>59</sup></p>
1815	Exmoor Forest, Somerset	<p><u>John Knight</u> - It was believed in 1794 that the conversion of this "void and useless space" into "as fair a prospect as the surrounding country" "needs but the spirit and fortune of some one or more of our wealthy gentlemen". When the Crown obtained the commoners' consent for an act, its 12/22, about 10,000 acres about Simonsbath, was sold to John Knight for £50,000. It was reported that "the greater part of it is to be enclosed by a wall, in the centre of which a handsome residence is to be built. The spot affords great facilities for this purpose and will, under the judicious plans in contemplation, become an enviable possession". John Knight (1765-1850) of Wolverley had recently (1812) inherited from his uncle a fortune gained from the iron industry. He was a noted improver, having cultivated large areas of common in Worcestershire; this together with his dynamism, familiarity with business and large investments and social aspirations, explain his actions. He bought other allotments totalling 5,298 acres for £25,000 and tried to personally manage the whole as a home farm growing cereals and keeping high quality stock on an even larger scale than the Duke of Bedford at Woburn. He built 22 miles of public road and by 1824 had built a high 29-mile wall around it. However he had to abandon his plans for a house and his 2,500 acres of cereals by 1841. He had not realised the effect of height on Exmoor's climate and had not planted shelter belts. Experiments with some breeds failed. He found no lime to improve the very acid soil. His demesne farm was doomed as there was no colonization with buildings; he employed single men who slept in bothies. He and the Brecknock Forest speculators were criticized as cases where "an individual comes down himself, not acquainted with the subject, and employs persons who have no interest in it and possess no local knowledge of the country". His losses led to even larger mortgages and the failure to inherit a fortune from a cousin, T A Knight of Downton, Shropshire, meant he could not complete his great work. In 1841, his son Frederick took on this unfortunate situation; he retreated from demesne farming and began to lease land for farms. In the Orwins' opinion, despite their failed plans which included mining, railways and the usage of storage water, their work "falls definitely into the category of schemes the value of which cannot be measured by their profit to the entrepreneur. They found a waste and they and those who have followed... have established... a community of farmers as prosperous... as any in the country".<sup>60</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1817	Salt Heath, Staffs.	<p>A - 2nd Earl Talbot - The 2nd Earl (1777-1849) inherited the Ingestre estate in 1793. The family had risen from a Worcestershire gentry family in the 1700s acquiring Ingestre by marriage in the middle of the century. His Staffordshire estates totalled 7,853 acres and there was a large area of waste immediately north-west of the park called Hopton Heath which extended into Salt. His father had enclosed the portion within Hopton manor about 1787 and the Ingestre estate's rents rose from £6,850 in 1793 to £11,734 in 1807. The 2nd Earl was a progressive Tory - he was one of the first Tory lords to support Peel's repeal of the Corn Laws and he married a niece of Coke of Norfolk's first marriage. Coke's influence and Talbot's progressive Toryism explain his interest in agricultural improvement shown by his encouragement of farming whilst Lord Lieutenant of Ireland. He was interested in breeding prize stock. Originally he used tenants' capital and expertise for improvement; he had leased 948 acres to Richard Baskerville in 1805 and he spent £4,830 in 1811-12 alone on improvements. The landlord paid 10% of the costs of the Norfolk system. After the Post-War Depression, he took a more direct interest especially after his political career was cut short by his loss of the Irish lord lieutenantcy in 1821. Certainly he was not mentioned amongst the Staffordshire improvers noted by Pitt in 1817. Baskerville's farm was apparently taken over as part of the home farm; nearby Beacon Farm was already in 1817 "a model capitalist farm" run on a Norfolk rotation. Weston salt works were developed by the estate after 1820, the Brereton mines were taken over and exploited directly from 1825 and Ingestre was partly rebuilt after 1821 for £20,000. Between 1800 and 1840, £56,694 were invested in farm buildings. He also determined upon expanding the estate. Talbot enclosed Salt Heath where he was lord and main owner. Much of this land was used for plantations but also for mixed husbandry. He bought the adjoining 4,000-acre Tixall estate in 1835 which was added to his park and extended his home estate to 12,000 acres. To fund this he tried to sell 2,050 acres of outlying estates in 1844. This was also a result of his large-scale investment in farming, in drainage, stall feeding and sub-soil ploughing. Hatherton visited Ingestre's home farm in 1840 and doubted it was "properly managed - very fine and costly. But he has determined that all he has shall be the best". He doubted that the 575-acre Birchwood Park with its new road and large drained and sub-soiled fields was "repaying the expenditure". Talbot claimed his motives were a mixture of "looking after 'Number One'," but also "advancing the profession of agriculture". After his death, this was included in an attempt to sell over 3,000 acres in 1853 - to clear debts caused by the 2nd Earl and to fund the expansion of the mines by leasing Anglesey's Brereton Hays mines. This was probably also to increase estate income to clear debts.<sup>61</sup></p>
1818	Etton	<p>C, D - Lord Hotham - Lord Hotham of Dalton Hall inherited the estate in 1815 and together with his agent and tenant, John Hall (1763-1831). Hall acted as a commissioner in all three enclosures, contrary to standing orders. He abused his position by negotiating large purchases for Hotham; as Crowther pointed out, his knowledge of local circumstances - land values, owners' personal circumstances and costs - could lead to unfair advantages in purchases. At Etton he bought 632 acres of the 916 he received; at Cherry Burton at least 15½ of his 99-acre allotment and 1,244 of the 1,597 acres enclosed in his home parish of South Dalton. These purchases continued in Etton with 1,335 acres from Robert Belt in 1831 and an exchange to gain 581 acres in the parish in 1862. The aim was land acquisition to farm to enhance his status rather than emparkment; indeed Hotham's park was ploughed up in the 1820s. It was only in the later 1800s that the park was extended to 400 acres.<sup>62</sup></p>
1822	South Dalton	
1823	Cherry Burton, E. Riding	



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1823	Whixall Moss, Shropshire	<p>A - Sir John Hill, Bart. - Hill, of Hawkstone convened a meeting in 1813 to apply for an act to drain and enclose Whixall Moss. The Earl of Bridgewater claimed part of the Moss wd be into his manor of Whitchurch but agreed to an act "That if the draining and inclosing of the Moss wd be for the benefit of the Country and parties Interested and was to be properly done". The Ellesmere Canal passed through the area and so the engineer was consulted. An enclosure was undertaken by agreement with plots sold in 1816 and an award being viewed in 1818. However an act was needed in 1823 to confirm these actions. 470 of the 887 acres were sold for £6,132 with the remaining £1,048 raised by a rate. Hill received 184 acres, including 1/14 as lord - the largest single allottee. The Earl's estate received no allotment. Apparently much of the Moss remained in its original state as the drainage was never executed properly; 2/3 of the land by 1851 was in the hands of Sir John Hamer. At this time a company leased a large area of the Moss for commercial peat cutting.<sup>63</sup></p>
1826	Wolverton, Warks.	<p>A, C, D - Robert Phillips - Robert was the grandson of a small Staffordshire squire. His father and uncles had established a linen tape weaving factory in 1747 and cotton factories in Manchester and Lancashire. He invested the profits of his business in acquiring a large landed estate in Warwickshire. He began by buying Snitterfield Park from the Earl of Coventry in 1816. He also acquired the manors of Claverdon, Wolverton and Welcombe including the mansion of Welcombe Hall for his son. At Wolverton, Phillips bought up estates including William Wilcox's before applying for an enclosure of 471 acres. This was vigorously opposed but the £632 costs were simply added to the total costs. Thereafter Phillips made considerable land acquisitions, possibly from persons who had opposed the enclosure as they lacked the capital to make it pay. These purchases were added to Phillips' 1/16 as lord of the manor. The rector's tithe allotment was specified to include particular lands adjoining the parsonage. Phillips was apparently motivated in his land acquisition as a means of social mobility to join the landed elite. The same was true of his cousin George (qv).<sup>64</sup></p>
1839	Chirk, Denbighshire	<p>A - Mrs Widdleton Biddulph - The Middletons of Chirk Castle were wealthy Denbighshire mining venturers and merchants. In the late eighteenth century enormous debts built up (£174,201 in 1797) and sales were made in the early 1800s. When the last male descendant Richard died in 1796 the estate was held jointly by the three heirs. Eventually it was divided by Chancery in 1818 between his three daughters - Mrs Widdleton Biddulph received Chirk Castle and attached properties in Chirk. The tenants celebrated as "their agricultural improvements will be better encouraged now that each landlord has a distinct and closer interest". Mrs Biddulph "on coming into possession... pulled down several dilapidated buildings" and built "some highly respectable houses and several substantial and well-built cottages" of "modest and uniform appearance... on more eligible sites". The Holyhead Road had been widened and levelled across the hill and valley. She also modernized and embellished "the principal apartments" of the Castle in an extensive and picturesque park with extensive views. This was funded by the lease of extensive coal mines in Black Park producing 50,000+ tons a year. The final part of the improvement was the enclosure of the wastes in her manor for which she received 1/13 and the ancient Castell of Dinas Bran which overlooked Llangollen. The desire to own this prominent ancient monument seems to illustrate a desire for status.<sup>65</sup></p>



TABLE 27 - ENCLOSURE, "TERRAVANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1840	Llangerniew, Denbighshire	<p>C - Samuel Sandbach (1769-1851) was a Liverpool merchant who made a fortune from the W. Indies trade. He purchased the 5,000-acre Hafodunos estate in 1833 which included half the 6,500 acres of old enclosure in Llangerniew. He became Sheriff of the county in 1839 when he used the opportunity of a tithe commutation meeting to arrange the enclosure of the 1,500-acre common which was unstinted, badly managed and liable to illegal depasturing from adjoining parishes. The Bishop of St Asaph received 1/14 and the tithe survey was used to reduce costs. The commissioner rejected the claims from 2,500 acres of old enclosure as witnesses proved that they had exercised no right on the waste of pasture or turbary for 30 years. About 350 acres were sold to raise £1,985 to defray costs. A turbary was drained and set out. Some of the land was pared and burnt and cultivated with oats despite being over 500 feet high. "A good deal" had been planted by Sandbach after enclosure. This apparently was the start of a policy of improvement which cost the Sandbach family over £100,000 in 60 years. The estate was "exceptional" in its "liberality" and illustrated the "great advantage" from investment "by wealthy men from the industrial districts of England".<sup>66</sup></p>
1844	Burmington	<p>D - Sir George Phillips, Bart. - Sir George was an MP who led the factory masters' opposition to factory bills in the 1810s and 1820s. He followed exactly the same course of land acquisition in Warwickshire as his cousin Robert except on an even larger scale. Between 1820 and 1826 alone he bought manors at Whichford, Long Compton (from the M, of Northampton), Cherrington, Ditchford Frary and Weston. The latter was acquired from Ralph Sheldon and in the 1830s he built Weston Hill in the existing 300-acre park. He also bought up estates in Compton Scorpion and Little Wolford by 1823. At the latter he bought up seven estates - almost the entire parish - during the enclosure proceedings under the 1844 Commons Act. In the other two enclosures he used the Common Fields General Act of 1836 as only open field land was involved. At Burmington, he bought out six freeholders in the open fields and at Darlingscott he bought 2½ yardlands. He died soon after these enclosures in 1846. This policy of land acquisition amongst several industrialists seems to have been actuated by the desire for status - wealth generated through industry was seen as a means to achieve a position among the landed elite. Soon after his first purchases he became a Baronet in 1828 and his three daughters married peers. As Martin noted, "the enclosure movement offered opportunities to acquire vast estates in the county, opportunities which they [the Phillips cousins] effectively exploited."<sup>67</sup></p>
1845	Little Wolford	
1846	Darlingscott (Tredington), Gloucs.	
1845	Fishers & Wheatley Meadow	<p>Sir Robert Peel, 2nd Bart. - Sir Robert Peel (1788-1850) came from a very wealthy manufacturing family which was trying to establish itself amongst the landed elite. His father had bought the Drayton Manor estate with various partners from the Marquess of Bath in 1790. He had gradually bought out his partners and tried to acquire property in the area and enclosed Bassett's Heath by agreement. Peel had continued this policy of acquisition, buying Tamhorn for £32,500. Peel's links with cotton manufacturing free traders brought him into conflict with the Tory protectionist landowners that he sought to impress. He gradually realised that the landed elite had to make compromises both politically (by limited parliamentary reform), religiously (by Catholic Emancipation) and economically (by free trade and repealing the Corn Laws). For the elite to survive the latter, which he felt was necessary to reduce food prices, increase trade and thus remove the economic basis of Chartist discontent, its more old-fashioned members had to modernize their farming methods. In 1842 a Chartist attack was feared on his Drayton Manor home, which he had rebuilt since 1830 in a 200-acre park. As a leader of what Spring calls "the improvement party", he tried to encourage his fellow Tories to improve their estates, to compete with future foreign corn imports after repeal, both by government policies and his personal example. His support of the Common Enclosure Bill in 1844 after his previous "strong objections" was partly due to this and because "objectionable features" (which would have interfered with the "rights and enjoyments of the people" and</p>
1845	Bodymoore Heath Staffs. and Warks.	



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
	Fishers & Wheatley Meadow, etc., cont.	<p>thus contributed to popular discontent) had been dropped. To encourage his tenants he formed the Tamworth Farmers' Club to diffuse information. In 1841 he opened Tamworth Reading Rooms with a speech "on the Advantages of Knowledge to the Working Classes". Although his radical opponents saw this as "Political Suicide", Peel saw that such policies of concessions and opening opportunities for social mobility through "Self Help" were the only way for his party and peers to survive. From his evidence to a Select Committee in 1836, he publicly advocated that farmers should look to self improvement rather than financial or legislative aid, to compete with developing virgin territories which could now use steamships to transport food to Britain. He was a founder member of the Royal Agricultural Society in 1838. He became interested in drainage after being given a book by the noted drainer James Smith, of Deanston. He invited scientific experts to Drayton, including Smith, in October 1842 who addressed an open air meeting of tenants and farmers there. Smith visited in April 1844 and in the following 12 months he spent £1,250 on draining 150 acres. £8 an acre costs deterred him and his tenants, despite a dinner in December 1844 where Smith and other experts talked about scientific farming. He now consulted another drainage expert, Josiah Parkes, to drain his park and other parts of his estate. At this time, he used the recent (1844) Commons Act to enclose, drain and irrigate two sets of meadows in the Tame Valley. Peel received consolidated blocks mainly on the Drayton side of the river for his doles drained by Parkes. The timing of this action, a year before the Repeal of the Corn Laws, seems significant; Peel wished to show by his personal example what his fellow landowners needed to do. To emphasize this, he put forward the Public Money Drainage Act after repealing the Corn Laws, authorizing advances of £3 million to landowners. The Agricultural Gazette commented in 1847 about his drainage works - including his 100-acre allotment on Drayton Meadow - that he was not "an enemy to agriculture". He had also drained 600 acres, and 1,000 acres at Oswaldtwistle, Lancs., soon followed. By 1851, his Staffordshire estate, "much of it drained entirely with Sir Robert's capital under Mr Parkes's inspection, charging tenants 4% on outlay" was held by Caird as an example of enlightened farming. Although he set an example by releasing 20% of rents on improvements and lowering rents, Hatherton believed he let his farms at high rents "as any sensible man would". He continued expanding his estate - buying a 250-acre farm in Drayton for £18,000. He also used the act, although dealing with land away from his park, to close up four inconvenient footpaths across his park.<sup>68</sup></p>
1850	Tilford, Surrey	<p>Martin Ware - The Wares owned the Tilford House estate in the Bishop of Winchester's manor of Farnham where Cobbett noted there had generally been a good deal of encroachment. In 1850, possibly at the agent's instigation, an enclosure was sanctioned by the national commissioners for 1,313 acres of waste - the land, which was of little value and was yearly deteriorating, was to be part cultivated and the remainder planted. This deterioration was common throughout Farnham parish due to the cutting of turves, a right enjoyed by all parishioners. The agent had written a detailed report to the estate about the land's potential but concluded "having laid before you this opinion I must add that I may be mistaken the land may disappoint us". Despite this, Ware carried on his plans for large-scale agricultural, landscape and social improvement although the land was only worth between £3 and £8 an acre. The acreage of the Ware estate was doubled by the award. The heavier soils were deep ploughed and used for arable and root crops. Much was put to the home farm with portions attached to estate farms at low rents due to the tenants' costs in fencing, etc. Much of the lighter soils were planted with trees. Already between 1851 and 1852, 150,000 Scotch fir and 50,000 larch were sown. By 1860 a "considerable extent of the enclosed common [is] now in plantations" which although currently did not pay, would probably in the long term "be made to balance". Although by 1905 this land was "mostly unproductive except of conifers" the "picturesque" wastes "has been parcelled out for the building of pleasant country houses". Probably this potential use of the land had been considered in 1850. Ware, at the same time as the act, agreed with the Bishop as lord at Farnham to give four acres for a new church, vicarage and school. Clearly he viewed the improvement of his estates in the widest sense.<sup>69</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1853	Cannock Wood, Staffs.	Earl of Uxbridge/ Marquess of Anglesey - Cannock Wood or Chase had been the property of the Pagets since the Dissolution of the Monasteries subject to common rights. These had been vigorously defended against the Pagets' attempts to make warrens on the Chase in the eighteenth century. Many adjoining owners, especially the famous fox hunter Sir Edward Littleton, took an especial interest in these rights. He compiled a book containing all the documents relating to rights on the Chase and details of legal cases about game on the Chase and elsewhere. It also had details about Turton v Newton regarding the right of free warren on Alrewas Hay and the enclosure of the Hay (see Table 28). The owners on the Chase had two reasons for the defence of common rights- firstly they wanted to exercise game rights over the Chase themselves; "Hunting deer upon Cannock Wood is Sir Ed's Hobby Horse". Secondly the rights would determine the size of the Pagets' (and hence everybody else's) allotment. The Pagets, like many lords, tried to put their traditional rights to profitable exploitation and so guarded them jealously.
1857		Also "Id Paget can never be of the consequence of his Rank and Estate in this Country give him, unless he keeps Hounds and his Country to himself". However his agent in 1770 did propose to let Sir Edward keep buckhounds on the Chase and share the management of hunting. The Agricultural Report of 1794 commented on how its 25,000+ acres could easily be cultivated; the north and west was especially suited to turnip and barley culture. From the famine year of 1795-6, the enclosure and cultivation of the Chase was anticipated.
1861		In August 1801, Sir Edward chaired a freeholders' meeting about an enclosure to which Uxbridge signified that he would assent "upon fair and reasonable terms". Commissioners were appointed, notices issued and arrangements made to finalise the terms; as a committee member, Pipe Wolferstan knew that all depended "on the construction Lord Uxbridge may put on his 'fair and reasonable terms'." In enclosures of wooded commons, the lord expected a much higher manorial allotment as they derived more profit from them - at Abbots Bromley, Uxbridge got over 1/5. The committee wanted Uxbridge to leave the proportion to the commissioners who suggested that 1/16 was the usual allotment "but they referred to some existing precedent as to coppices and as to mines". Advised by his agent, Perks, Uxbridge refused to consent unless the total quantity of land for all his interests was specified beforehand. Littleton felt this was "impracticable" as the amount he would receive depended upon its quality and situation and the timber and warren rights were little used and of little value. Another attempt was made in 1805 when the Earl again signified his interest but no progress was made. The Pagets' rights to free warren were confirmed in an assize case of 1810. In 1816, possibly due to the effects of the Depression, the estate had to threaten prosecution against those gathering heath, cutting fern and gathering berries and wood; limited heath cutting was allowed upon application. In 1824, the agents of the Earl's son, the Marquess, took out several law suits to protect his rights "which have been so long and so often grossly infringed". Meetings between the Marquess's agents and the common right owners' committee failed and the latter took counsels' advice upon Anglesey's encroachments for planting. Again in 1826 an enclosure was suggested but failed. In 1827, Hodson wrote to say that "the state of Agriculture is by no means favourable to an extensive Inclosure... as the expence... would be more than any benefit to be derived from it for a number of years". In 1827, a grouse moor was almost fired and turf cutters were punished. The arrival of the Reform Act encouraged one owner, Landor, Rector of Colton, to suggest applying to "the violator and usurper of our rights" for an enclosure. If this should be refused they should apply to the "Reformed Parliament" "for a tribunal more equal and accessible than any the present administration of the law affords between the poor and the rich!" Despite this, enclosure only took place when the Angleseys decided to alter their mode of developing the Chase in the 1850s - and the family received their fixed acreage allotment.70
1864		



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Year	Place	Notes
1856	Calf Heath, Staffs.	<p>Lord Hatherton - This heath was already crossed by the Hatherton branch of the Staffs. and Worcs. Canal, opened in 1840 to develop Lord Hatherton's clay and coal works. Its most important reservoir was at Calf Heath, a marshy common. This led to Hatherton's renewed interest in the heath, getting the lessee lord's agent to call a manorial court which appointed a pinner to prevent illegal grazing. Once his reclamation on Cannock Chase and the two new reservoirs on the branch were completed and the Cannock Chase coalfield opened up, Hatherton proposed enclosing Calf Heath to its lords, despite his increasing debts. Once he assessed that the mining potential was limited, he accepted the lords' demands for 1/14 and full mineral rights. The allotment was maximised by resisting "fraudulent attempts to establish claims". He received 175 acres and built a road from his hall to the heath. This was worth £2,000 but with buildings and improvements it "may be worth 30£ an acre at the end of a 21-year lease as turnip and barley land". The drainage went surprisingly well despite the ground's flatness and he gave a lime allowance to tenants and graduated increased rents. Sale lots sold well adjoining the canal, bought by neighbouring owners, the canal company and wharf owners. Interest in this enclosure was stimulated by improved water supply for the canal and better drainage releasing potentially valuable farming land to satisfy the prospective demand for food on the growing coalfield.<sup>71</sup></p>
1864-66	Trevince, Cornwall	<p>Tucker - After the decline of the local copper mines "a great many hands" were employed in draining and reclaiming wastes and improving this estate. Over 50 acres were added to the farm "and a great part of Wheal Squire Common enclosed and planted. The house has also been undergoing extensive additions and improvements". This was apparently a single-owner manor and the enclosure was probably by seigneurial fiat.<sup>72</sup></p>
1870	Warrow, Surrey	<p>Lord Onslow - Warrow open field lay between Warrow Down and Lord Onslow's seat, Clandon Park, built in 1731 in grounds designed in the 1770s by "Capability" Brown. He bought up or gained by exchange all the strips in the field. Although the land was not added to the park and was still tilled and open in 1907 it was, in Slater's opinion, "effectively an enclosure" as it was now owned in severalty. Onslow thus extended his demesne.<sup>73</sup></p>



TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Footnotes

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- 3 A Murray, General View of... Warwickshire (1815) pp.25, 28 and 35; E Malins, 'Humphry Repton at Stoneleigh Abbey, Warwickshire', Garden History (1977) 21-9; BRL LF 60.3 (17278) Stoneleigh Enclosure Act; J M Martin, 'Warwickshire and the Parliamentary Enclosure Movement', PhD University of Birmingham 1965, pp.39 and 169-71 and App. XVIII; VCH Marks. VI (1951) 229-40; Staffs. Advertiser 30/7/1853, p.3 c.4; Aris Gazette 25/2/1828, p.3 c.2.
- 4 A Young, A Six Months Tour to the North of England II (1771) 98-154; W Marshall, The Rural Economy of Yorkshire II (1796), 273-6; Tate and Turner, op cit, pp.297 and 310; Namier and Brooke, op cit, III, 568-9; W C Horton, The Story of Cleveland (Middlesbrough 1979) p.318.
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- 6 A Young, Eastern Tour I (1771), 190-3; Bagshaw, Derbyshire (1846), p.312; Tate and Turner, op cit p.94; L Harris, Robert Adam and Kedleston (1987); J V Beckett, op cit p.94-5, 109, 113 and 223; H A Clemenson, English Country Houses and Landed Estates (1982) pp.45, 48 and 84; Namier and Brooke, eds. op cit, II, 287-8; J Pilkington, A View of the Present State of Derbyshire I (Derby 1789) 235-7, and II (Derby 1803) 129-30.
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TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

Footnotes, cont.

- 13 Namier and Brooke, eds. op cit, II, 578-9; Sir J Hanmer, Bart., Memorial of the parish of Hanmer (1872) pp.143, 146, 277-8 and 283; JHC XXV, 10/2/1775, 111; Transactions of the Society of Arts IX (1791) 76-88; ShRO mf Sir Baldwin Leighton's Diary, 5/10/1865.
- 14 Annals of Ag. XVI (1791), 481 and XLII (1804), 501; VCH Cambridgeshire IX (1989) 332-5.
- 15 Tate and Turner, op cit p.291; JHC XXV, 21/2, 136 and 5/4/1774, 258; 15 Geo III c 67; W Marshall, Rural Economy of Yorkshire II (1796), 243.
- 16 W Pitt, General View of... Worcestershire (1813) pp.19, 26, 38, 55-6, 58 and 279; Staffs. Advertiser 4/1/1806, p.1 c.5; WRO AP 5/143/44 (307) Bredon Enclosure Award; VCH Worcs. III (1913), 279, 282-3 and 285; T R Nash, Collections for a History of Worcestershire (1781: 1799 ed.) I, 129, II, App. 15; VCH Gloucs. VIII (1968) 222-5; Berrows Worcester Journal 23/1/1806, p.2 c.1; 17/5/1821, p.2 c.2.
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- 21 JHC XII, 16/2/1786, 208; 20/3/1786, 362; D W Howell, 'The Landed Gentry of Pembrokeshire in the Eighteenth Century', MA University of Wales 1965, pp.110-11, 133, 139-40 and 142, and Patriarchs and Parasites (Cardiff 1986) pp.68-9 and 225; D Williams, The Rebecca Riots (University of Wales, 1959) pp.70 and 82-3; Sir F M Eden, The State of the Poor III (1797; 1928) 899; Trans. Soc. of Arts XI (1793) 134 et seq; W Davies, General View of South Wales (1815), p.93; DNB XI (1892-3) 336-7.
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TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

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TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

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TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

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TABLE 27 - ENCLOSURE, "TERRAMANIA" AND IMPROVEMENT (Cont.)

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TABLE 28 - ENCLOSURE, GAME AND WOODS

A=Manorial allotment; B=Tithe allotment; C=Pre-enclosure purchase; D=Post-enclosure purchase; E=Exchange

★ Denotes enclosure by agreement without a separate act.

Year	Place	Notes
1625/ 1773	Shirtlett Forest, Shropshire	★ John Weld (1585-1665) - Weld was the son of a wealthy London merchant who in 1618 bought the manor of Willey. He bought the adjacent manor of Marsh in 1619, 1/3 of Broseley manor in 1620 and bought up freeholds in the area. In 1625 Shirtlett Forest was enclosed which involved several manors including Willey and Marsh. Weld was allotted 410 acres which he immediately emparked. He managed this and his old park together as part of his business concerns, not for agricultural purposes. He and the other lords preserved full mineral rights whilst repairing roads and filling up pits so as not to endanger the commoners' cattle. He could manage the woodland for pannage, charcoal (for his ironworks) and timber. The woods were protected from stock, including deer for game and horses for carriage. There were hives and fishponds with swans, thus the park supplied him with luxury food for his table and raw materials for his industrial concerns. However the enclosure was not completed for the most part and in 1725 apart from further enclosures by agreement for coppices there had been considerable encroachment by squatters. Therefore an enclosure act was obtained in 1773 to enclose the remaining 853 of the 1,500 acres. Owners in Astley Abbots and Norville claimed 500 acres of wastes and a 100-acre common wood had been formerly allotted to them and that the act would harm their interests. The witness, Thomas Haslewood, prevaricated in committee about consents; although owners of 13.6% of the land refused their consent, this did not apparently include the sizeable estates of the counter petitioners with an annual rental of £392. Despite this, the act was obtained. <sup>1</sup>
1661	Annesley, Notts.	★ Sir Patrick Chatworth - This was one of the first enclosures from the Forest of Sherwood which allowed 1,200 acres to be enclosed for plantation and game by licence; 582 acres were later enclosed by an 1808 act. <sup>2</sup>
1668	Horton, Cloucs.	The act confirms an agreement to enclose part of the waste and to preserve timber. 3
1709	Clumber, Notts.	★ 1st Duke of Newcastle - The Duke, a moderate Whig, probably had enclosed 3,000 acres at least of Sherwood Forest to complete his 4,000-acre deer park here some four years before. This coincided with his appointment by Queen Anne as Lord Privy Seal and seems to be a reward for political service or at least obtained by his political influence. This arrangement was formalized by letters patent of Queen Anne. Technically the park was demised to Queen Anne for life with the Duke having the reversion at her death. Much of the land was apparently replanted with trees. During the 1750s 1,800 acres of the deer park was transformed into farm land with 1,300 acres of plantations and a mansion built in 1770. The emparkment may have caused depopulation at Clumber due to the loss of common rights. 4
1725	Alrewas Hay, Staffs.	John Turton - This was one of the earliest acts in the county. John Turton, of Orgreave, kept deer and conies "which make vast Havock and destruction in the several Corn-fields, Meadows" belonging to Alrewas and King's Bromley manors who enjoyed common rights on the Hay. The act allowed Turton to take part of the Hay as a deer park but he had to kill the game on the remainder before Christmas Day 1725. The act also established a fence between the manors of Alrewas and King's Bromley to prevent inter-commoning. The act did prevent an agricultural nuisance, but also allowed Turton to establish a freehold



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
	Alrewas Hay (cont.)	game park adjoining his house, Orgreave Hall, and to make a good deal of money from establishing his title. The actual land use of the Hay did not change until the commons divided between both manors were enclosed [King's Bromley in 1783 and Alrewas in 1802]. Establishing legal title was very important to 'owners' of hays. When the King's Bromley enclosure petition of John Newton, the Lord of the Manor, was presented to parliament, the Home Secretary received an anonymous letter saying that the "waste Land of much value is a part of the Royal Chase call'd Alrewas Hay. it was a fine chase when the late John Turton Esq. got an Act of Parliament for inclosing 346 acres and making off the Deare the Chase was stocked with a deal of valuable Timber which it was said he sold for 6 or 7 thousand pounds and a few years sold the same said [the park, which was part of a larger sale of Alrewas and Orgreave Hall of 5,745 acres and 2,191 1/2 acres of common to Admiral Anson in 1752] for £6,000 and it was lett for £200 a year or upward... the whole chase before he enclosed was said to be 3,000 acres, a deal of good land. A learned counselor a few years since on occasion said that Alrewas hay was the King's". However there seems to have been no attempt by the Crown to block the enclosure or claim any rights over the land. Local hostility to the Lanes could be explained by the fact that they were West Indian "nabobs" who made their money in Barbados and this could explain the lack of progress of Lane's original enclosure petition. 5
1751-3	Church and West Langton, Leics.	* Rev. William Hanbury - Hanbury's father bought the advowson of Church Langton for his son who was instituted as Rector in 1753. He had been inspired with a missionary zeal for planting at Oxford and in 1751 had begun a programme of plantings in the parish's wastes and commons to generate funds for a charitable trust. He also made plantations in the two adjoining parishes of Gumley and Tur Langton. By 1758 20,000 trees were growing and all the plantations were worth £10,000. His plans grew ever more ambitious for the funds involving a village hospital. However the two ladies of the manor of West Langton - who were charitably minded as they left £12,000 to hospitals - opposed him after first encouraging him. He had planted timber on lammas land which belonged to him until harvest. They encouraged their tenants to depasture their stock in about 1753 after the normal harvest date and destroyed the growing trees. The plantations in Gumley were leased to Cradock (qv). The need for agreement and legal sanction for such nurseries exemplified here may have led to the 1756 act to facilitate enclosures for timber (qv). Hanbury died in 1778 before the commons were enclosed. 6
1756 & 1758	General Timber Preservation Act	The lords of nine Surrey manors with extensive commons "unfit for Tillage and Pasture" but suited for planting petitioned for an act to allow them to enclose parts of them and plant trees. Their motives entirely concerned the problem of the poor. The planting, felling and sawing "would employ many poor persons and be extremely beneficial to the public". The monies raised by the sale of trees would "be applied to the Relief of the Poor and other uses for the Benefit of the Respective Parishes". Several witnesses, including Charles Hamilton, MP, (see Table 26 re Painshill) stated that they knew from personal experience that fir planting would be successful in such situations. Other witnesses gave evidence about the shortage of bark for tanning and timber for shipbuilding, iron smelting and cooerage. Also precedents were cited including the Statute of Verton, Forest of Dean Act (1680) and New Forest (1697). The act passed because a general one allowing lords to enclose with the commoners' agreement; an amendment act of 1758 made this "more effectual". The act was used on several occasions including the three cited. At Whiston, Thomas Gilbert of Cotton enclosed 16 acres and paid £32 per annum to the poor rate. He was agent to Lord Cover who had similarly enclosed nearly five acres for £57 adjoining his estate. 7
1763	Tittensor, Staffs.	
1766	Whiston, Staffs.	
1769	Bedham, Sussex	
1807	Hyde Heath, Chesham, Bucks.	



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1772	Gumley, Leics.	<p>A - <u>Joseph Cradock</u> - Cradock (1742-1826) was a Tory opponent of John Wilkes. He was a paternalist improver from a wealthy business family who later supported several canal schemes. He was a noted literary man who attacked the wanton expense and artificial ornament of 'nabobs' who bought old gentry estates. He inherited the estate from his father in 1759 and gained control of his estates in 1763. He moved from the family's Leicester town house and immediately built Gumley Hall in 1764 to put on theatrical productions and to house his library. He wanted a suitable environment for his house on the end of a 500-foot ridge. He bought a lease of a plantation in Gumley belonging to William Hanbury (qv) and included it in his park. To complete his park, an enclosure was needed to acquire the freehold of open field land. Already in 1760, immediately after his father's death, his trustees had petitioned as lords of the manor, together with patron of the rectory and the leading landowners, for an enclosure and tithe commutation. This indicates Cradock had already made plans to engage upon a scheme of "aesthetic land management" in Millward's words. Another bill failed in 1771 due to a counter petition on the grounds of expense and hardship an act would cause. In 1772 Cradock succeeded in obtaining an act. This was in spite of the opposition of owners of 315 of the 1,145 acres in the common fields - 27.5%. This was far higher than the 20 or 25% of opposition which was alleged by contemporaries to be sufficient to block a bill. His main allotment, like those of the other large owners, were well away from the village. According to Millward, the award "allowed Cradock to carve a miniature park out of the hill slopes to the west of his house an common land". His plantations extended over a few hundred acres and were "a fashionable resort" of Leicester people in 1798. The mansion and park were "upon a scale which led to embarrassment" and in 1823 he had to sell his estate and library.<sup>8</sup></p>
c1778 1808	Fulmoldeston, Norfolk	<p>★ Thomas Coke, of Holkham - Coke succeeded to the 30,000+ acre estate in 1776. Some acts and purchases had already led to the creation of large units of up to 1,000 acres. However large areas of poor quality unenclosed land remained. Coke immediately determined to invest in consolidation, enclosure and improvement as exemplified at Fulmoldeston. Fulmoldeston Wood had been an old wood used by adjoining tenants for their cattle. Despite stories of an open common which had seeded itself (like Fulmoor on Hatherton's estate) the common had been cleared of old oaks, drained, fenced and then he had planted some spruce and firs. In 1808 the 556-acre Great Common was enclosed; after a 30-acre fuel allotment, 406 acres were allotted to Coke.<sup>9</sup></p>
1778 1784 1791 1811	Bolsterstone Wadsley and Norral Sheffield Bradfield, Bradfield Chapelry, Ecclesfield, West Riding	<p>Rev. Charles Hope, of Derby - After enclosures, high moors near Sheffield were often left unfenced and used for timber and game if unsuited for factories or houses. Bradfield Chapelry is a notable example. Hope won a gold medal for planting over 41,000 trees on 10 acres in Langley Brook Common, Bolsterstone, between 1785 and 1787 and over 150,000 trees on 42 acres under the Wadsley and Norral Act between 1788 and 1792. This success meant "that in a fresh enclosure now [1794] staking out in the same parish [the Sheffield Act which caused the 1791 riots] and where my allotment is upwards of 70 acres, I propose to ... plant at least 2/3 of this land". The Duke of Norfolk also apparently used his high allotments here for plantations and game. His disputes with his Bradfield tenants about their encroachments and his fencing off waste land for wood in 1807 seemed to have led to an act in 1811. As Bowns wrote to Earl Fitzwilliam about these disputes, "Enclosure of as much of the wastes as are worth it is the only means of preventing them". 13,773 acres were enclosed here by the act and as Nunn points out "Dispute over common rights was more important here than switches of product for much of this land was to remain rough moorland sheepwalk at no more than a shilling per acre per annum before and after parliamentary enclosure". The commissioners envisaged the future land use as either improved sheepwalk or plantation. 818 acres were sold to pay enclosure costs of which 524 were "suitable for planting". The Duke formed a Game Association on the allotted but unfenced parts of Bradfield Moors in 1819 which preserved nearly 8,000 acres. In 1832 the Game Laws led to the landowners gaining this privilege from the Duke.<sup>10</sup></p>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1779	Ashover, Derbyshire	<u>Sir Joseph Banks, Bart.</u> - 3,684 acres were enclosed by this act. In 1815, gentlemen were warned "not to shoot in the Plantations etc. upon the East Moor in the parish of Ashover" belonging to Banks or on Mr. Jebb's or Dr. Holcombe's plantations on the moors in Darley (4,000 acres were enclosed there in 1766). If caught, they would be prosecuted. <sup>11</sup>
1786	Belper, Derbyshire	<u>R P Jodrell</u> - 1,500 acres were enclosed by act here. In 1813 a warning was issued to poachers and unqualified men that gamekeepers would watch Jodrell's lands, woods and plantations and anyone found with dogs and guns would be prosecuted. <sup>12</sup>
1786	Aston Moor, Oswestry, Shropshire	<u>Rev. J Lloyd</u> - Lloyd won a gold medal for planting 60,020 oaks on 14 acres of the 289 acres awarded in 1789. He did this in 1793-4 but Edward Harries of Cruckton wrote in 1807 to the Land Revenue Commissioners that he knew Lloyd had won his medal but he could not "recollect any considerable plantations of oak made on a newly inclosed common"- perhaps 14 acres was not "considerable" or he was not aware that it was on a common. <sup>13</sup>
1788	Stretton in the Dale, Shropshire	<u>Rev. Samuel Wilding</u> - The copyholders in this manor in 1670 gained a Chancery decree to secure their title. In 1788 Viscount Weymouth, lord of the manor and other owners got an act to enclose the whole of the 4,000 acres of manorial wastes "or such Part thereof as may be found to be advantageous". This included part of the Long Wynd, a high ridge of over 1,600 feet. By 1743 about 800 acres were to be enclosed. The process of enclosure was continuing in November 1795 when a meeting of copyholders and others was called to discuss "Business of considerable Importance". This was probably to obtain an award which was apparently never executed. Most of the land is still common. Wilding owned a substantial estate here and planted part of the newly enclosed northern edge of the Wynd with oak after the enclosure of 1790. <sup>14</sup>
1794 1809	Claiife, Workington, Cumberland	<u>John Christian Curwen (1756-1828)</u> - Christian was a Foxite Whig and friend of Young who opposed tithes and the game laws. He gained control of his wife's estate at Workington in 1782 and inherited from his wife by assuming her family name in 1790. He was already a small landowner at Unerigg and a coalmaster at Broughton, advised by his agent Udale. He added to his inheritance by purchases, expanded the mines and sea trade and developed the port. He was noted for his workers' insurance and cost-price farming shop. He also took an improving interest in farming. He proudly showed visitors around his farm but his boring enthusiasm convinced Coleridge of "the impropriety of the great landowners devoting themselves to practical agriculture". His first improvements were as early as 1777 when he told Udale he was "so fond of planting" that he wanted waste land for the purpose in the proposed Derham Common enclosure. This contradicts the idea that Curwen planted only for economic reasons, although they did in his own words form "a valuable sinking fund" for colliery profits and were much in demand for pit props. He planted at Unerigg in 1780 and Workington in 1786 but his largest and most famous plantations were of pines and firs around Lake Windermere. He bought Belle Isle on Lake Windermere in 1781 and planted it in 1787. His main plantations were in Claiife. In 1786 he bought the Great Boat estate here and in 1790, advised by the Bishop of Llandaff, offered to obtain an enclosure act so long as the proprietors accepted an offer of £8 per acre for the Heald, the slopes east of the lake. Such an act was obtained in 1794 and he planted 220 acres for which he won a gold medal from the Society of Arts in 1800-1. He then planted a further 400 acres with 1,269,000 trees for which he won another gold medal in 1809. He said the declaration of Johnes to plant an annual million at Hafod led him to this - so envy rivalry was a motive. However these fir plantations were criticized by Wordsworth as harming the landscape. Curwen was concerned



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
	Claife, Worthington (cont.)	<p>about the poor, supporting a bill to help cottagers cultivate common land; this may not have been altruistic as poor rates trebled at Worthington between 1790 and 1808. In the crisis year of 1795 he tried to ensure an adequate supply of food to avert "danger". These concerns may have encouraged Curwen's farming improvements although vanity and his belief in rational improvement were also important. He personally ran two demesne experimental farms around Worthington Hall (which he also remodelled at this time) at Schoose (673 acres) and Moorland Close (314 acres) where much land was reclaimed from spoil tips - after about 1802. He stall fed stock with various crops including steamed potatoes for which he won another gold medal in 1806. He also won gold medals for growing beans and wheat and for drainage, which he called "the basis of all improvement". He set up the Worthington Agricultural Society in 1806 and believed in long leases with a triennial review. He always continued his experiments for if he stopped "for a season I shall have to learn, not to teach". The 1809 Worthington Act enclosed 70 acres and a further 140 acres of Stainburn Common out of the 1,000 acres enclosed which seems to have led to his extending his farms to nearly 1,200 acres by 1821.<sup>15</sup></p>
1795	Abbots Bromley, Staffs.	<p>A, B - Earl of Uxbridge - The manor contained much woodland in 1775 and parts of the common were used by the lord, Uxbridge, for timber. The other major owners, the Bagots, had considerable numbers of trees in their park. An act was proposed in 1770 but agreement was only reached for an act in 1795. In the act, the Earl of Uxbridge received one of three woods as his share for manorial timber rights; this comprised 172 of the 818 acres of woodland or 21% which is a high manorial allotment. However in chases and forests, the economic benefits of timber rights gave their lords a larger interest as in Cannock Chase and Exmoor and Brecknock Forests. In an unusual clause, the commissioners were directed to allot so much of the common as equalled 1/3 of the estimated value of their old enclosures. Bagot tried to use the enclosure to make exchanges. Altogether 918 acres were allotted and based on Pipe Wolferstan's costs on the first rate of £17/16/- for 7a Or 13p, total costs were at least £2,304 or £2/10/- per acre. At least one small rate was charged after the award in 1802. The main tenant farmer here and land agent was Robert Wigan, who was declared bankrupt in 1798, which may have delayed the award until 1799 in which Uxbridge received 327 acres. Much of the common remained woodland but some was ploughed up - and the act served to allot land for timber or agriculture without any problems from common rights.<sup>16</sup></p>
1798	Sandy, Bedfordshire	<p>Sir Francis Pym - Byng noted that the culture of the fields around the village had been "brought to great perfection" by 1790. The 1,000 acre warren was still in use for rabbits in 1794. There were several cottages and gardens in the valleys of the warren which adjoined Sir Francis Pym's home, The Hazells. Byng wondered why parts had not been appropriated to the park by the lord of the manor. Although Pym and Konoux owned 90% of the parish there were another 61 proprietors who were mainly gardeners who kept cows on the boggy common and cut fern for litter, fuel and manure. In the enclosure of 2,972 acres Young claimed the 1 1/2 acres they received was inadequate compensation and they did not know how to obtain manure. "This was no reason to preserve the deserts... but an ample one for giving full compensation". The warren was ring-fenced and Young was interested in "the attempts... to cultivate the warren". "A great part" was planted with firs by Konoux and Pym as had part of Kilbrook Warren by the Earl of Upper Ossory. Batchelor felt Bedfordshire's sandy hilly wastes covered with ling "intimidated even the most opulent proprietor" and larch plantations seemed to be the best and "most profitable" use of these lands. The other common lands were apparently cultivated here.<sup>17</sup></p>



TABLE 28 - ENCLOSURE, GALE AND WOODS (Cont.)

Year	Place	Notes
1801	Kinver, Staffs.	<p>5th Earl of Stamford - 1,300 acres of commons in Kinver parish were enclosed by this act. The Lords of the Manor, the trustees of the Foley family, received 1/16 in a specified allotment to adjoin Stourton Fields and Radway Hills. They also received an allotment equal to £21 per annum for their warren on Little Checkhill. The Earl of Stamford's allotment was already marked out. He was to receive 384 acres adjoining his land in Enville on Great Checkhill and 17 acres on Lower Checkhill. The large allotment was mainly used as a plantation called "The Million" and a racecourse for training and racing the horses stabled at Enville Hall. The 4th Earl had undertaken considerable improvements on the estate. He had married Lady Mary Booth who had an immense fortune which financed the laying out of the park by William Shenstone and the purchase of surrounding estates. He enclosed part of Highgate Common in Enville in 1743 and seems to have begun the planting of parts of this common. His son, the 5th Earl, undertook considerable rebuilding after his inheritance in 1768 and was created Earl of Warrington in 1796. The enclosure appears to have been part of a policy of land acquisition and landscape 'improvement' around his home estate; certainly he took "infinite pains" in acquiring other old enclosed land in the vicinity of the hall in 1811 as they overlooked his pleasure grounds. By 1881 the 7th Earl claimed to have bought all the land in Enville to justify his claim to the freehold of Highgate Common, part of which was used in the 1930s as a golf course. The other land enclosed was apparently used for mixed sheep and arable under a rotation including wheat, barley and turnips. This again demonstrates the diversity of aims enclosers had.<sup>18</sup></p>
1803	Godalming, Surrey	<p>1,700 acres of wastes were enclosed under this act which made no recreation allotment. The heath was worth between 5/- and 10/- per acre before enclosure. Much of the land would never pay cultivation. In 1844, Heydown Heath and much of Munstead Heath was still a sheep walk. Some of Munstead Heath was cultivated and let at £1 per acre and other land was farmed by a four-course rotation. Land near public roads was turned into valuable building land and by 1844 a considerable population lived upon it and a good many gardens had been established. However the remainder of Munstead Heath was enclosed and planted with trees in 1844. The witness believed even the worst 8,000 acres of waste in the area could be used for plantations which would "employ more people than it does in its present state". They would provide shelter and the wood could be used for hop poles in this hop county. To employ the poor, the lord and others were building a road to Farnham. By 1853 over 100 acres of Bradley Common was being reclaimed at £7-8 per acre but Evershed doubted the larch and Scotch fir would survive.<sup>19</sup></p>
c1806 1806	Winscote Worfe Forest, Shropshire	<p>★ Thomas Whitmore - Whitmore had just gained a dowry which he planned to use to improve his estate to increase his influence over the adjoining Bridgnorth constituency. He rebuilt Apley Park and enclosed Winscote Common - apparently where he was sole owner - in Worfield parish to plant as a sylvan approach to his new home. He also was behind the enclosure act as Lord of Worfield and Lord and proprietor of Claverley. This ended problems about encroachers and grazing rights and allowed pasture to become more profitable turnip and barley land. His allotments including one for a warren worth £140 a year were sizable with 1,037 acres in Worfield alone; (it was probably this warren that had caused an earlier riot. Warrens, like another made by William Whitmore on the Quat part of Dudmaston Heath about 1780 were often used then to increase manorial incomes and could cause disputes over loss of pasture.). The warren allotment was specified to be as near as possible to the Warren house. His Worfield allotments were close to the road by the River Severn and adjoined his park at New Lodge and Fen Gate. The Post-war Depression meant that the profits could not pay for the new house. Although his rental subsequently increased from £17,000 in 1833 to £20,000 in 1848, he had had to sell £100,000 of land and had a £180,000 mortgage.<sup>20</sup></p>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1808	Hoddershall Heath, Staffs.	<p>A, D - T Swinnerton was the Lord of the Manor and moving force behind the act. He sought to profit in several ways as shown by the act; he could mine the area for 14 years without paying damages; his <math>\frac{1}{2}</math> manorial allotment was to include two pools to power his flint mill and "Short Oaks" Wood. Apart from plantations (for game or boxwood) the main motive was to cultivate and improve this land "being in the vicinity of the Town of Stone and of the Staffordshire Potteries, which is a populous and increasing manufacturing district". Meir Heath and Lane End adjoined this area and there was already 91 encroachments under 20 years covering 73 acres which were awarded to Swinnerton for £1,053/9/- subject to 7-year leases. The sale lots were clearly designed for their potential for houses or mansions on a major road south from Lane End. Much of the land was used for plantations which rendered properties like Hoddershall Heath Farm suitable for "villa" residences. However Swinnerton did not get all the land he had hoped for; the commissioners accepted the Stallington owners' questionable intercommuning rights and allotted them the land east of the main road. This allowed R C Hill to extend his park and estate and Lord Stafford to plant Blacklake and Meirheath Woods as early as 1813. Swinnerton failed to overturn this - due to his lack of political influence - but bought some land to extend his allotment.<sup>21</sup></p>
1810	Maer Heath, Staffs.	<p>A, C, D, E - Josiah Wedgwood II - The lordship and Elizabethan mansion of Maer was bought by James Bent, Wedgwood senior's surgeon, in 1790. The manor comprised 828 acres old enclosure and 1,100 acres of extensive hilly peat grouse moor used as a sheep walk. Already in the 1790s, John Wedgwood asked his father to buy Maer and its gardens landscaped by "Capability" Brown with a mere, but was put off by the £17,000 price. Bent bought it by mortgages as a speculation, offering it to let in 1791; in 1797 the tenant's stock and furniture was sold. In 1803 Josiah Wedgwood II (1769-1843), whose activities at Gunville and promotion of Cranbourne Chase's enclosure show his interest in agricultural improvement, bought the estate for £31,500 including a £20,000 mortgage. Maer was a short horse ride from the Etruria Works which he ran until 1841 and its potential for improvement by draining Mare Moss in the Tern Valley and planting the hills would be attractive to Wedgwood. Also he was a puritanical liberal and his friendship with enlightened intellectuals like the Darwins show his interest in rational improvements and in creating a landscape for contemplative reflection. He could take advice from his friend and now near neighbour, the improver Charles Toller of Betley. The potters' need for cratewood was commented upon by an estate agent in 1794 and by Bent when selling his estate - "no country can pay planting better than in this owing to the want of crate wood in the Pottery". An enclosure by agreement was already in contemplation and articles signed in 1804. The agreement appeared capable of dealing with problems about boundaries with Aston and intercommuning with Ashley. However Wedgwood's need to get several exchanges legally confirmed quickly before any quarrel between Fitzgerald and Bell could jeopardise it. Wedgwood had made several exchanges with Fitzgerald and Simpson to consolidate the estate and to help drainage by making a dam. By 1807, Wedgwood had already "wonderfully improved" Maer by redecoration, a new walk around the pool and new roads. The drainage converted boggy land into turnip and barley land. Benjamin Harding was praised for his swedes and sheep in 1814. Wedgwood, apart from his alterations and plantations around the hall, planted above 600,000 larch and oak at £5/14/- to £7/12/- per acre and sheltered grassland by 1818 was letting for as much as £2 per acre. These "spirited improvements" including new farmsteads almost forced Wedgwood to sell in 1813 and he tried to let it in the winter of 1812-13. After his death in 1843, the estate was sold to the Davenports in 1846 when 342 acres of the estate were plantations, 317 acres of which were on the hills. They were "excellent reserves for Game". The sale catalogue map showed the adjoining allotments were also planted.<sup>22</sup></p>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1811	Perry Barr, Staffs.	<p>John Gough - The act reveals the differing motives enclosers could have. The joint lord, "Squire John Gough", wanted to create a game reserve and to extend his estate. He was litigious, unpopular and parsimonious; he rarely entertained and accumulated wealth by mortgage lending. He owned 3,200 acres and had a rental of £4,000 per year. He owned Kingstanding Warren upon Perry Common whose boundaries had caused a dispute with Birch, the other lord. The act confirmed an arbitration of 1780 and Gough was allotted 68 acres for this. Of the 1,300 acres, he received 411 acres. Although Gough senior had received an offer for his allotment from George Bragg, a Birmingham manufacturer looking for a country estate, of £12,100 for 367 acres, Gough used the land as a game reserve. His disinterest in farming the land or his neighbours is shown by complaints about his not fencing his allotment by 1816. This could be quite profitable; Gough had been notorious for the "extravagant price" at which he sold venison from his park. The other owners only wanted to improve the agricultural value of the estate in the vicinity of the growing market of Birmingham. The tithe map of 1843 shows how the other allotments had been converted to farmland. Birch, who received 410 acres, particularly wanted to maximise the value of his estate at this time; the family were slowly selling their local estates at Harbourne (to Green), Handsworth (to Boulton) and Hamstead (to Lord Dartmouth) to finance a move to Elvetham Hall in Norfolk, which had happened in 1816. Gough felt that Birch used the influence he gained by nominating the commissioner, Bowman, to obtain an enlarged allotment. Gough's assize court case failed which he blamed upon his enemies on the jury and he tried to get the valuations published to prove his case. Gough's eponymous son bought this estate between 1832 and 1834. He was "a most extrovert character, abounding in riches and knows those who shall gather them", due to his father's accumulated wealth. He was less mean than his father and saw that as the dominant owner in Perry Barr, he had a paternal responsibility. He gave £8,000 to erect and endow a new church and gave money for a national school. The Goughs' policy of accumulating money to enlarge the estate was indicated by a trust fund of £157,000 left in 1844 to Gough junior's heir, Calthorpe, to extend the estate. Calthorpe gained 85½ acres near the game reserve called King's Standing Plantation from Sir F E Scott of Great Barr, under an exchange authorised by the national inclosure commissioners [a part of their role which has been generally underestimated; in the 1850s, the Staffs. Advertiser regularly carried notices about exchanges or drainage loans authorised by the national commissioners]. This represented almost his entire allotment of 89 acres.<sup>23</sup></p>

1813	Haldon, Devon	<p>Sir Lawrence Palk, Bart. - The plateau of Haldon Hills in south Devon of under 800 feet was considered in 1808 to have such thin soils as "to forbid every effort towards improvement; its sides however... in most aspects are capable of, and produce, a most luxuriant growth of firs of the pine tribe, larch, and other deciduous trees". The hill again was described as "bare and barren" in 1810. In 1769, Sir Robert Palk, having made his fortune in India, purchased Haldon House "by whom the house and demesnes were much improved". These improvements included "plantations... upon an extensive scale; several hundred acres having been inclosed for that purpose". On Penhill a tower and statue was erected in honour of General Lawrence, a prominent feature in the surrounding country. After his death in 1798, his son, Sir Lawrence, KP for Devon, inherited. He obtained an act for Haldon Hills just before his death in 1813. His son used the land for plantations to beautify the estate and as a symbol of their political influence. The woods were not only visible from the hall as the hills gave views of most of Devon. By 1822, the Lysons could write about "An Act of parliament passed in 1813, for enclosing that part of Haldon (1,500 acres) which is in the parish of Chudleigh: a considerable part has been planted with fir and larch".<sup>24</sup></p>
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TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1813	Windsor Forest, Berks.	<p>This royal forest adjoined Windsor Castle and park and had been used as a royal hunting preserve. Its size and use presented great opportunities for unlicensed squatting. Its population trebled to 13,000 between 1676 and 1804 mainly as a result. The dispersal of squatters away from traditional parish centres "made social discipline impossible", and an 1809 report advocated its enclosure so that "the inferior class" could be collected in villages each with a constable on patrol. Already a severe law, the Black Act, had been passed against poaching in this area in 1723. In addition, wealthy Londoners saw this area as a suitable place for a country retreat. By 1784 Alexander Pope lived in a house in Windsor Forest and "Mr P, a gentleman of fortune," resided there in 1802. It was also used for army manoeuvres in 1788. When George III started to farm Windsor Great Park, the possibilities for agricultural improvement of the adjoining land must have been realised. However it was in the period of the Prince Regent when the enclosure took place. At this time, the future George IV constructed a new royal lodge in the park (1812) with long avenues and eventually reconstructed the Castle (1824). This spirit of improvement was possibly another factor in the decision to enclose the Forest. Eventually the Crown received 6,665 of the 59,000 acres of the Forest. 1,450 acres of this was used for a curving belt of woodland fringing the Great Park to be used as navy timber. Other portions were devoted to Sandhurst College and Ascot Racecourse but much of the rest was planted with fir and larch; 1,900 acres were sold to defray costs - much of which came into the hands of stock jobbers. Cobbett attacked this enclosure for housing as not as at Sunning Hill being "improvement" but being based on "the beggaring of the parts of the country distant from the vortex of the funds". Loch equally bemoaned in 1820 "the destruction of [picturesque] Windsor forest, the most appropriate accompaniment of the noblest royal residence in Europe". This was not just for housing but also for agriculture. John Houghton of Sunning Hill improved considerable parts of Bagshot Heath since 1822 by draining and bone dust manure on its light soils. Other owners used stable dung from Bagshot's coaching inns. However he had given this up in the early 1830s due to the low price of cereals.<sup>25</sup></p>
1816	Wellington, Somerset	<p>A, D - Duke of Wellington - Longford believed the Duke was opposed to enclosure as he would neither enclose a common near his home at Stratfield Saye nor support enclosing this common as a site for a monument to him. However, his tenacious support of the Kingsclere act shows that this 'opposition' was really natural modesty. After the successful Peninsular War, he was made Marquess of Wellington and was granted £100,000 to purchase the lands and titles of the manors of Wellington Borough and Wellington Landside. To commemorate the achievements of the Duke (as he became in 1815), the town raised a subscription to erect an obelisk on the highest point of Black Down Hill overlooking the town. Lord Somerville took a leading role, giving 15 acres adjoining the site and securing 24 brass cannon captured at Waterloo to place around the monument. Its site was common land and so an enclosure act was needed to secure the land and its immediate vicinity as a suitable environment. Under the act, 173 acres were bought for £843. The Duke himself had bought the manorial rights and this with his common right allotment and the fund's purchases formed 216 of the 317 acres enclosed. Much of this was planted as woods on the slopes below the monument, begun in 1817. Possibly due to the Post War Depression, the funds raised proved inadequate and the guns had to be sold. In 1847 the obelisk was damaged by lightning and only the Duke's death in 1852 led to its being properly repaired.<sup>26</sup></p>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1828	Tittensor, Darlaston, Staffs.	<p>A, C, E - 2nd Marquess of Stafford, - Land had already been enclosed here in 1743 at the Cowheys and for timber in 1763 by the Govers and a 600-acre warren at Darlaston.</p> <p><u>Swynfen Jervis</u></p> <p>Tittensor adjoined the Govers' mansion and 500-acre park at Trentham and the first Marquess had tried to enclose Tittensor and Darlaston in 1786. The main road from London to Chester passed all these properties. The Jervises were lords of both manors and lived at Darlaston Hall in 100 acres of land. In 1813, some freeholders promoted an enclosure; the Jervis estate promised not to consent until the Marquess was willing as his "wishes not only to the improvement but also as to the general appearance of the Country as well as profit, ought to be consulted in the neighbourhood of his chief residence". Indeed these three motives actuated the Marquess in all his improvements - but he was especially keen to make an impressive approach from the south to his estate. Stafford decided to support an act if he could buy out other persons' common rights or land and sort out his claims to Tittensor manor or a warren. The encroachments which had been thrown open in 1795 and 1811 were now destroyed. He apparently ejected a family of eight from a cottage on Tittensor Hills during the winter and were left to camp like gypsies. His concern to improve the residents is also shown by the purchase of "the only Publick House at Tittensor wch otherwise might become a nest of poachers, &amp;c". Loch (the agent) arranged exchanges and purchases with at least eight other parties costing well over £40,000 between 1813 and 1827 as Stafford was keen on "obtaining that part of it [Tittensor Hills] which your Idship wishes to plant". He was a great planter - 200,000 of the 1 million-plus trees he had planted by 1820 were at Tittensor. He also made an exchange in 1813 to secure "everything within sight of the Park and grounds". After these purchases and exchanges, he made an exchange costing him £20,000 in purchasing land with Jervis so each became virtual sole owners in each manor and an act was obtained. Smaller owners received cash in lieu of land. The exchanges involved 835 acres - including 625 of old enclosures - more than 570 acres of common land enclosed. Thus exchanges rather than enclosure could be seen as the main purpose of the act. Stafford also encouraged improvements to the road in 1828. Already in February before the act was obtained, plots marked out ready for planting were fenced in preparation. At the third reading, planting began (or else it would have been too late that year). These were not to be planted in straight lines and included hollies.</p> <p>Stafford closed up roads, acquired the manor and fishing rights in Tittensor Lake and fenced his allotment within his park with paling. His allotment was not sub-divided and he extended his drives and walks from Trentham over the hills. When he died in 1834, a subscription of tenants led to a colossal statue being erected on Tittensor Hills overlooking Trentham, the Liverpool road and his landscape modifications in Tittensor. The inscription mentioned his "improvement of his vast estates". By 1870 the family were sole owners in Tittensor but not all contemporaries were impressed. Caird visited Groundsallow Farm tenanted by Gower's local agent, Lewis, and was impressed by his improvement of part of Tittensor Heath - but he disapproved of the 500 acres adjoining which were "entirely waste and unproductive". The redistribution and exchanges at Darlaston allowed the Jervises' Darlaston Park and home farm to be enlarged and planted.</p>
1847-8	Egton, Yorks.	Tillage, pasture and plantations.28
1847-8	Bagley Wood, Berks.	Grasing cattle destroy the young timber and the thorns and brushwood destroys the pasture. Division would protect both interests.29
1847	Discoyed Hill, Radnor	Although the majority would be cultivated, the remainder would be plantations or pasture.30



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1852	Norton Common, Hants.	"By draining and planting, the [83 acres of] land will improve and ornament the adjoining property". <sup>31</sup>
1853	Llanfihangel Yeroth, Carmarthen	424 acres would be converted to profitability "by planting and cultivation" (see also trespasses). <sup>32</sup>
1854	Oakcutts Woods, Hants.	"Inclosure will lead to an improvement of the underwood and enable the owners to cultivate timber in the woods." <sup>33</sup>
1854	Elstead, Farnham, Surrey	Used for cultivation and planting. <sup>34</sup>
1854	Benhill Wood, Surrey	Enclosure of its 58 acres "will facilitate the cultivation of timber and underwood which is much injured by the exercise of common rights". <sup>35</sup>
1855	Myarth Hill, Brecon	242 acres were enclosed for "cultivation and planting". <sup>36</sup>
1855	Bryn Postig Hill Montgomery	200 acres - "the greater portion... will be planted." <sup>37</sup>
1855	Bottenden Hill, Berkshire	43 acres, "profitably used for planting". <sup>38</sup>
1857-8	Woolmer Forest, Hants.	Improved sheep pasture and plantations and stop constant litigation (see Table 11). <sup>39</sup>
1857	Hatfield Forest, Essex	A, C - John Archer Houblon - The Houblons were bankers who treated the forest as an extension to Hallingbury Park, landscaped by "Capability" Brown in 1770. John Archer Houblon was a hunting squire who possessed the Hallingbury estate between 1831 and 1891 and determined to make the Forest his private game reserve. In 1832 he bought out the Barrington family's interest in the Forest and five of the "Sharers" (common right owners) of Takeley Street. He continued this policy and once he had bought out most of the opposition, he obtained an enclosure for the Forest's 1,108.7 acres. The act cost £2,819 plus £385 in legal fees. The commoners received £1,834 in compensation and other claimants received land on the fringes. The central 5/6, 917.5 acres, passed intact to Houblon. He fenced its unnatural straight sides and used it as a deer park. He drained the land, coppiced woods and planted trees. <sup>40</sup>
1859	Clunbury Hill, Shropshire	Its enclosure was advocated in 1844 so that the sides could be planted with trees and the top cultivated. <sup>41</sup>
1859	Skelwith Common, Hawkshead, Lancs.	Inclosure of the 1,100 acres "will lead to the improvement of the land by planting", and end trespasses interfering with the sheep pasture. <sup>42</sup>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1859	Romsley, Wores.	A, D - Lord Lytllton - This area was close to Lord Lytllton's home estate of Hagley Hall. It comprised Great Farley Wood and Winwood Heath (139 acres) and Uffmoor Wood (224 acres). Lytllton secured all of Uffmoor Wood and nearly 80 acres of the other two commons including most of Great Farley Wood. Footpaths were closed up across Great Farley Wood. The two wooded areas were probably intended as game reserves. <sup>43</sup>
1860	Clawdd Coch Common, Carmarthen	76 acres were improved by tillage and planting. <sup>44</sup>
1860	Checkendon, Oxfordshire	"The greatest part of the commons is woodland to which great damage is done by the stocking and with little benefit to the commoners." <sup>45</sup>
1861	Bovey Tracey, Devon	Part of the 533 acres were suited "for sheep pasture and the remainder for plantations" and stop damage to the soil by the carrying away of ashes. <sup>46</sup>
1861	Loveswater, Cumberland	"The land will be much improved by planting and other means when set out in severalty." <sup>47</sup>
1862	Llanfihangel Genseurglyn, Cardigan	Its 206 acres "will be increased in value by planting and other improvements" and disputes ended. <sup>48</sup>
1863	Corpustye Common, Norfolk	Drained and planted. <sup>49</sup>
1863	Ywchcoed, Radnor	Planting, draining and fencing, and end disputes (see Table 11). <sup>50</sup>
1863	Llandewi-brefi, Cardigan	Stop disputes and encroachments "and enable the owners to improve the tract by planting, which is necessary for shelter." <sup>51</sup>
1864	Ashley Heath, Hants	"Some profit by planting a large tract which now yields very little" and end trespasses. <sup>52</sup>
1864	Ennerdale, Cumberland	This would end dogging and worrying and ensure fair shares of the sheep pasture on the 11,000 acres and there would be some planting. <sup>53</sup>
1864	Ruffside, Durham	The 955 acres were used for cultivation and planting. <sup>54</sup>
1865	Rugeley, Staffs.	The 5,055 acres would be used for cultivation and planting on this former Chase. <sup>55</sup>
1866	Lockton, Yorks.	This would be reclaimed for pasture and plantations. <sup>56</sup>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Year	Place	Notes
1866	Southey, Hants.	The 181 acres would be cultivated and planted. <sup>57</sup>
1866	Hopton Wafers, Clee Hill, Shropshire	Parts would be improved by drainage and cultivation "and some parts by planting". <sup>58</sup>
1867	Dawlish, Devon	177 acres of high ground would be used for pasture and plantation. <sup>59</sup>
1868	Huntley Waste, Gloucs.	Mostly arable; remainder "profitably planted". <sup>60</sup>
1868	Badgeworth and Bentham, Gloucs.	100 acres in two enclosures will be enclosed, surcharges would be ended and its value "much increased by planting and otherwise". <sup>61</sup>
1869	Llanivet, Cornwall	Its 97 acres were to be used for planting and cultivation. <sup>62</sup>
1869	Wyndtown, Shropshire	The summit would be tilled whilst "the larger portion of the hillside" would be planted; the rest would be pared of furze for sheep pasture. <sup>63</sup>
1872	Ellingham, Hants.	The commissioners approved this (although rejected by parliament) as half could be cultivated and a considerable part planted. <sup>64</sup>
1872	Wickham, Hants.	The commissioners approved this (although rejected by parliament) as the 132 acres could be used for arable and plantations, increasing its value, productiveness and employment. <sup>65</sup>
1880	Llanfair Waterdine, Shropshire	Increased produce, employment, stop hounding and disease and some trees would be planted for shelter, profit, "comfort and appearance". <sup>66</sup>
1880	Abbotside, N. Riding	Draining, levelling and planting. <sup>67</sup>
1890	Beamsley Moor, Skipton, Yorks.	Regulation for public access and trees can be planted. <sup>68</sup>
1880	Clent Hill, Worcs.	171 acres were vested in trustees; trees could be planted for ornament by Board of Conservators. <sup>69</sup>
1882	Bettws Disserth, Radnor	Drainage, oats, turnips, grasses and planting. <sup>70</sup>



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Footnotes

- 1 M D G Wanklyn, 'John Weld of Willey, 1585-1665', West Midland Studies IV (1970) 88-99; VCH Shropshire I (1908) 459; B Winder, The Industrial Revolution in Shropshire (Chichester 1982) pp.7, 14, 24, 54 and 65; VCH Shropshire IV (1989) 122-3; ShRO 163/100, 1775 Shirltlett Forest Award; T Rowley, The Shropshire Landscape (1972) pp.99-100, 156-8 and 217-8, and 'The History of the South Shropshire Landscape', B Litt, University of Oxford 1967, p.41; JHC XXXIV, 25/1/1773, 61, 18/2/1773, 133-9, 28/4/1773, 287-8, and 3/5/1773, 295; H of L Committee Book XI, 270-5.
- 2 J D Chambers, Nottinghamshire in the Eighteenth Century (1966) p.162; Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978) p.210.
- 3 Tate and Turner, op cit p.120.
- 4 J R Jones, Country and Court, England 1658-1714 (1978) pp.34, 327-8, 338 and 341; White's Nottinghamshire Directory (1844) p.593; D V Powkes, 'Nottinghamshire Parks in the Eighteenth and Nineteenth Centuries', Trans. of the Thoroton Soc. of Notts. LXXI (1967) 74-5, 79 and 81; J D Chambers, op cit pp.161-5.
- 5 12 Geo. I. c.4; W Pitt, A Topographical History of Staffs. I (1817), 65-6; JHC IXL 6/2/1783, 156; H.O. 42/2, anon. to Thomas Townshend 14/2/1783; Thos. Pennant, A Journey from Chester to London (1811, written 1780) p.121; JHC XXVII, 3/2/1780, 559.
- 6 Dictionary of National Biography VII (1908) 1155-6; J Nichols, History... of Leicestershire LI(1) (1798) 659 and 662-3; W Hanbury, History of... the Charitable Foundation of Church Langton (1767).
- 7 JHC XXVII 17/1/1756, 379, 465 and 574-5, JHC XXVIII 18/4 and 27/5/1758, 198; Joan Thirsk, Ancient History of England and Wales V 11, 1640-1750 (Camb. 1985) 377-8; StRO D239/Whiston, Q/RDm 14b; W E Tate, 'A Handlist of Sussex Enclosure Acts and Awards', E. and W. Sussex Co. Councils Record Publications I (1950) p.39, and A Handlist of Bucks. Enclosure Acts and Awards (Aylesbury 1946) p.40.
- 8 R Millward, A History of Leicestershire and Rutland (Chichester 1985) p.60; C Hadfield, Canals of the East Midlands (N. Abbot 1970) pp.80, 93, 100-2; R Millward, 'Leicestershire 1100-1800' N Pye, ed. Leicester and its Region (Leicestershire 1972) p.256; JHC XXIII, 2/2, 28/2, 13/4/1772, 133, 532 and 688; J Nichols, op cit 587-90 and 661-3; H G Hunt, 'The Parliamentary Enclosure Movement in Leicestershire 1730-1842' PhD University of London 1956, pp.106, 122 and 127; W G Hoskins, Leicestershire (1970) pp.42-3; Pipe Wolferstan Diaries 11/1/1811; N H Everitt, 'Country Justice: The Literature of Landscape Improvement and English Conservatism with particular reference to the 1790s', PhD University of Cambridge 1977, p.35; Dictionary of National Biography IV (1887) 1360-1.
- 9 M Reed, The Georgian Triumph 1700-1830 (1984) pp.91-2; StRO D260/H/F/5/26 /27, 16/12/1843; see Table 27.
- 10 Tate and Turner, op cit pp.304, 308 and 312; Alfred Gatty, ed. Hallamshire by Joseph Hunter (1869) pp.11-12; Trans. Soc. of Arts (1794), 161 and 202-3; SCL W&M F106a quoted by P J Nunn, 'The Landed Estate in South Yorkshire 1700-1850', PhD University of Sheffield 1985, pp.400-1, 433 and 456-7; Derby Mercury 25/8/1814.
- 11 Tate and Turner, op cit p.94; JHC XXXVII, 1/2/1779, 104; Derby Mercury 27/7/1815, p.1 c.2.
- 12 Tate and Turner, op cit p.95; E G Power, A Textile Community in the Industrial Revolution (1967) p.60.
- 13 VCH Shropshire IV (1989) 175; Trans. Soc. of Arts XIV (1796) 121-4; Sir Offley Wakeman (bart.), 'Leaves from the Records of the Quarter Sessions...' Trans. Shropshire Arch. Soc. IV (1892), 91-2.
- 14 VCH Shropshire IV (1989) 137-8 and 175; JHC XLIII, 31/1/14/3/1788, 155-6, 321; SLS Ms 6865, Archdeacon Flymley's Primary Visitations, Wenlock Deanery, pp.185-7; Eddowes Journal 18/11/1795, 27/4/1796.
- 15 C Kirby, 'English Game Law Reform' in Essays in Modern English History in Honour of Wilbur Cortez Abbott (Camb. Mass. 1941) pp.355-8, and 'The English Game Law System', American Hist. Rev. XXXVIII (1933) 262; T H Bainbridge, 'Eighteenth Century Agriculture in Cumbria', Trans. of Cumberland & Westmorland A.A.S. XLII NS (1942) 56-66; J V Beckett, The Aristocracy in England 1660-1914 (Oxford 1986) pp.167, 214, 217 and 325-6; E L Griggs, ed. Collected Letters of Samuel Taylor Coleridge III (Oxford 1959) 191 and 194; JHC IL, 27/2/1704, 247; J T Ward, 'Landowners in Mining' in Ward and Wilson ed. Land and Industry (Newton Abbot 1971) pp.94-5; J D Marshall, Furness in the Industrial Revolution (Beckermest 1981) pp.60 and 67; R Millward and A Robinson, The Lake District (1970) pp.85-7; C P Fendall and E A Crutchley, eds. The Diary of Benjamin Newton 1816-1818 (Cambridge 1933) pp.148, 168-9 and 196-7; Trans. Soc. of Arts XV (1737) 115-8, IX (1802) 96-100, XXI (1803) 190-202, XXII (1804) 23-38, XXIII (1805) 30-45, XXIV (1806) 24-38, XXVII (1809) 21-4; E Hughes, North Country Life in the Eighteenth Century II Cumberland and Westmorland 1700-1830 (1965) 146-64, 170, 179-82, 206, 215-7, 220-237, 278-81, 376, 378-9, and 'The Eighteenth Century Estate Agent' in H A Cronne, T J Moody and D B Quinn, Essays in British and Irish History (1949) pp.187 and 197; Staffs. Advertiser 18/5/1805, p.4 c.5; Eddowes Journal 25/4/1810, p.2 c.4; Hereford Journal 13/10/1813, p.4 c.3; S.C. on Agriculture Depression (P P 1821, IX) 62-8; Comms. to the Board of Agriculture IV (1805) 270-93; Parsons and White, Cumberland and Westmorland (1829) pp.285-6; Sir P H Eden, State of the Poor III (1797 : 1928), 164-7; Tate and Turner, op cit p.66.



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Footnotes (Cont.)

- 16 StRO D590/410 Wm Yates' Map of Staffordshire, 1775; D603/K/9/1, 78 W Ride sen. to Paget 2/8/1771; D1339/1 Abbots Bromley Enclosure Act 1795, and Award 1799; JHC L 20/4/1795, 444; Pipe Wolferstan Diary 1795-8 passim esp 27/7/1795 and 7/6/1796; 22/1/1801, 19/12/1802; Staffs. Advertiser 4/8/1798, p.1 c.4.
- 17 T Batchelor, General View of Bedfordshire (1808) pp.240 and 466; C Bruyn Andrews, ed. John Byng, Torrington Diaries II (1935) 24/8 and 2/9/1790, and IV (1938) 18/9/1794, 72.
- 18 BRL LP60 17278, Kimber Commons Enclosure Act (1801); G Griffith, The Free Schools and Endowments of Staffordshire (1860) pp.123 and 125; VCH Staffs. XX (1984) 94-5, 97-8, 100, 127-8, 140 and 142; W G Hoskins and L Dudley Stamp, The Common Lands of England and Wales (1963) pp.128-9.
- 19 S.C. on Commons Inclosure (P P 1844, V) Evidence of W Keen, QQ 656-79, 683-91, 695, 735-44, 780-1, 818-29, 838-93; H Evershed, 'On the Farming of Surrey', JRASE XIV (1853) 414; A G Parton, 'Parliamentary Enclosure in Nineteenth Century Surrey...' Ag. Hist. Rev. XXXIII (1985) 56-7.
- 20 J P Dodd, 'Shropshire Agriculture 1793-1870', PhD London 1981, pp.30 and 66, sources unstated; J P A Lason, 'The Recorders of Bridgnorth', Trans. of the Shropshire Archaeological Society LIX (1951-3) pp.201-2; ShRO of Baldwin Leighton's Diary 24/10/1848 and B 29, Korfe Forest Award; D Hey, 'Poaching and Game Laws on Cannock Chase' in his ed. Albion's Fatal Tree (1975) pp.189-254; VCH Shropshire IV (1989) 75-6 queries Dodd's evidence re Winscote but accepts that part of the common was "perhaps" added to Apley Terrace plantations.
- 21 StRO Q/RDc 68, Woddershall Heath Award, 1816; D593/K/1/5/2 Loch to Suther, 10/12/1813; D1534/160 Abstracts of Enclosure Acts; Staffs. Advertiser, 7/4/1810 p.3 c.2/3, 12/5/1810 p.1 c.1, 17/11/1810 p.3 c.2, 1/2/1812 p.1 c.2, 16/5/1812 p.1 c.4, 28/2/1828 p.4 c.4, 9/9/1843 p.1 c.5; W White, Staffs. Directory (1834), 677; R Sherlock, The Industrial Archaeology of Staffordshire (1976) pp.42-4, 195-6.
- 22 D Stuart, ed. People of the Potteries I (Keele 1985), 224-5; Eddowes Journal 8/7/1846 p.4 c.8; Aris Gazette 11/4/1791; Staffs. Advertiser 9/9/1797, 7/9 and 5/10/1805, 10/11/1810 p.3 c.2-6, 9/3/1811 p.3 c.5, 26/11/1812 p.4 c.1, 2/1/1813 p.3 c.4, 8/6 p.4 c.1, 6/7 and 12/11/1814 p.4 c.1, 27/11/1841 p.1 c.5; W Pitt, General View of... Staffs. (1794) pp.140, 205 and 207; T Pennant, A Journey from Chester to London (1811) p.65; E Meteyard, A Group of Englishmen (1795 to 1815) (1871) pp.202-3, 229, 300-7 and 387; B and H Wedgwood, The Wedgwood Circle 1730-1897 (1980) pp.96, 128, 132, 136 and 164; E Darwin, A Century of Family Letters 1722-1896 I (1915), 51-4 and 58-9; StRO, D3272/1/4/2/1-07 and 5/15/75; D2607/2/2/5/26/81, 2/5/1859; Q/RDc 75 User Heath Awards 1807 and 1812; Maps 25a and 25b; Keele University, Wedgwood Coll. 8611 to 8624-47, 9929 to 9954-11, 17757 to 17763-96, 22613-110,
- 23 BRL, Gough Coll. 195, 196/1-3, 361/1 and 362/1-2 re 1780 dispute; 364 notes re voters on appeal; 366-7 re Bragg's offer; 246/6. T Holbeche to Gough 30/4/1816 re fencing allotment; BRL 29997 Perry Barr Tithe Award 1843; Pipe Wolferstan Diaries 14-17/11/1782, 24-27/7/1802; StRO, Q/RDc 77 Perry Barr Award 1814; Dyott's Diary D661/11/2/3/1/14, 4/9/1838; White, Staffs. Directory (1834) pp.351-2 cf. VCH Warks. VII (1964) 70, where Birch still owned a moiety of Perry. S Shaw, A History of Staffordshire II (1) (1801), 109-111; Staffs. Advertiser 1/5/1813 p.4 c.1, 22/5/1813 p.2 c.4, 12/10/1816 p.3 c.2, 7/4/1827 p.3 c.2, 6/2/1828 p.2 c.2 and 18/3/1854 p.2 c.1; Aris Gazette 25/2/1828 p.3 c.2; R K Dent and Joseph Hill, Historic Staffordshire (1975 reprint) pp.260-1; D Cannadine, Lords and Landlords: the Aristocracy and Towns 1774-1967 (1980) pp.125 and 129.
- 24 C Vancouver, General View of... Devon (1808) p.293; Tristram Risdon, Survey of Devon (1810 edn) p.120; D and S Lysons, A Concise Topographical Account... of Devon (1822) pp.296 and 108; White, Devon Directory (1850) pp.407-8; DNB XLIII (1895), 111-2.
- 25 S.C. on Agriculture (P P 1836, VIII) QQ 671-8, 807-9 and 846-7; D R Mills, Lord and Peasant in Nineteenth Century Britain (1980) pp.102, 106 and 129; E P Thompson, Whigs and Hunters (1975) pp.233-40; W Brayley, History of Surrey (1841); A G Parton, loc cit 55; R Whitlock, Royal Farmers (1980) pp.94 and 104; C R Fay, Ruskinson and his Age (1951) p.229; P Brandon, A History of Surrey (1977) p.73; J Bruyn Andrews, ed. John Byng, Torrington Diaries I (1934) 12/7/1781, 59-60; C D H and M Cole, eds. W Cobbett, Rural Rides I (1930 edn) Oct.-Nov. 1822, 123-5; D Sutherland, The Landowners (1968) p.61; D Hedley, Windsor Castle (1967) pp.153 and 211; Eddowes Journal 28/6/1809 p.4 c.4; The Times 13/5/1844; J Loch, An Account of the Improvements on the Estates of the Marquess of Stafford (1820) p.204.
- 26 Somerset RO DD/X/HFO Kingslake's correspondence re monument, 1816-18; Q/RDe 48 Wellington Enclosure Award 1820; See Map 23; E Longford, Wellington Pillar of State (1972) pp.88 and 202; G Allen, Yesterday's Town: Wellington (Buckingham 1987) pp.39-40 and 42; G Allen and R Bush, The Book of Wellington (1981) pp.17-18 and 113-7; A L Humphreys, History of Wellington (1839) pp.204-5; R Havinden, The Somerset Landscape (1981) pp.175 and 178; W B Rubinstein, Elites and the Wealthy in Modern British History (Brighton 1987) pp.228-3; Taunton Courier 31/8/1815, 6/1/1847 p.1 c.3; Morning Herald 27/10/1817; Staffs. Advertiser 25/9/1852 p.3 c.4.



TABLE 28 - ENCLOSURE, GAME AND WOODS (Cont.)

Footnotes (Cont.)

- 27 JHC XXXVII 30/3/1779, 299, XII 3/3/1786, 282; Aris Gazette 28/5/1792 p.2 c.2; Staffs. Advertiser 26/7/1800, 24/3/1810 p.2 c.3, 27/7/1833 p.3 c.2, 17/4/1841 p.3 c.2, 22/4/1848 p.5 c.2-3, 21/9/1850 p.7 c.1, 25/8/1855 p.2 c.2; Eddowes Journal 28/12/1836 p.3 c.2 9 Geo IV c2; See Maps 30a, 30b, 31a and 31b; StRO Q/RDm 14 1763; Loch's incoming mail 1813-15, 1827, D593/K/1/3/1-4 and 15; K/1/5/2-4 1813-15 Loch to Stafford, 22-24 1826-8 Loch outgoing correspondence; /L/3/9 Calculations re common rights on Tittensor; D260/H/P/5/26/23, 17-18/11/1841 and /79, 28/12/1858; J Loch, op cit p.225 and Memoir of George Granville, Duke of Sutherland (1834) pp.28-9 and 46; T Bakewell, Remarks on a Publication by James Loch... (1820); J Caird, English Agriculture in 1850-51 (1852) pp.230-1 and 235; White, Staffs. Directory (1834) pp.674-5, 690-1; Anon., Trentham and its Gardens (1857), pp.67 and 72-3.
- 28 3rd Rep. Nat. Incl. Comms. (P P 1847-8, XXVI), 203-8.
- 29 ibid
- 30 4th Rep. Nat. Incl. Comms. (P P 1847-8, XXVI), 222.
- 31 8th Rep. Mat. Incl. Comms. (P P 1852-3, XL), 669.
- 32 Spec. Reps. Mat. Incl. Comms. (P P 1852-3, XL), 693.
- 33 9th Rep. Nat. Incl. Comms. (P P 1854, XIX), 534.
- 34 9th Rep. Mat. Incl. Comms. (P P 1854, XIX), 531.
- 35 Spec. Reps. Nat. Incl. Comms. (P P 1854, XIX), 558.
- 36 Spec. Reps. Nat. Incl. Comms. (P P 1854-5, XV), 537-40.
- 37 ibid
- 38 ibid
- 39 Spec. Reps. Nat. Incl. Comms. (P P 1857-8, XXIV), 169-172.
- 40 Oliver Rackham, The Last Forest (1989) pp.106 and 139-40.
- 41 S.G. on Commons Inclosure (P P 1844, V) Evidence of F Marston, CQ 2384-2387.
- 42 14th Rep. Nat. Incl. Comms. (P P 1859, XII), 233.
- 43 StRO r143/84, BA 307, Uffmoor Wood Enclosure Award (1859).
- 44 Spec. Reps. Nat. Incl. Comms. (P P 1860, XXXI), 499.

- 45 ibid
- 46 Spec. Reps. Nat. Incl. Comms. (P P 1861, XX), 841.
- 47 Spec. Reps. Nat. Incl. Comms. (P P 1861, XX), 836.
- 48 Spec. Reps. Nat. Incl. Comms. (P P 1862, XIX), 327.
- 49 18th Ann. Rep. Nat. Incl. Comms. (P P 1863, XXVIII), 468.
- 50 Spec. Reps. Nat. Incl. Comms. (P P 1863, XXVIII), 489.
- 51 ibid, 491
- 52 ibid
- 53 19th Ann. Rep. Nat. Incl. Comms. (P P 1864, XXI), 287.
- 54 Spec. Reps. Nat. Incl. Comms. (P P 1864, XXI), 311.
- 55 ibid, 312.
- 56 21st Ann. Rep. Nat. Incl. Comms. (P P 1866, XX), 79.
- 57 ibid
- 58 Spec. Reps. Mat. Incl. Comms. (P P 1866, XX), 105.
- 59 22nd Ann. Rep. Nat. Incl. Comms. (P P 1867, XIX), 261.
- 60 24th Ann. Rep. Nat. Incl. Comms. (P P 1868-9, XV), 331-3.
- 61 Spec. Reps. Nat. Incl. Comms. (P P 1867-8, XXI), 124.
- 62 24th Ann. Rep. Nat. Incl. Comms. (P P 1868-9, XVII), 332.
- 63 Spec. Reps. Nat. Incl. Comms. (P P 1868-9, XVII), 361.
- 64 27th Ann. Rep. Nat. Incl. Comms. (P P 1872, XVIII), 219.
- 65 ibid
- 66 33rd Rep. Nat Incl. Comms. (P P 1878, XXV), 79.
- 67 Spec. Reps. Nat. Incl. Comms. (P P 1880, XVIII), 503-24.
- 68 ibid
- 69 35th Ann. Rep. Nat. Incl. Comms. (P P 1880, XVIII), 489.
- 70 Spec. Reps. Nat. Incl. Comms. (P P 1882, LX), 243-263.



TABLE 29 - ANALYSIS BY COUNTY OF THE ENCLOSURE ACTS REFERRED TO IN THIS THESIS

County	(a)	Enclosure Acts studied (b)	Enclosure by agreement (c)	Total County Enclosures (d)	b % d (e)
Bedfordshire		10	-	99	10.1
Berkshire		15	1	134	11.2
Buckinghamshire		22	1	133	16.5
Cambridgeshire		29	-	135	21.5
Cheshire		23	4	58	39.7
Cornwall		11	4	33	33.3
Cumberland		29	2	127	22.8
Derbyshire		32	2	142	22.5
Devonshire		11	-	70	15.7
Dorsetshire		10	-	105	9.5
Durham		7	-	43	16.3
Essex		10	-	83	12.0
Gloucestershire		34	-	196	17.3
Hampshire (incl. I-o-W)		38	2	171	22.2
Herefordshire		17	1	71	23.9
Hertfordshire		9	1	78	11.5
Huntingdonshire		14	-	75	18.7
Kent		9	-	35	25.7
Lancashire		30	2	94	31.9
Leicestershire		44	2	156	28.2
Lincolnshire		36	2	360	10.0
Middlesex		10	2	40	25.0
Norfolk		45	2	322	14.0
Northamptonshire		19	1	209	9.1
Northumberland		21	4	77	27.3
Nottinghamshire		30	4	155	19.4
Oxfordshire		27	1	186	14.5
Rutland		8	1	33	24.2
Shropshire		47	23	70	67.1
Somerset		25	-	174	14.4
Staffordshire		97	12	107	90.6
Suffolk		6	2	113	5.3
Surrey		34	3	81	41.9
Sussex		26	1	87	29.8
Warwickshire		65	5	181	35.9
Westmorland		17	-	97	17.5
Wiltshire		34	3	177	19.2
Worcestershire		42	2	127	33.1
Yorkshire		132	6	705	18.7
Total: Eng. Counties		1125	96	5339	21.1

Anglesey	6	-	8	75.0
Breconshire	5	-	20	25.0
Cardiganshire	14	1	16	87.5
Car-mar-thenshire	15	1	29	51.7
Carnarvonshire	10	-	13	76.9
Denbighshire	15	-	22	68.2
Flintshire	9	2	21	42.8
Glamorganshire	8	1	11	72.7
Merionethshire	3	-	8	37.5
Monmouthshire	5	-	12	41.6
Montgomeryshire	10	4	19	52.6
Pembrokeshire	3	-	11	27.3
Radnorshire	22	-	31	71.0
Total: Welsh Counties	125	9	221	56.6
Total: Eng. Counties	1125	96	5339	21.1
Combined Totals	1250	105	5560	22.5

Sources: Tate and Turner, A Domesday of English Enclosure Acts and Awards (Reading 1978); I Bowen, The Great Enclosures of Common Lands in Wales (1914).

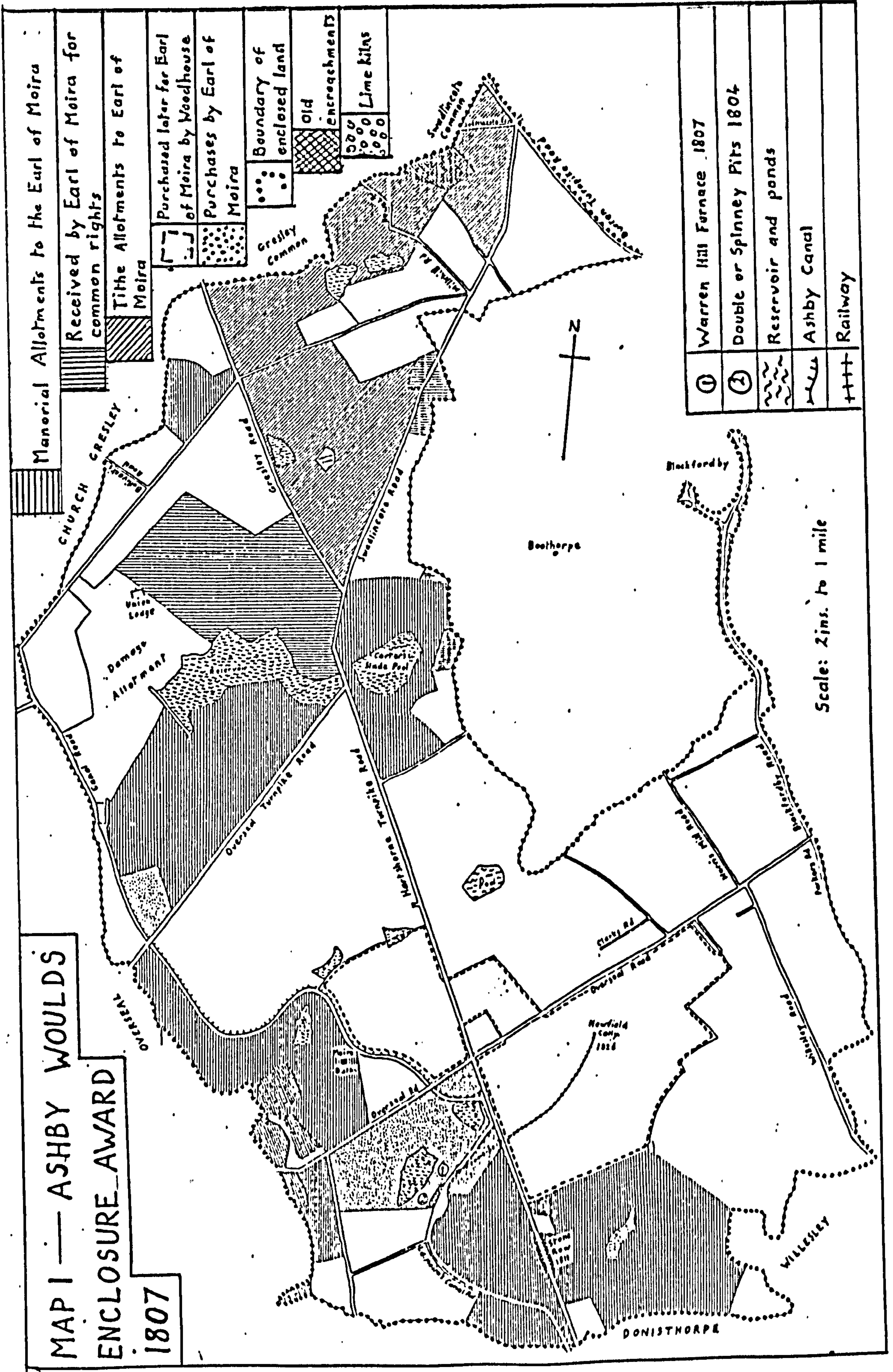
N.B. 1-The county totals include enclosures under the general acts of 1836, 1845 and 1876 but not those under other general acts.

2-The number of Welsh enclosures are slightly under-represented as Bowen does not include those few enclosures under the 1845 general act which did not require specific parliamentary confirmation.

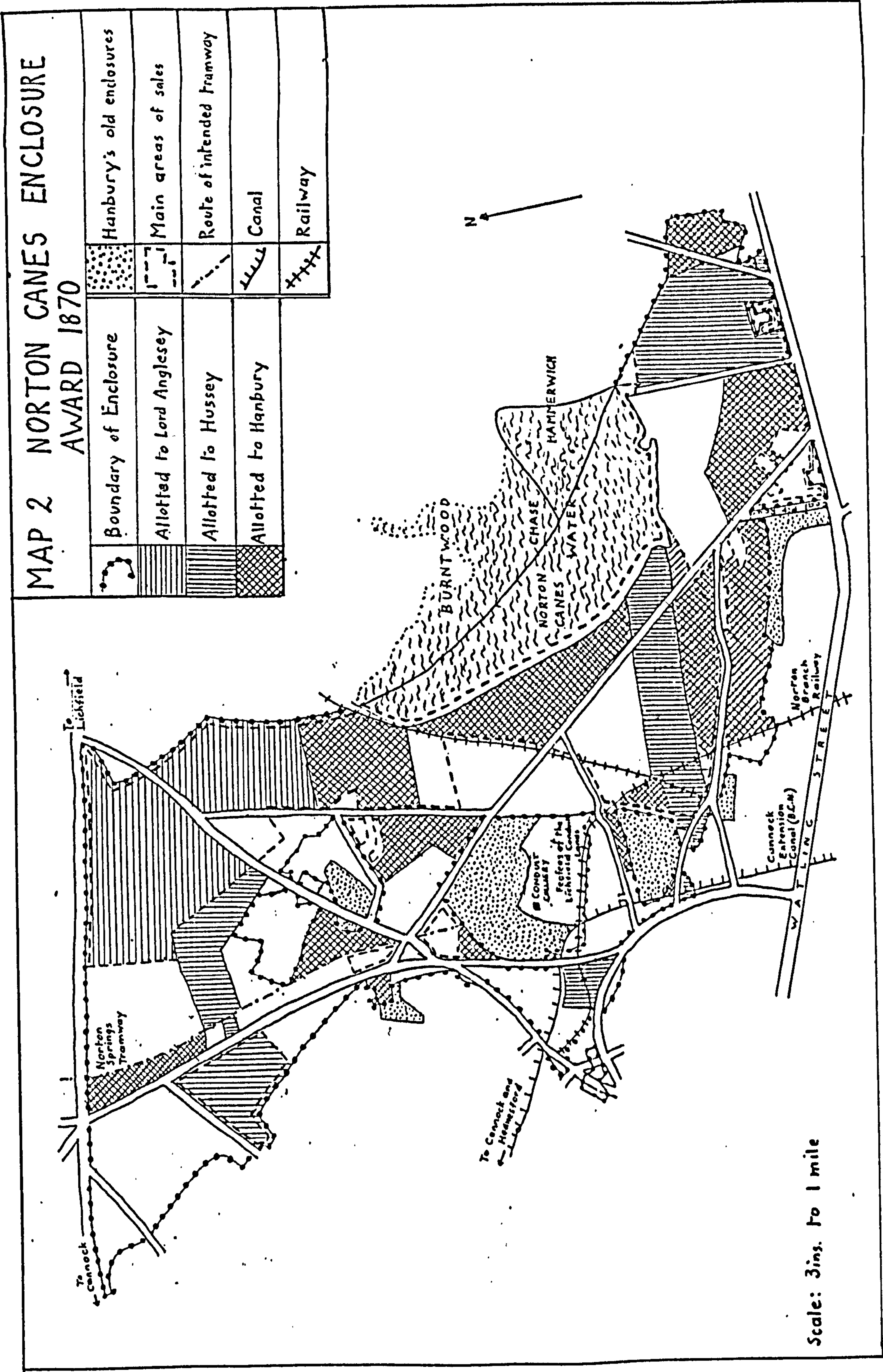
3-Enclosures which either cover more than one county or are only amendment acts have only been counted once.

4-The list of enclosure acts studied include a very few proposals to obtain acts which were unsuccessful, eg Portsea (Hants.) 1768, Broughton (Lancs.) 1772, Preston (Rutland) 1758, Walsall 1801, Tamworth 1815, Metley Moor 1848, Shoal Hill (all Staffs.) 1872.



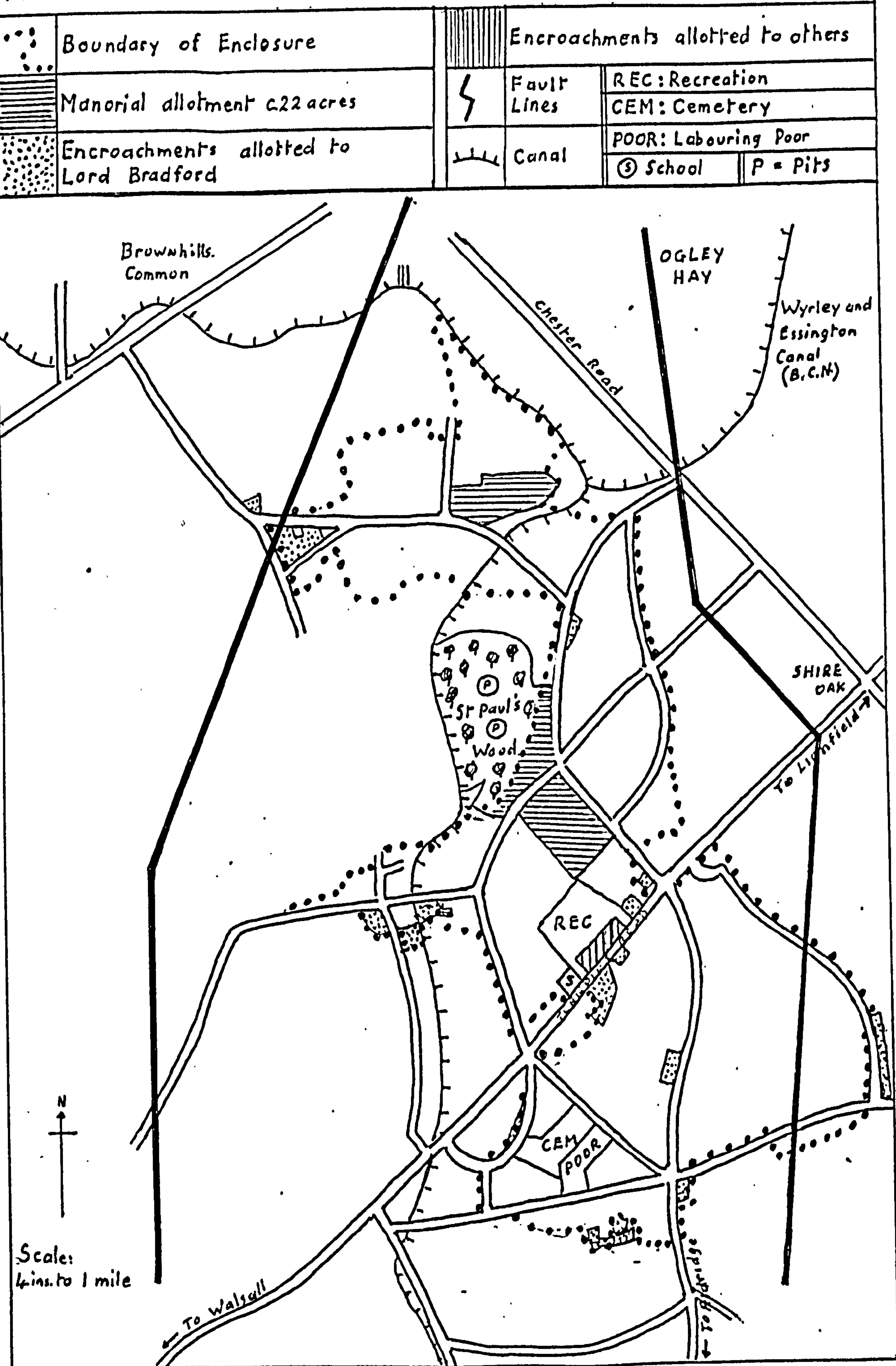









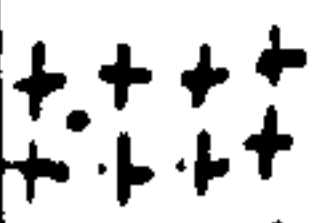







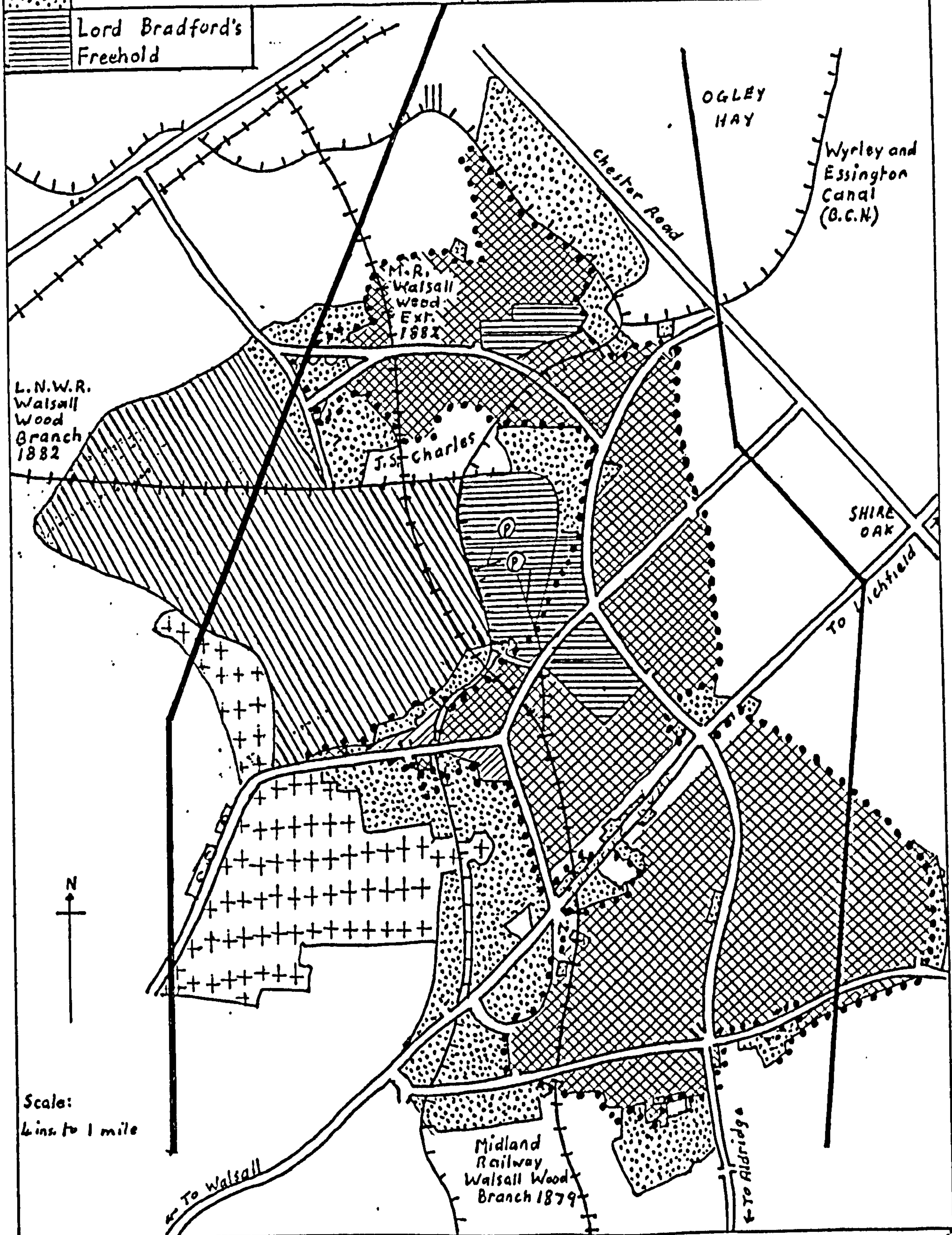
MAP 3a — WALSALL WOOD ENCLOSURE AWARD 1876





# MAP 3b — WALSALL WOOD COLLIERY CO. 1876

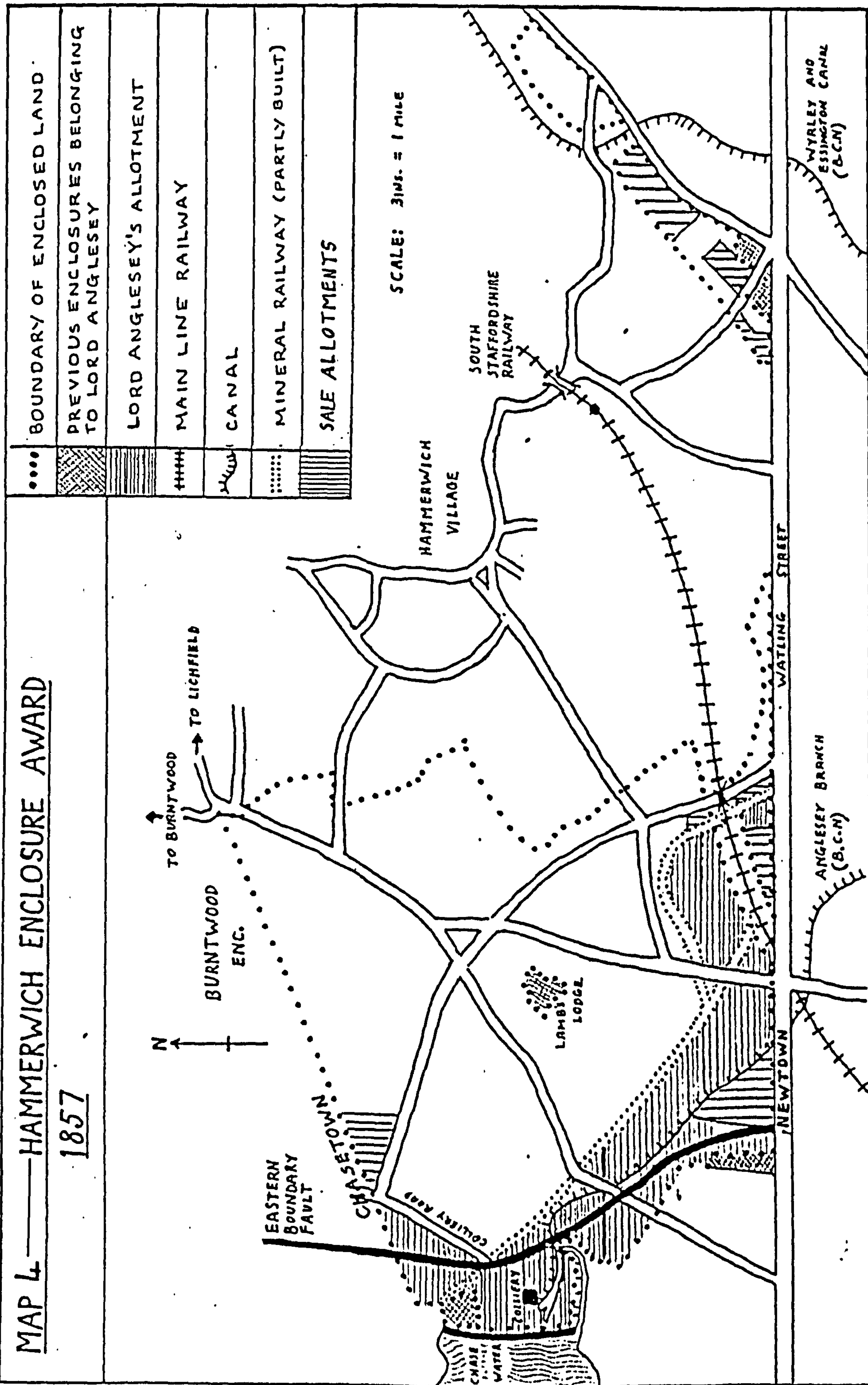
	Boundary of Enclosure		Minerals allotted to Lord Bradford Under common land enclosed by Act		
	Surface sold by Lord Bradford in 1856		Land leased by Queen Mary's School to Walsall Wood Colliery		
	Minerals under encroachment confirmed to Lord Bradford			Railways	 = Pits
				Canals	





# MAP 4—HAMMERWICH ENCLOSURE AWARD

1857





MAP 5 — BURNWOOD  
ENCLOSURE AWARD  
1863

BOUNDARY OF ENCLOSED LAND

PREVIOUS ENCLOSURES BELONGING  
TO LORD ANGLESEY.

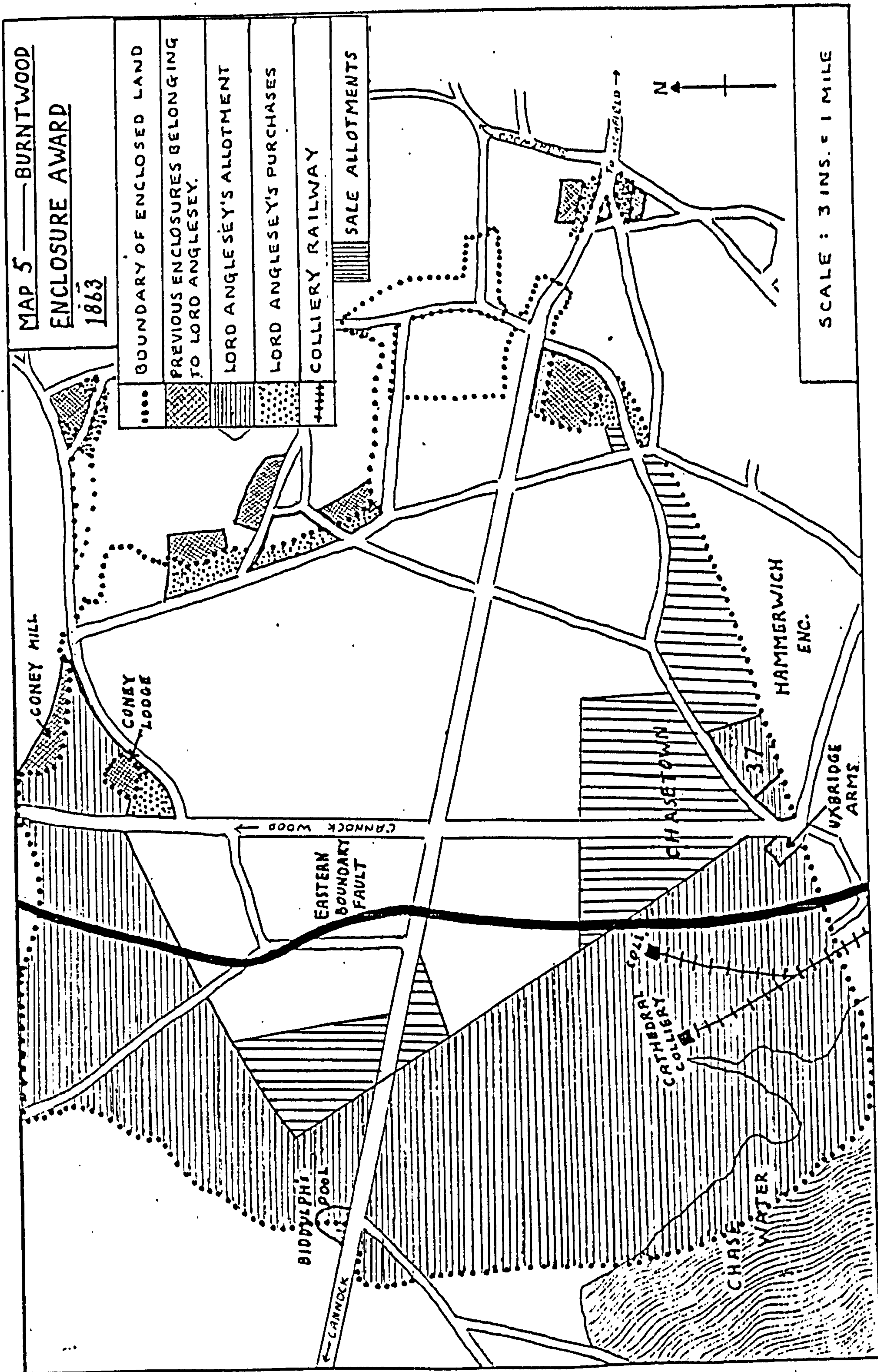
LORD ANGLESEY'S ALLOTMENT

LORD ANGLESEY'S PURCHASES

# COLLIERY RAILWAY

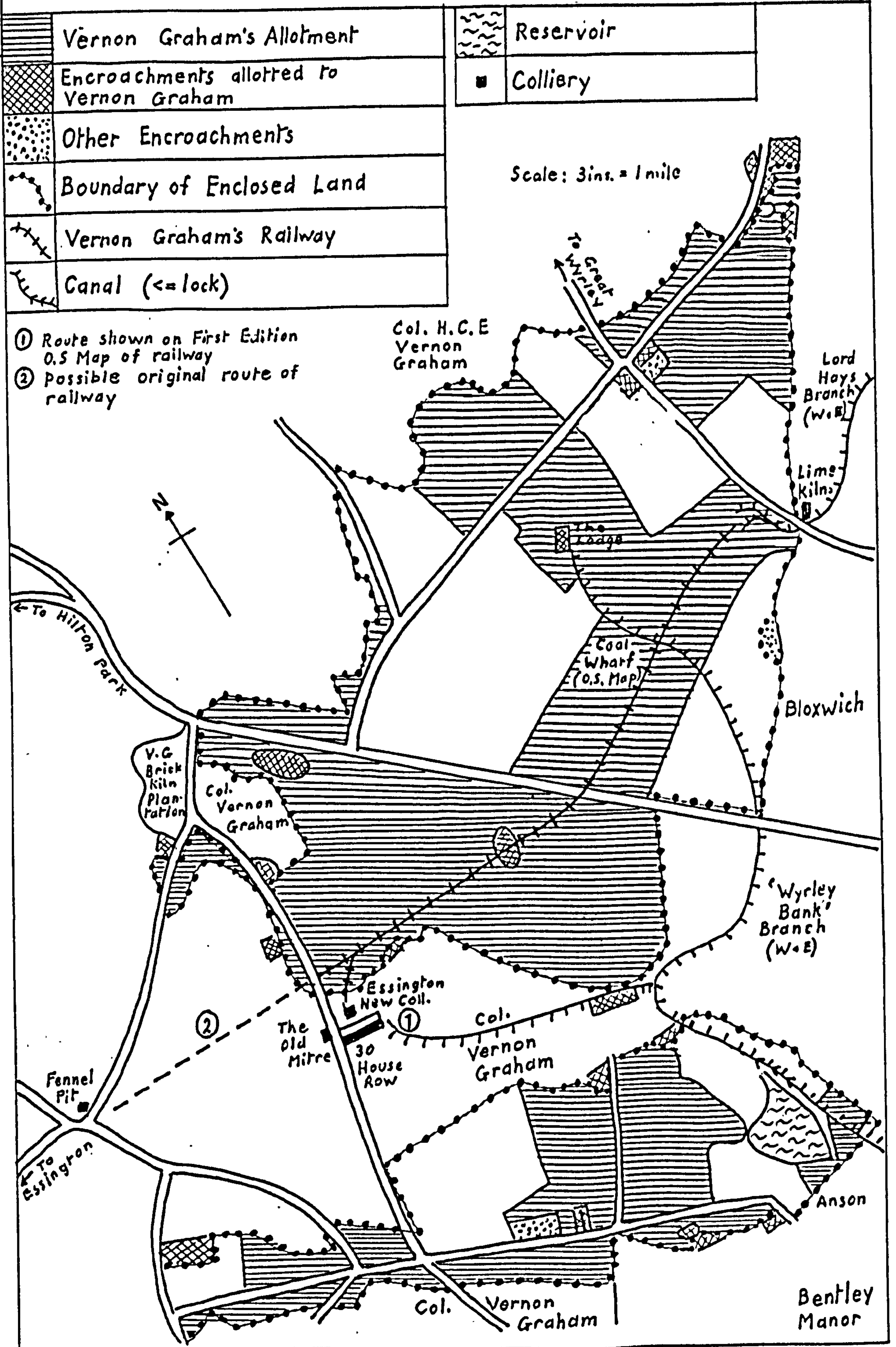
# SALE ALLOTMENTS

SCALE : 3 INS. = 1 MILE



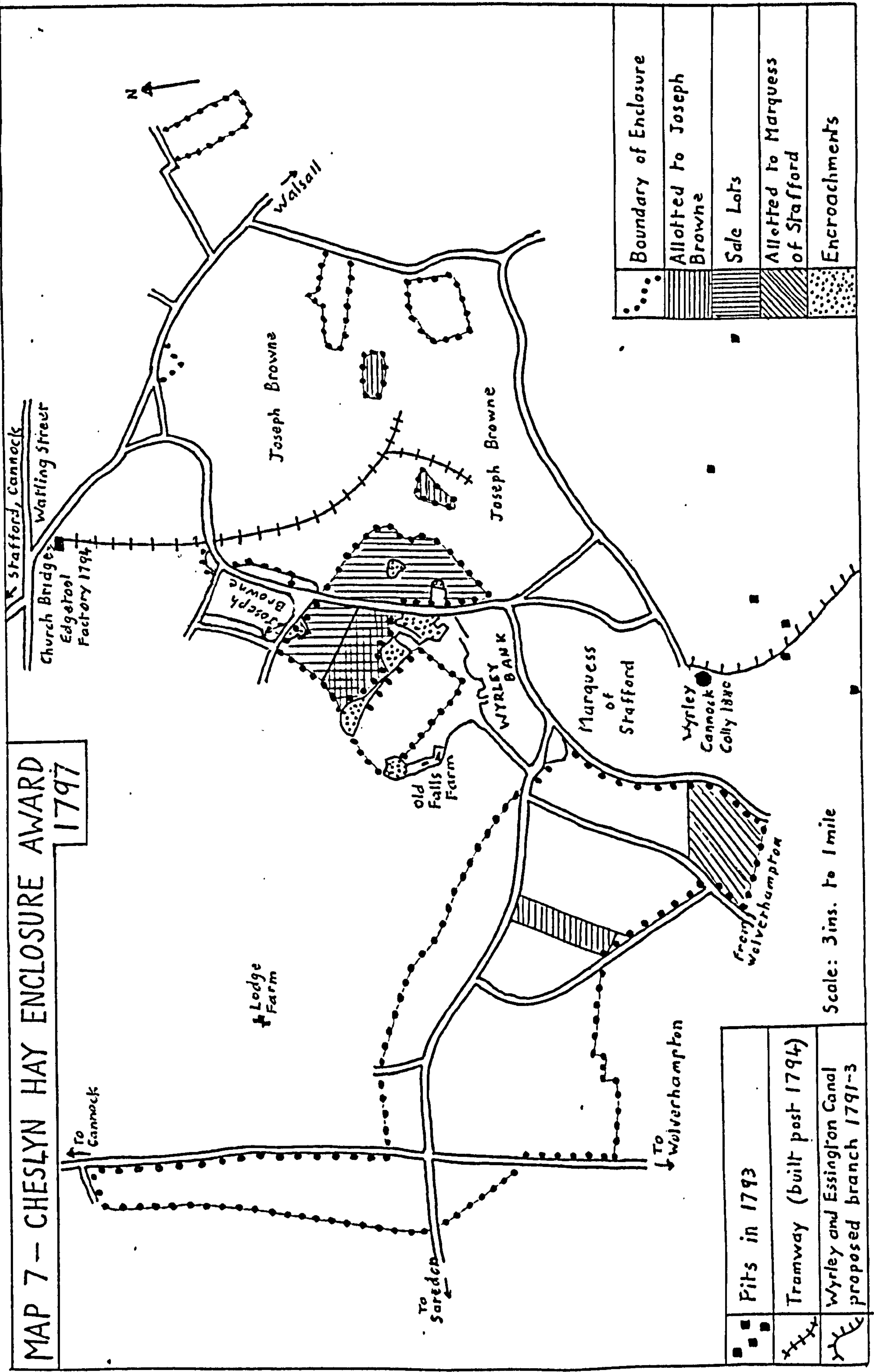


# MAP 6 — ESSINGTON WOOD ENCLOSURE AWARD c1815





# MAP 7 - CHESLYN HAY ENCLOSURE AWARD 1797





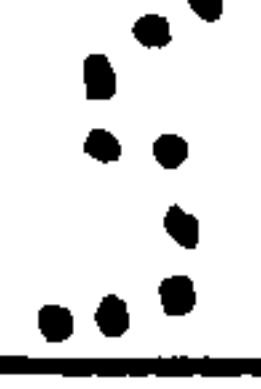

	Boundary of Enclosure
	Allotted to Joseph Browne
	Sale Lots
	Allotted to Marquess of Stafford
	Encroachments

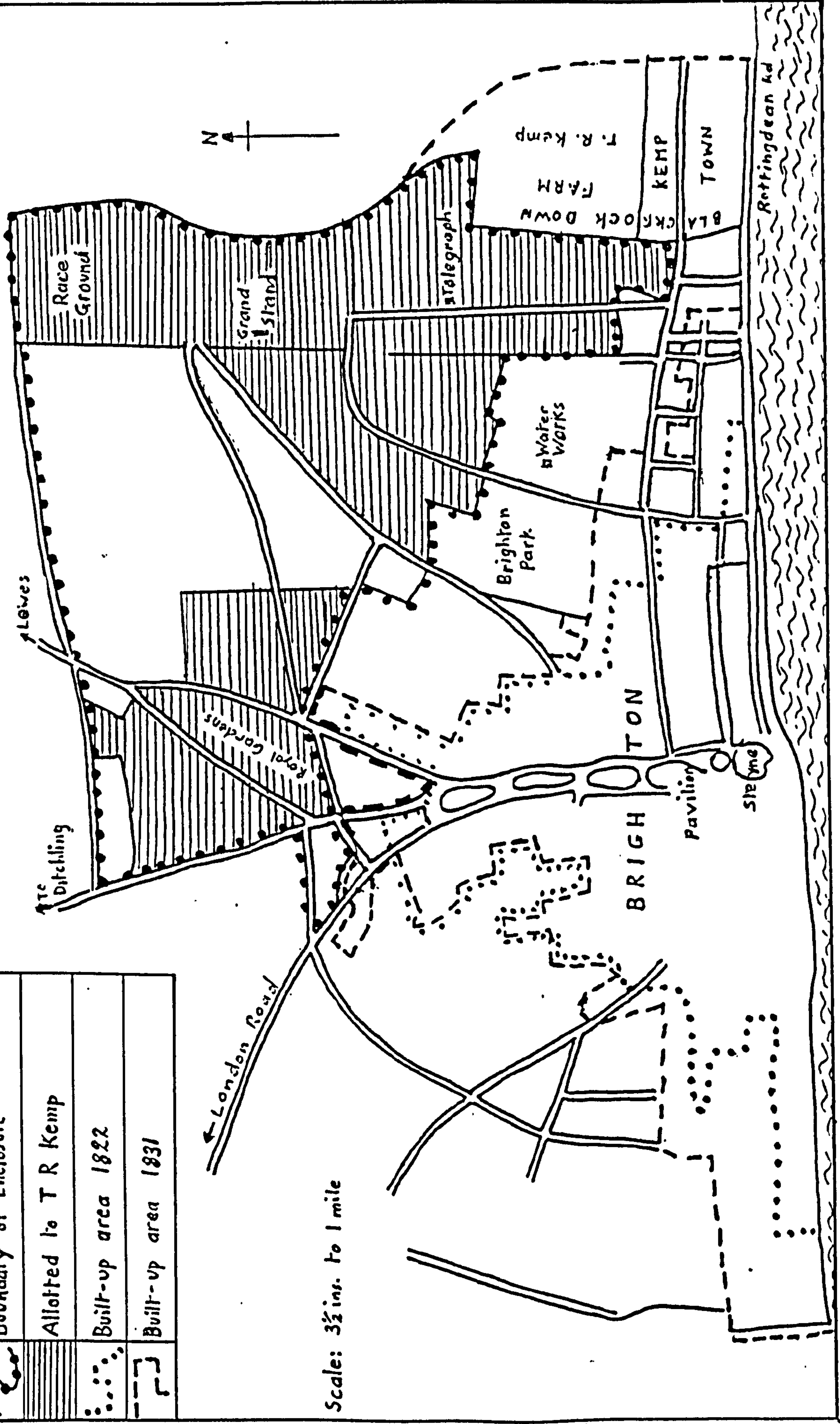
	Pits in 1793
	Tramway (built post 1794)
	Wyrley and Essington Canal proposed branch 1791-3

Scale: 3ins. to 1mile



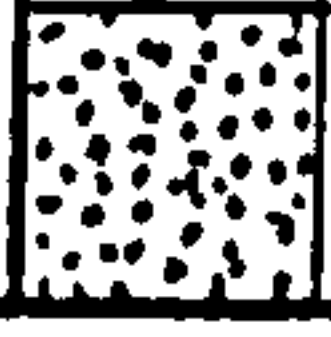

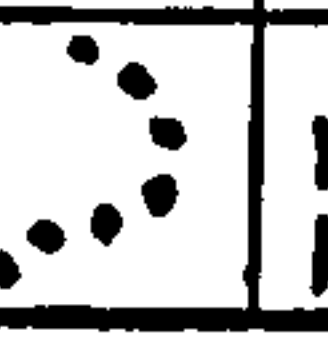


MAP 8 — BRIGHTON ENCLOSURE AWARD 1822

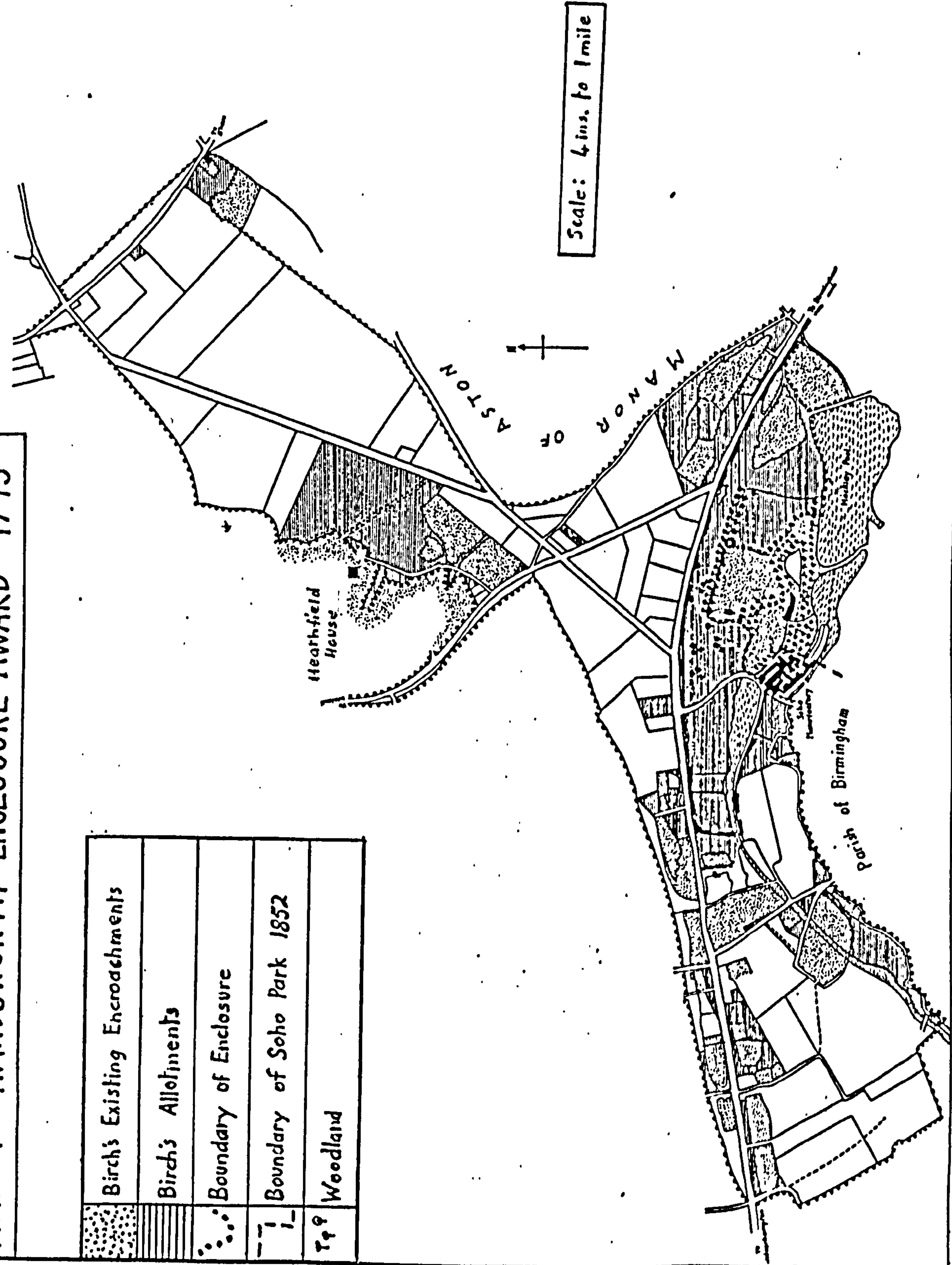
	Boundary of Enclosure
	Allotted to T R Kemp
	Built-up area 1822
	Built-up area 1831





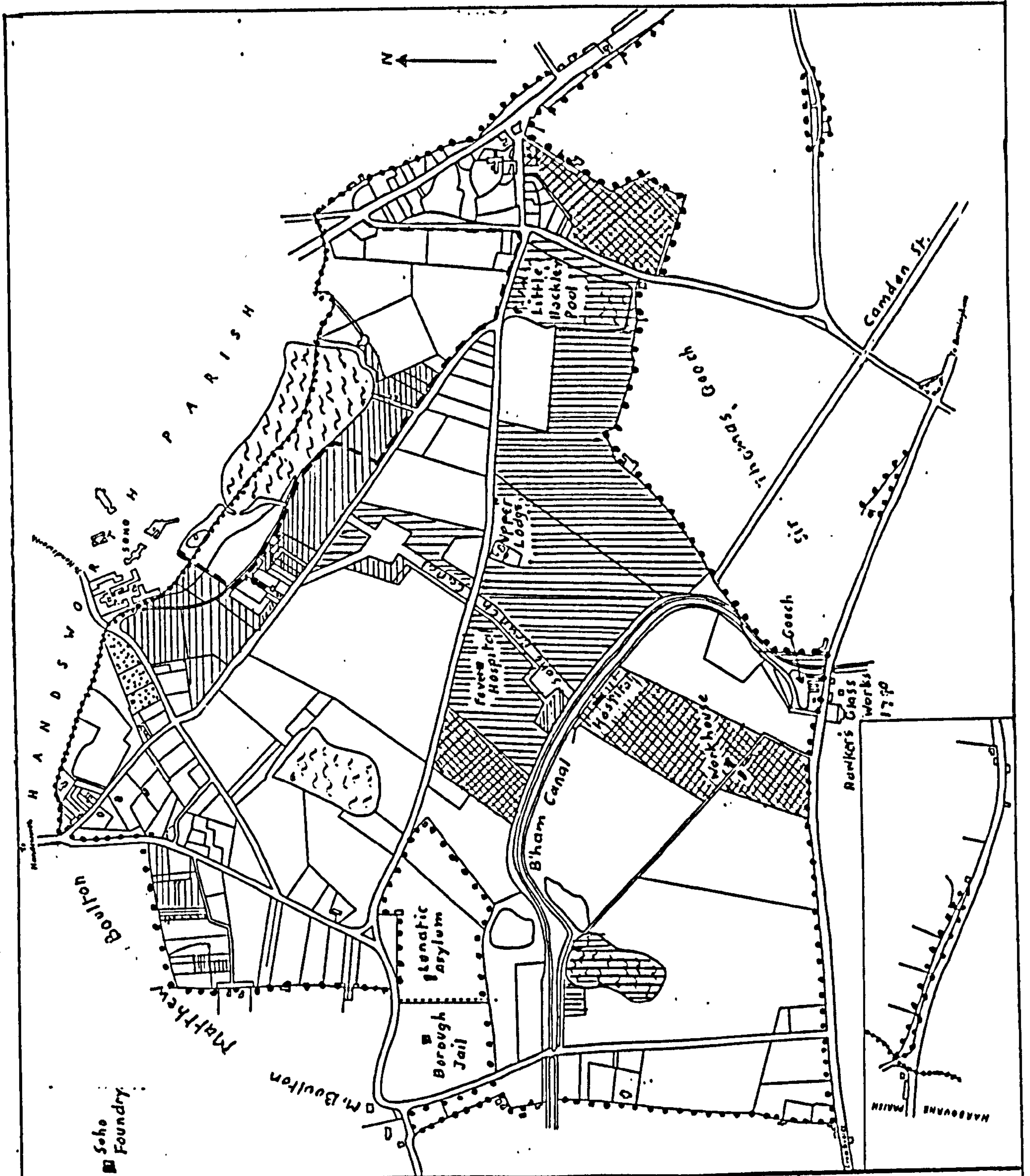
MAP 9 - HANDSWORTH ENCLOSURE AWARD 1793

	Birch's Existing Encroachments
	Birch's Allotments
	Boundary of Enclosure
	Boundary of Soho Park 1852
	Woodland



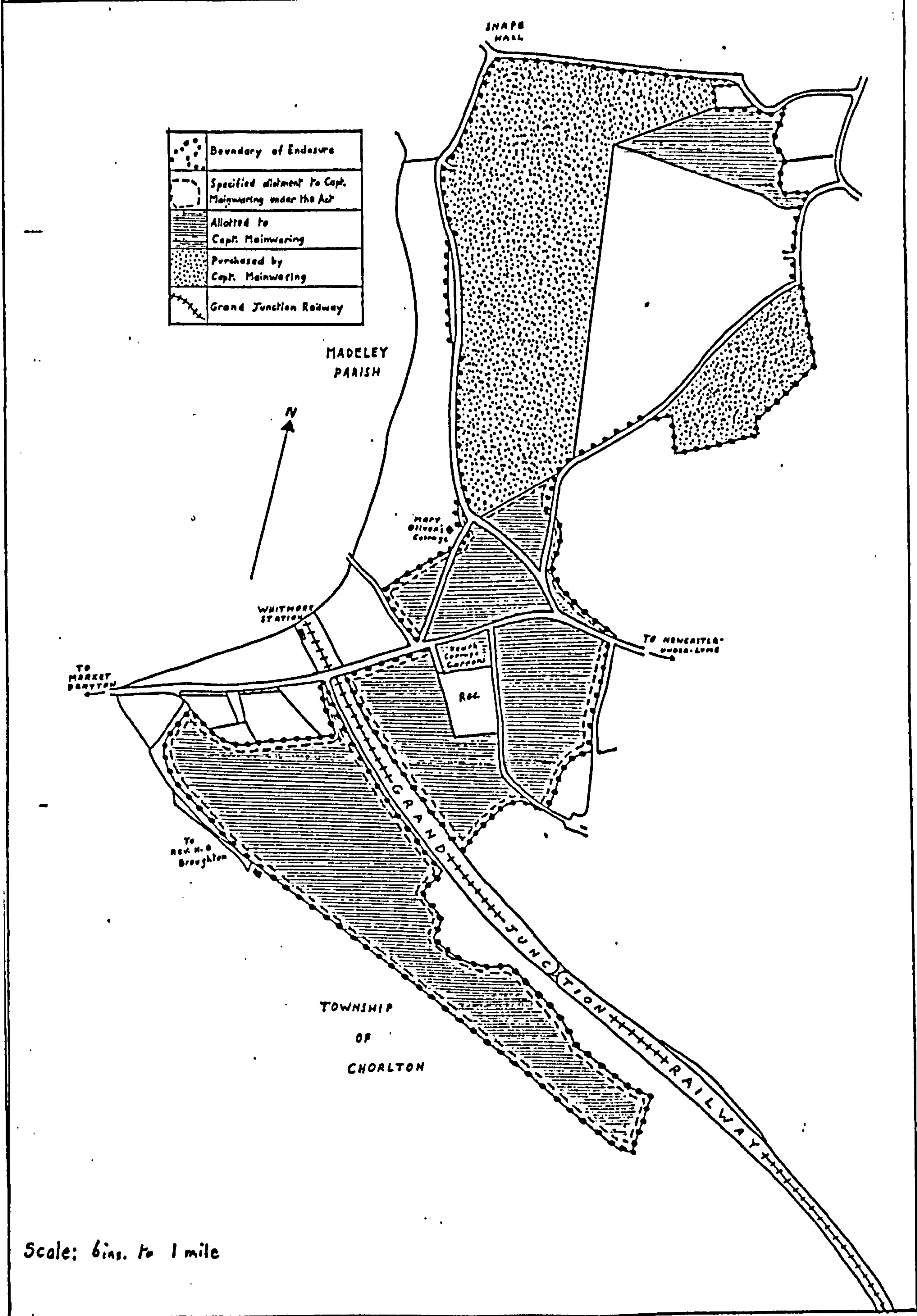


<p>MAP 10 — BIRMINGHAM ENCLOSURE AWARD 1802</p>	
<p>.....</p>	Boundary of Enclosure
<p>---</p>	Boundary of Boulton's Park 1852
<p>     </p>	Allotted to Boulton
<p>     </p>	Allotted to Gooch
<p>     </p>	Allotted to Guardians of The Poor
<p>     </p>	Probable site of Building Plots
<p>Scale: 5 ins to 1 mile</p>	





MAP II — WHITMORE ENCLOSURE AWARD 1846





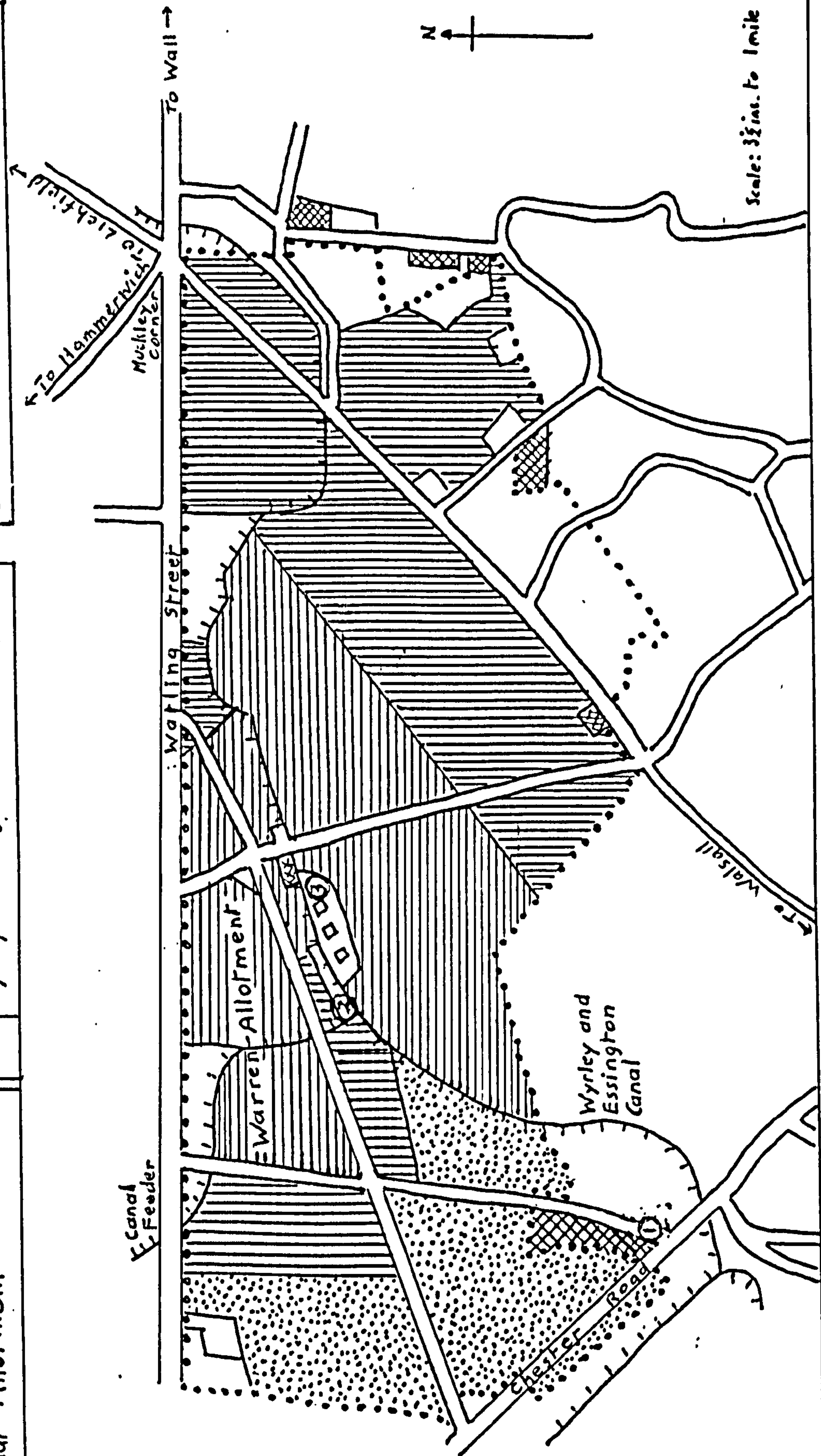
# MAP 12a—OGLEY HAY ENCLOSURE AWARD 1839

Boundary of Enclosure	C.F. Cotterill as a Proprietor
Previous Enclosures belonging to C.F. Cotterill	Cotterill's Purchases
Manorial Allotment	Wyrley + Essington Canal

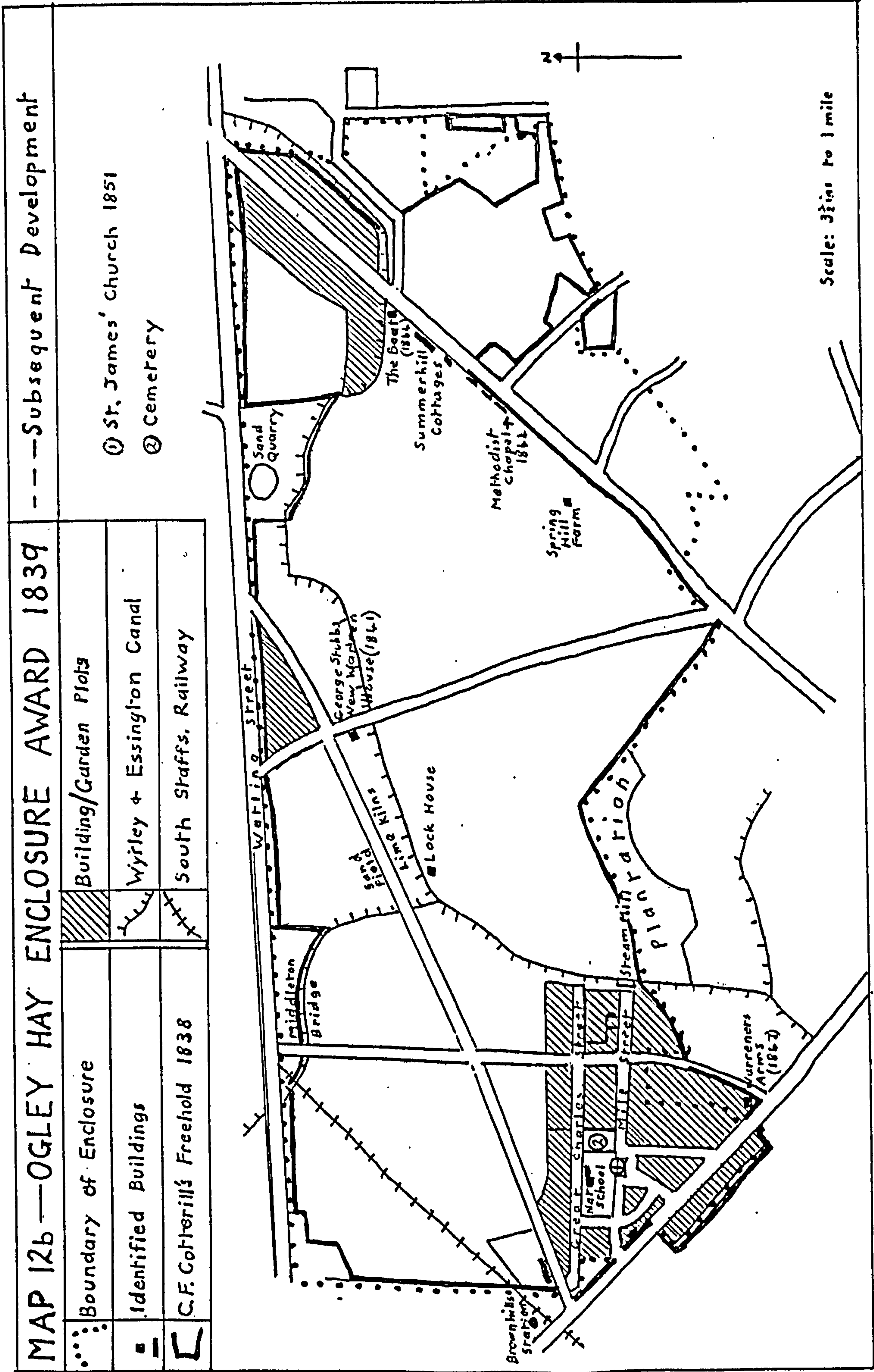
- Old Warren House. Warren established by Richard Gildart in 1700s; now site of The Warrener's Arms.

Lime Kilns on Canal Company property.

Side Ponds



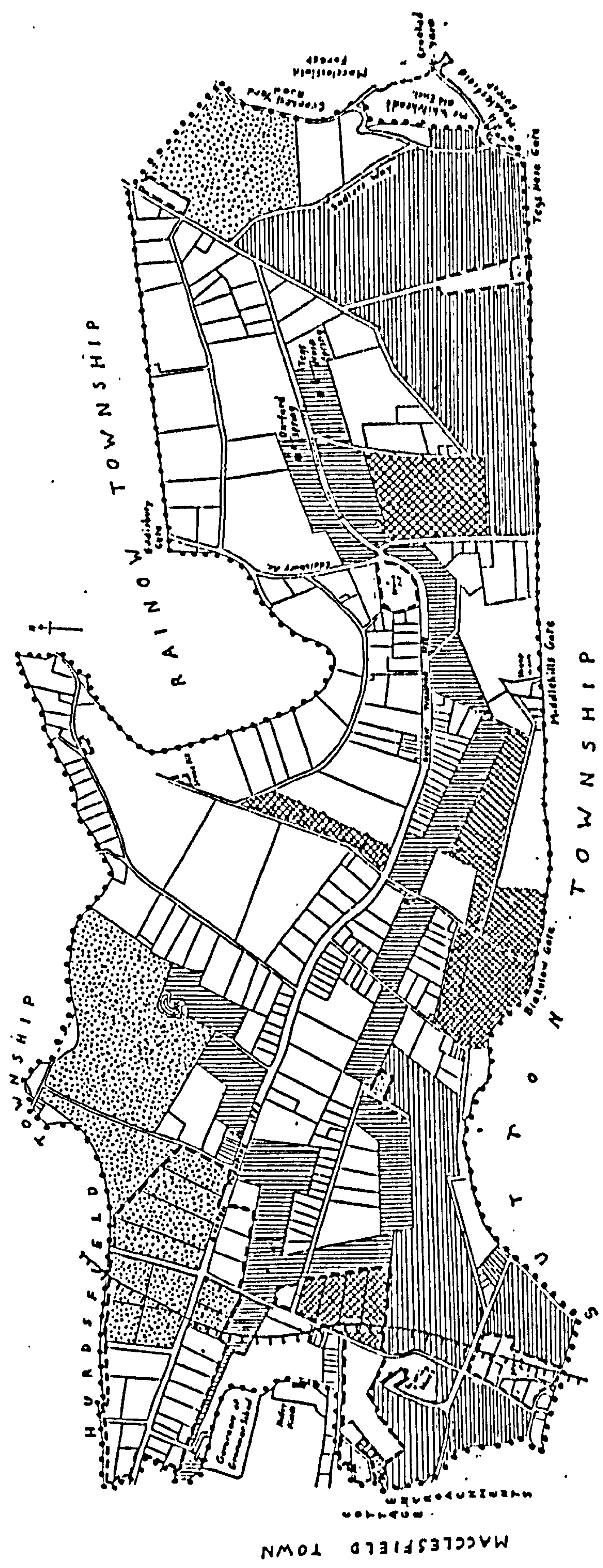






# MAP 13—MACCLESFIELD ENCLOSURE AWARD 1804





Boundary of Enclosure	Sale Plots	Pools
Allotted to king as Lord of the Manor	Allotted to Roe	
Allotted to Corporation	Allotted to John Ryle	

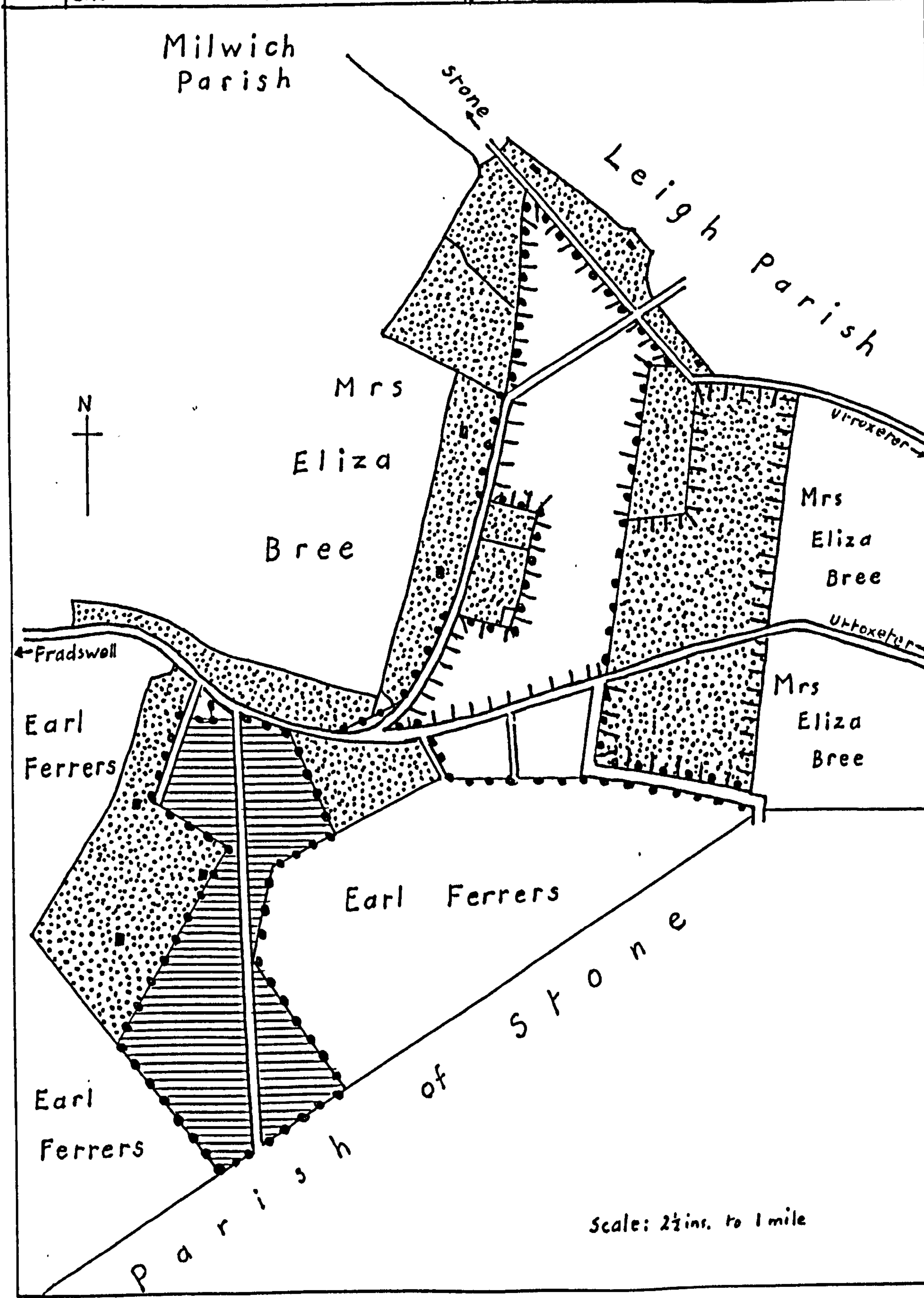


Scale: 4 ins. to 1 mile




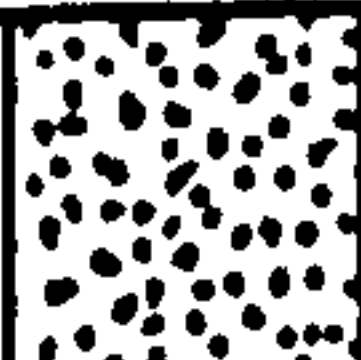


# MAP 14 - FRADSWELL HEATH ENCLOSURE AWARD 1855

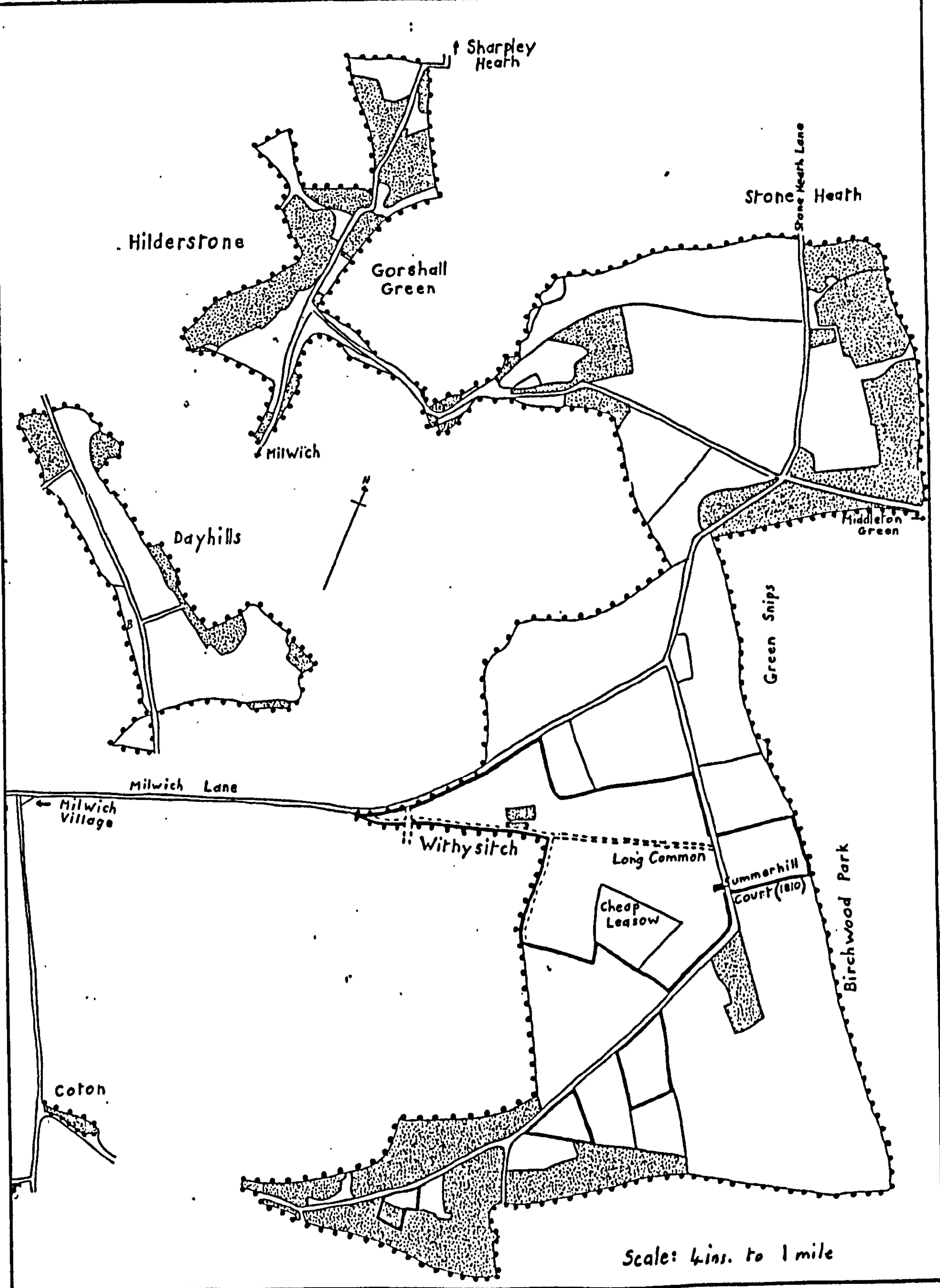
	Boundary of Enclosure		Allotted to Earl Ferrers
	Fradswell Hall Estate encroachments and allotment		Old encroachments





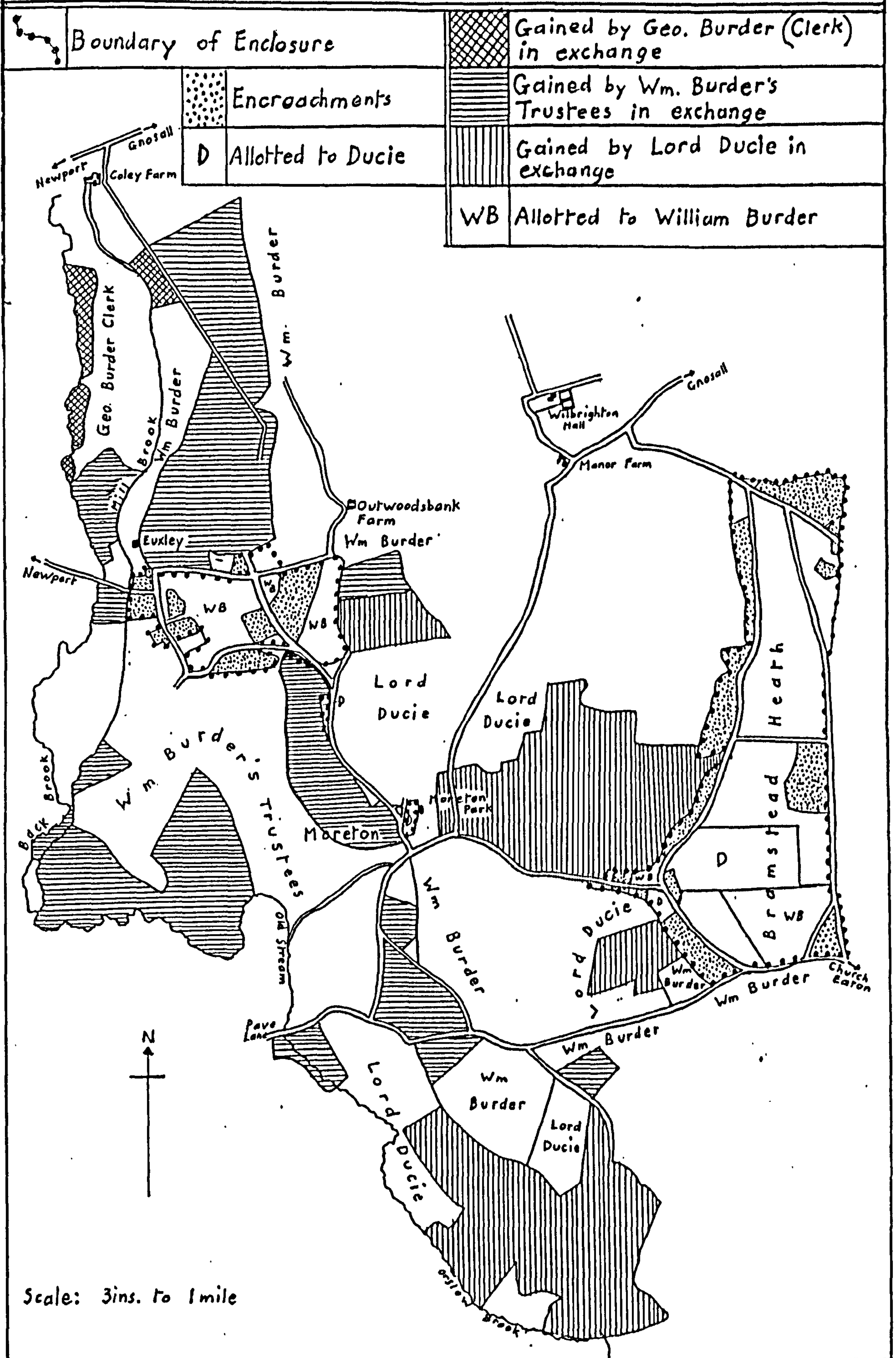
# MAP 15 — MILWICH ENCLOSURE AWARD 1785

	Boundary of Enclosure		Encroachments
	Common allotted or bought by Vernons		Road made 1815



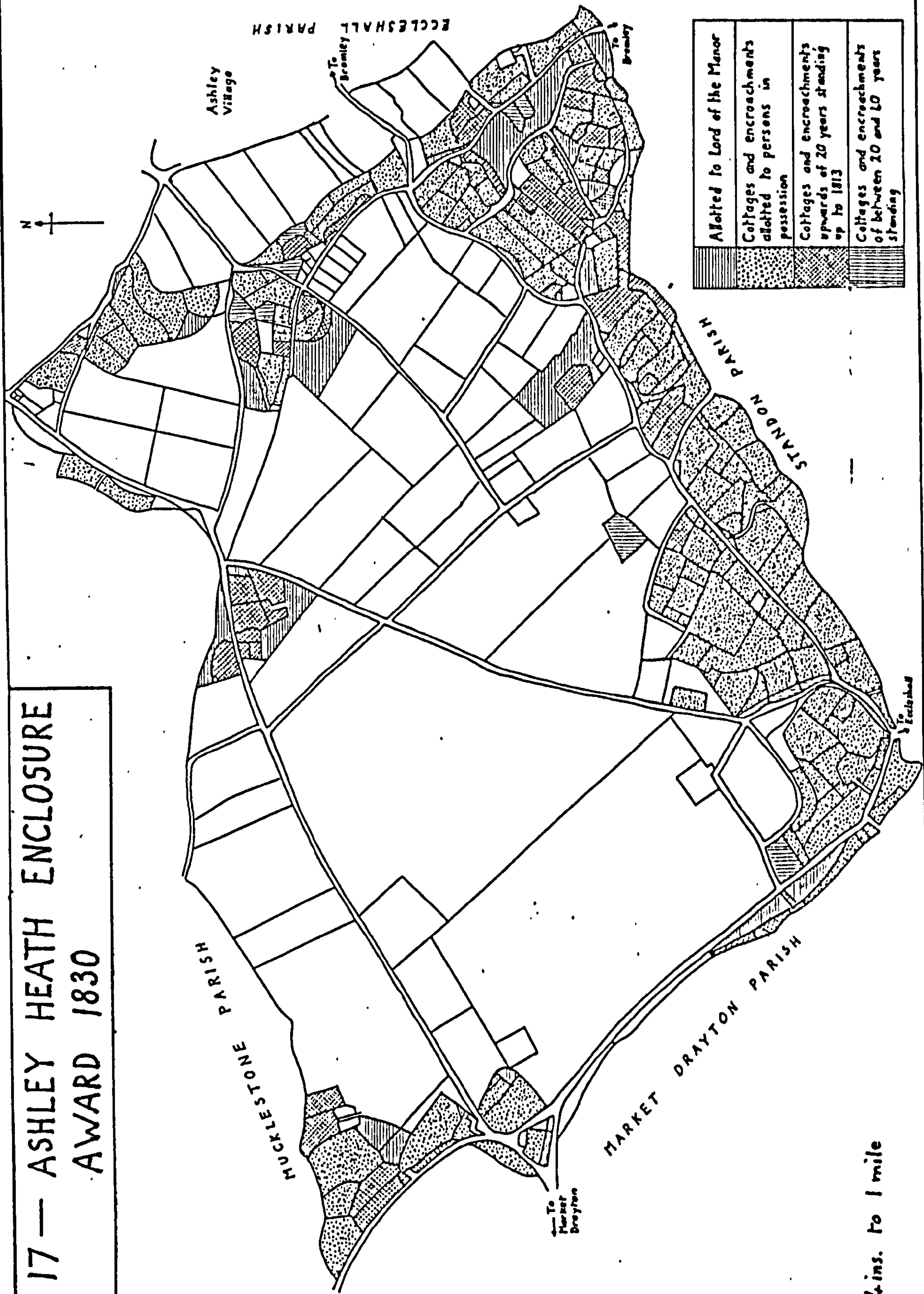


# MAP 16 — MORETON & WILBRIGHTON ENCLOSURE AWARD 1797





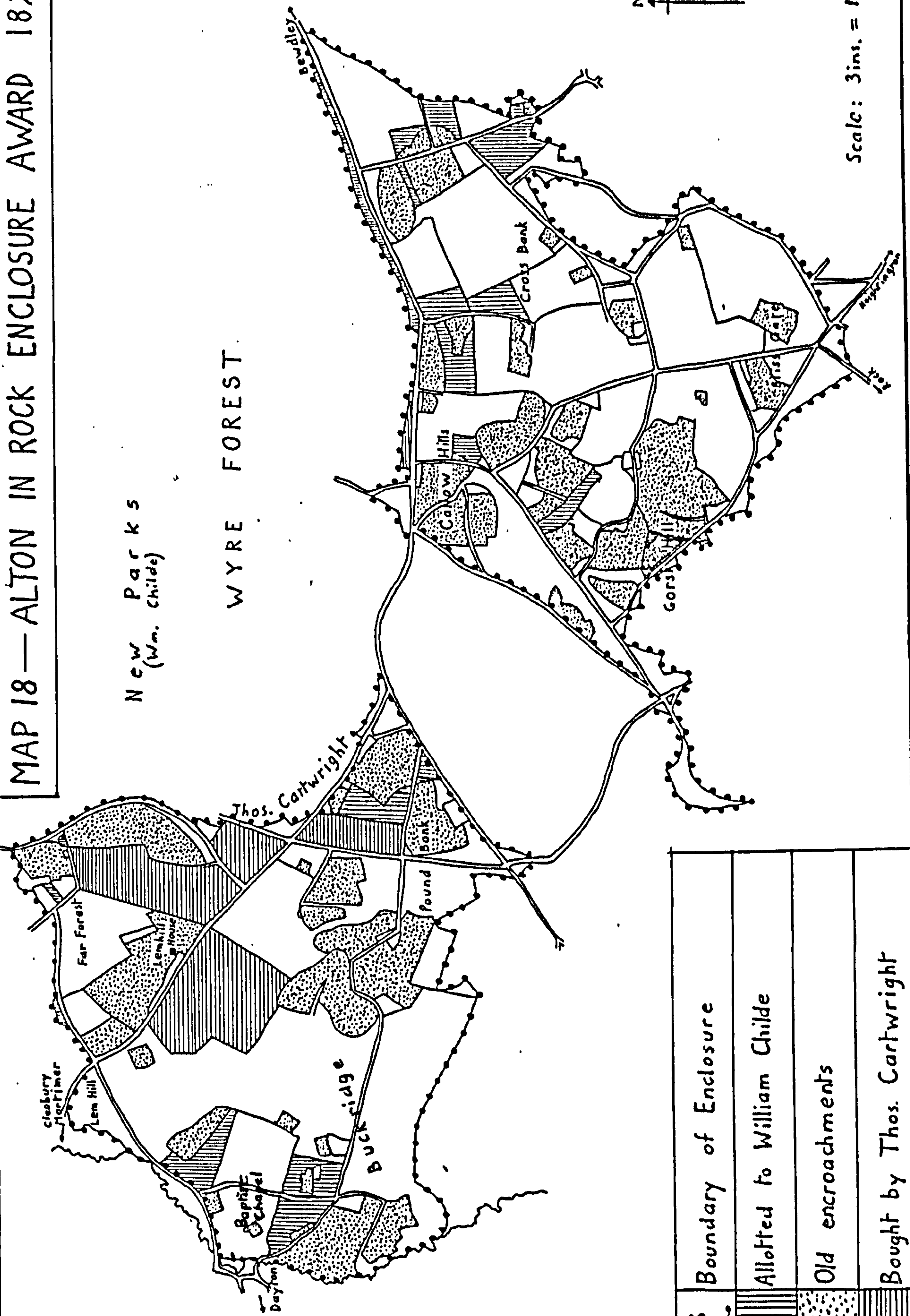
MAP 17 — ASHLEY HEATH ENCLOSURE  
AWARD 1830



Scale: 4 ins. to 1 mile

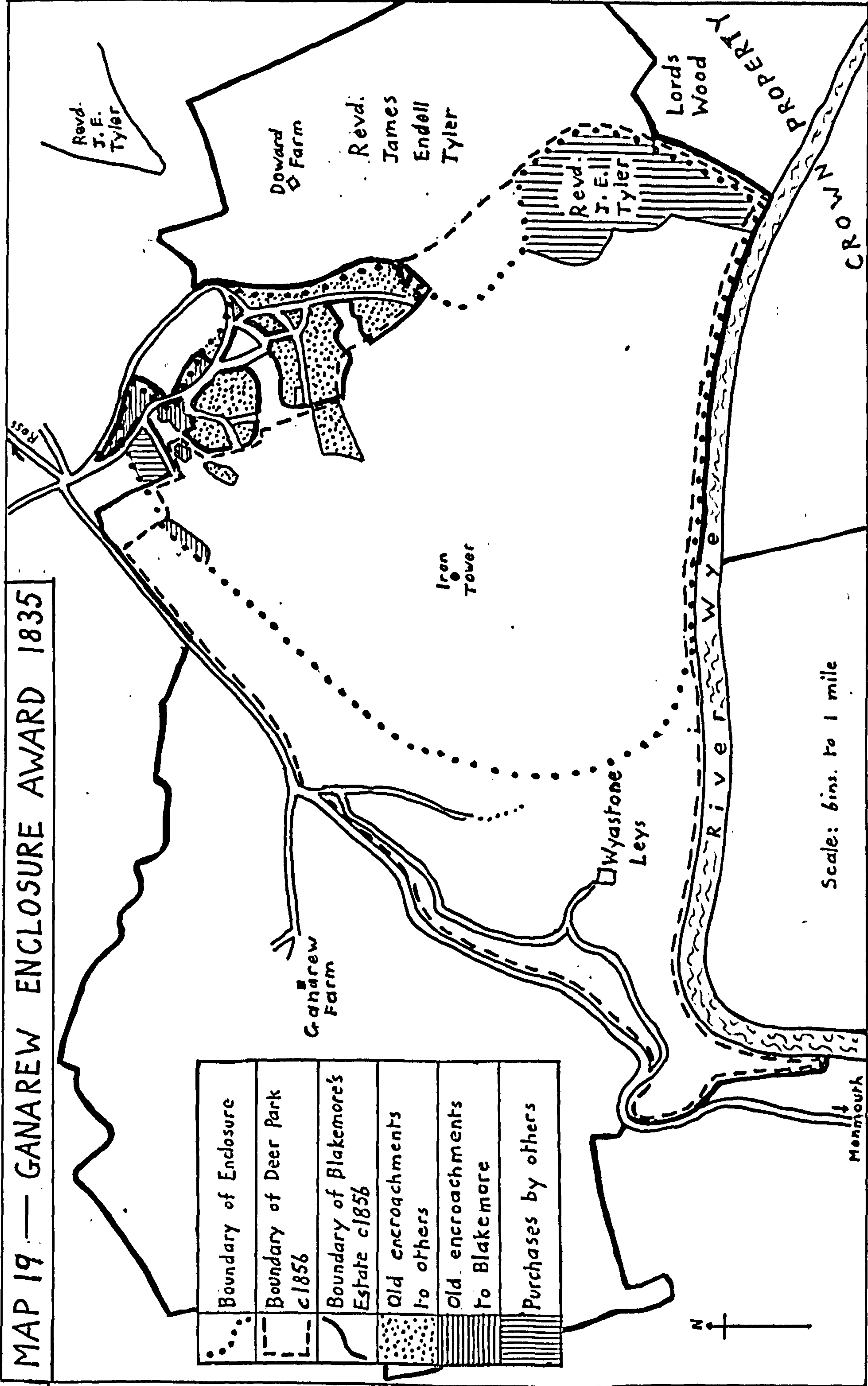


MAP 18—ALTON IN ROCK ENCLOSURE AWARD 1820



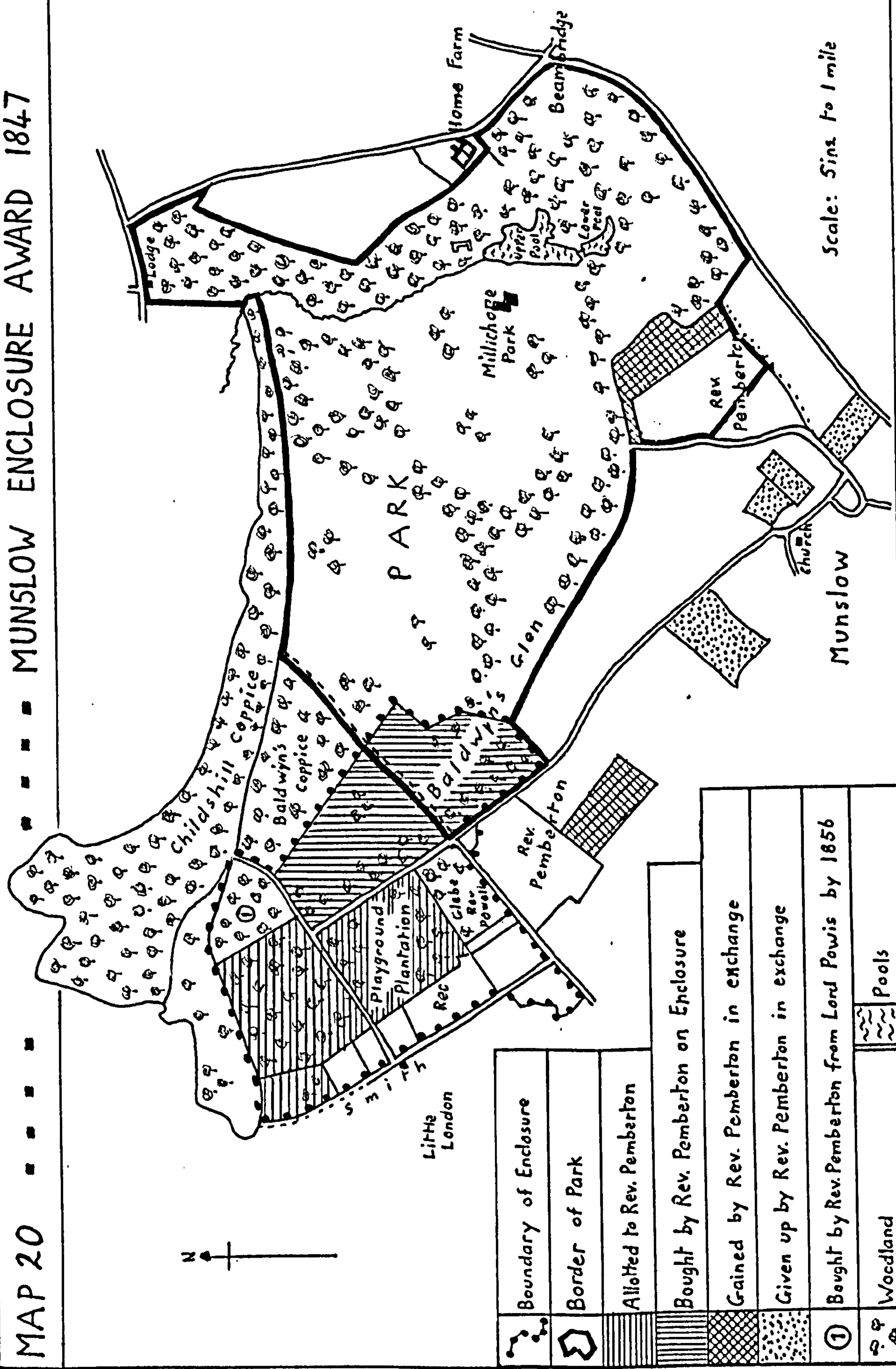





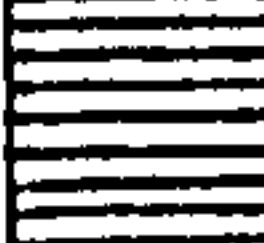



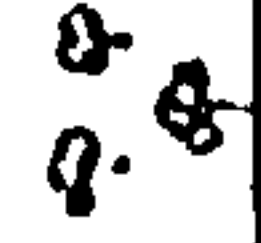

MAP 19 — GANAREW ENCLOSURE AWARD 1835





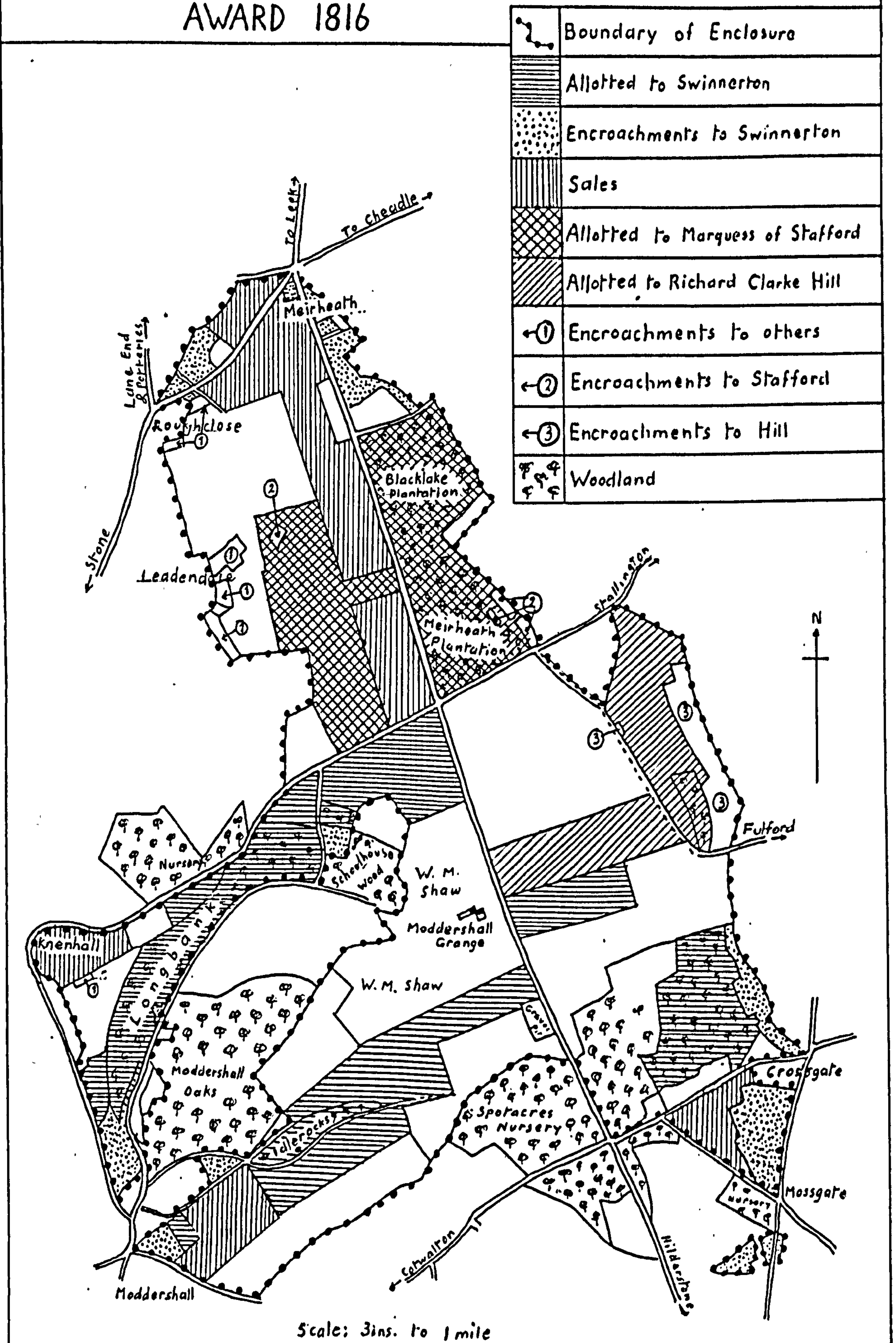
# MAP 20      ■ ■ ■ ■ ■      MUNSLOW ENCLOSURE AWARD 1847



	Boundary of Enclosure
	Border of Park
	Allotted to Rev. Pemberton
	Bought by Rev. Pemberton on Enclosure
	Gained by Rev. Pemberton in exchange
	Given up by Rev. Pemberton in exchange
	Bought by Rev. Pemberton from Lord Powis by 1856
	Woodland
	Pools



# MAP 21 - MODDERSHALL HEATH ENCLOSURE AWARD 1816







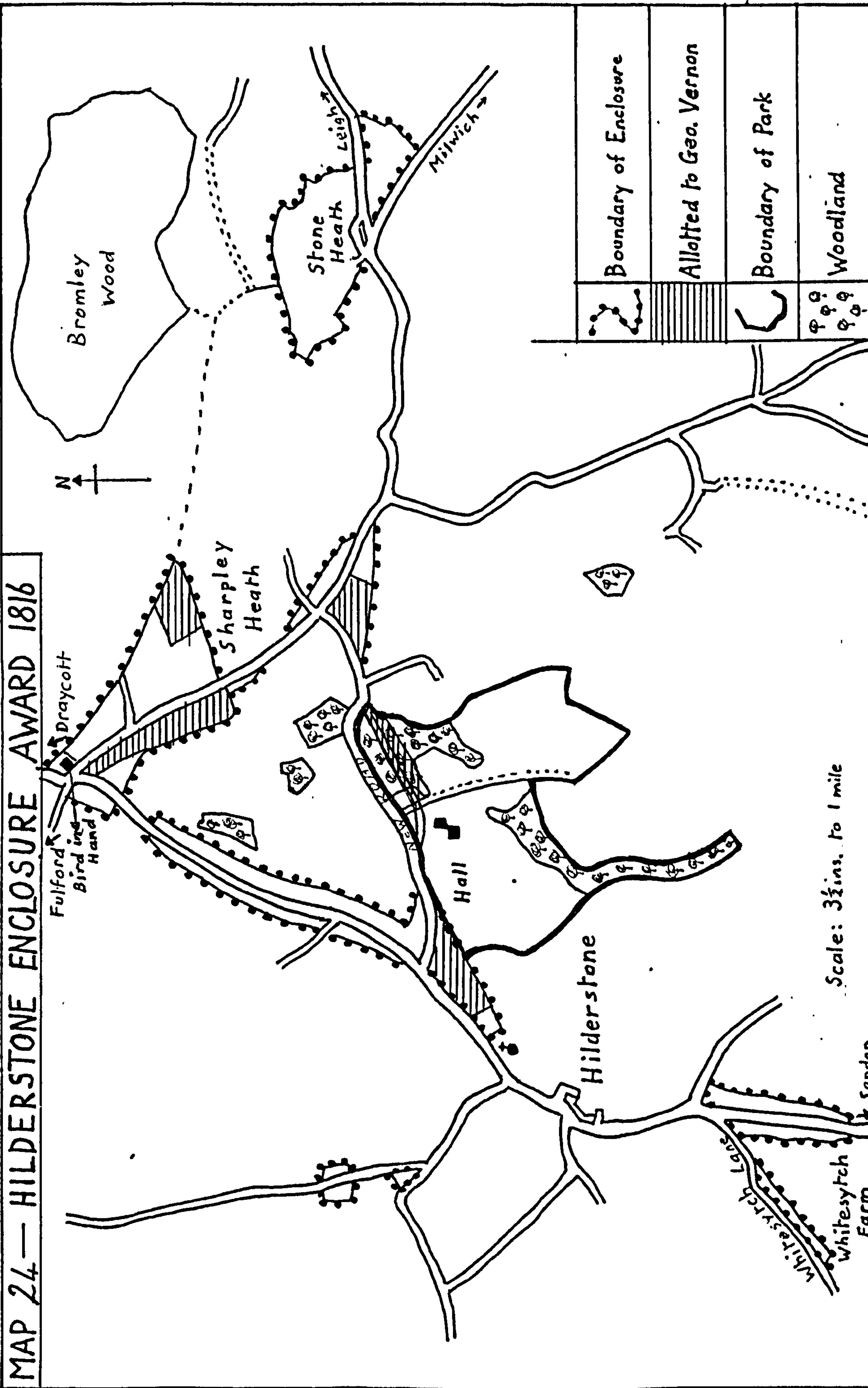


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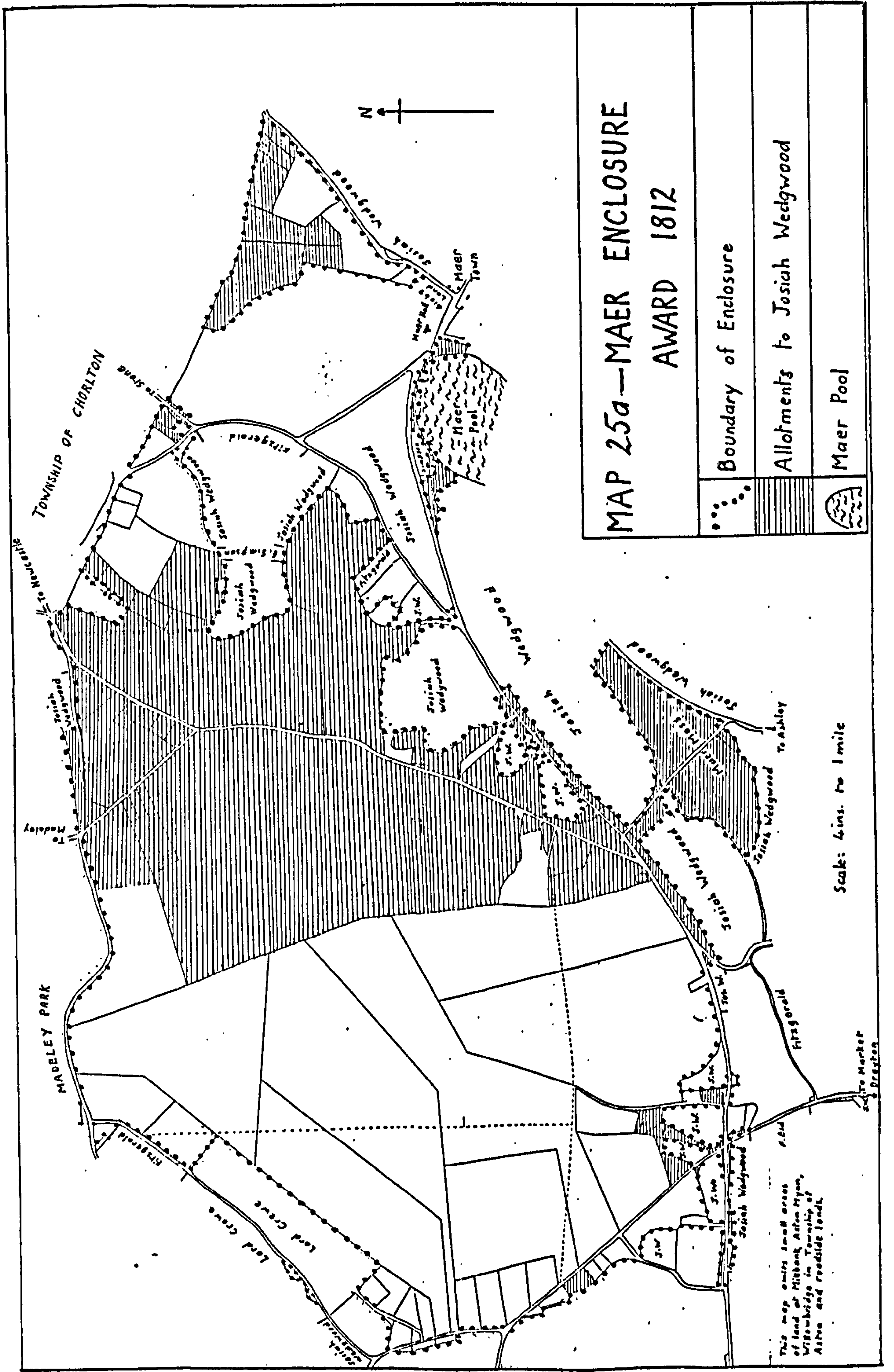




MAP 24—HILDERSTONE ENCLOSURE AWARD 1816

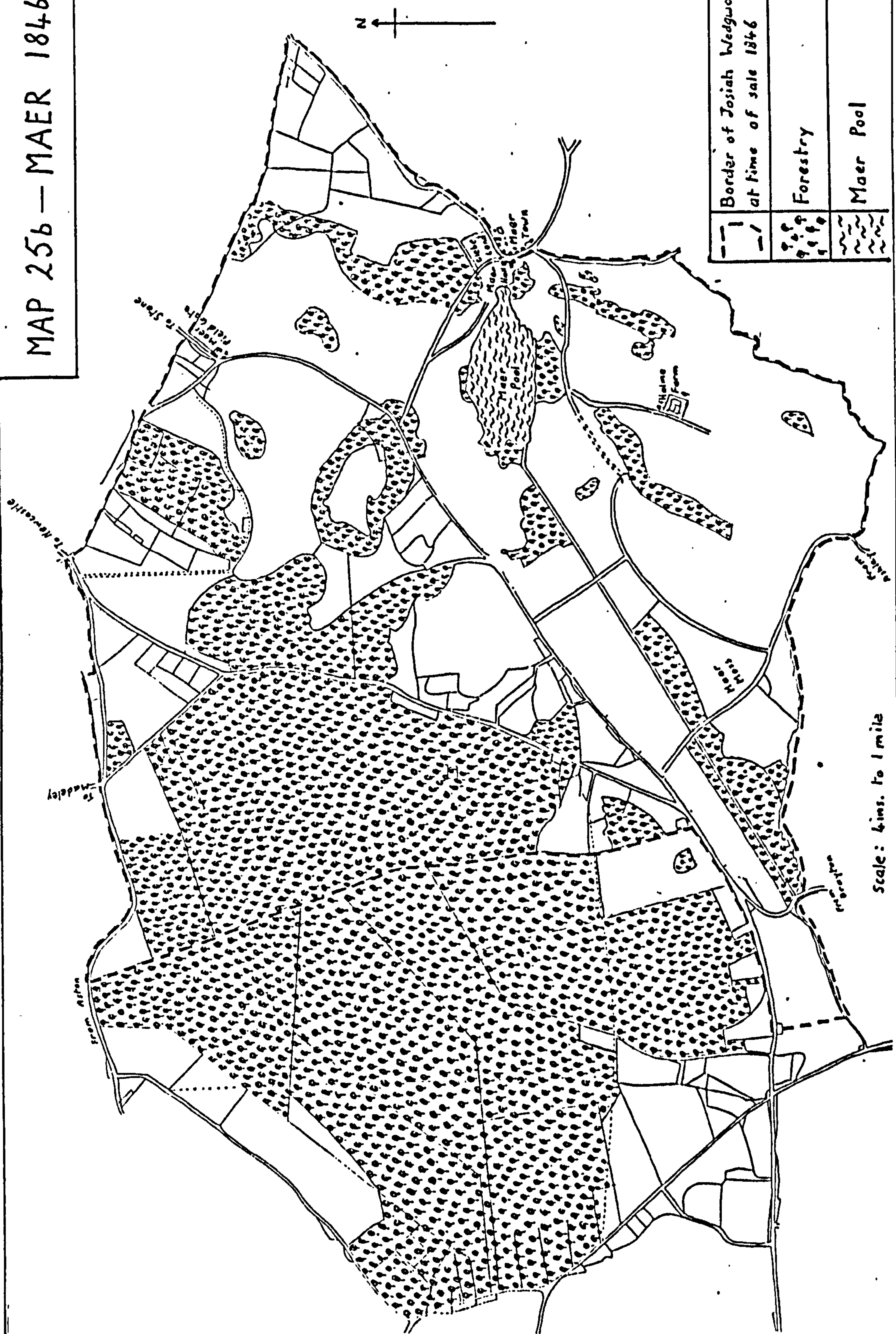








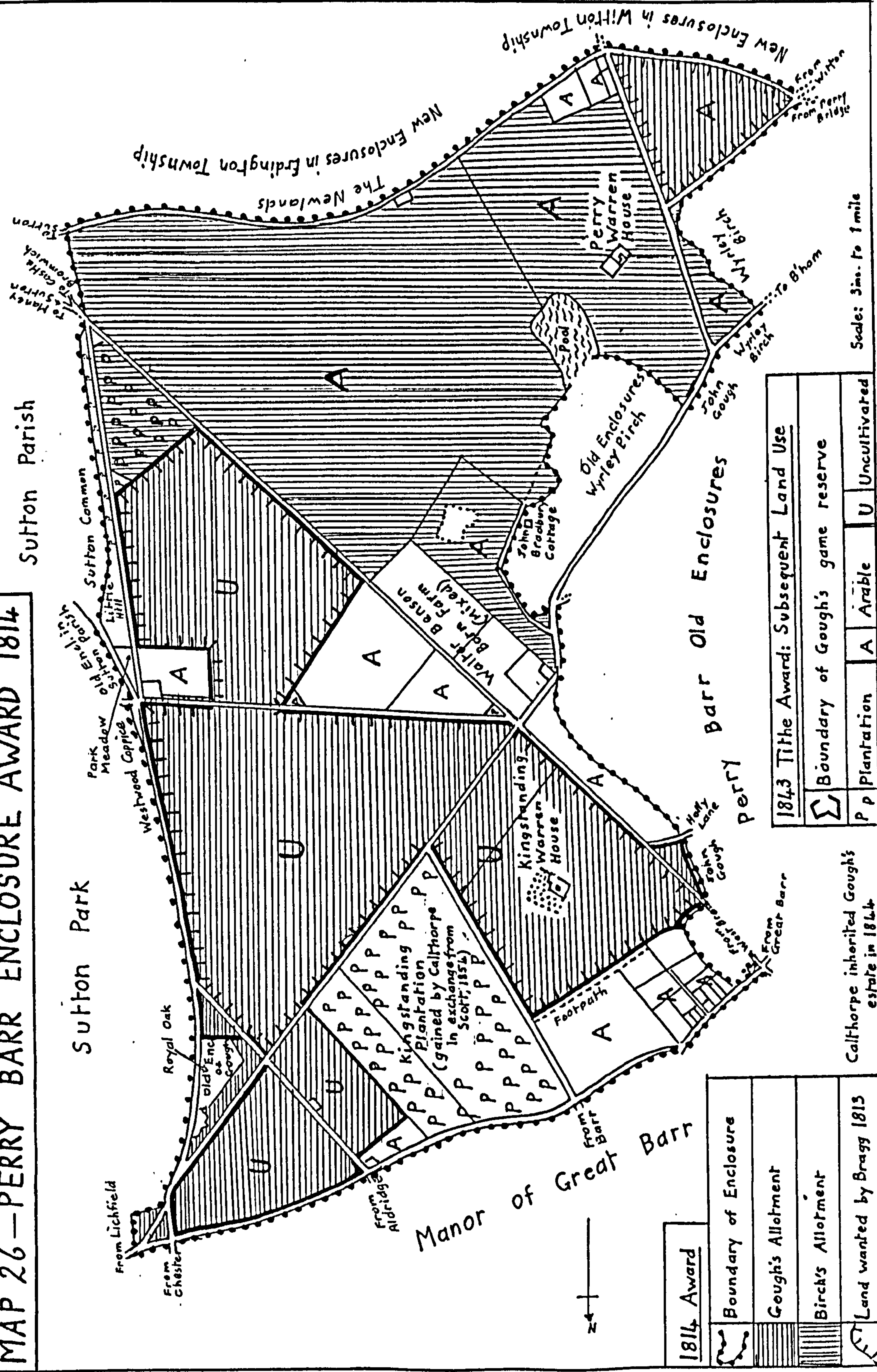
MAP 256 - MAER 1846





# MAP 26—PERRY BARR ENCLOSURE AWARD 1814

Sutton Parish



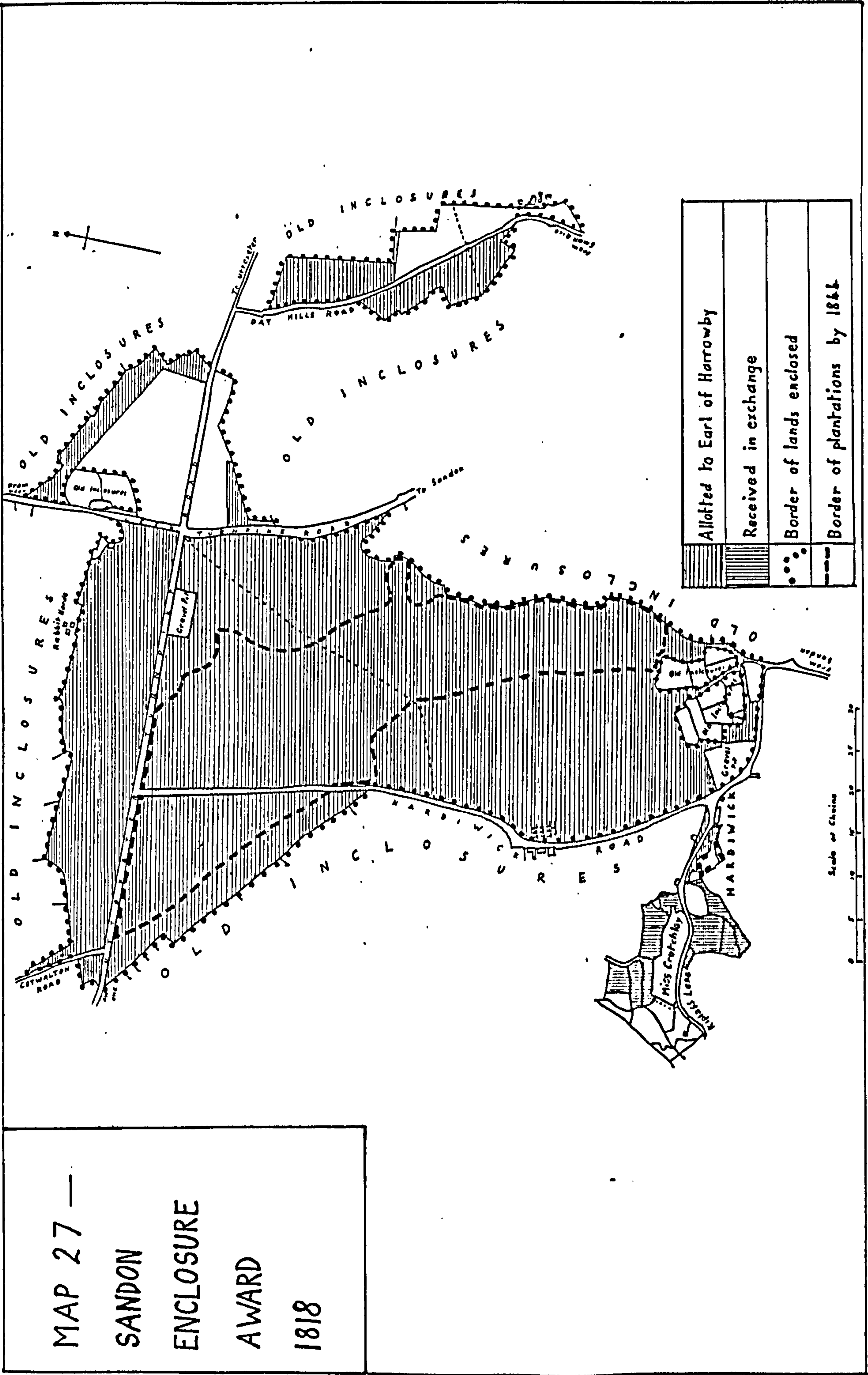
1814 Award			
	Boundary of Enclosure		
	Gough's Allotment		
	Birch's Allotment		
	Land wanted by Bragg 1813		

1843 Tithe Award: Subsequent Land Use			
	Boundary of Gough's game reserve		
	P	Plantation	A
	A	Arable	U
	U	Uncultivated	

Calthorpe inherited Gough's estate in 1844

Scale: 3 miles to 1 mile






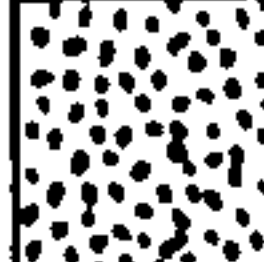

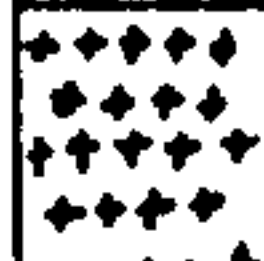



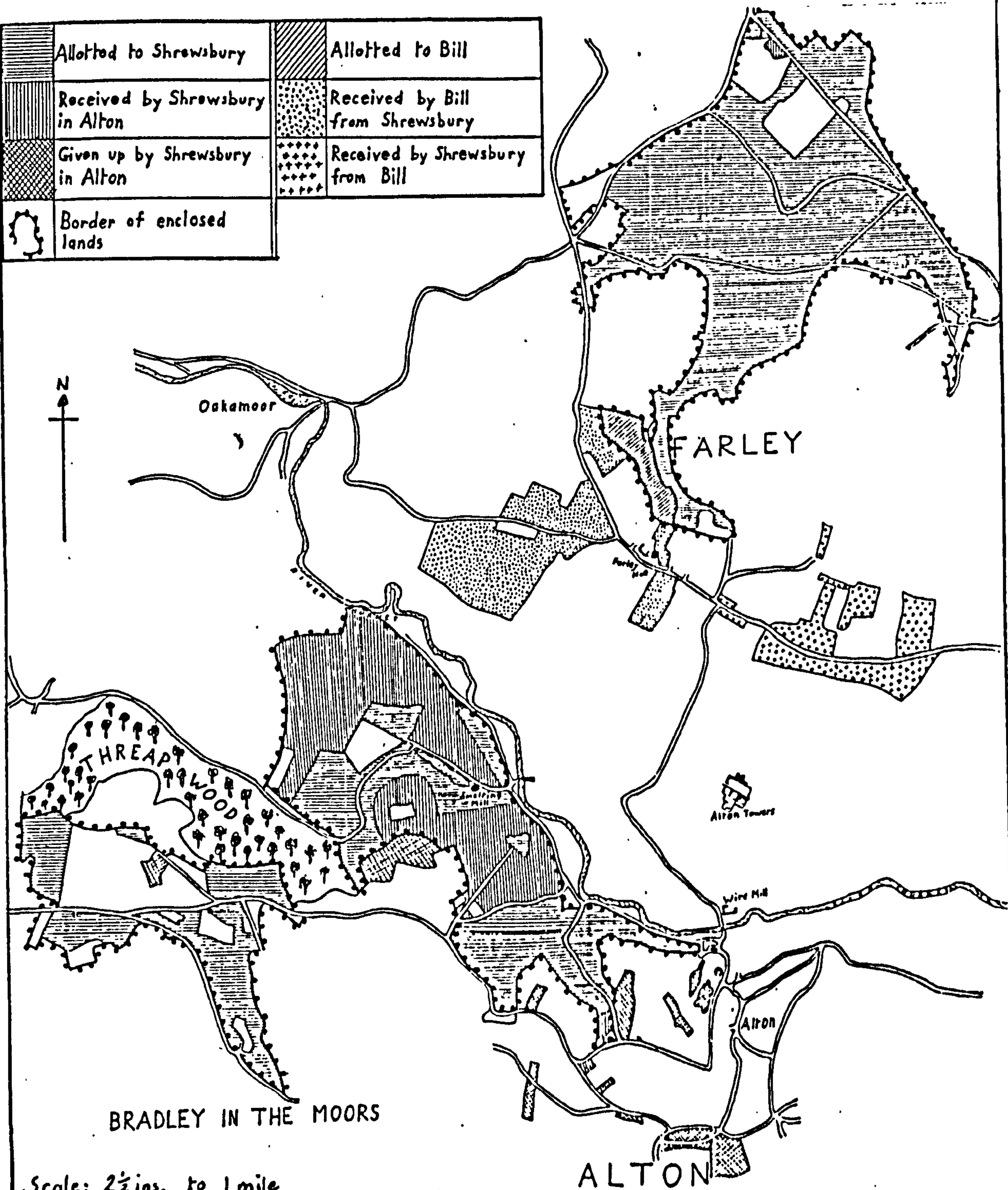






# MAP 29— ALTON ENCLOSURE AWARD 1833

	Allotted to Shrewsbury		Allotted to Bill
	Received by Shrewsbury in Alton		Received by Bill from Shrewsbury
	Given up by Shrewsbury in Alton		Received by Shrewsbury from Bill
	Border of enclosed lands		



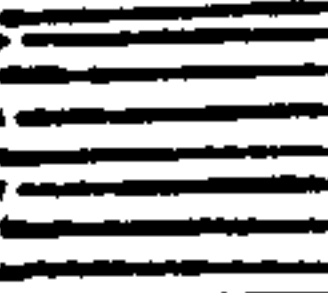




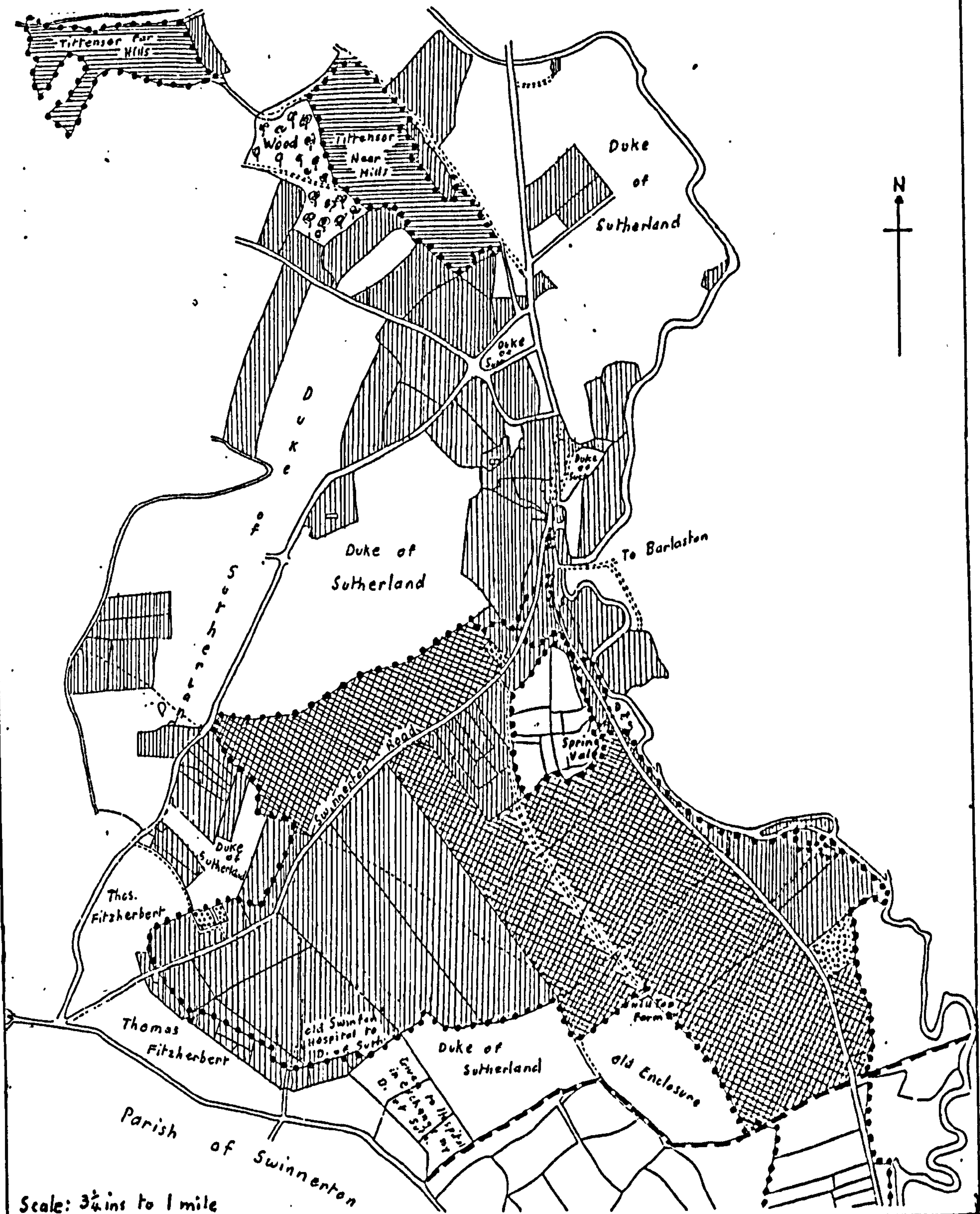
Scale: 2½ins. to 1mile



# MAP 30 a

# TITTENSOR ENCLOSURE AWARD 1855

	Boundary of main area of enclosure		Received by Duke of Sutherland in exchange
	Allotments to Duke of Sutherland specified by Act		Duke of Sutherland by purchase of common rights
	Duke of Sutherland's common right allotments		





MAP 306

TITTENSOR 1889



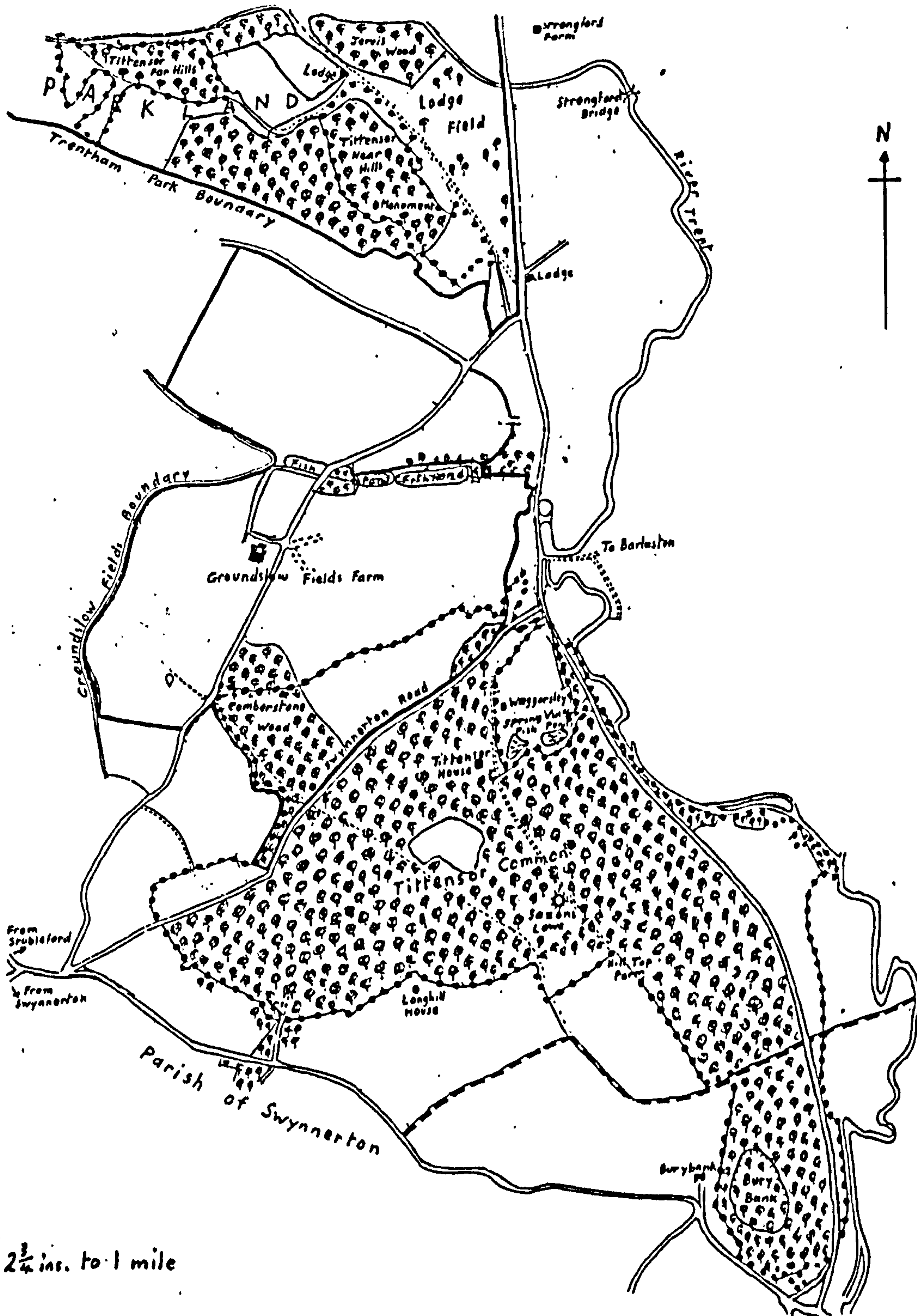
Boundary of main area of enclosure



Woodland



Border of Trentham Park and Groundslow Farm



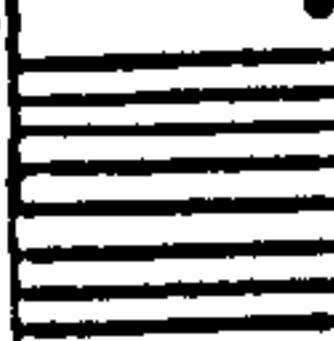
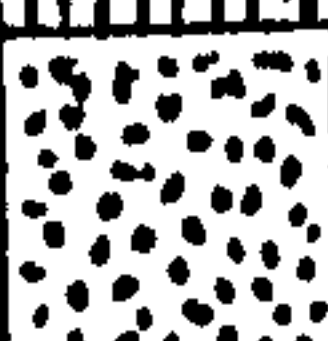
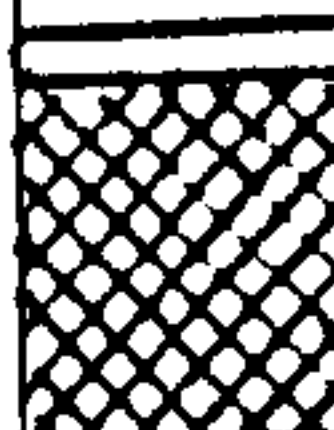


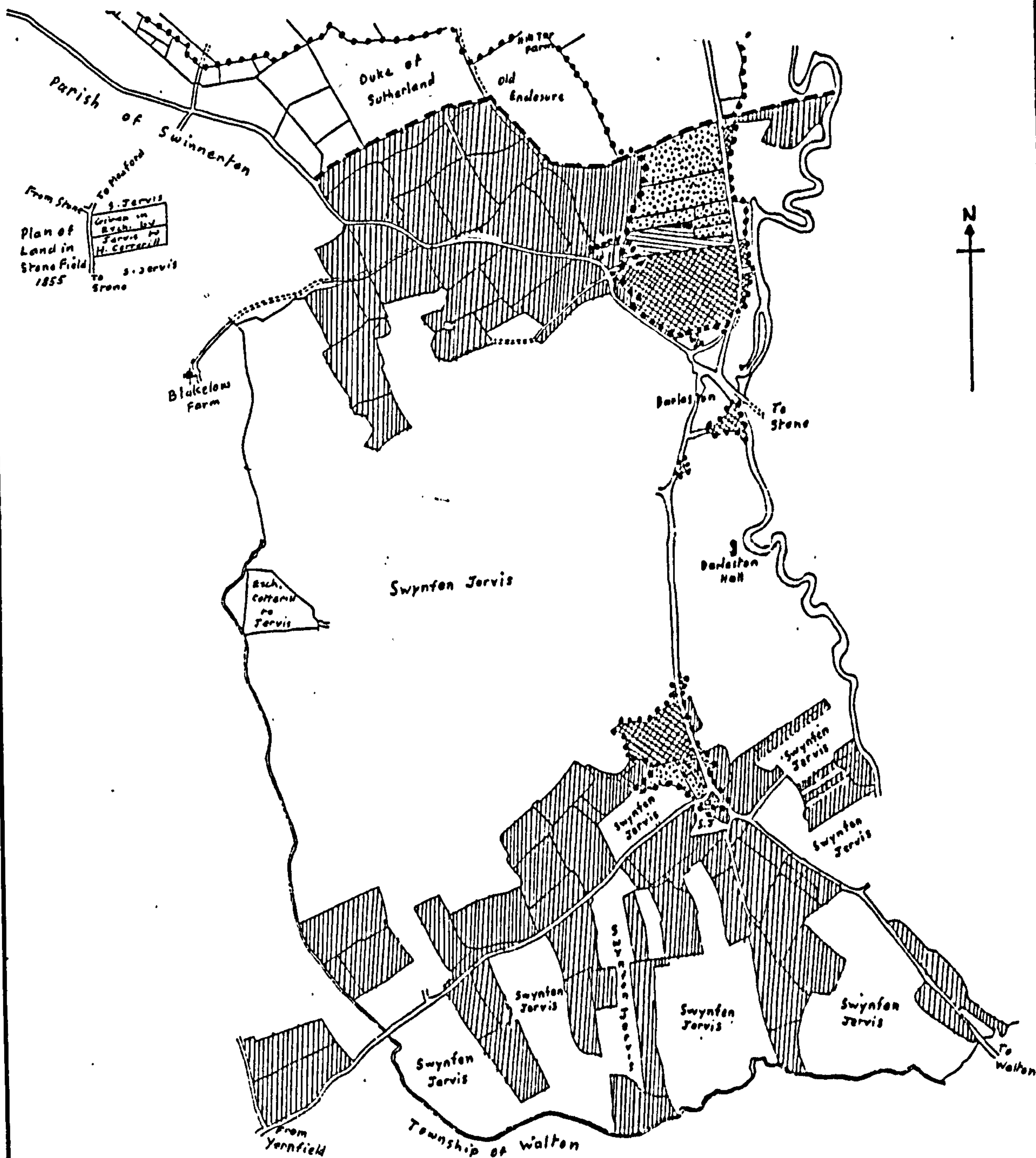
Scale: 2 1/4 ins. to 1 mile



# MAP 31a

## DARLASTON ENCLOSURE AWARD 1855

	Boundary of main area of enclosure		Received by Swynfen Jarvis in exchange
	Allotment to Swynfen Jarvis as Lord of the Manor		Swynfen Jarvis by purchase
	Swynfen Jarvis's common right allotments		

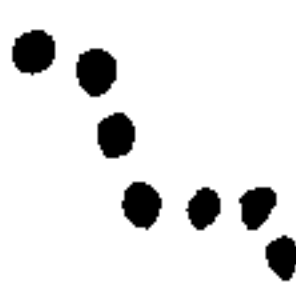




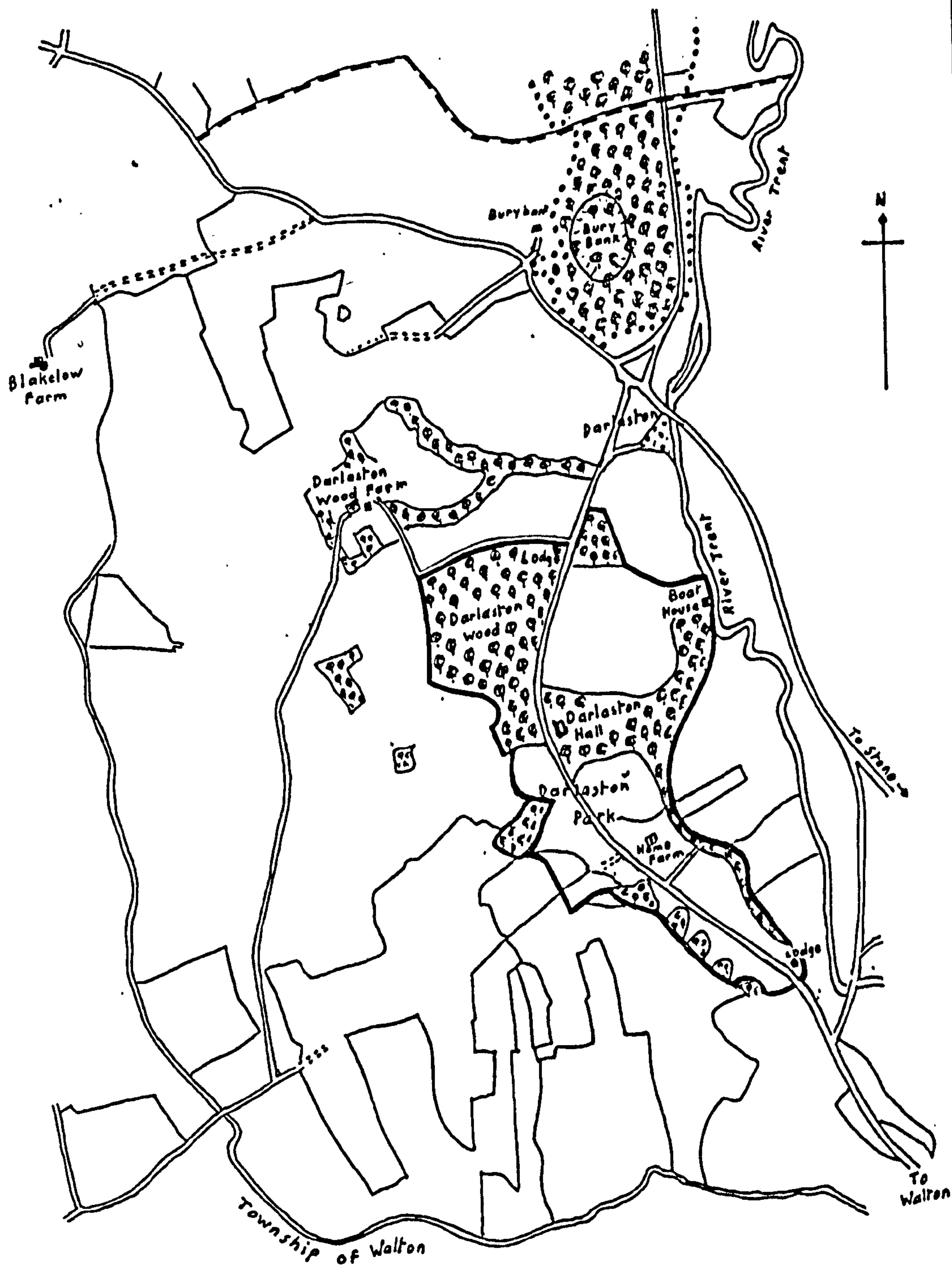
Scale: 2 1/4 ins. to 1 mile



MAP 316

DARLASTON 1889

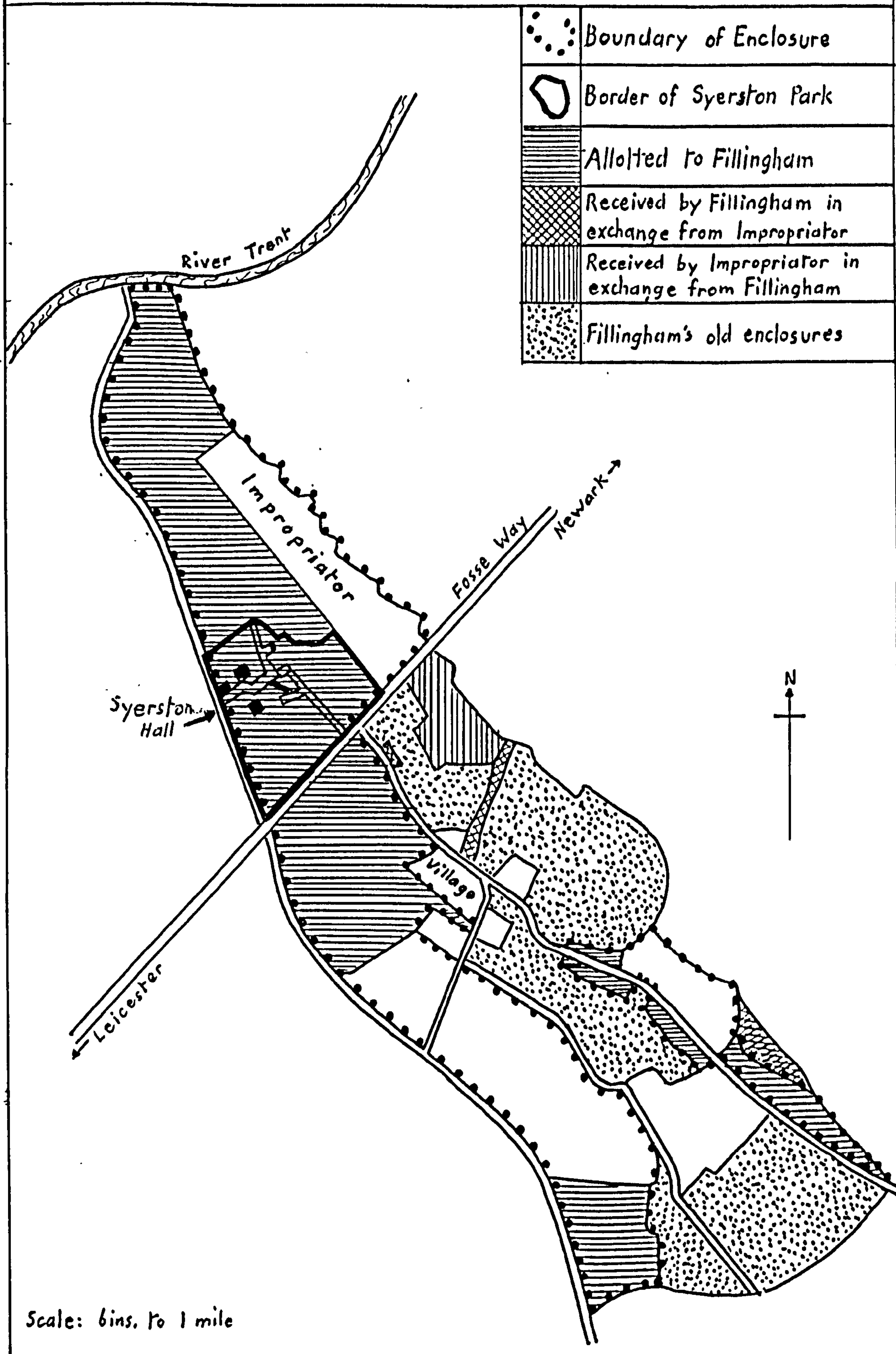
	Boundary of main area of enclosure		Woodland
	Border of Darlaston Park		



Scale: 3 ins. to 1 mile



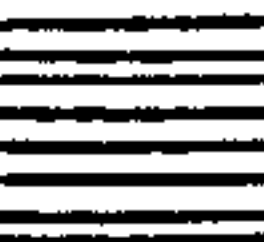








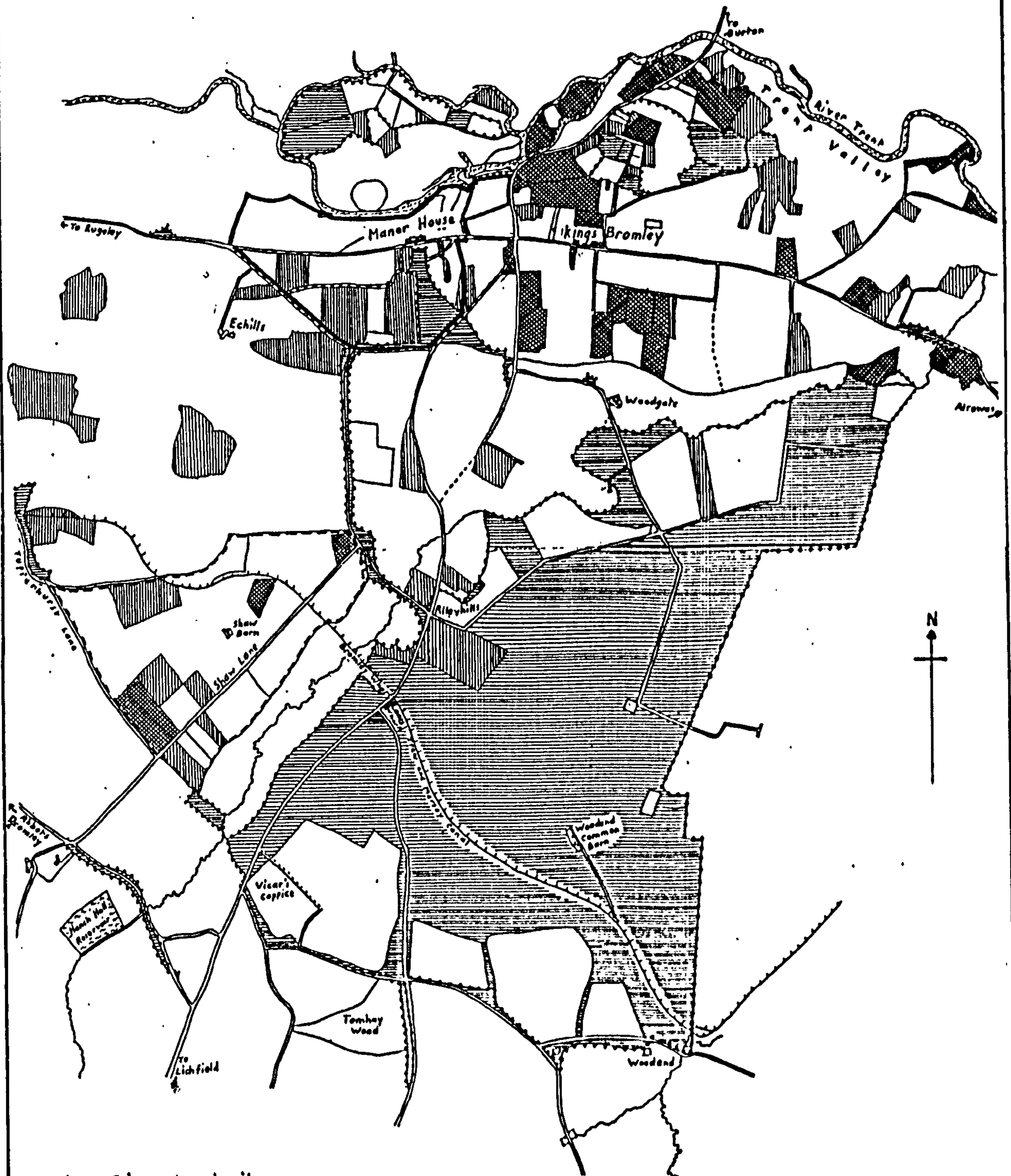
# MAP 32 - SYERSTON ENCLOSURE AWARD 1795





# MAP 33 — KINGS BROMLEY ENCLOSURE AWARD 1818







	Boundary of Enclosure		Border of New Park
	Allotted to the Lanes		Border of the Shaws, Previous encl. by agreement
	Received by the Lanes in exchange		Trent and Mersey Canal
	Given up by the Lanes in exchange		Public roads closed by the Lanes
			New roads established

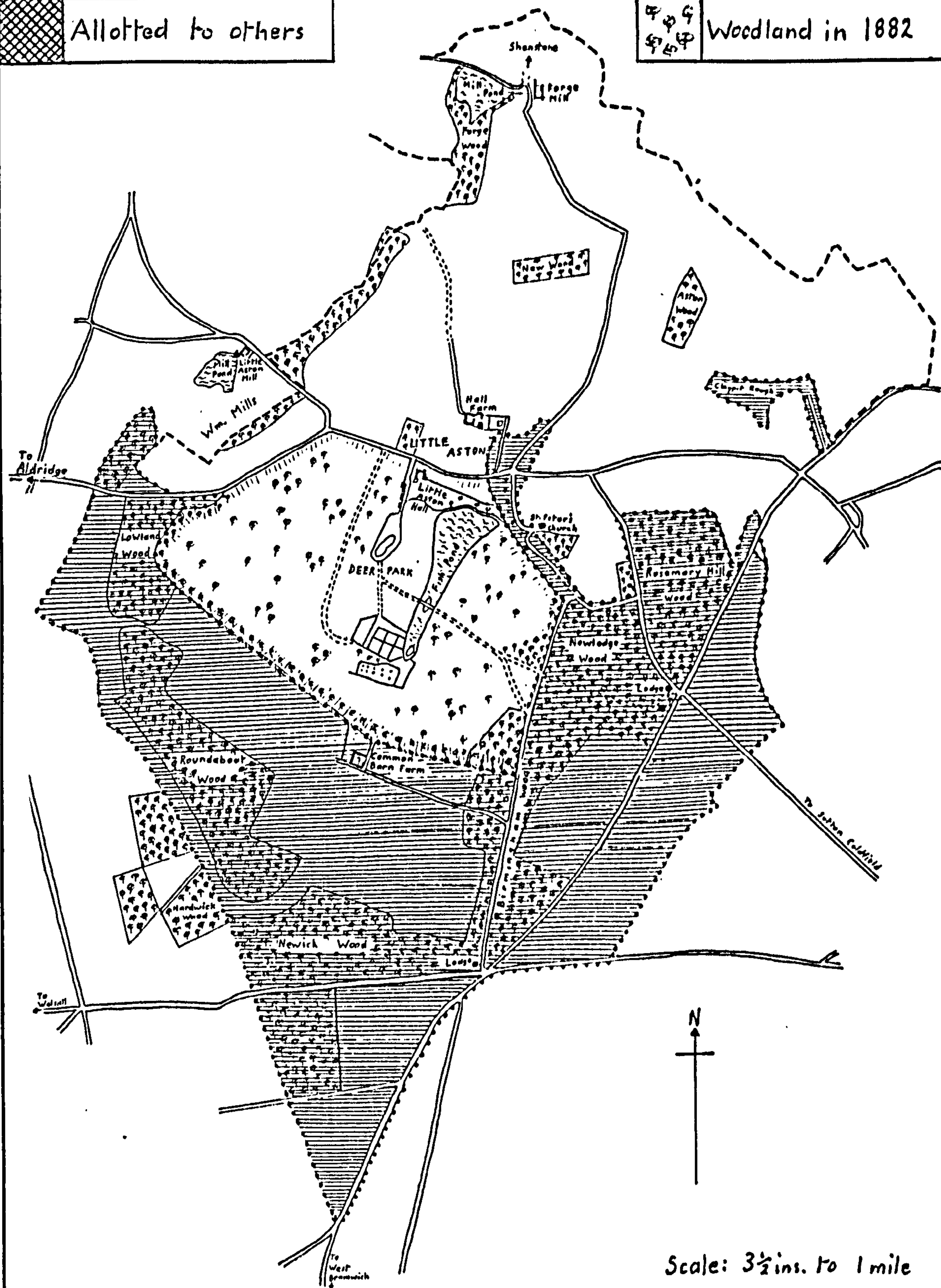


Scale: 3 ins. to 1 mile












# MAP 34 — SHENSTONE ENCLOSURE AWARD 1818

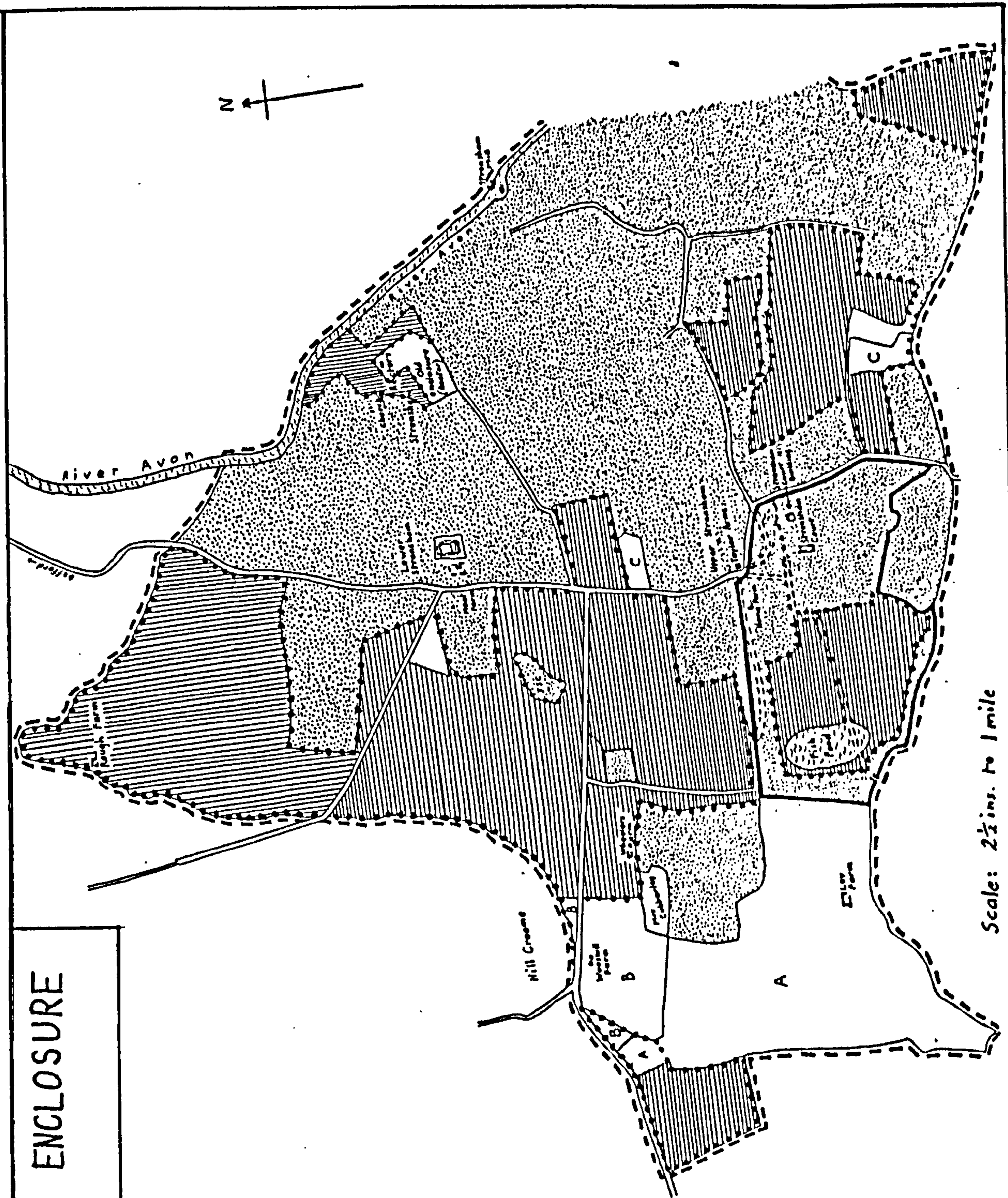
	Boundary of Enclosure		Border of Tennant's old enclosed land
	Allotted to Wm. Tennant		Park before Enclosure Award
	Allotted to others		Woodland in 1882



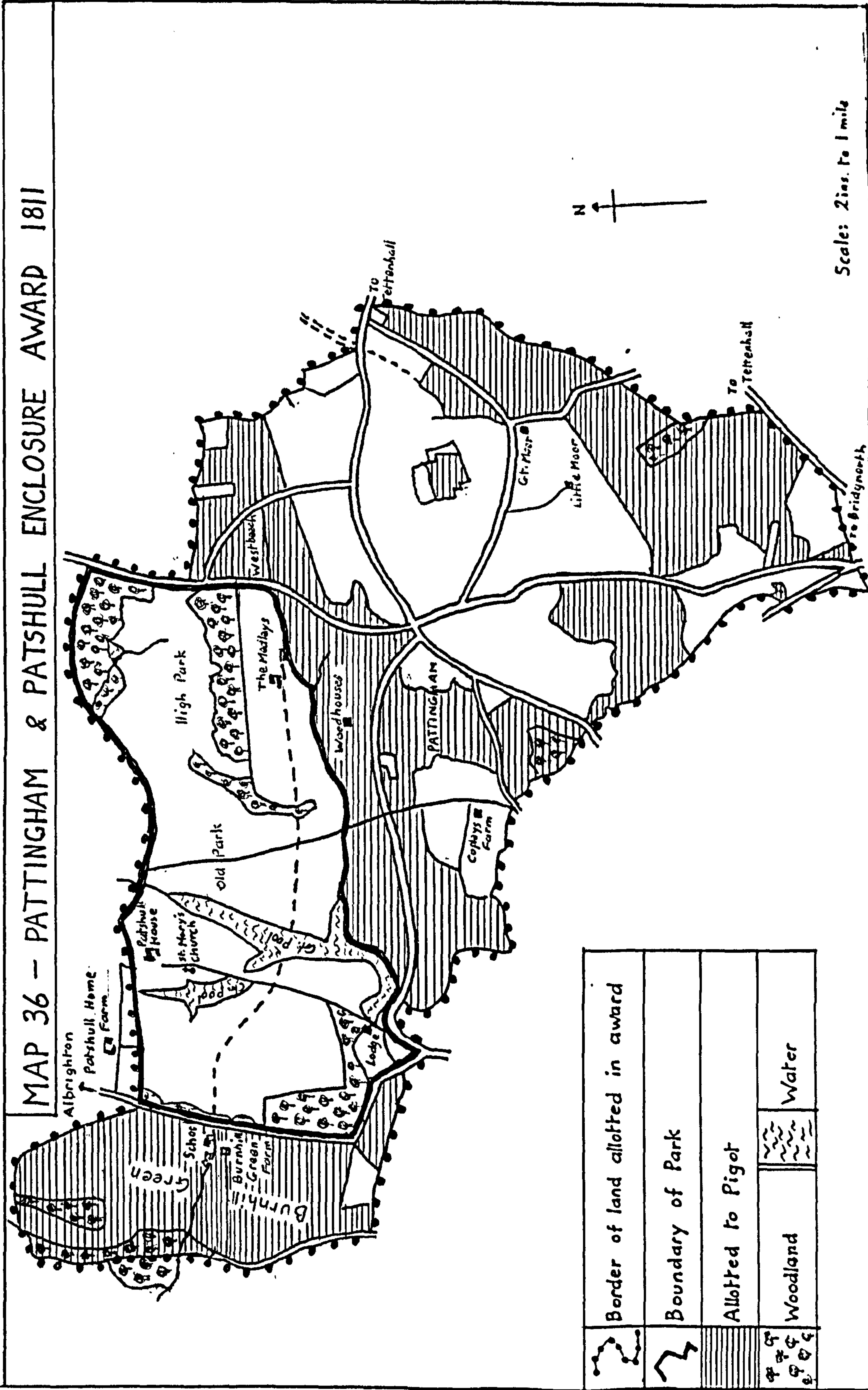


MAP 35—STRENSHAM ENCLOSURE  
AWARD 1817

	Parish boundary
	Border of Enclosure
	Allotted to J. Sommers Cock
	Subsequent boundary of Park
	Old enclosures held by J. S. Cock
	Roads closed after enclosure award
	Footpaths closed by enclosure award
	Rectorial allotment (Rev. John Worrall Grove)
A	Bought by Taylor from Stainforth & Woodcock 1825
B	Bought by Taylor from Firkins & Chamberlain 1841
C	Bought by Taylor from John Lowe & Wm. Hopkins 1822
	Water

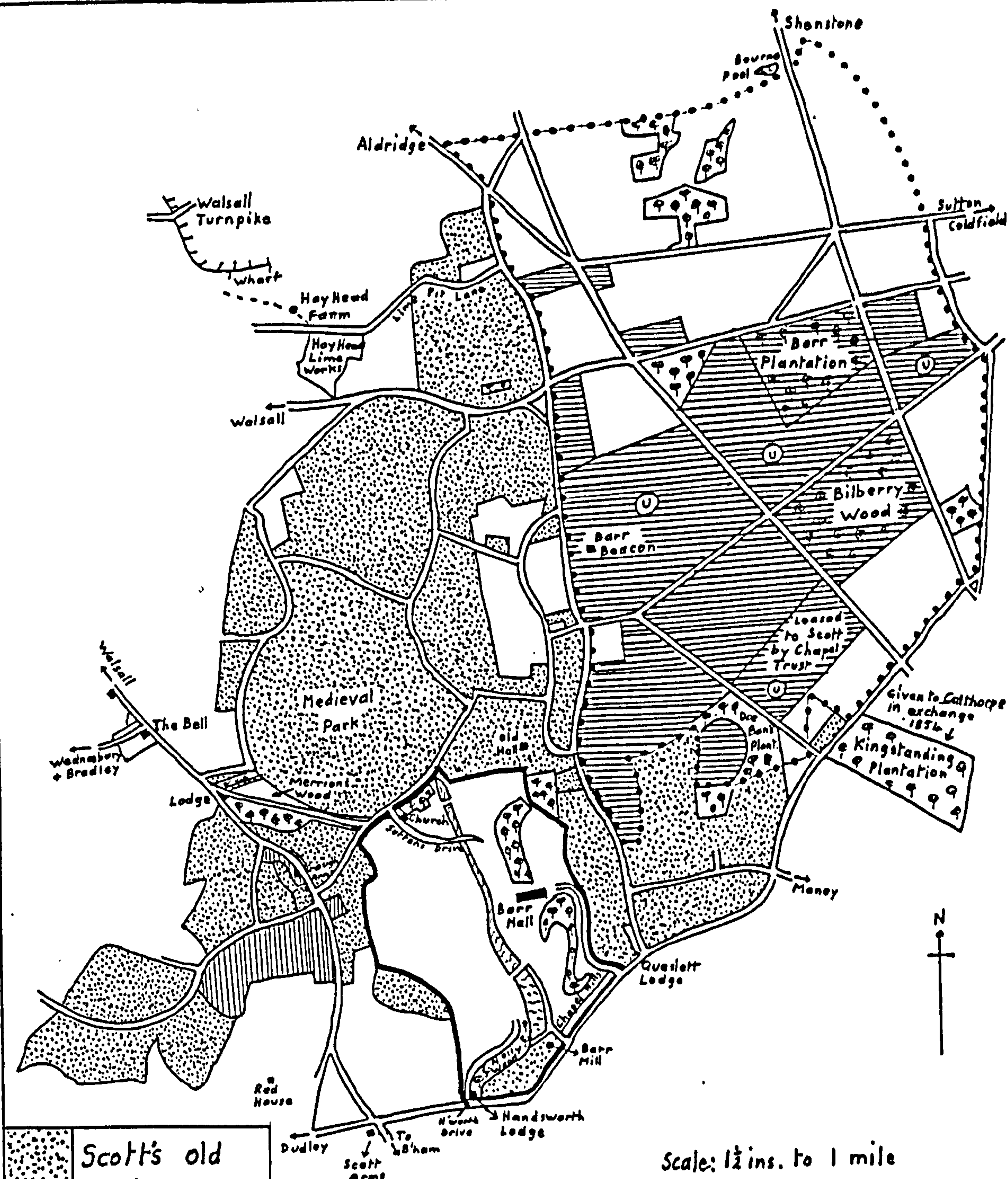


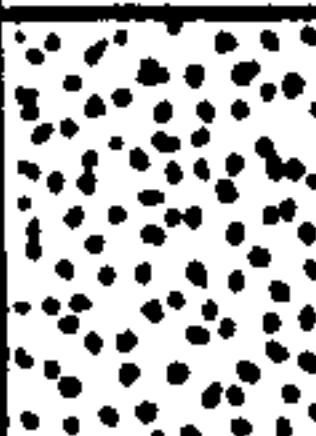
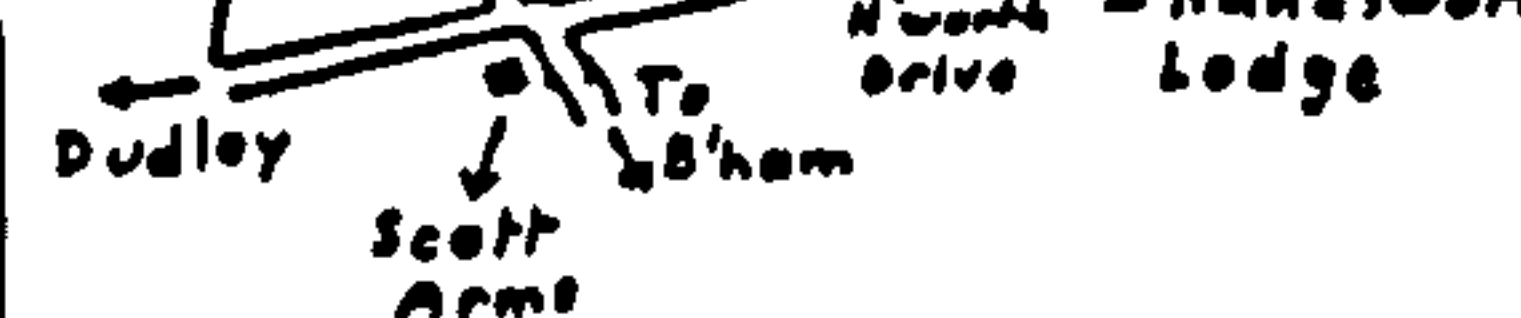







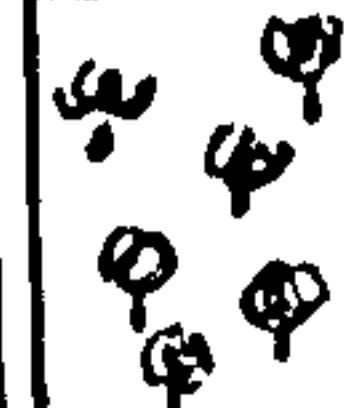







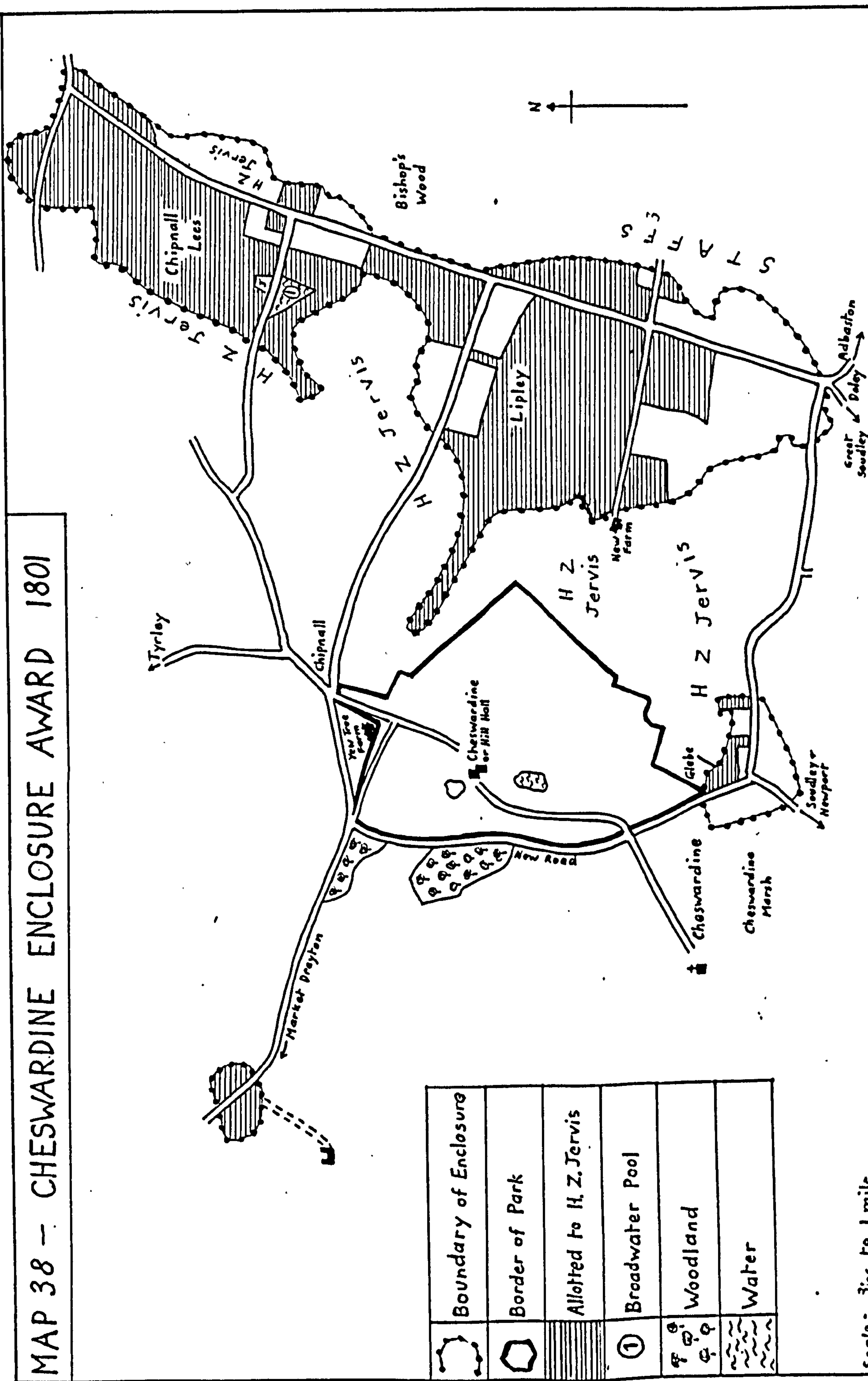
# MAP 37 - GREAT BARR ENCLOSURE AWARD 1795



	Scott's old enclosures			Scale: 1 1/2 ins. to 1 mile	
	Border of Enclosure		Land uncultivated, 1840 Tithe Map		
	Boundary of Park		Hay Head branch canal, opened 1800		
	Areas of common land belonging to Scott 1840		Probable line of railway 1829 :		
	Received in exchange by Scott from Cullthorpe 1854		Woodland 1840-72		Water



MAP 38 - CHESWARDINE ENCLOSURE AWARD 1801






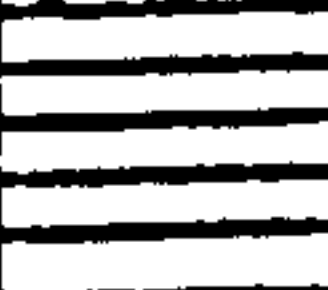
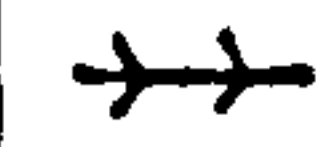




PART OF  
PENKRIDGE, CANNOCK, BASWICH AND  
TEDDESLEY ENCLOSURE AWARD  
1827

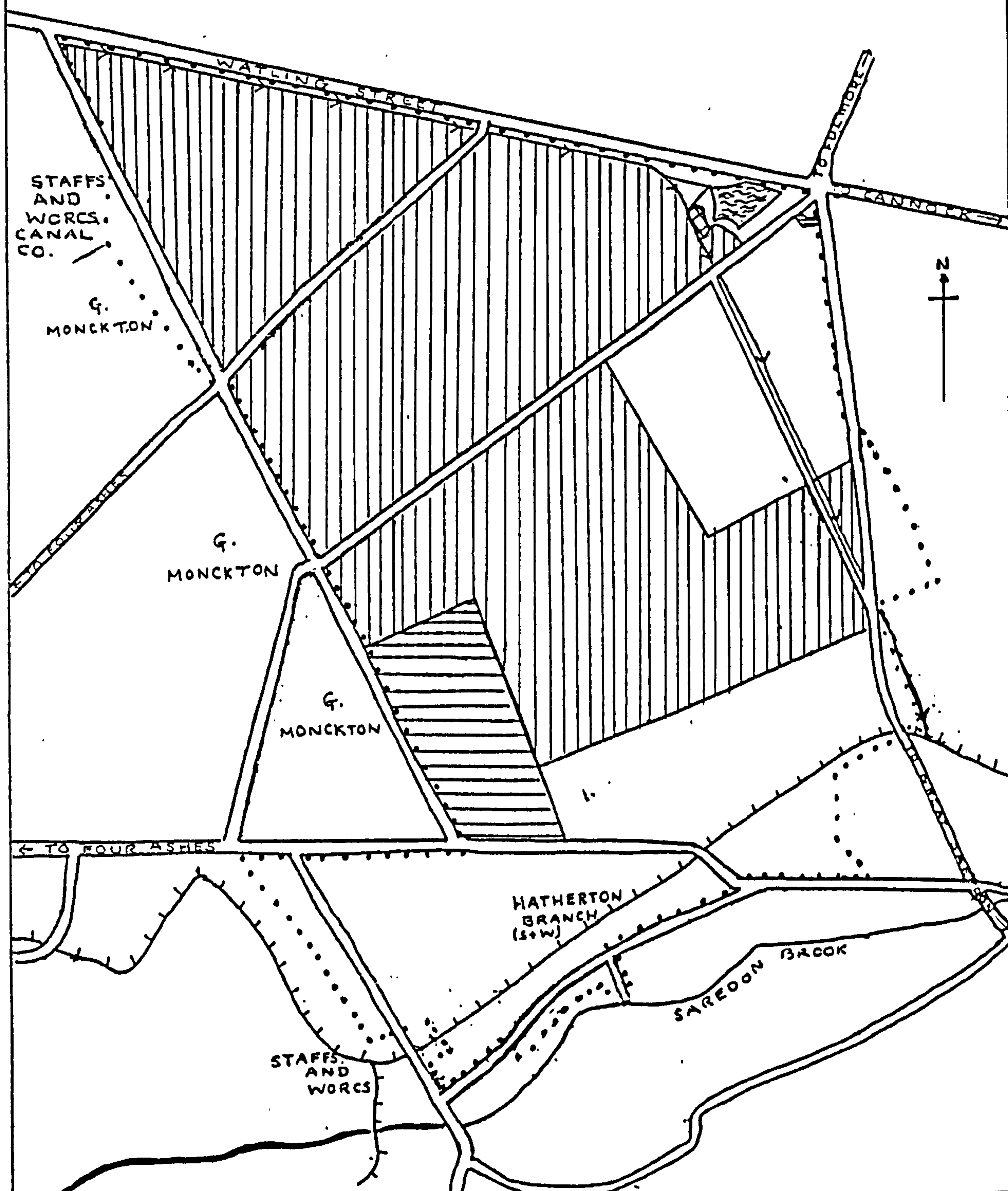




# MAP 40 — CALF HEATH ENCLOSURE AWARD 1859

....	Boundary of Enclosure		Reservoir
	Old encroachments allotted to Lord Hatherton		Canal
	Manorial allotment to Duke of Cleveland as lessee of Deanery Manor		Feeder
	Allotted to Lord Hatherton as proprietor		Stream

Scale: 5 ins. to 1 mile





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 D917/5/1 Milwich Vestry Minute Book; 10/1 Enclosure  
 Award 1788  
 D978/11 Wallace (Hussey) letter re Essington Common  
 D1021/1/2 Swindon Enclosure Boundary decision  
 D1021/3/6 Pensnett Chase Enclosure resolutions  
 D1054/7/4 Cannock Vestry Order Minute Book 1812-47  
 D1178/1 Hatherton Journal 1837  
 D1208/22 and 27 Charles estate correspondence  
 D1287/K Bradford estate correspondence (recatalogued)  
 D1287/Colliery Box no.2 re Bolton & Walsall Wood  
 D1287 Add Box 218/ (50) re Walsall Wood Colliery  
 D1287/[G/299] 1/37 Walsall Estate valuation 1805  
 D1317/1/14/1/2 Ogley Hay Title Deeds 1841-69  
 D1504/6/4/1 Uttoxeter Heath Encroachments Rent Book  
 D(W) 1702/1/16 letter re Goldsitch Moss  
 D(W) 1742/54 Newcastle under Lyme Enclosure Acts,  
 1783 and 1784  
 D(W) 1756/7 Norton Canes Chancery Report 1855  
 D(W) 1776/10 Brownhills Colliery Leases  
 D(W) 1778 Dartmouth Family Papers  
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 D(W) 1788 parcel 57 bundle 1 George Boughey  
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 D(W) 1826/6-16 Vernons of Milwich deeds and papers  
 D(W) 1826/41 Vernon family notes 1798-1846, /62 Geo  
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 D3272/1/20/2/2 Newcastle-u-Lyme, Marquess of Stafford  
 building lease in Brampton Field, 1830  
 D3272/1/4/2/1-69 Maer and Ashley Estate deeds  
 D3272/5/15/75 re Maer Heath allotment  
 D3675/3/1 Pelsall Vestry Minute Book 1860-1921  
 D3710/8/1 Commissioners' plan of boundaries between  
 Swindon and Bobbington 1808  
 D4111/11/1/2 G Wyrley overseers' legal bill 1818  
 D4363/C/1/1-6 Deeds re Little Aston



D4616 Cannock Conduit Trust deposit  
 D4670 Hodgson of Swinscoe deposit  
 MF 95/2 Cheslyn Hay Methodist Chapel Register from  
     c1788  
 MF 1 (4) Gailey Award 1774  
 D590/378 Bishops Wood Enclosure Award 1844 and papers  
 D590/684 copy Codsall Wood Enclosure Award 1824; /578  
     Plan showing sale plot  
 D1287 Tonge with Haulgh (Lancs.) Award 1818  
 D1339/1 Abbots Bromley Enclosure Act 1795 and Award  
     1799  
 D1743 Add Ms 21, Biddulph Enclosure Agreement 1823;  
     Add Ms 7 Award 1840  
 D3825/6/4 Newton Regis Enclosure Award 1797  
 Q/RDc 8 Handsworth Enclosure Award 1793  
 Q/RDc 10 Cheslyn Hay Award 1797  
 Q/RDc 14 Pattingham and Patshull Enclosure Award 1811  
 Q/RDc 15a Forebridge Enclosure Award 1851  
 Q/RDc 22 Teddesley Hay Enclosure Award 1827  
 Q/RDc 48 Milwich Enclosure Award 1788  
 Q/RDc 51 Moreton and Wilbrihton Enclosure Award 1797  
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 Q/RDc 64 Swinscoe Award 1815  
 Q/RDc 66 Tettenhall Wood Award 1809  
 Q/RDc 68 Moddershall Heath Award 2816  
 Q/RDc 69 Horton Enclosure Award 1815  
 Q/RDc 75 Maer Heath Awards 1807 and 1812  
 Q/RDc 76 Shenstone Enclosure Award 1818  
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 Q/RDc 89 Tittensor Enclosure Award 1855  
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 Q/RDc 98 Beacon Hill Enclosure Award 1862  
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 Q/RDc 100 Calf Heath Enclosure Award 1859  
 Q/RDc 102 Burntwood Enclosure Award 1861  
 Q/RDc 104 Norton Canes Enclosure Award 1870  
 Q/RDc 106 Walsall Wood Enclosure Award 1876  
 Q/RDc 107 Whittington Heath Award 1882  
 Q/RDc 108 Cannock Enclosure Award 1868  
 Q/RDc 111 Kings Bromley Award 1818  
 Q/RDm 14B/4 Tittensor Heath Award 1763  
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     S Pipe Wolferstan Diary (Typescript copy)



Tamworth Public Library

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CR 136/582-637 Sir Roger Newdigate's Diary (1751-1806)

CR 153/36/154 Mortgage of Wilnecote enclosure lot

CR 299/584/2 Correspondence re Coundon and Keresley.

CR 764/264/1 Proposed route of Coventry Canal c1785

CR 2131/17 Shirley Family Papers

HR 35/5-61 re Atherstone Enclosure

Mi 208 Dunchurch Parish Book

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QS 9/13 memb. 4 Wilnecote Enclosure Award 1759

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QS 75/36 Coundon and Keresley Award 1848

QS 75/66 Cliff and Bodymoor Heath Award 1856

QS 75/9 Baxterley Enclosure Award 1868

Walsall Local Studies Library (hereafter WLS)

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Acc. 59/21 Potter's outletter copy book 1830-1

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BA 1476 re Ombersley Enclosure



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 BA 4600: 155; 705:550 Rock Common Case 1822  
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 AP s143/20 Charlton Enclosure Award 1777  
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 BA 4000 861, S 705:260 Chadwick Enclosure Award 1795  
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 AP S143/50 (307) Strensham Enclosure Award 1817  
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