

THE PARLIAMENTARY ENCLOSURE MOVEMENT IN  
LEICESTERSHIRE, 1730-1842.

by

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The parliamentary enclosure movement in Leicestershire, 1730-1842.

Abstract of thesis.

This thesis is a detailed study of several of the most controversial aspects of parliamentary enclosure. The extent to which some of the allegations of contemporary and modern writers can be applied to Leicestershire is examined, and the limitations of the historical sources for a statistical enquiry pointed out.

This work has two principal objects. The first is to show why and how enclosures took place in this county, and to discover how far a conflict of interests between the various social classes arose. The work of the enclosure commission was of fundamental importance, and therefore the appointment and the procedure of the Leicestershire commissioners are examined in detail and their integrity assessed. The case study of the enclosure of Whitwick illustrates the nature and volume of pre-enclosure negotiations amongst the leading interests in the parish, and shows how the administrative and legal problems, which arose after the Act was passed, were overcome. A subsidiary study is made of the extent to which direct influence was exerted in the unreformed Commons over Members dealing with enclosure Bills.

The second object is to analyse the principal



social and economic effects of enclosure. Thus the factors bringing about changes in the distribution of landownership, notably the cost of enclosure and the commutation of tithes, are considered in detail. The land tax returns reveal that, although the large proprietors and farmers were steadily acquiring land, the effect of enclosure was not so revolutionary as is sometimes supposed.

One hundred and nine parishes have been grouped according to the date of their complete enclosure, and the course of poor relief expenditure traced in each group. It is seen that, despite the large acreage converted to pasture in Leicestershire, enclosure was not one of the main causes of the great increases in the sums spent on the poor during the period under consideration. The widely differing circumstances of each parish, however, indicate the danger of broad generalisation in this field.



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List of abbreviations.

B.P.P.	British Parliamentary Papers
Econ.H.R.	Economic History Review
Eng. H.R.	English Historical Review
H.C.J.	House of Commons' Journal
H.L.J.	House of Lords' Journal
H. of L.	House of Lords
L.M.	Leicester Museum
L.R.O.	Leicestershire Record Office
P.R.O.	Public Record Office
Q.J.E.	Quarterly Journal of Economics
U.K.	United Kingdom
V.C.H.	Victoria History of the Counties of England.



(I)

### INTRODUCTION

The eighteenth and nineteenth century enclosure movement gave rise to a host of pamphlets, often polemical in tone, concerned with its economic and social consequences. Many of these writers based dogmatic conclusions on slender evidence, and few considered the possibility that their samples were not characteristic of the movement as a whole. In contrast to these Arthur Young and the correspondents to the Board of Agriculture and the Annals of Agriculture enquired over a much larger field, and took into account regional variations in farming and agricultural progress. Even they often had an axe to grind, but at least their accounts were more sober and balanced than those of the pamphleteers. Arthur Young's accounts of his Tours and the reports to the Board of Agriculture, 1793-1815, together with the works of the more reliable pamphleteers provided the basis for many of the more modern studies made in the first three decades of the present century.

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(1) A typical example is an anonymous author's A political inquiry into the consequences of inclosing waste lands (1785) which bitterly attacked William Lamport's Cursory remarks on the importance of agriculture in its connection with manufactures and commerce, adapted to the present situation of Great Britain, (1784), in which the enclosure of waste land was recommended.

(2) For example Henry Homer's Essay on the nature and method of ascertaining the specifick shares of proprietors, upon the inclosure of common fields, (1766).



The authors of the latter also produced much fresh evidence, but preferred to enquire into a comparatively small number of enclosures over a large field - usually the whole country; <sup>(3)</sup> hence some of their selected cases <sup>(4)</sup> may be misleading. In recent years larger samples of enclosures in various counties have been examined in greater detail, and many of the conclusions accepted some twenty-five years ago have been questioned.

This thesis is an attempt to pursue the discussion by a further study of a comparatively large number of enclosures; the limitations of this type of approach are indicated, and a comparison is made with the general conclusions reached in earlier works.

A detailed study embracing parliamentary <sup>(4a)</sup> enclosure throughout the whole country is too great a task to be undertaken by one person. The researcher is accordingly faced with the problem of choosing the geographical limits of his study. The selection of a natural region presents the serious difficulty of delimitation; moreover an area which is physically homogeneous is not necessarily one in which a common

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(3) Important exceptions are the works of A.H. Johnson, The disappearance of the small landowner, 1909, and R.L. Gray, "Yeoman farming in Oxfordshire from the sixteenth to the nineteenth centuries", Q.J.E., 1909-10

(4) For example, see W.E. Tate's critique of the Hammonds' Village labourer, in his article "Parliamentary counter-petitions during the enclosures of the eighteenth and nineteenth centuries", Eng.H.R., 1944, 398.

(4a) There are two known instances (South Croxton, 1757 & Newton Heath, 1771) of enclosure by private agreement after 1730.



social and economic structure prevails. The administrative area is even less satisfactory in this respect; although the county as a unit of study has the practical advantage that the documents are gathered in one or two repositories, and, in addition, useful comparisons can be made with the similar studies of other counties. It must be recognised, however, that the conclusions emerging from this study of enclosure in Leicestershire, particularly those relating to the distribution of landownership and the utilisation of land, are not necessarily applicable to the Midlands, say, as a whole; still less are they likely to apply to more remote counties. The number of detailed regional studies is not yet sufficient to make possible a complete synthesis.

The thesis is divided into two main sections: chapters II-V deal with parliamentary and local proceedings before enclosure, and chapters VI-XI are concerned with some of the more important social and economic effects of enclosure. Among the principal sources for the first section are the enclosure Acts. These records normally contain the names of the enclosure petitioners, a general description of the lands to be enclosed, the names and places of residence of the commissioners (and often their nominators), and the general terms on which the land was to be enclosed. These last varied from parish to parish, but usually included provisions for the fencing of land, the



(4)

payment of the costs of enclosure, and (less frequently) the alleviation of the burden of enclosure on the poor. The enclosure Awards, drawn up by the commissioners, also provide invaluable evidence. For example, the commissioners' allotments show the distribution of unenclosed land amongst the various social classes and the relative interest in the enclosure (and frequently the relative bargaining power) of the proprietors. Most enclosure Awards record the cost of enclosure, and in some there is a detailed schedule of

(5)  
expenses; thus for 88 enclosures in Leicestershire it has been possible to calculate the average cost of enclosure per acre. In addition, the Awards often contain miscellaneous information illustrating the problems faced by the commissioners and their treatment of individual proprietors. Finally, a considerable number of letters, minute books and plans have survived which throw light on the negotiations preceding enclosure and on the procedure of the commissioners. These documents are particularly useful in bridging the gaps in our knowledge left by the enclosure Acts and Awards.

The principal sources amongst the printed works are the Journals of the House of Commons and of the House of Lords which usually list the petitioners for enclosure

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(5) See appendix III.



and the counter-petitioners (if any), the Members of Parliament dealing with each Bill, the value of the property (and often the number) of those proprietors refusing to consent to the Bill and sometimes the reasons for their opposition.

For the second section of the thesis valuable evidence is found in some of the documents already mentioned; for example, we can discover from the Awards the method of tithe commutation and the total acreage transferred to titheowners in lieu of their rights. The principal chapter in this second section deals with enclosure and the changes in the distribution of landholding between 1780 and 1831, and is based on a study of the land tax returns for this period. A series of reports by Select Committees of the House of Commons contain interesting contemporary views on various aspects of enclosure, and also valuable statistics of poor relief expenditure; whilst reports to the Board of Agriculture in 1808 furnish statistical evidence, complementary to that of the crop returns (1793, 1794, 1795 & 1801), concerning the utilisation of the land. Detailed references to these documents are listed in the bibliography and their limitations discussed in the appropriate chapters.

No examination of the relationship between enclosure and population growth has been made in the present study, for, while this subject is recognised as highly important, an additional



thesis would be necessary to cover the ground adequately. Further, only passing reference has been made to the course of rents following enclosure, since the accessible documentary evidence for Leicestershire is too limited to serve as a basis for generalisation.

oOo

By emphasising and illustrating the nature of the agrarian development in the eighteenth and nineteenth centuries early writers drew attention to the economic significance of the enclosure movement and its influence on social structure. It is now an urgent task for historians of parliamentary enclosure to probe the subject more methodically and to avoid where possible the pitfalls of the random sample. In short, there appears to be a strong case for a series of empirical studies to test and modify earlier opinions about the nature of parliamentary enclosure and its consequences. The present study is intended to break this new ground for Leicestershire.



Chapter IFACTORS AFFECTING THE CHRONOLOGY OF  
ENCLOSURE IN LEICESTERSHIRE.

The development of the rural economy of Leicestershire from one of open fields and common rights to enclosures and farming in severalty did not originate in the eighteenth century. Many parishes were entirely or partly enclosed during the reigns of the Stewarts  
(1)  
and Tudors and earlier, and the movement in the eighteenth century merely continued this process. This fact can be seen from the acreages enclosed by Act which in many cases were only a fraction of all the land in the parish or lordship. The aggregate acreage enclosed  
(2)  
by Act after 1730 was approximately 237,000 out of a  
(2a)  
total of 560,000 acres in the county as a whole, and

- 
- (1) W.G.Hoskins, Essays in Leicestershire History, 1950.  
L.A.Parker, Enclosures in Leicestershire, 1485-1607,  
Ph. D. Thesis of the University of London, 1948.  
M.W.Beresford, "Glebe Terriers and Open Field  
Leicestershire", Studies in Leicestershire agrarian  
history, ed. W.G.Hoskins, 1948.
- (2) It is impossible to ascertain the exact acreage enclosed by Act because the figures recorded in the various historical sources are not strictly comparable. The enclosure Act usually gives the approximate acreage to be enclosed and most of the Awards state the total acreage enclosed. Some Awards, however, give total acreage minus the roads, whilst sometimes it is necessary to add together the allotments of the proprietors which occasionally include old closes reallocated to their former owners.
- (2a) Gilbert Slater found only 200,377 acres enclosed by Act in Leicestershire. The English peasantry and the enclosure of the common fields, 1907, 141.



one cannot therefore speak in absolute terms of a change in the "régime agraire"<sup>(3)</sup> at this time. The new characteristics of the period 1730-1850 were the method and the pace of enclosure.

Many enclosures before 1730 had taken place on the initiative of the squirearchy or (more commonly in the late sixteenth and in the seventeenth century) by agreement<sup>(4)</sup> amongst the freeholders, and in the second half of the seventeenth century such agreements were often enrolled at one of the law courts.<sup>(5)</sup> The difficulties of reaching agreement amongst a large number of freeholders were an important factor leading to the development of enclosure by statutory authority. An Act of Parliament overcame the dissentient voices of a minority (as measured by the quantity of land they held) of freeholders without whose consent enclosure<sup>(6)</sup> was difficult. Indeed, Mantoux has gone so far

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(3) In the sense of the term used by C.Parain in his article "La notion de régime agraire", Le mois d'ethnographie française, November 1950, where he criticises Marc Bloch's conception of agrarian regimes based on techniques of farming and social organisation. Les caractères originaux de l'histoire rurale française, 1931, 35.

(4) L.A.Parker, Op. cit., 194.

(5) Joan Thirsk, V.C.H., Leicestershire, Vol. 2, 1954, 202.

(6) Marx has claimed that in fact enclosure Acts were nothing less than decrees by which landlords granted themselves the people's land as their private property. Capital (ed. F.Engels, translation of S.Moore & E. Aveling, 1938), 748.



(9)

as to claim that every application for an enclosure Act  
is evidence of opposition to enclosure,<sup>(7)</sup> but the large  
number of cases in Leicestershire where there was no  
recorded opposition<sup>(8)</sup> suggests that there were sometimes  
other motives for obtaining an Act.

One of these was undoubtedly the fact that the  
legality of the abolition of common rights and the  
re-division of the land was established beyond question  
by an Act. There were six cases in Leicestershire where  
Acts were obtained to legalise agreements to enclose or  
enclosures that had already taken place by agreement.<sup>(9)</sup>  
Great and Little Claybrook, for example, had been  
enclosed by agreement in 1681 and 1694, but an Act was  
obtained in 1734 to confirm these agreements and to  
commute the tithes into annual money payments. The  
allotments were specified in the Act and there was no  
need for a commission or an Award.<sup>(10)</sup> The Act for Higham-  
on-the-Hill (1806) dealt with enclosure by agreement in  
1632, the proprietors declaring that "great inconvenience  
and detriment would arise to all parties if the said

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(7) P. Mantoux, The industrial revolution in the eighteenth century, 1928, 170. Quoted by W.E. Tate, "Opposition to parliamentary enclosure in the eighteenth century", Agricultural History, 1945, 140.

(8) *Infra* p. 130.

(9) Great & Little Claybrook (1734), Norton-juxta-Twycross (1748), Nether Seal (1799), Higham-on-the-Hill (1806), Sheepy Magna (1810), Knighton (1755).

(10) 7 Geo II c. 15.



divisions and allotments were to be set aside or disturbed....and it would be highly beneficial to all persons if the said divisions were established and confirmed" (11) It was stated in the Nether Seal enclosure petition (1798) that the proprietors wanted to confirm their agreement by Act because one of the parties was unable to sell his land, the prospective purchaser (12) feeling insecure about his title. Thus, although by the second half of the seventeenth century enclosure (13) was no longer impeded by the government, the fear that disputed agreements might not be upheld by the courts drove promoters to seek the more active assistance of Parliament. Enclosure Acts had the double advantage of overcoming opposition and of legally securing the redivision of the land.

The first enclosure Act passed for Leicestershire was that for Horninghold in 1730. Acts were passed

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(11) 46 Geo III c. 68.

(12) H.C.J. Vol 54, 19 December 1798.

(13) Regarding the hostile attitude of the administrative courts of the Tudors and early Stewarts "unhampered by what Laud has called 'that noise' of Parliamentary debate" See R.H.Tawney, Religion and the rise of capitalism, 1926, 173, and The agrarian problem in the sixteenth century, 1912, 351-377. Concerning the intellectual changes in the field of social and political theory justifying enclosure see also Paschal Larkin, Property in the eighteenth century, 1930 (especially page 119); Schlatter, Social ideas of Religious leaders, 1660-1688, 1940 (especially p. 91-92); M.Bloch, Les caracteres originaux de l'histoire rurale francaise, nouvelle edition, 1952, (especially pp. 58 & 60).



for Great & Little Claybrook (1734), Norton-juxta-Twycross (1748), and Knighton (1755) to legalise earlier agreements, and there were two further Acts for Leicestershire before 1758, those for Narborough (1752) and Wymeswold (1757). In 1759 eight enclosures Acts were passed for Leicestershire and thereafter the chronological sequence was as follows:

<u>Date</u>	<u>Acts</u>	<u>Date</u>	<u>Acts</u>
1760-9	46	1810-9	3
1770-9	42	1820-9	2
1780-9	16	1830-9	1
1790-9	23	1840-9	1
1800-9	10		

Thus the rate of parliamentary enclosure increased suddenly in 1759 and almost 2/3 of the total number of enclosure Acts for Leicestershire were passed within twenty years. There was a considerable falling off in the number of Acts passed between 1781-88, but another rapid increase took place between 1788-91, although the number of Acts a year passed in this period was less than that of the peak periods of 1758-62, 1768-71, and 1775-79.

The 1770s rather than the 1760s were the period of heaviest enclosure of open fields in the three surrounding counties of Warwickshire, Nottinghamshire, and Staffordshire, although the number of Acts passed for these three counties and Leicestershire declined in the 1780s and increased again in the 1790s. By 1800

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(14) W.E.Tate, "Enclosure Acts and Awards relating to Warwickshire", Birmingham Archaeological Society'



Leicestershire was almost entirely enclosed whereas there were more than 150 enclosure Acts passed for Notts., Staffs. and warwicks. after this date. <sup>(15)</sup> One explanation for this last difference was the small amount of waste land in Leicestershire. Enclosure of commons and waste land formed a considerable part of nineteenth century enclosure in some other Midland counties (especially Staffordshire), whilst in Leicestershire the only enclosures of large areas of waste were at Ashby Woulds (1800), Charnwood Forest (1808) and Newbold Heath (1810).

The timing of a particular enclosure depended on a variety of factors, and no simple and general explanation can be given. Application for an Act was frequently preceded by a period of negotiation amongst the proprietors (sometimes lasting several years) and no close correlation between enclosure and economic conditions can be expected. The beginning of parliamentary enclosure in Leicestershire in the late 1750s and in the 1760s occurred at a time when food prices were showing signs of recovery after a long period of severe depression, <sup>(16)</sup> and for some landowners enclosure promised a better return on

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Transactions, 1943-4, 78-92. "A handlist of enclosure Acts and Awards, Staffordshire", Collections of the Staffordshire Record Society, 1941, 14-20. Parliamentary land enclosures in Nottinghamshire, 1935, 23-135.

(15) Ibid.

(16) Sir W. Beveridge, Prices and wages in England from the twelfth to the nineteenth century, 1939. (various indexes). F. Tooke, History of Prices, 1838, Vol. 1, 38-62.



the capital expenditure that it involved than it had for several decades previously. Secondly, 1757 marked the virtual end of the cattle disease which had been ravaging the countryside. <sup>(17)</sup> The number of cattle brought to Smithfield market after 1737 had shown a rapid decline, and it was not <sup>(18)</sup> until 1758 that it again reached the 1740 level. The end of the cattle plague brought prosperity to the cattle grazing counties and sales boomed again in London.

This helps to explain the first outburst of enclosure in Leicestershire, for many of the parishes enclosed in this period were in areas later famed for their rich grazing pastures, e.g. North Kilworth, Husbands Bosworth and Lubenham in the south and south-east, and Grimston, Asfordby, Frisby, <sup>(19)</sup> Scalford and Waltham in the Melton Mowbray area. Dr Hoskins has shown that the open field system of farming in Leicestershire was not so inflexible as is sometimes supposed, and that the grazier could adapt his land use by turning his <sup>(20)</sup> strips in the open fields into leys. Nevertheless

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(17) C.F.Mullett, "Cattle distemper in mid-eighteenth century England", Agricultural History, 1946, 146.

(18) Report of the Select Committee appointed to take into consideration the means of promoting the cultivation and improvement of the waste, uninclosed and unproductive lands of the kingdom, 1795, 8.

(19) *Infra* p. 18. The rest of this chapter should be read in conjunction with the maps on pages 23a & 23b.

(20) W.G.Hoskins, Essays in Leicestershire History, 1950, 139-144.



the existence of fallow, rights of common, and customary methods of farming were obstacles to the most efficient utilisation of land, and were particularly irksome where the heaviness of the clay made a change from arable or mixed farming to permanent pasture advisable.

Several petitions to Parliament referred to the unsuitability of the land for its use before enclosure. For Higham it was claimed "the said yardlands were of a cold wet spewing nature and by long experience found to be altogether unfit for tillage and corn so that the inhabitants there and the occupiers of the said land did lose by the ploughing thereof and did then find that they might make a good gain of the said lands if the same were turned into pasture."<sup>(21)</sup> For Loughborough the petitioners claimed that "some of the said lands lie at a great distance from the town of Loughborough and some are very improper to be held in tillage."<sup>(22)</sup> Finally, it is significant that in the north west of the county where the soil was less suitable for a large extension of pasture farming<sup>(23)</sup> only Breedon was, in part, enclosed by Act before 1765.

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(21) 46 Geo III c. 68.

(22) 32 Geo IIc. 41.

(23) Infra p. 19.



(15)

Thus the thesis of Hermann Levy, that it was the increase in the price of corn in the second half of the eighteenth century that led to the engrossing and the promotion of enclosure of wastes and open fields and their conversion to cornlands, <sup>(24)</sup> does not tell the whole story.

If enclosure in the late 1750s and the 1760s can be regarded as a response to a favourable change in economic conditions, the fact that every open parish in the county was not immediately affected calls for explanation. It has already been mentioned that one of reasons for obtaining an Act of Parliament was to force enclosure on those proprietors who were against it. It was necessary, however, for the proprietors of  $\frac{3}{4}$  or  $\frac{4}{5}$  of the value of the land to be enclosed to be in favour of the Bill.<sup>(25)</sup> Thus, unless the leading land-owners in the parish were agreed that it was a profitable measure, it might be a matter of years or even decades before sufficient of the dissenting parties were bought out, or before those proprietors resisting the enclosure died, leaving their land to less conservative heirs. There is evidence that enclosure in Leicestershire was <sup>(26)</sup> sometimes delayed in this way.

In this respect the distribution of landownership

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(24) H. Levy, Large and small holdings, 1911, 13-24.

(25) Report from the Select Committee of the House of Commons on Bills of Inclosure, 1800, 77.

(26) *Infra* p. 112.



within the parish had a bearing on the timing of enclosure. It seems likely, *prima facie*, that where the land was concentrated in a few hands the promoters could more easily obtain the necessary "quantum of consent" than where it was widely distributed amongst many small owners. <sup>(27)</sup> Gray maintained that in Oxfordshire engrossing of small properties was the essential <sup>(28)</sup> antecedent to enclosure; but in Leicestershire there was no simple connection between enclosure and the concentration of landownership. Enclosure often took place where the land was divided amongst a large number of proprietors and where the bulk of the land <sup>(29)</sup> did not belong to a few landowners. Thus while the concentration of landownership facilitated enclosure in some places, other factors were often more important in inducing proprietors to apply for an Act.

The cost of enclosure in relation to the expected increase in value of the land was an important consideration for promoters. Several witnesses

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(27) T.Harrison, a solicitor and commissioner to enclosures, thought that there would be an increase in the number of enclosures if the quantum of consent necessary to obtain an Act were reduced to 2/3. Report of the Select Committee of the House of Commons on Bills of Inclosure, 1800, 86.

(28) H.L.Gray, "Yeoman farming in Oxfordshire from the sixteenth to the nineteenth centuries", Q.J.E. 1909-10. 323.

(29) *Infra* pp. 255-256.



to the 1800 Select Committee on Bills of Inclosure thought that a reduction in the cost of enclosure would lead to an increase in the rate of enclosure. Thus<sup>(30)</sup> enclosure was probably delayed in some places till later in the eighteenth century (above all till the Napoleonic Wars period) when the increased prices of provisions made profitable the enclosure of lands of low productivity. Ashby Woulds (enclosure Act 1800) and Charnwood Forest (enclosure Act 1808) where the value of the land was comparatively low are examples of this.

Considerable weight must be given to the influence of an enclosure on neighbouring proprietors of open fields and commons; when an enclosure proved to be a success it would doubtless encourage the proprietors of adjoining parishes to take similar action. This may account for the fact that many neighbouring parishes were enclosed within a few years of each other.<sup>(31)</sup> On the other hand this was possibly the result of landowners having property in contiguous parishes, or of the similarity of the soil which offered the same inducement to enclose at the same time. It was not uncommon for the same landowners to enclose in different parts of the county at

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(30) Report of the Select Committee of the House of Commons on Bills of Inclosure, 1800, Appendix, 84-101.

(31) e.g. Desford (1758-9), Stoney Stanton & Potters Marston (1763); Blaby (1766), Whetstone (1763), Cosby (1767); Barrow-on-Soar (1760), Querndon (1761), Seagrave (1760), Sileby (1759).



the same time. Thomas Maior and Edward Stokes, for example, petitioned for the enclosure of Blaby and of Countesthorpe<sup>(32)</sup> in 1766; Sir William Gordon, Lord of the Manors of Long Whatton and Shepshead, petitioned for their enclosure in 1777 and also for the enclosure of Kegworth (where he was a leading landowner)<sup>(33)</sup> in 1778; Thomas Smith petitioned for Asfordby and for Grimston in 1760;<sup>(34)</sup> and William Hewitt for Great Glen in 1758 and 1759 and for Hoby in 1760.<sup>(35)</sup>

The influence of soil type on the chronology of enclosure has been examined by J.D. Chambers who found a correlation between very early enclosure in Nottinghamshire and soils unsuited to arable farming.<sup>(36)</sup> In Leicestershire there was a tendency for the nature of the soil to affect the timing of enclosure. Many parishes situated on heavy clays best suited to grazing<sup>4</sup> pasture were enclosed before 1730 without Act of Parliament.<sup>(37)</sup> Many of the parishes in the Melton Mowbray area, where the soil is a strong heavy loam often wet and cold in winter,<sup>(38)</sup> were enclosed between 1759 and 1769.<sup>(39)</sup> On Charnwood Forest and further

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(32) H.C.J. 23 Jan 1766 & 3 February 1766.

(33) H.C.J. 10 Dec. 1777, 22 Jan. 1777, & 21 Jan. 1778.

(34) H.C.J. 23 Jan 1760 & 19 Dec. 1760.

(35) H.C.J. 27 Jan. 1758, 25 Jan. 1759, & 16 Jan. 1760.

(36) Nottinghamshire in the eighteenth century, 1932, 150-4.

(37) See maps on pages 23a and 23b.

(38) Land Utilisation Survey, Leicestershire, 1943, 253-4.

(39) *Supra* p. 13.



west or north-west, where the coal measures give rise  
 to a sandy soil poor in quality, <sup>(40)</sup> many enclosures did not  
 take place till the late <sup>eighteenth</sup> <sup>(41)</sup> and early nineteenth centuries.  
 It cannot be said though that early enclosure was always  
 associated with soils most unsuited to arable farming in  
 Leicestershire, for there examples that run counter to the  
 general tendency: in the Vale of Belvoir there was both early  
 and late enclosure; <sup>(42)</sup> in the south-west of the county some  
 adjacent parishes were enclosed decades apart; <sup>(43)</sup> and in the  
 south-east some parishes were not enclosed till the 1770s  
 and much later. <sup>(44)</sup>

Many of the early parliamentary enclosures

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- (40) Land utilisation survey, Leicestershire, 1943, 253-4.
- (41) e.g. Osgathorpe (1785), Breedon-on-the-Hill, Newbold & Worthington (1802) and Belton (1812).
- (42) The Duke of Rutland proceeded cautiously with his enclosures (many of which were in the Vale of Belvoir). Waltham, Branston and Croxton Kerrial were enclosed in 1766; Eaton (1769), Bottesford (1770), Sproxton (1771) and Saltby (1771); Wykeham & Cauldewell (1777) and Long Clawson (1779); Harston (1789), Harby (1790), Hose (1791), Thornton & Bagworth (1794) and Knipton (1797). The Duke possibly waited to see the effect of enclosure on his rents before repeating the experiment. On the other hand he may have delayed enclosure where it was likely to have involved great suffering.
- (43) e.g. Sheepy Parva (1768), Ratcliff Culey (1766), Sutton Cheney (1794) and Sibson (1803).
- (44) Brighthurst, Great Easton and Drayton (1804), Little Bowden (1779), West, East, Thorpe & Tur Langton (1791).



(1758-69) took place within a few miles of the borough  
(45)  
of Leicester; and an attempt was also made to enclose  
the South Field of Leicester at this time, but it was  
delayed for several decades by the many freemen who held  
(46)  
rights of common. The open fields round the small towns  
in the county were also enclosed early: those of Melton  
Mowbray, Loughborough and Hinckley by 1760 and of Ashby-  
de-la-Zouch in 1768. This may be accounted for in two  
ways: the pressure of a growing urban area would raise  
the value of the land for building sites when held in  
(47)  
severalty, and the presence of a market so near at hand  
would strengthen the incentive for a large increase in  
output that might be expected from enclosure. The large  
(48)  
number of small owners in these areas probably explains

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(45) With the notable exceptions of Glenfield (1809),  
Thurcaston (1798), Southfields (1804) and Humberstone  
(1788).

(46) *Infra* p. 139.

(47) Dr W.G.Hoskins attributes the lack of slum development  
in Leicester compared with that in Nottingham to the  
earlier enclosure of the open fields round the borough,  
which enabled urban growth to spread over a wider  
area. "The open field town", The Listener, 25  
September 1952, 499-500.

(48) *Infra* pp. 252-253.



why enclosure had not taken place by agreement at an earlier date.

Increased demand for food in towns required both more agricultural output (made possible by enclosure) and improved means of transport. The technical change in both agriculture and transport may be regarded as a response to the stimulus of increased demand. But it is of interest to investigate the relation between agriculture and transport changes: in so far as enclosures had to wait for improved transport we should expect to find local turnpike and canal Acts followed by enclosure Acts; in so far as the construction of turnpikes and canals was a response to an increased volume of traffic we should expect the sequence of events to be reversed.

A turnpike Act for a road between Leicester and Uppingham was passed a decade before the enclosure of several of the parishes along its route; <sup>(49)</sup> but in general the enclosures came first in Leicestershire. Most of the area adjoining the road from Market Harborough to Loughborough via Leicester was enclosed before the first Act for this turnpike road was passed. Similarly, the first Act for the Melton Mowbray to Leicester, the Melton Mowbray to Grantham, and the Leicester to Ashby-

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(49) The information concerning the dates of the Acts for turnpike roads in Leicestershire has been taken from "The returns of clerks and treasurers of the turnpike roads in Leicestershire pursuant to the Act of 1820." in the Leicestershire Record Office.



de-la-Zouch turnpike roads were passed after most of the country traversed by the roads had been enclosed. It seems, therefore, that if there was a connection between enclosure and the construction of turnpike roads it was more likely that the increased traffic of agricultural goods after enclosure set up an effective demand for an improvement than the reverse. Moreover water transport was not developed in Leicestershire till after most of the county had been enclosed. The River Soar was made navigable from the Trent to Loughborough in 1778, but the next improvement in water transport did not occur till after 1791 when a Bill for the Leicester and Charnwood Forest Navigation and the Melton Navigation was passed. The "canal mania" was not till 1791-3 and it seems that the prime motive in the construction of Leicestershire's waterways was the transportation of coal. One would, in any case, hardly expect a simple relationship between enclosure and growth of better communications. They were both part of a much larger expansion of the economy in which the stimuli came from many directions.

The causes of enclosure were often complex and not necessarily explicable purely in terms of

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(50) A. Temple Patterson, "Leicestershire canals", Transactions of the Leicestershire Archaeological Society, 1951, 68-78.

(51) Ibid, 74-79.



economic motive. As Pierre Recht, the Belgian agrarian historian, has said, "L'idée de partager les biens communaux apparaît .....ni par hasard ni pour les raisons uniquement économiques. Cette idée fait partie d'un ensemble de conceptions nouvelles philosophiques, juridiques, économiques, et sociales, auxquelles les historiens donnent la priorité selon leurs leurs goûts ou leurs préjugés." (52) In Leicestershire the distribution of landownership, the nature of the soil and its potential value in relation to the cost of enclosure, the increase in population, market prices and the existence of a relatively easy means of communication, and the example of agrarian change set in neighbouring parishes were all important factors affecting the timing of enclosure. For any individual enclosure, however, it is not possible to distinguish clearly prime cause from favourable conditions in the scientific manner advocated, for example, by Simiand. (53) Enclosure was the result of a "conjoncture" of factors, varying in importance according to the individual case, that can be identified but not given a cardinal importance.

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(52) Pierre Recht, Les biens communaux du Namurois et leur partage à la fin du XVIIIe siècle, 1950, 99.

(53) F.Simiand, "Causal interpretation and historical research", Enterprise and secular change, ed. F.C.Lane & J.C.Riemersma, 1953, 472-488.



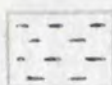
THE CHRONOLOGY OF PARLIAMENTARY ENCLOSURE IN  
LEICESTERSHIRE.

(explanation of the map on the following page)

Each parish is shaded according to the date of its enclosure by Act. No attempt is made, however, to show the proportion of the total acreage of each parish enclosed in this way: thus parishes are fully shaded whatever the acreage enclosed and left white only when they were completely unaffected by parliamentary enclosure. In the case of an Act passed to confirm an enclosure by agreement, the parish is shaded according to the date of the Act.

The enclosures of St Margarets (1763) and Southfields (1804) within the present boundaries of the county borough of Leicester are not shown.

The shading for the Charnwood Forest enclosure (1808) does not show all the parishes affected. Many of the latter had enclosure Acts of their own and are shaded accordingly.



Parishes enclosed  
by Act before 1760.



Parishes un-  
affected by  
parliamentary  
enclosure.



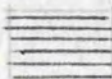
Parishes enclosed  
1760-9.



Parishes enclosed  
1770-9.



Parishes enclosed  
1780-9.



Parishes enclosed  
1790-9.



Parishes enclosed  
after 1799.



The Charnwood Forest  
enclosure (see above)

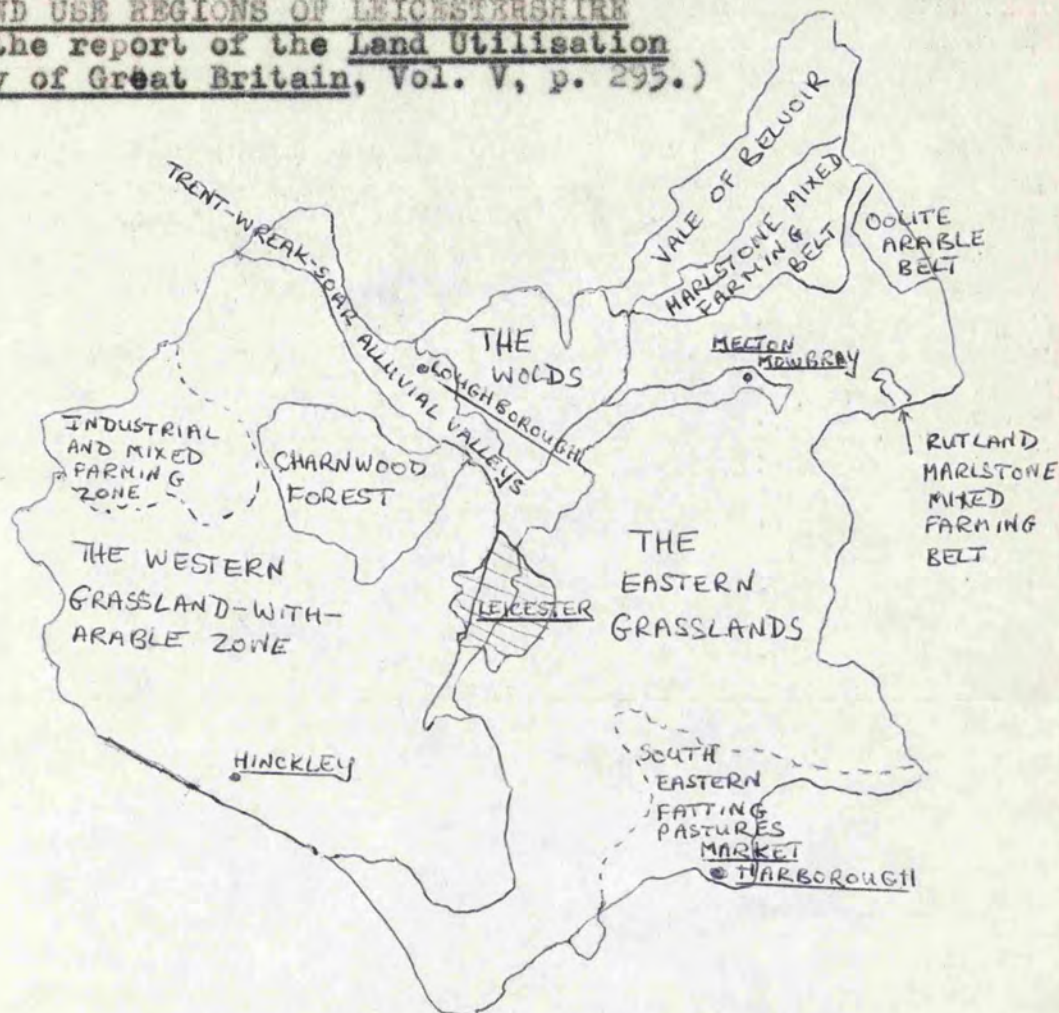






(23b)

THE LAND USE REGIONS OF LEICESTERSHIRE  
(from the report of the Land Utilisation  
Survey of Great Britain, Vol. V, p. 295.)



THE SOILS OF THE VARIOUS REGIONS

1. The Eastern Grasslands

This region is floored with heavy boulder clays except on the hills capped with Oolitic deposits or where the Marlstone is exposed through denudation (only the Upper Lias clays to the east of the region are exposed to any great extent).

2. South Eastern fattening pastures (sub-region).

Lower Lias clays underlie the district and are exposed over large areas along the valleys where the surface boulder clays have been denuded.

3. The Vale of Belvoir.

Stiff Lower Lias clays are completely exposed



except around Bottesford where there is a belt of lighter post glacial alluvium.

4. Marlstone Mixed Farming Belt.

Marlstone (giving rise to a light and free working loam - the best extensive arable soil of the county) is exposed in three places: (1) around Holwell (2) between Scalford and Eastwell (3) between Eaton and Harston. South of Eaton and around Waltham on the Wolds there is a large exposure of Inferior Oolite.

5. Rutland Marlstone Mixed Farming Belt (around Edmundthorpe and Wymondham).

Possesses many of the characteristics of the Leicestershire Belt.

6. Oolite Arable Belt.

Light and fertile Lincolnshire limestone.

7. The Wolds.

Mainly boulder clay with exposures of Lower Lias Clay and Keuper Marls.

8. Trent-Soar-Wreak Alluvial Valleys.

- (a) New alluvium - immediately by the river-side gives a sandy loamy soil which it is useless to put under the plough because drainage is impossible.
- (b) Terraces (particularly extensive around Loughborough, Syston, Cossington, Wanlip and Thurmaston in the lower Wreak Valley) of very fertile light gravelly soils.

9. The Western Grassland-with-Arable Region.

Keuper Marl gives a sandy clay or loam. On the border of the coal measures around Chilcote, Appleby Magna, Snarestone, Heather and Normanton-le-Heath, Keuper Sandstones outcrop giving a sandy loam. Boulder clays overlie part of the area, but not so extensively as in the eastern region. In the south around Earl Shilton, Hinckley, Barwell and Burbage are large deposits of lighter sands and gravels.

10. The Industrial and Mixed Farming Zone (sub-region).

Soils derived from the Upper Coal Measures and are generally sandy and of poor quality.



11. The Charnwood Forest

The soils weathered from pre-Cambrian formations on the hills are siliceous and sandy- often thin and poor. Those from the Keuper Marls on the slopes and in the valleys afford a more fertile friable red loam.

N.B. All the information about soils is taken from the Land Utilisation Survey, Leicestershire.



Chapter IITHE PROCESS OF ENCLOSURE

## (a) Historical Sources.

Certain important aspects of parliamentary enclosure have not been recorded in detail and therefore general conclusions must necessarily be reached from a limited number of examples. Among these are the method of promoting enclosure Bills and the procedure of the commissioners in implementing the Acts and in dividing and reallotting the land to be enclosed. It is the purpose of the present chapter to add to our factual knowledge of these aspects, and to see how far examples in Leicestershire support or conflict with the theories founded on the experience of other parts of the country.

The two principal sources of information for any particular enclosure, the Act and the Award, do not, unfortunately, throw much light on procedure. The Act is useful in that it records the provisions for the enclosure of the parish. The Award is the final settlement of the commissioners reached in obedience to the Act. Thus there is an intermediate stage between the passing of the Act and the drawing up of the Award about which these two sets of documents tell us little. This gap can only be filled by a record of the proceedings of the commissioners themselves.

The minutes of the commissioners' meetings, however, do not provide us with all the necessary information. First there exists no full set of commissioners'



minutes for all the parliamentary enclosures in Leicestershire, although, as far as is known, these records (1) are more voluminous in this county than in most others. There was no need for the commissioners to retain their working papers after their decisions had been embodied in the Award, and this probably accounts for the scarcity of the records of commissioners' proceedings of all sorts. If any remain undiscovered, they are probably in the hands of local solicitors or private persons.

Secondly, the minutes suffer, as far as the historian is concerned, from over-formality. They furnish but the barest of details concerning the criteria used by the commissioners in coming to their decisions. There is rarely any direct evidence to suggest the nature of objections to claims, or the identity of objectors.

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- (1) There are fourteen sets of minutes for Leicestershire enclosures which represent less than 10% of the total number of enclosures in the county. The only other county for which there are more commissioners' minute books than in Leicestershire is Cambridgeshire with 34. Bedfordshire has 12 minute books and Northamptonshire 11. M.W. Beresford, "Minutes of enclosure commissioners", Bulletin of the Institute of Historical Research, Vol XXI, 1947, 62-65. The list of Leicestershire minute books given in this article is incomplete and the following are now known to exist: L.R.O. Tugby (1784-5), Lutterworth (1790-91), Glenfield (1809), Ibstock (1774), Newbold Verdon (1810-20). L.M. Thurcaston (1798-99), Dunton Bassett (1796-7), Mountsorrell (1781), Mowsley (1788), Stanton-under-Bardon (1779-80), Whitwick (1803-7), Rothley (1781), Swithland (1798-99). Lampport Hall, Gleanston & Cranoe (1825-28). Northants.



The onus of proof of legal title rested on the proprietors whose claims were contested, but there is scarcely any information in the minutes indicating the nature of the evidence which was produced and found acceptable.

Finally, not all the minutes are complete in the sense that they are formally terminated. Most of the entries in the minutes books peter out before the business of the commission is completed. These omissions, however, usually concern the formalities carried out toward the end of an enclosure and their absence is not a serious matter.

Complementary to the minute books are the several bundles of commissioners' working papers and proprietors' correspondence. These manuscripts are more useful in showing how an enclosure was promoted and executed. In particular they shed much light on the gathering of the signatures of consent, the bickering over terms by the Lord of the Manor and the titheowners, and also the resolutions passed at proprietors' meetings. Being more informal records, they show how difficulties arose and were solved, and do not merely state in general terms that they had been solved. They are, however, even less voluminous than the minute books and there is no way to tell whether the evidence found in these documents is typical of enclosure procedure in general.

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(2) In the case of Charnwood Forest enclosure all claimants to common rights were expected to "prove" their claim.



A detailed study of the enclosure of Whitwick, Thringstone and Peggs Green (three townships in the parish of Whitwick) has been made from the bundles of miscellaneous correspondence and other papers, including many of the commissioners' documents of reference, which survived in the hands of local solicitors and are now deposited in the Archives Department of the Leicester Museum. <sup>(3)</sup> It is doubtful whether these manuscripts are complete in the sense that they cover the whole story of the enclosure, for they consist of letters to and from the solicitor concerned. There might have been some correspondence not passing through this intermediary; but there is no trace of such documents. Those that have survived show how pre-enclosure negotiations developed and how the commissioners overcame the many problems that faced them; as far as is known, these documents provide more information about ~~any~~ one enclosure than is available for any other throughout the country.

(b) The promotion of enclosure and the execution of the Act.

Enclosure was preceded by a series of preliminary negotiations among the leading proprietors concerning the general principle of the measure. If they were in favour each presented his terms of consent, and finally, when agreement had been reached, a general meeting of the proprietors was held, a Bill drawn up, and a petition presented to Parliament.

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(3) L.M. Whitwick MSS 13D40/3.



Two letters illustrate the tentative nature of the early negotiations. The first, dated 22 November 1794, is from Ellis Pestelle, a solicitor, to William Herrick, a Lord of the Manor with interests on Charnwood Forest:

"In consequence of the desire you expressed when I last saw you to have Lord Moira consulted concerning a possible inclosure of Charnwood Forest.....He has authorised me to say that he approves of the measure much and thinks it will be a public benefit and not only does he think it expedient but will give his active assistance to it in Parliament and otherwise. I have also had an opportunity of communicating his lordships sentiments to Mr Mason, Lord Stamfords Stewart, and he approves of it being set about:- tho' though he told me a few days before that Lord Stamford had, he thought, some doubts whether the present was a suitable time for the purpose- as to the disposition of the multitude. However Lord Moira on my mentioning that you had heard as to the disposition of the Shepshead people- seems to think that the time is not unfavourable to the business." (4)

In another part of the same letter Pestelle expressed the doubt of one Lord as to the profitability of the venture:

"Mr Dawson [Lord Moira's agent] says he fears there will be many towns not mentioned in your letter that have exercised rights of common uninterruptedly and will therefore be allowed and that it will greatly reduce the interests of the Lords who own the manors and almost render it a matter of trifling consequence to the Lords to give themselves much trouble about an inclosure - however, I am disposed to think it a very beneficial thing to the Lords themselves as to the public." (5)

The second letter illustrates the attempt of a Lord to turn the provisions of the Bill to his own

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(4) L.R.O. Herrick MSS Bundle 24. The Act for Charnwood Forest was not passed till 1806.

(5) Ibid.



advantage. John Herrick wrote to Thomas Herrick on  
10 March 1805:-

"Lord Moira who is little interested [in the Charnwood Forest enclosure] as a freeholder wishes to do away with the parish boundaries and allot towns who has no boundaries to them equal with those that have, by that means to hook in Loughboro where his principal property lies - it had better be as it is than to let it be inclosed in that manner...." (6)

The distinction, which was so important to Lord Moira, concerned the method which the commissioners were to follow when making their allotments, i.e. whether parishes with boundaries on Charnwood Forest were to be allotted equally with parishes wholly outside the Forest.<sup>(7)</sup>

It was usual for the Lord of the Manor, the incumbent, the impropriator of the tithes (if any), and a few of the leading proprietors to petition for enclosure. Thus for Seagrave (1760) Leonard Fosbrooke (Lord of the Manor), Richard Benskin (the rector), Thomas Fisher (proprietor of 53 acres), John Woodroffe<sup>(8)</sup> (proprietor of 119 acres) and "others" petitioned for enclosure. Similarly, for Skeffington (1772) William Farrell Esq. (Lord of the Manor, patron of the rectory, and proprietor of 492 acres), James Dashwood (the rector) John Hewitt Esq. (proprietor of 251 acres), William

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(6) Ibid.

(7) Infra p. 37.

(8) Whose names were not given in the Commons Journals. H.C.J. 23 January 1760.



Brown, gentleman, (proprietor of 242 acres), and Bertin  
Green (proprietor of 50 acres) were the petitioners. <sup>(9)</sup>

The petitioners for the enclosure of Hallaton (1770) were  
the two Lords of the Manors, the rector, and two other  
unspecified proprietors. <sup>(10)</sup> These examples are typical  
of those cases where the names of the petitioners are  
recorded in the Commons Journals. In about one third  
of the petitions, however, the names of the petitioners  
are disguised under a heading such as "several prop-  
rietors" or "owners of land", e.g. Stoney Stanton &  
Potters Marston (1764), Fleckney (1769), Little Stretton  
(1770), Sapcote (1777). In a few cases (e.g. for the  
Thornton and Bagworth enclosure petitions of 1793 &  
<sup>(11)</sup> 1794) the petition was from the Lord of the Manor alone,  
but for Great Glen (Upper Field 1758) nine of the  
leading proprietors plus other unspecified proprietors  
joined in the petition with the Lord of the Manor.

The Lord of the Manor was not invariably a  
petitioner, however, and his consent was not absolutely  
necessary before an Act could be obtained. For Grimstone  
<sup>(12)</sup> (1765) the Lord of the Manor refused to sign the Bill.  
For Wartnaby (1763) neither the Lord of the Manor,

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(9) H.C.J. 11 February 1772.

(10) H.C.J. 25 January 1770.

(11) H.C.J. 20 February 1793 & 26 February 1794

(12) *Infra* p. 132.



(31)

Thomas Babington, nor the vicar, the Reverend George Cardale, were mentioned as signing the petition of Lord Howe, the impropriator of the great tithes, and of (13) Ann and John Caunt, proprietors of 291 acres. Babington held no open field land in Wartnaby, and Cardale had (14) only 15 acres of glebe and the small tithes. The leading petitioner for the enclosure of Burton Overy (1765) was John Lee, the rector, who owned both the great and small tithes. The Earl of Stamford, who was the Lord of the ~~Manor~~<sup>Honor</sup> of Winton with rights of soil in Burton Overy, was not mentioned by name as being a petitioner. He was not reported as opposing the Bill, however, and, having no large interest (he was awarded three acres), probably did not think it worth his while to take an active part in its promotion. There was a similar case concerning the enclosure of Leire (1779) where the rector, who, after enclosure, was the largest landowner in the parish, was the leading petitioner. The Earl of Hardwick, who was Lord of the Manor, had no open field land in Leire and was not mentioned by name as petitioner.

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(13) It is extremely unlikely that persons of such high social status would be concealed under the heading of "other proprietors". Their interest, in terms of landholding, was not sufficient to make it worth their while to promote the enclosure, but as they were not reported by the Committee sitting on the Wartnaby enclosure Bill as refusing to sign the latter it can be assumed that they did not oppose enclosure.

(14) This was his allotment for glebe after enclosure.



There were also a few cases where the incumbent was not mentioned by name as a petitioner for enclosure; whilst at Harston (1789) and at Frolesworth (1805) the incumbents are known to have opposed the Bill.<sup>(15)</sup> The only enclosure petitioner for Birstall (1759) mentioned by name was John Bass, the Lord of the Manor,<sup>(16)</sup> although the vicar, who had no financial interest in the enclosure (his sole income being an annual stipend of £70 from the Lord Bishop of Lichfield and Coventry), may have been included amongst the unnamed petitioners.

While in general the most important persons in the parish were also the leading enclosure promoters and petitioners, there are a few instances where the Commons Journals do not mention them by name as acting in this capacity. These are mainly where the Lord of the Manor or the incumbent had very little financial interest in the enclosure and confined his activities to signing his assent to the Bill.

The minute books show a striking uniformity in the procedure of the commissions.<sup>(17)</sup> There was normally a preliminary meeting at which the commissioners took their oaths, and the other officers of the enclosure, the clerk, the surveyor, and the

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(15) *Infra* p. 123.

(16) H.C.J. 1 February 1759.

(17) The commissioners, having acted in other enclosures, naturally followed the same routine that had proved effective elsewhere.



banker were appointed, if they had not already been nominated in the Act. Sometimes they were chosen by the commissioners themselves, sometimes by the proprietors. There is no record of there having been a dispute over these appointments, the decision usually being stated as unanimous. At Lutterworth (1790) the surveyor's salary was fixed during an early meeting at 1/6d an acre surveyed and half-a-guinea a day for expenses.

Before the land could be re-allotted an accurate survey of the area to be enclosed was necessary, and the commissioners took advantage of the interim period to order the proprietors to hand in their claims to land in the open fields and to common rights. A notice to this effect was placed on the church door and proprietors not resident in the locality were informed by letter.

Before deciding upon the size of the common right allotments the parish boundary had to be determined. At Ibstock (1774), for example, the commissioners visited Burnt Heath to enquire into the rights of the inhabitants of Donnington to this waste area. Similarly, at Glenfield it was necessary to determine the rights of the proprietors to freebord adjoining the land to be enclosed. Mention is made in the Oadby Award of a dispute between Anthony Keck Esq. of Stoughton and the Proprietors of Oadby, both parties claiming the freebord between the parishes. The special commission which

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adjudicated the dispute awarded a part to Keck and the  
 (18)  
 rest to the proprietors of Stoughton. At Thornton and  
 Bagworth (1794) Samuel Wyatt ( a commissioner) and Thomas  
 Paget of Scraftoft (who had acted as commissioner in  
 other enclosures) were ordered in the Act to go "openly  
 publicly and in the daytime" to examine witnesses on  
 oath and to fix a boundary between Thornton Heath and  
 Bagworth Heath where there had previously been inter-  
 commoning. If agreement could not be reached they were  
 to consult Daniel Parker Coke of Derby, a barrister  
 at law.

The question of the parish boundary was of special  
 significance to the Lords of the Manors whose allotments  
 in lieu of rights of soil varied in size according to  
 the size of the area over which they held these rights.  
 The Earl of Stamford brought an action against the  
 (19)  
 commissioners to the Charnwood Forest enclosure at the  
 Spring Assizes of 1811 claiming that Rothley Plain was in  
 the parish of Newtown Linford (where he was Lord). The  
 real defendant, Mr Babington, claimed that it was in  
 Rothley (where he had extensive interests), After tax  
 assessments and documents relating to the situation of  
 the one house in Rothley Plain had been produced by  
 Stamford, and an extract from Domesday Book by Babington,

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(18) L.R.O. Collection of Enclosure Awards, Oadby.

(19) To comply with the provisions of appeal in the  
 enclosure Act the action had to be brought against  
 the commissioners.



and old inhabitants had been brought forward as witnesses  
 by both sides the verdict was returned for the plaintiff. (20)

Next the proprietors' claims were considered by the commissioners. A list of those in the Charnwood Forest enclosure have survived and provide valuable information concerning the commissioners' decisions as to their validity. (21) There were 49 parishes and townships which claimed common rights for an aggregate of 3631½ messuages and 181 "scites". It had been provided in the Act that no messuage less than 40 years old was legally entitled to common rights on the wastes of Charnwood Forest, and many claims were disallowed because stocking of the common had not been proved, (22) or because the messuage in question was really part of another. The commissioners frequently had to decide to whom an allotment was to be made for a messuage claimed by two persons. Many tenants of messuages and land on long leases claimed common rights as well as the lessors, but the person to whom the land was to revert after the expiry of the lease was awarded the allotment. At Ratby, for example, John Hunt's

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(20) J. Nichols, History and antiquities of the county of Leicester, 1811, Vol. 4, pt. 2, 890-1.

(21) Charnwood Forest and Rothley Plain Inclosure. An alphabetical list of the claims of the proprietors, 1811.

(22) For Rothley there were 214 claims disallowed because stocking had not been proved. Among these claims was that of Thomas Babington for 792 acres in Woodhouse Eaves including a potato patch occupied by several poor people.



claim for common right in Markfield by virtue of his 40 acres and 24 perches leasehold was rejected and the allotment made to the Earl of Stamford, the lessor. At Stanton-under-Bardon (1779) the Earl of Moira claimed allotments for 23 cottages, 13 of which, it was discovered, did not exist, and the rest were found either to be on the waste or to be owned by other people. One cottage he claimed for was described as a "hovel on the waste." A letter, dated 27 January 1811, from Samuel Webster (a solicitor) to John Herrick of Beaumanor reveals the procedure of the commission with regard to the common right claims on Charnwood Forest:

"In the commissioners inquiries concerning claims to the land adjacent to the forest very little inquiry will be made but it may be as well to have one or two persons to prove stocking at different times- as to ancient houses in such towns the commissioners will require evidence of their having been built for 40 years. As for ancient scites on which new buildings have been constructed the commissioners will require evidence of usage 40 years ago and five times within that time- no written evidence to title will be required and if your claim is objected to you will be informed and required to produce further evidence to rebuke the objections." (25)

Many of the parishes claimed a right on Charnwood

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(23) Charnwood Forest and Rothley Plain Inclosure. An alphabetical list of the claims of the proprietors, 1811, 136.

(24) The claim for a right of common by owners of houses on the waste was not recognised.

(25) L.R.O. Herrick MSS Bundle 24.



(37)

(26)

Forest by "vicinage". The proprietors of Woodhouse Eaves (the boundaries of which extended on to the Forest) were dissatisfied with the commissioners' decision to allow this right and to re-allot the land on a "hotch-pot" principle, i.e. to ignore the position boundaries of the various parishes in relation to the Forest. Desiring to avoid a disadvantageous settlement, they sought the advice of a barrister, claiming that common by "vicinage" was a permissive right only and had been tolerated because it was to the mutual convenience of the parties concerned. Strictly speaking it would have been possible to impound each others cattle, but, in practice, this would have led to a large number of unprofitable law suits. The proprietors of Woodhouse Eaves maintained that "...when the Cause which produces and sustains it [common by vicinage]/ceases....the principle is entirely at an end and cannot become a proper foundation for the Commissioners to build their plans of Hotch Potch division upon."

(27)

Messrs Letts and Reader (barristers) replied that the object of the Act was that the allotments should

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(26) Common by vicinage arose when cattle strayed from the commons of one township to that of the next. It was not properly a right but merely an excuse for a trespass. Report from the Select Committee on the cultivation of waste Lands, 1795, 21.

(27) L.M. 3D31/247d.



be made proportional to the value of the estates which appear to have exercised rights of common over the parts to be enclosed without regard to the extent of the boundaries over the Forest. The right of common of some parishes having no boundary on the Forest was unquestioned, but to allot land according to the extent of the parish boundary over the area to be enclosed would (28) exclude these altogether.

This reply was not satisfactory to the proprietors of Woodhouse Eaves who objected to being placed on the same footing with "...those Parishes that have not a yard of Land upon the Common and who have in a few (29) solitary instances turned Stock upon it..." and they therefore put the case before another barrister, Mr John Richardson of Wanlip near Leicester. He replied that rights of common were supposed to originate from the grants made by the owner of the soil over which the rights of common were to be exercised. He thought that, prima facie, the legal presumption would be against the claims of the outside places because a Lord would be more likely to grant the rights to tenants within the manor than to strangers. He thought, however, that this presumption would be over-ridden if evidence could be produced of enjoyment of this right "...which in all

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(28) Ibid.

(29) Ibid.



cases where the original grant cannot be produced is  
 the best criterion of the right."<sup>(30)</sup> Thus where stocking  
 was proved, whether by right of vicinage or not, allot-  
 ments were made.

At Loughborough a right of common by  
 custom claimed by the owners of several houses, which  
 were neither ancient nor constructed on the sites of  
 ancient houses, was contested by the Earl of Huntingdon  
 (the Lord of the Manor) and several other proprietors.  
 It was enacted that the enclosure should not take place  
 until an action had been brought against these claimants  
 by the Earl of Huntingdon to try these "rights" as a  
 trespass.<sup>(31)</sup> Apparently the action was successful, or the  
 cottagers in question withdrew their claims, for neither  
 Stephen Hood nor William Gamble, mentioned in the encl-  
 osure Act as defendants, was awarded allotments by the  
 commissioners.

The Leicestershire commissioners' minutes  
 furnish very little detail about the nature or volume  
 of objections. Those for Glooston and Cranoe, however,  
 record an objection by the Earl of Cardigan to  
 Mr Davis's (the rector) claim to the

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(30) L.M. 4D31/246.

(31) 32 Geo II c. 41.



tithes on the ancient enclosures on the grounds that it was tithe free, or at least subject only to a certain annual payment in lieu of tithes. The commissioners postponed their decision pending the production of evidence by the parties concerned. At the next meeting Mr Douglas, on behalf of the rector, produced copies of an ancient terrier and an account of the rectory from the Bishop's Registry in Lincoln dated 5 August 1745, but Mr Sherard, the Earl's agent, applied for more time to search for documents in support of Lord Cardigan's claim. It appears, however, that he failed to find any satisfactory evidence, for at the next meeting the Earl withdrew his objections and the commissioners declared that further investigation into the matter was unnecessary.

(32)

The claims of the proprietors of land and common right were normally listed by the commissioners and put in a prominent place, usually on the church door or at the local inn, for the perusal of those interested in the enclosure. Once the claims had been received and the objections to them dealt with, the commissioners were able to proceed with their valuation of each individual's holding. This was obviously one of the most important stages of the enclosure from the pro-

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(32) Lamport Hall, Enclosure Commissioners' Minute Book, Glooston and Cranoe, 26 Nov, 1825, 18 Jan, 1826, 14 March, 1826.



prietors' point of view, and sometimes so-called "quality-men" were employed to ensure accuracy. It is because fair dealing, both at this stage and at that of the allotment, required a high degree of skill that criticism has been levelled at the choice of commissioners. (33) Henry Homer, the famous Midland commissioner, stressed that "This is perhaps, For the Extent of the Object, one of the greatest Trusts, which is reposed in any Set of Men in the Kingdom; and therefore merits all the return of Caution, Attention, and Integrity, which can result from an honest, impartial, and ingenious Mind." (34) In order to make their valuation the commissioners had to inspect the fields themselves, and this work invariably lasted for several meetings, e.g. at Rothley the commissioners met every day between 2 May and 11 May 1781 in "viewing and valuing the lands." There is little interesting comment in the minutes concerning the valuation: just the bare statement that it had taken place. No mention of any disagreement amongst the commissioners is made (although there must have been some) probably because they came to their decisions on a majority vote, or possibly because a mean valuation (35)

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(33) *Infra* pp. 86-7.

(34) H. Homer, An Essay on the Nature and Method of Ascertaining the Specific Shares of Proprietors, upon the Inclosure of Common Fields. 1766, 61.

(35) Care was usually taken to nominate an odd number of commissioners or an umpire in the case of an even number.



was agreed upon.

In order that their valuations need not be changed the commissioners were usually empowered (by provision in the Act) to direct the course of husbandry between the passing of the Act and the re-allotment of the land. It was also in the interests of good husbandry that the commissioners should maintain a strict regulation of farming during this period, for "not knowing where their future lands will be allotted they [the farmers] save all their dung till much of it is good for little; they perform all the operations of tillage with inferior attention; perhaps the fields are cross-cropped and exhausted, and not well recovered (36) under a course of years." Typical examples of direction by the commissioners are found for Lutterworth where they ordered the hoeing out of thistles on the fallow field which had sprung up since the field had last been (36a) in tillage, and for Ibstock where they ordered the proprietors to sow their lands with 8 lbs of clover seed (36b) and 2 lbs of trefoil per acre.

In order to prepare the land for cultivation in severalty the commissioners had to

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(36) Board of Agriculture, General Report on Enclosures, 1808, 31.

(36a) L.R.O., D E. 203/12, 18 June 1790.

(36b) L.R.O. Enclosure Commissioners' Minute Books, Ibstock, (first meeting, undated).



decree the end of the ancient custom of common rights. At Glenfield, for example, this was done with six days' notice for the fields in tillage and 11 days' notice for the fallow field. This single entry in the minute book records one of the most important aspects of the agrarian revolution which took place on enclosure.

The commissioners were now in a position to remodel the pattern of communications in the parish. The old routes often followed the line of junction of various furlongs and, while this had been imperative in the unenclosed village to avoid wasting valuable land, such tortuous and winding ways served no useful purpose in the enclosed village when the old furlong had lost its significance. The commissioners presented the proprietors with a plan of the proposed roads and paths, and the latter were given the opportunity of objecting. At Rothley (1781) for example, a plan of the new roads was displayed on the 16 March 1781 with the notice that objections could be made at the next commissioners' meeting on 7 June. On this day the commissioners received a petition from fourteen of the proprietors objecting to two of the roads as "unnecessary and to be formed and gravelled at great expense." Mr Babington also objected to the public carriage road "as now set out over the West Field to Thurcaston" and requested that it be set out in a straight direction. After consideration by the

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(36c)  
 commissioners both objections were allowed. At Dunton Bassett (1796) Elias Reynolds complained of damage done to his allotment by the inhabitants of the adjoining cottages. The commissioners ordered that a proper road be set out for the inhabitants of the cottages and Reynolds was allotted as compensation some of the land of the surveyors of the highways. (36d)  
 The commissioners, therefore, showed willingness to meet the wishes of the local community, but, as in most cases (where evidence is available) no objection was made, the commissioners did not find it necessary to alter their original plans. (37)

The turnpike roads were unaffected by enclosure. Much capital had been sunk in their construction and they were generally regarded as the best means of transport at the time. To reimburse their shareholders would have been a complicated and expensive business and accordingly the enclosure Act excluded them from the jurisdiction of the commission.

It has been said that the result of enclosure (38)  
 was a general improvement of the means of communication; indeed ~~and~~ in Leicestershire there appears to have been a very real attempt to improve the condition of the roads on

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(36c) L.M. Enclosure Commissioners' Minute Books, Rothley, 7 June 1781.

(36d) L.M. Enclosure Commissioners' Minute Books, Dunton Bassett, 8 November 1796.

(37) The result of the commissioners' work, legalised by the enclosure Act, still applies today except where altered by subsequent legislation.

(38) B.C.K. Gonner, Common land and inclosure, 1912, 300.



enclosure. Sometimes the commissioners appointed a salaried surveyor of the highways, who levied a rate on the landowners to meet the cost of the construction of the new roads,<sup>(39)</sup> and who could not claim his salary till two Justices of the Peace had certified that the roads had been put in good repair. Moreover, this was no formality. At Glooston and Cranoe the Reverend Edward Griffen and the Reverend Mr Bewicke, two local J.P.s, refused to sign the certificate inspite of the fact that Mr Upton, the surveyor of the highways appointed by the commissioners, claimed to have spent £681/18/6d on the new roads. Bewicke thought that the foundation of the roads was unsatisfactory and only slightly covered with gravel. He maintained that it would not be fair to transfer the responsibility of the upkeep of the roads from the proprietors to the tenants and occupiers at that time because their good appearance was due to the long dry summer and that after the coming winter they would be in a very bad state. The commissioners accordingly instructed the surveyor to attend to the state of the roads during the winter so that they might be certified in the following spring; and the minutes record at a later entry that the same two justices inspected and approved of the roads.<sup>(40)</sup> The surveyor of the

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(39) *Infra* p. 170.

(40) Lamport Hall, Glooston & Cranoe Commissioners' Minute Book, 24 May 1826, 25 July 1826, & 5 June 1827.



highways was frequently allotted a small piece of land, rarely exceeding five acres, the profits from which to be applied to the upkeep of the roads; and occasionally the income from the lease of the grass verges on the side of the wide roads, set out on enclosure, were also earmarked for the same purpose.

When the claims had been received and settled the commissioners were able to plan the re-allotment of the land. The quantity of open field land and the rights of common held by each proprietor were first valued. From this sum deductions were made in respect of tithe commutation and his contribution toward the manorial allotment, the residual amount being the value of his new allotment. At Hallaton, for example, Thomas Green, ~~was~~ the owner of one cottage common right, ~~and~~ was entitled before enclosure to put three cows or horses and ten sheep on the common land at the appropriate times, the value of which was calculated by the commissioners to be 18/- per annum. He had also some field land (without right of common) valued at 13/1½d p.a. making a total value of £1/11/1½d. His land was reduced in value by 4/0½d to exonerate it from tithes so that the net value of his new allotment was £1/7/1d. p.a. In area he received 1 acre 1 rood 11 perches for which he paid 12/6d toward the general enclosure expenses plus

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(47)

(41)  
an extra 1/8d for an unspecified expense.

It was usual for proprietors to take advantage of enclosure to exchange parcels of "ancient enclosure" or to have them legally confirmed by the commissioners. At four places in Leicestershire old enclosures as well as open field land were divided and re-allotted by the commissioners, (42) presumably to facilitate the consolidation of the proprietors' holdings.

Before the Award was drawn up the commissioners informed the proprietors of the quantity of fencing they were expected to do, and it was the formers' responsibility to see that this was accomplished satisfactorily. At the Swans Inn, Market Harborough on 24 May 1826 the commissioners for the Glooston & Cranoe enclosure viewed the "public fencing" (i.e. of the tithe, manorial, and surveyors allotments), and decided it had been so badly done that the settlement for this with Messrs Smith and Putt, the local contractors, should stand over till it was properly completed. Six months later, on December 5, they again inspected the quicksets and found they had failed to

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(41) L.M. 12D43/59. The type of common rights held by each proprietor and his share in the enclosure expenses are specified in the Hallaton schedule.

(42) At Swithland (1798), Knighton (1755), Birstall (1759), Sheepy Parva (1768).



grow properly because of the preceding drought, so they ordered that more be planted. After this date there is no further mention of the fencing, and it may be presumed that this aspect of the enclosure had been satisfactorily completed.

Once the allotments had been made and the fencing, the road construction and the exchange of land carried out, the enclosure was virtually completed. At this point most sets of commissioners' minutes come to an end. Some, however, also describe the drawing up of the Award and the final settling of accounts. Thus these documents, although deficient in some respects, outline the work involved and indicate some of the difficulties encountered in the execution of the Act.

It appears to have been usual for the commissioners to meet only once, and rarely more than twice, a month, although a single entry in a minute book often sufficed for meetings on consecutive days. The slow pace at which the business was sometimes done was not always the fault of the commissioners. A considerable amount of their work in viewing and valuing involved being out of doors, and in the Thurcaston enclosure, for example, little progress could be made

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(42a) In Leicestershire 19 enclosures were completed the same year in which the Act was passed. In 91 enclosures one year elapsed between the Act and the Award, in 12 enclosures 2 years, in 11 enclosures 3 years, in 5 enclosures 4 years, in 4 enclosures 5 years, in 2 enclosures 6 years, in 3 enclosures 7 years, in 1 enclosure 9 years, and in 3 enclosures 10 years. The enclosure of Charnwood Forest took 21 years.



in the winter months of 1798-9 "owing to the great  
 (43)  
 quantity of snow on the ground". The Glooston and Cranoe enclosure which took from 2 August 1825 till 10 June 1828 to complete was beset with many difficulties for the commissioners. In addition to the dispute concerning the tithes on ancient enclosures, which dragged on for four months, and the refusal of the justices to certify the roads, the commissioners found it impossible to settle the accounts of the enclosure for over a year after the other business had been completed. On 5 June 1827 they were examining the final draft of the Award, but when they came to levy a rate on the proprietors they found that a Mr Upton, the road repairer bridge builder and ditch scourer for the enclosure, was now a prisoner of the King's Bench Prison, and no account of the expenses of forming the roads could be obtained. It was decided, nevertheless, to execute the Award, and the printer of the Leicester Journal was ordered to publish a notice of a general meeting of the proprietors to be held for this purpose. The printer, however, failed to advertise the meeting and the execution of the Award was postponed till the 19 March. It was not till 10 July  
 (44)  
 that the commissioners formally completed their business. Thus the whole of the blame for these delays cannot fall

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(43) L.M. Enclosure Commissioners' Minute Books, Thurcaston.

(44) Lamport Hall, Glooston & Cranoe Commissioners' Minute Book, 8 August 1827, & 10 December 1827.



on the commissioners themselves for they were often held up by circumstances beyond their control. Moreover, where delays did occur in the commissioners' own deliberations there were often understandable reasons.

(45)  
Commissioners were busy men with enclosure business elsewhere to deal with, and this accounts for many occasions when a quorum could not be made up. Knotty problems also arose and these took time to solve. Hasty settlements would probably not have been fair ones, and the delays were sometimes in the best interests of the landed proprietors.

Full and immediate publicity appears to have been given to the decisions of the commissioners. For example, the proprietors were informed of the value of their land by a notice on the main door of the church, and were also given opportunity to appeal. In the case of Rothley several objections were, in fact, received, and the commissioners reviewed the disputed valuations and made alterations where they thought proper. This, admittedly, does not show whether the small man was given equal consideration with the large and influential landowner, but there is no evidence in the minutes, (46)  
at least, to suggest the contrary.

Liberal notice (at least a week) was given by the commissioners for entry of claims, and no attempt

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(45) See W.E. Tate, "Oxfordshire Enclosure Commissioners, 1737-1856," Journal of Modern History, 1951, 140-143.

(46) But see p. 88.



was made to conceal the fact that they were required, a notice to this effect being placed on the church door, where the proprietors could reasonably be expected to congregate at least once a week.<sup>(47)</sup>

Non-resident proprietors were at a disadvantage in this respect; but as the commissioners usually gave notice in the Leicester Journal, and as presumably few were totally unaware of the procedure of enclosure, it is unlikely that they failed to present their claims through ignorance. Furthermore, the time limit for the presentment of claims was not strictly enforced. At Whitwick, for example, notice was given on 23 July 1803 that all claims were to be presented by the 13 August, and that anyone who failed to do so would be debarred from all right and title to the land to be enclosed. Yet at the stipulated date the commissioners found that some claims had not been delivered, and the proprietors were given till the 16 October to submit them. Again, at Dunton Bassett an extension of the time for the receipt of claims was given from 18 April 1796 till 11 June 1796, and most sets of minutes record that the commissioners found it necessary to postpone the final date for the receipt of claims. There is no

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(47) Provision was often made in the enclosure Act for adequate notice to be given of commissioners meetings. For example, at Billesdon notice was to be given at least 14 days before each meeting, meetings by adjournment excepted. On the other hand in the enclosure act for North Kilworth the commissioners were required to give only six days' of their meetings.



evidence for Leicestershire that there were ".... many small proprietors who had neither the courage nor the knowledge necessary to put and defend their case and ....vast numbers of claims....disregarded because they were not presented, or because they were presented too late, or because they were irregular in form." (48) At Stathern the small owners and owners of common rights seemed perfectly capable of presenting their claims to the satisfaction of the commissioners. (49) The surveyor's "particular survey" of each proprietor's holding also provided a basis for re-allotting by the commissioners. At Mowsley, for example, the proprietors were required to distinguish their lands from the cow pastures and place their usual mark on these lands in order to facilitate the surveyor's work. (50) Thus it is highly improbable that late submission of claims invariably involved the forfeiture of land, although some sort of time limit clearly had to be fixed otherwise the commissioners' work would have been further delayed and the enclosure prolonged. The time limit should be regarded as a necessary administrative arrangement rather than means of cheating someone of his right.

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(48) J.L. & B. Hammond, The village labourer, 1932, 39. See p. 79 for a possible example of a cottager failing to claim.

(49) Stathern Claim Book, L.R.O. 15D35/13/2.

(50) L.M. Enclosure Commissioners' Minute Books, Mowsley, 14 April 1788.



In most respects the commissioners' decisions were final, although it was usually possible to appeal against their decisions with regard to title. For example, at Long Whatton (1778) the proprietors could appeal to Quarter Sessions within four months concerning the title to land, and the justices could award costs to the appellant or the respondent as they thought fit.<sup>(51)</sup> This provision was common throughout Leicestershire, although six months was sometimes allowed for an appeal to be brought. At Belton (1812) appeal could be made by feigned issue against the person whom the commissioners' decision favoured.<sup>(52)</sup> But appeal, even though it was legally possible, was out of the question for the proprietors with small financial resources.

The payment of the enclosure expenses was not always completed promptly by all proprietors. At Mowsley seven of the proprietors with allotments ranging from 6 to 55 acres had not contributed by the time appointed by the commissioners.<sup>(53)</sup> At Whitwick several proprietors had to request an extension of time. This was duly granted, but some of them had not paid by the next commissioners' meeting and no further grace was given.<sup>(54)</sup> The commissioners showed reasonable sympathy concerning

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(51) 18 Geo III c. 14.

(52) 52 Geo III c. cxxxii.

(53) L.M. Enclosure Commissioners' Minute Books, Mowsley, 15 December, 1788.

(54) L.M. Enclosure Commissioners' Minute Books, Whitwick, 7 October, 1806, 17 November, 1806.



the problems faced by the proprietors on enclosure, but it was their duty to see that enclosure took place in an efficient manner, and this necessitated their using firm if unpopular methods.

In accordance with the provisions in most Acts the commissioners' meetings were usually held at inns at the scene of enclosure or nearby for their convenience when viewing and valuing the land, for the attendance of witnesses, and for the presentment of claims, objections etc. If the small man was unable to influence the passage of the enclosure Bill through Parliament, he was able to secure a hearing in its local administration. The commissioners cannot be charged with underhandedness in their procedure, and they appear to have been willing to reconsider their

(55)  
decisions. An account of the commissioners descending on a village to enclose it behind the back of the main body of proprietors in collusion with the most influential land owners would almost certainly be a travesty of the facts, at least as far as Leicestershire was concerned.

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(55) Further evidence concerning the partiality or otherwise of the commissioners is brought forward in section (c) of this chapter and also in chapter III.



(c) The Enclosure of Whitwick, Thringstone, and Peggs Green - A case study.

The parish of Whitwick contains four townships, Whitwick, Thringstone, Peggs Green, and Swannington. The enclosure Act of 1803 was concerned with the three open fields of Whitwick viz Farmersick Field, Holly Hays Field, and Willow Field (which contained, however, a good deal of ancient enclosure) and also <sup>with</sup> the wastes and commons of Whitwick, Thringstone, and Peggs Green. The open fields of Thringstone and Peggs Green had been entirely enclosed at an earlier date without the authority of an Act of Parliament, and the whole unenclosed area amounted to 673 acres and 19 perches.

An interesting feature of this enclosure was the long period of negotiation before the Act was actually obtained. In 1787 there was some discussion amongst the leading proprietors concerning the possibility of an enclosure. The tithe rights were valued in order to determine the compensation to be paid to the titheowners for commutation, and the impropriator complained, in a notice in the Leicester Journal on 8 August 1787, that a meeting to discuss enclosure and tithe compensation had taken place without his <sup>(1)</sup> consent. No petition was, however, presented to Parliament at that time.

On 15 September 1793 a notice was put on the church door of Whitwick informing the parishioners

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(1) L.M. 13D40/3/7.



that it was intended to apply for an Act to enclose. It may be presumed, however, that the project in 1793 never progressed beyond the stage of negotiation, for the House of Commons Journals do not record the presentation of an enclosure petition at this time.

Attempts were still being made in the following year to reach agreement. On 3 October 1794 Joseph Boulton, Lord of the Manor of Thringstone (and later of Peggs Green)<sup>(2)</sup>, wrote to John Piddocke, a proprietor of land in Whitwick, saying that in principle he favoured an enclosure.<sup>(3)</sup> Negotiations petered out, however, because of the opposition of Sir George Beaumont, the impropiator of the great tithes. In a letter to Piddocke one week later Sir George's agent gave the reasons for his attitude. In his opinion the proposed allotment of 1/8 of the land to be enclosed was inadequate compensation for his right of tithes, and he also considered that the proportion to go to the vicar and himself should be settled by themselves. Sir George did not appear to be against enclosure in principle, but he did not wish for immediate action. The letter went on, "..... it strikes me

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(2) Boulton brought the manor of Peggs Green from Messrs Raper and Fentons sometime between 31 December 1802 and 16 February 1803. L.M. 13D40/3/7.

(3) Ibid.



that Sir George's Estate will in all probability sell better with the expectancy of an Inclosure than with the Act obtained, for a purchaser will wish to make certain conditions from local circumstances which Sir George would probably overlook or at least not have the same inducement to apply for - I am therefore much inclined to think that Sir George will hardly be prevailed upon to encourage an Inclosure this year". (4)

Three years later, however, Sir George had changed his attitude. Henry Cropper, a landed proprietor who pushed vigorously for enclosure, wrote to Piddocke on 29 August 1796 that "Mr Webster informs me that Sir George Beaumont is agreeable to the Inclosure of Whitwick and that the application will be made at the next Session of Parliamt to obtain an Act for that purpose so I now write requesting you to apply to Mr Boulton Lord of the Manor of Thringstone and to Sir George to have Thringstone in the same Act as it will be to the advantage of all the Proprietors and Occupiers of land in that lordship". (5)

Since nothing more is known of the pending enclosure until 3 February 1798, negotiations has presumably again broken down through lack of agreement amongst the leading interests. On this date a letter passed from Edward Croxall of Sutton Coldfield to

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(4) Ibid.

(5) Ibid.



Leonard Piddocke, the solicitor for the enclosure.

It seems that the Whitwick promoters had been uncertain about the best way to procure an enclosure Act, and a large part of the letter gives advice on the best method of procedure.

"In the first place the Standing Orders of the House of Commons direct that you shall stick up a notice on the parish Church door for which the Inclosure is intended of such your application for 3 Sundays in the Month of August & Septr for which you must prove to the Committee on Oath you then get your petition signed by some of the princel Freeholders 6 or 8 will do presented by a Member of Parliamt it is generally a Compliment paid to one of your County member then Draw your Bill to suit all your purposes & take your Clauses from several other Bills that have passed..... When you have drawn your Bill I particularly recommend you not to consult Counsel but shew it to the persons you intend to make Commrs and other men of that description they will settle it as well at 100th part of the expense and your Clerk in Court will not let you get into a scrape from informality at least Messrs Whites wod not let me & if you know no other I recommend you to employ them they delivd me a Bill of 214£ and upwards in about 10 Items but I am told no other Clerks wod do the same- fix your Commrs to 2 gns per day exps included and for Gods sake consult someone how you can make them get on with the business I do assure you they have not done half what is necessary in the aldrudge business and yet the Bill was passed more than 2 years since- I believe the best way if you are not likely to meet with many difficulties is to tie them up in point of time when they shall give you instructions to make their award but to take care & have the time open for yourself as you will find that (as I am told) a tedious business therefore for your own sake take care to have a clear headed intellegent man appointed Surveyor"(7)

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(6) Ibid.

(7) Ibid.



(59)

Thus one can see how later enclosers might lean upon the experience gained in previous enclosures and avoid unnecessary solicitors' fees and a lethargic commission.

A petition for enclosure was prepared early in 1799 for the townships of Whitwick, Thringstone, and Swannington. Notices were affixed to the church door on three Sundays in September 1798 warning proprietors of the impending events, and letters were sent on 21 January 1799 informing them that there was to be a meeting to discuss the proposed enclosure. Evidently some opposition from Boulton was expected, for, writing to Piddocke on 1 January 1799, Henry Cropper said "I must request you to use your best endeavours with Mr Boulton and Mr Hodgkinson [ Sir George Beaumont's agent ] in order to bring about the Inclosure of Whitwick and Thringstone as it would be beneficial to all the Proprietors". It was agreed at the meeting on 28 January 1799 that Joseph Boulton should be offered  $\frac{1}{2}$  of the waste and commons plus the cottages standing on this land for his consent to the enclosure and as compensation for his rights of soil. He was also to retain his mineral rights of the waste and commons. These terms, however, were not acceptable to Boulton. In a letter to George White, the London agent, on 5

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(8) Ibid.

(9) Ibid.

(10) Ibid.

(11) Ibid.



February 1799 Leonard Piddocke asked whether they could proceed without Boulton's consent as he required  
(12)  
excessive compensation. White replied that he did not think it essential to gain the consent of the Lord of the Manor for the success of an enclosure Bill:

"...I will presume [by your letter of the 5 inst] that in speaking of the Lord of the Manor as disputing with the Freeholders you speak of him as Lord of the Manor only - I do not apprehend you need give up your Application to Parliament because he will not agree with you on Terms now and join the Application - it would be better to settle Matters first if you can but in all Events I would recommend you to get your Petition presented in time" (13)

The proprietors consequently decided to go ahead. At a general meeting on 8 February they resolved to apply for an Act and to ask Sir George Beaumont to agree to leave the size of his allotment for tithe rights to the discretion of the commissioners. Lord Moira was also to be asked to consent to the enclosure on condition that he received 1/17 of the commons and waste  
(14)  
in lieu of his rights of soil.

The "quantum of consent" had to be proved to the Commons' Committee which was to deal with the Bill, ~~and~~ There exists amongst the Whitwick MSS a list, dated 11 February 1799, of the proprietors and their holdings of land with a note at the bottom signed by Henry Cropper saying that it was for the purpose of securing

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(12) Ibid.

(13) Ibid.



the consent of the majority of the proprietors <sup>(15)</sup> [by value] for the intended enclosure. On February 22, 1799 their <sup>(16)</sup> petition was presented to the House of Commons. It was signed by the Reverend John Piddocke, Ellis Shapley Pestelle Esq., and Henry Cropper Esq. (the leading promoters) and "others". The impropriator and two Bords of the Manor do not appear as petitioners, and it is unlikely that they were concealed amongst the "others". Sir Edmund Cradock Hartopp and Mr Legh were designated to prepare and bring in the Bill, but it was not even given a First Reading. The petitioners presumably withdrew their Bill when they were unable to secure the support of the manorial and (possibly) the tithe-owning interests.

There is little record of what happened in the following year, although it is certain that attempts to promote enclosure were not abandoned. There was a meeting of the proprietors on 9 March 1799 to reconsider the <sup>(17)</sup> terms of enclosure, and they must have felt that their case was strong, for a notice (signed by all the

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(15) Ibid.

(16) H.C.J. Vol. 54, 22 February 1799.

(17) Whitwick MSS L.M. 15D40/3/7.



leading interests except Boulton) on the church door of Whitwick on 15, 22, and 29 September 1799 indicated that an Act was to be applied for at the next session of Parliament. On 7 March 1800 a petition similar to the one of the previous year (except that this time Swannington was excluded from the list of townships to be enclosed) was presented to the House of Commons. The Bill, however, met with the same fate as before and was not given a First Reading, the proprietors presumably not being sufficiently powerful to overcome Boulton's opposition.

The promoters refused to be discouraged by these two failures. Again a notice appeared on three consecutive Sundays in September 1800 that in the next session of Parliament efforts would be renewed to obtain an Act. By this time, however, the proprietors must have felt uneasy about the cost of the project, for, in addition to the forthcoming expenses, they had had to meet the cost of their previous unsuccessful attempts. In a letter to George White, the London agent, dated 29 September 1800 Piddocke explained that as there were only about 400 acres to be enclosed the proprietors could not go to Parliament if double fees were required, and he asked White's opinion

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(18) Ibid.

(19) H.C.J. Vol 55, 7 March 1800.

(20) L.M. 13D40/3/7.

(21) Ibid. For an explanation of "double fees" see below p. 167.



whether it would be possible to obtain an Act on single fees alone. White's answer is an interesting commentary on the method of charging parliamentary fees.

"Matters respecting Fees on Inclosure Bills are a little afloats and it is difficult to give any satisfactory Opinion on such a Question as yours- it depends wholly on the Opinion of the Clerk of the Fees and higher Powers From your statement it appears that the Lands to be inclosed are all in one Parish- If there fore you mean to have only one Award and one Set of Commissioners and can shew that the Lands lie so intermixed as not to be capable of being inclosed unless the whole is done or something to that Effect I think that you may expect to get your Act on paying only Common double Fees which is what you mean by single Fees- I did it by Commons lying in two Townships in the same Parish last Year, by where the Quantity as one was so small as not otherwise to be the Object of an Act of Parliament...Are they separate Manors and separate Lands - that makes some Difficulties." (22)

This must have satisfied the promoters for they continued with their endeavours to obtain an enclosure Act.

A letter from Piddocke to Townend (probably Raper and Fentons' agent) dated 29 December 1800 makes clear the nature of the disagreement between the proprietors and the Lord of the Manor of Thringstone.

"The claims of Mr Boulton have met with their [the freeholders] disapprobation and nothing but the necessity of an Inclosure would induce them to comply with such unprecedented demands; By offering to the Lord of the Manor 1/16 (of the commons and waste) and by agreeing to secure him the enjoyment of his Mineral Rights they conceived he could have nothing further to ask them..... Mr Boulton however will not give his consent unless we add to those offers a



proportion of [the] land now occupied as gardens amounting in quantity to about 4 acres." (23)

Boulton, however, maintained he did not consider his demands as Lord of the Manor excessive and would not consent to their being settled by the commissioners as the impropiator had agreed to do. <sup>(24)</sup> The gardens in question were those attached to the cottages on the waste, and his claim was probably based on the precedent of many others in Leicestershire where the cottages and the enclosures on the waste were allotted to the Lord of the Manor.

A further petition was presented to the House of Commons on 13 March 1801, again without the support of Boulton, but signed by the Reverend John Piddocke, Leonard Piddocke (as a proprietor), Ellis Shipley Pestelle Esq., Henry Cropper Esq., Joseph Stinson, and <sup>(25)</sup> William Avarne, who were all leading proprietors.

Once more Sir Edmund Cradock Hartopp and Mr Keck were ordered to bring <sup>in the</sup> Bill, but again Boulton triumphed and the Bill did not receive a First Reading.

After three unsuccessful attempts the proprietors must have realised that they had to gain the consent of Boulton before petitioning Parliament. The proprietors met again at Thringstone on 27 April 1801 to discuss the terms of enclosure insisted upon by Boulton

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(23) Ibid.

(24) Ibid.

(25) H.C.J. Vol 56, 13 March 1801.



and to decide whether it was expedient to petition  
 Parliament for an Act. <sup>(26)</sup> At a further meeting on 27  
 September 1801 it was resolved that, in return for his  
 consent and as compensation for his rights of soil,  
 1/16 of the commons and waste should be allotted to  
 Boulton and also the cottages and gardens on the waste  
 provided that they did not exceed four acres. <sup>(27)</sup> No  
 petition was presented in the following spring, but it  
 is evident that the promoters had not abandoned the  
 project. There remain amongst the Whitwick MSS some  
 short identical notices dated September 1802, whose  
 duplicates were probably affixed to the church door  
 of Whitwick, announcing that a further attempt to  
 obtain an Act would be made during the next session. <sup>(28)</sup>  
 Negotiations were also resumed with Boulton. At a  
 proprietors' meeting on 31 December 1802 Boulton  
 presented the conditions for his consent to the Bill:  
 he was to have 1/16 of the commons and waste, together  
 with the gardens adjoining the cottages on the waste;  
 he was to name a commissioner; and he was not to pay  
 compensation for damages done in obtaining coal. <sup>(29)</sup>

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(26) L.M. 13D40/3/7.

(27) Ibid.

(28) Ibid.

(29) Ibid.



At this meeting the proprietors resolved:

- (i) that the enclosure of Thringstone Common, being in its then unproductive state, would greatly benefit the persons having common rights;
- (ii) that it was expedient to apply for an Act of Parliament for this purpose, and that application should be made to those proprietors not present for their concurrence to the resolutions;
- (iii) that Mr Boulton should receive 1/16 of the waste of Thringstone as Lord of the Soil, and the houses and intakes of not less than twenty years standing; (30)
- (iv) that an allotment for a stone pit and brick kiln be made to all the proprietors in common;
- (v) that Mr Boulton should not be liable for damage done in getting coal and that compensation be paid from a rate levied by the overseers on the parish;
- (vi) that compensation should be paid to Beaumont and Harris for their tithes, the amount to be determined by the commissioners; (31)
- (vii) that John Smith, William Toone, and Thomas Copson (Boulton's nominee) should be appointed commissioners to the enclosure;
- (viii) that Raper and Fentons (who were at that time Lords of the Manor of Peggs Green) should be allotted the same as Boulton from the waste of Peggs Green;
- (ix) that Leonard Piddocke should be appointed solicitor to the enclosure;
- (x) that the open fields of Whitwick should be included in the enclosure;

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(30) In the enclosures of Ashby Woulds (1800) and Sibson (1803) the enclosures and cottages on the waste of over 20 years standing were allotted to the Lords of the Manor. Those of less than 20 years standing were included with the rest of the land to be enclosed. In either case their squatter occupiers lost their ownership. At Charnwood Forest (1808) and Newbold Verdon (1810) such intakes of less than 60 years standing were deemed part of the land to be enclosed.

(31) Sir George Beaumont had been demanding 1/7 of the old enclosures and 1/10 of the commons in lieu of his tithes. The proprietors decided that this was unreasonable for 1/10 of the old enclosures was the usual compensation in Leicestershire. See chapter on the commutation of tithes. p. 196.



- (xi) that the expenses incurred should be defrayed by the proprietors;
- (xii) that the impropiator and the vicar should have their allotment ring-fenced and should not contribute toward the expenses;.

Just how much say the smaller proprietors had in the resolutions is difficult to judge, but it is probable that the main issues were decided upon by Boulton, Beaumont, Cropper, Dawson, Bonnett, Pestelle, and Piddocke, the leading proprietors. Not only was the influence of the smaller proprietors less, but they do not seem to have entered into the correspondence, suggesting that they were not consulted till the meeting itself.

Having made considerable concessions to Boulton the promoters did not delay in getting their petition presented to the House of Commons. (32) Whilst the Bill was being prepared and considered at Westminster it was necessary to approach those parties who had not already signified their consent to the Bill. Lord Moira (Lord of the Manor of Whitwick), following the example of Boulton's stand over the compensation to be paid for manorial rights, insisted that the gardens as well as the intakes in Whitwick should be vested in himself. Edward Dawson (Moira's steward), writing to Piddocke about Moira's consent, noted that in the Acts for Stoney Stanton and Markfield the Earl of Huntingdon had been allotted several pieces of land adjoining the cottages



on the waste; and the Earl of Stamford likewise at Stanton-under-Bardon. In this same letter, Dawson said that "some of them [the intakes] have been fenced and improved at a very considerable expense by the occupiers and being allotted to Lord Moira gives an opportunity for them being considered, as between landlord and tenant, in the letting again."<sup>(33)</sup> In other words, although dispossessing the squatters of their enclosures, Moira was willing to allow them to remain at less than full economic rent, but it was to be made clear that his position was that of landlord.

Another leading proprietor, Thomas March Phillips Esq. of Garendon Park, Leicestershire, agreed to support the Bill on the proposed terms, provided that there was a sufficient quantity of common in Thringstone to allow tithes to be commuted by a land allotment and to cover the payment of enclosure expenses.<sup>(34)</sup> Thus he was willing to surrender to the tithe owners, Beaumont and Harris, part of the land due to him in lieu of his common rights in Thringstone in order to free his land from tithe payments, but he did not want to give up any of his old enclosures for this purpose.

Messrs Raper and Fentons, Lords of the Manor of Swannington and Lords of the Manor of Peggs Green before  
Boulton,

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(33) Ibid.

(34) Ibid.



refused to give their consent to the Bill before they had had a chance of examining its contents, and they asked Leonard Piddocke to send them a copy. They also wanted Swannington to be completely excluded from the Bill. <sup>(35)</sup> This probably accounts for the dropping of the township from the later enclosure petitions.

Mr Chapman, a proprietor, though willing to sign the petition, was concerned about his old enclosed leasehold lands. In a letter to Piddocke, dated 11 May 1803, he requested that a short proviso be added to the Bill that no lease on old enclosures should be affected. ".... and as I believe that I am the only Person that has such a Lease I trust there will not be one dissenting Voice". <sup>(36)</sup> If anyone objected or if he failed to receive a satisfactory answer within two or three days he threatened to call a meeting of the proprietors:

"I am extremely sorry to throw any Impediment in the way - having expended a very considerable sum in Improvements, and having a Lease of fourteen Years unexpired I most certainly shall exert every nerve not to give it up in regard to the field land I am willing so far as I am concerned to take my chance".

(37)

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(35) Ibid.

(36) Ibid.

(37) Ibid.



The only example of an adamant refusal of support is a letter from Mr Walker to Leonard Piddocke dated 6 May 1803: "Having been applied to by your Clerk to know of my sentiments respecting the Inclosure of Whitwick, I beg leave to inform you that I have some Old Inclosures in the Parish that I shall not consent to have (in any way) altered or affected by the Act, (38) either for Tithes, Roads, or Payment of Expenses"

The remaining returns from the proprietors have not survived, but those that have been quoted show the conditional nature of the consents given. A proprietor agreed to the enclosure provided that some particular requirement of his was incorporated in the Bill, or provided that some objectionable clause was excluded. The consents of the larger proprietors being more important for the success of the Bill, it was likely that their conditions of consent would be heeded, and if possible satisfied, when the Bill was finally drafted.

The petition was sent to George White, the London agent, who arranged with Sir Edmund Hartopp to present (39) it to Parliament on 16 February 1803. The names of the petitioners are not listed in the House of Commons' Journal, but since the petition succeeded it was

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(38) Ibid.

(39) H.C.J. Vol 58, 16 February 1803.



probably supported by the leading interests in the parish.

The total assessment to the land tax of the parish was £111/2/2d p.a., and the Commons' Committee sitting on the Bill found that the proprietors of estates assessed at £1/17/10d p.a. refused to sign their consent to it, and that those assessed at £17/8/0<sup>(40)</sup>d were neutral. Thus the proprietors of less than 2% (by value) of the land were directly opposed to enclosure, whereas the proprietors of 83% were (apparently) in favour of it. The Bill passed through the remaining stages and received the Royal Assent on 4 July 1803.

The Lords of the Manors and other leading interests had won their way on many of the points affecting them. Boulton triumphed over the long disputed clause about the gardens attached to the cottages on the waste which were allotted to him by order of the statute.<sup>(41)</sup> Messrs Raper and Fentons succeeded in having the township of Swannington excluded from the provisions of the Act, and Thomas March Phillips's condition was satisfied, for the expenses<sup>(42)</sup> were defrayed by the sale of a part of the common land.

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(40) H.C.J. Vol 58, 20 June 1803.

(41) 43 Geo III c. cxv.

(42) Ibid.



The settlement concerning the compensation for tithe rights was a compromise between the proprietors and the impropiator. The commissioners (one of whom was appointed by Beaumont) determined the value of the tithes and allotted accordingly. It was apparent that the vicar stood to gain considerably by commutation. In giving his estimate of the value of the tithes, Mr Smith, the surveyor to the enclosure and also one of the commissioners, thought from his local knowledge of the parish that it was trifling compared with the improvement by enclosure. The vicar could not profit greatly from the commons because about 150 acres were intakes from the waste on which few if any sheep were kept. The open part of the commons on which sheep were depastured was only about 30 acres. <sup>(43)</sup>

The commissioners for the enclosure were John Smith of Packington, Leicestershire (Beaumont's nominee), William Toone of Belton, Leicestershire (the nominee of the clerk of the Duchy of Lancaster) and Thomas Copson of Sutton Cheney, Leicestershire <sup>(44)</sup> (Joseph Boulton's choice). No sooner had they set about executing the Act than a serious difficulty arose which held up their activities for several months. At the meeting held on 31 December 1802 the proprietors

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(43) L.E. 1340/3/7.

(44) 43 Geo III c.cxv.



and Boulton had agreed that a clause in the enclosure Bill should allow compensation for damages to be paid to the proprietors of the land, where Boulton had coal mines, by means of a rate levied on all the landowners. While the Bill was in the Commons a copy of it was shown to Lord Walsingham, who was to be the chairman of the committee sitting on this Bill in the Lords, and he intimated that he would object to this clause. As a result it was agreed by the solicitor for the enclosure and Mr Boulton's solicitor in town that it should be omitted and replaced by one compelling those who caused the damage to make the compensation. In order to remove this onus from Boulton, however, the proprietors were to have a private agreement to recompense him when necessary. <sup>(45)</sup>

Thus the Act was passed without the clause indemnifying Boulton, but when the solicitors came to draw up an agreement as arranged some of the leading proprietors would not concur. In a letter to Boulton's son on 11 June 1804 Leonard Piddocke declared that Mr Dawson and Mr Phillips positively objected to the signing of the agreement, but suggested that Boulton should accept as compensation a quantity of land to be

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(45) L.M. 13D40/3/8.



(74)

(46)

determined by the commissioners. Boulton replied that it was Piddocke's fault that the clause had been expunged, and that it was Piddocke's responsibility to get the enclosure out of the deadlock that had arisen. He also added that Boulton could see no reason for Dawson's and Phillip's refusal to sign the agreement: "....on what grounds Messrs Dawson and Phillips can wish to take advantage of Mr Boulton by flying from their own Engagement on the face of the Consent Bill- without which as you are well aware Mr Boulton's consent to the Inclosure would never have been given." (47)

Mr Boulton's view was further expressed in a letter from Robert Appleyard of Lincoln's Inn (a representative of Boulton):

"He maintains that Mr Boulton's right of minerals were intended to be secure by the Bill,....which rights most certainly at this moment enable him to drain any adjacent coal he may purchase as well as his own under the waste. Why he is to be deprived of that right I have yet to learn - certainly not for any compensation he receives under the inclosure for that is simply for the right of soil of the surface....my addition proposed is intended merely to secure to him the advantage he now possesses..... I beg to say this cannot be considered as new terms insisted upon by Mr Boulton or an additional advantage required by him as a motive to consent to the Bill, but simply to prevent him from being deprived of a part of the advantages now belonging to his mineral

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(46) L.M. 13D40/3/8.

(47) L.M. 13D40/3/9.



property, and to which the clause in question would have originally extended and for which deprivation no compensation or allotment is made by the Bill." (48)

The injured air of the proprietors is apparent from an extract of a letter from Leonard Piddocke to John Piddocke on 13 June 1803:

"...it is evident also that we [the freeholders] submitted to his exorbitant demands, and patiently persevered in our endeavours to satisfy him, that we might be secured of his support for our intended Bill; we did not venture to Parliament till by his signature all further claims..... were by that act precluded; but now it appears they were only laid aside. Inadvertance in a man of Mr Boulton's caution is a very unsatisfactory excuse for a part in breach of faith. Mr Boulton is not to be taken in: No! But Mr John Boulton thought it better to have more powers than they at first had contended for; and therefore pleads inadvertance of his simple Papa. Knowing that if this Clause which he now contends for was inserted in the Bill it would be an additional advantage to him; if his opposition threw out the bill he should be able at some future time to make better terms. That Mr Boulton's rights would be extended by such a clause we know; but we do not know therefore nor do we acknowledge that they ought to be so extended." (49)

The question was of vital concern to Boulton who seemed bent on making full use of his mineral rights without shouldering the burden of payment for damages. Mr Piddocke declared in a letter to his brother on 13 June 1803, "...the minerals to Mr Boulton are much more than any advantage the surface of the land

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(48) L.M. 13D40/3/8.

(49) Ibid.



can give him; in the one case his portion of property is small; in the other it is very considerable." (50)

The commissioners, bewildered by this exchange of invective and undecided how to act, applied for legal advice. In a letter (undated) to Mr Balguy, barrister at law, they explained that, although Mr Boulton's solicitor had prepared and sent a draft of an agreement to them to replace the expunged clause, the proprietors had not yet given their assent to the agreement and some of them had hinted that they objected to it. Mr Boulton, they explained, was "extremely displeased" that the Bill had passed without the clause he desired and, as the agreement sent by his solicitor had not been accepted by the proprietors, he had declared his intention to prevent, if possible, the commissioners from proceeding further in the execution of the Act. The commissioners therefore asked Balguy whether Boulton could, by any means, prevent the enclosure by refusing to present his claim, and whether the commissioners had any power under the Act to make Boulton an allotment from the lands to be enclosed, with the consent of the proprietors, as compensation for being liable to pay damages. (50a)

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(50) Ibid.

(50a) At the enclosure of Ashby Woulds (1800) the Lord of the Manor was allotted land worth £50 p.a. as compensation for the damages he was liable to pay to the other proprietors when digging coal and ironstone from under their land.  
39 & 40 Geo III c. 20.



Balguy's reply on the 15 April was that the proprietors could authorise the commissioners to make an allotment to Boulton, but without the former's consent to this form of compensation the Award would be void. If Boulton's claims were not delivered by the date fixed by the commissioners, ~~when~~ they should proceed as if the claims did not exist. In effect the barrister advised the commissioners not to be intimidated by the Lord of the Manor and reassured them that they were protected, indeed bound, by the provisions of the Act.

A further application for advice serves to illustrate the legal intricacies of enclosure. Boulton's predecessor as Lord of the Manor of Thringstone had sold outright a house on the waste to Ann Avarne. Normally, squatters who settled on the waste had no legal right to the dwellings they constructed, but they were sometimes allowed to stay on the payment of a fee of acknowledgement. In this case the commissioners' dilemma was that the enclosure Act ordered all houses on the waste and commons to be vested in Boulton, whereas Ann Avarne seemed to have a strong case to

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(51) L.M. 13D40/3/9.



retain her property. The barrister asserted that the conveyance took precedence over provision in the Act which had not been intended to extend to such a case as this. It says much for the impartiality of the commissioners (one of whom had been nominated by Boulton) that they turned in their uncertainty to the unbiased advice of a barrister. It would have been very easy for them to award the cottage to Boulton and then point to the provisions in the Act as their justification.

The Whitwick MSS furnish valuable information concerning the claims for common right by owners of ancient cottages. The following table shows a list of those applying for common right allotments in respect of their cottages and also the commissioners' comments. (52)

<u>Claimant</u>	<u>Cottages</u>	<u>Commissioners' comment</u>
Thomas Cowland	two	One allowed as ancient, the other having been built 40 years or less.
Henry Lydall	two	One allowed-(no reason given why the other was disallowed).
John Lydall	one	Allowed.
John Smalley	one	Objected to as being made out of an old messuage 60 years ago.

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(52) L.M. 13D40/3/8. It is doubtful whether this particular list is a complete record of all the cottage common right claimants in Whitwick.



<u>Claimant</u>	<u>Cottages</u>	<u>Commissioners' comment</u>
		Widow Robinson owned the old messuage and she did not make a claim. (53)
Elizabeth Bacon	two	One old and one made 40 years or less.
Ann Cleaver	four	All made out of old buildings belonging to the vicar- three made within 20 years -one ancient and allowed.
Benjamin Ward	four	Claim for one given up- one allowed-the other two erected less than 40 years.
Humphrey Hutchinson	one	Made from an old building less than 40 years ago.
James Newberry	seven	Two allowed - others given up.
J. Hawthorne	two	One allowed.
Joseph Stinson	two	One allowed- William Flint/ <sup>an old inha-</sup> bitant /said he built one out of a barn 42 years ago.
Godfrey Moore	three	Two allowed - William Flint could not remember the other being a separate house for more than 40 years.
William Rowell	two	One allowed-William Flint could not remember both being in use and he could remember more than 50 years.

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(53) This may possibly have been an example of omitting to claim through ignorance. Supra p. 52.



<u>Claimant</u>	<u>Cottages</u>	<u>Commissioners' Comment</u>
Elizabeth Smith	two	One allowed - one made out of a parlour made out of the ancient messuage.
James Rowell	two	One allowed - Mr Flint remembered them being all in one.

There is a further list of claims for cottage common rights, including one by Sir George Beaumont, which were objected to because they had not been built before the requisite time or because they were part of old messuages.

The commissioners probably followed the precedent of other enclosures in deciding whether a messuage was sufficiently old to be entitled to an allotment for common rights. <sup>(54)</sup> The proportion of claims turned down on this account is significantly high if it can be assumed that all, or at least the majority, of the claimants regularly used the commons. These are the people whom Dr Chambers calls <sup>(54a)</sup> the real victims of enclosure: they were considered encroachers on the commons and not entitled to share in other people's property.

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(54) Some enclosure Acts prescribed the minimum age of cottages legally entitled to a common right allotment. At the enclosure of Charnwood Forest (1808), for example, the enjoyment of right of common for 40 years was considered sufficient to have established a right in law. 48 Geo III c. cxxxiii.

(54a) J.D.Chambers, "Enclosures and the supply of labour in the Industrial Revolution", Econ.H.R., Second Series, Vol. 5, 1953, 326.



Several of the cottage proprietors brought forward the evidence of old inhabitants of the parish to testify to the age of their cottages. Mr Flint, whose memory went back more than 50 years, was a frequent witness before the commission. Elizabeth King, aged 89 years, declared, in support of Mr Knight's claim for a piece of land of about 15 perches, that it was enclosed from the common more than 50 years ago and laid to the premises of her son and sold to Mr Knight. She had never paid any acknowledgement for it or made any other payment except taxes and levies. <sup>(55)</sup> In order to prove that Mr Ayre's house was of ancient construction George Moore, aged 71 years, declared upon oath that about <sup>(55a)</sup> 45 years ago he went to live in this house.

More satisfactory than the evidence of old inhabitants was the production of conveyances. Amongst the commissioners' notes there appears the evidence in support of John Rowse's claim: the conveyance of a messuage in Whitwick "by which it appears that it <sup>(56)</sup> was then an old house." Henry Fisher also produced <sup>(57)</sup> a conveyance of his house dated 1720.

Detailed directions about husbandry were given by the commissioners: two fields were to be sown with clover and rye grass seed and the third was to be

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(55) L.M. 13D40/3/8.

(55a) Ibid.

(56) Ibid.

(57) L.M. 13D40/3/9.



followed "in a husbandlike manner." No ground already in grass seed was to be broken up and no more vetches were to be sown. Those who failed to comply with these instructions were to forfeit the sum of £10.<sup>(58)</sup>

The determination of the parish boundaries and the boundaries of the lordships within the parish was a problem at Whitwick as elsewhere. Messrs Raper and Fentons, Lords of the Manor of Swannington, objected to the boundaries set out between Swannington and Thringstone, and Swannington and Whitwick, and the evidence of two old inhabitants (aged 62 and 57 years) was taken before the commissioners made their final decision.<sup>(59)</sup>

The commissioners' minute book records the end of the enclosure. Land was sold to cover the expenses;<sup>(60)</sup>

(58) Ibid.

(59) L.M. 13D40/3/11.

(60) The following table shows how part of Thringstone common was sold:

Lot No.	Purchaser	Quantity			Purchase Price		
		a.	r.	p.	£.	s.	d.
1.	Robert Hanson	2	0	3	130	4	0.
2.	Michael How	2	1	7.	132	6	2.
3.	Henry Cropper	2	1	7.	118	13	0.
4.	John Sherwin	1	2	13.	58	16	0.
5.	Samuel Wilson	1	2	13.	54	12	0.
6.	-do-	1	0	38.	31	10	0.
7.	-do-	1	0	38.	31	10	0.
8.	William Shape	1	1	12.	46	4	0.
9.	-do-	1	1	12.	51	9	0.
10.	John Fold	0	0	20.	5	0	0.
11.	John Barley	0	0	18.	4	10	0.
		15	1	9.	£664	14	2.

13D40/3/8.

The sale of land in this manner helped to increase the numbers of small landowners in Whitwick, although many

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the commissioners acted as arbiters between various lessees and lessors; the allotments were set out, and the proprietors given notice of their responsibility for fencing. The four years that passed before the enclosure was completed was probably due more to the obstructive tactics of the Lord of the Manor of Thringstone than to the slackness of the commissioners;

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were already large landowners elsewhere e.g. Henry Cropper.

(61) The following table shows the valuation of the land in Thringstone and how it was divided between tithe owners and proprietors.

	<u>a. r. p.</u>	<u>£.</u>	<u>s.</u>	<u>d.</u>
Total quantity and annual value of common and waste land	188 0 0	235	0	0
Proportion to be given to impropiator and vicar		165	0	0
Proportion to be given to the Lord of the Manor		20	0	0
Remains for proprietors		50	0	0
		<u>£235</u>	<u>0</u>	<u>0</u>
Quantity and annual value of old enclosed land	<u>a. r. p.</u> 678 0 0	<u>£</u> 1,084	<u>s.</u> 16	<u>d.</u> 0

The large proportion of common and waste land allotted to the titheowners was the result of the commutation of tithes on the proprietors' old enclosures. L.M. 13D40/3/10.



though it must be pointed out that for lack of a quorum no business was completed at several meetings of the commissioners, and that, particularly in the winter months, meetings were infrequent.

This enclosure illustrates the powerful bargaining position of the Lord of the Manor and <sup>the</sup> impropiator. By refusing to abate his demands during the early period of negotiations Joseph Boulton squeezed from the proprietors more favourable terms than they were at first willing to give. Lord Moira, though, apparently less involved in the preliminary negotiations, gained as a result of Boulton's insistence since the proprietors could not expect him to accept less favourable terms than Boulton. Beaumont also, by appearing to be unwilling to support an enclosure, managed to wring concessions from the proprietors.

It is an interesting fact that a high proportion of the proprietors who were interested in this enclosure were not farmers themselves. In Thringstone there were seven gentlemen, two vicars, three victuallers, two shopkeepers, a solicitor, a coal carrier, a brewer, a tallow chandler, a wheelwright, and fourteen farmers. Two others were described as yeomen, whilst the profession of Joseph Sharpe was not given. Thus more than half were engaged in



activities other than farming; moreover seventeen lived outside the parish of Whitwick. The promoters of the enclosure, i.e. those who were named in the petitions, and those who took the most active part in the preliminary negotiations were the Piddockes, one a vicar and the other a solicitor and gentleman, Henry Cropper, a gentleman, and William Avarne, a gentleman. But, if the enclosure was promoted by absentee landlords, the small amount of direct opposition suggests that it also served the interests of those who farmed their own land. On the other hand potential opposition might have been discouraged by the fear of increasing the cost of enclosure, or by the feeling that it was futile to attempt to prevent the measure when it was supported by the leading interests. The sum of £1/17/10d, the assessment to the land tax of those who refused to sign the Bill, <sup>(63)</sup> could conceal either a few landowners and farmers or a whole host of small cottages with rights on Thringstone Common. In terms of value, however, the opposition was insignificant. The main difficulty was not to cajole those who did not want an enclosure, but to settle terms among those who did.

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(63) Supra p. 71.



Chapter IIITHE ENCLOSURE COMMISSIONERSIntroduction

Criticisms of the method of appointing enclosure commissioners and of their treatment of the small land-owners, by both contemporary and modern writers, have not been lacking. Girdler, for example, a bitter opponent of enclosure, maintained that:

"In Leicestershire, Derbyshire, and Northamptonshire, and all other Counties, where inclosing of Open-Fields has prevailed, it been the constant practice (in most, if not every case) for the Commissioners, acting under the Inclosing Acts, to oblige the large Proprietors (though compelled to allot some Land to the meanest proprietor) to make their award so strict with respect to fencing, by quickset hedges, with double ditches, and timber posts and rails on each side, to guard them, that any small allotment was not worth the fence required."

"Add to this, that very often Commissioners, still further to oblige the principal proprietors, by whose interests they were appointed Commissioners, frequently contrived to place the allotments of the small proprietors at a great distance from their respective houses and yards,.... so that even if they could bear the expense of fencing, which few of them could do, they were still deprived of the benefit of their allotments, by their being too far from home to be occupied to advantage."

Even the strong advocates of enclosure were by no means satisfied with the election and procedure of commissions. Comber, the rector of Buckworth and Morborne (Hunts) in a letter to Reade Peacock Esq., an alderman of

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(1) J.S.Girdler, Forstalling, Regrating and Ingrossing, 1800, 39-40.



Huntingdon, declared "I have always been, and still am a warm partisan of inclosures as a public good, although as an individual I am a sufferer by the iniquity of the commissioners."<sup>(2)</sup> Young considered that "...the business [the division and redistribution of the land] is extremely intricate, and requires uncommon attention; but on the contrary is often executed in an inaccurate and blundering manner."<sup>(3)</sup> Homer, a commissioner himself, thought that only those who had a sound general knowledge of the value and uses of land should undertake the job of valuing the land. This is why he refused to undertake<sup>(4)</sup> the job himself.

These views are supported by the complaints of an Oakham proprietor. The following is an extract from a letter from William Freer to the commissioners of enclosure in 1821:

"Gentlemen, it is with extreme reluctance that I am obliged to address you in this way but when a man finds himself wronged in the manner and extent that I feel I am I should neither do justice to myself or family was I not in the most forcible manner I possibly can and remonstrate to you and to show you the hardship and injustice laid on me by the decision you have made upon my allotment. I will first of all state in the open fields

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(2) T.Comber, Real improvements in agriculture, 1772, 61.

(3) A.Young, A Six Months Tour through the North of England, 1770, Vol. 1, 256.

(4) H.Homer, Op. cit., 1766, 47-48.



	a	r	p
I had	67	2	9
for 4 yard land in the common	11	1	9½
You have taken from me two old inclosed fields without any consent of mine	3	0	0
	81	3	18½
You have allotted me	41	3	11

"You have taken one field from me and called it an exchange with Lord Winchelsea....this I protest against it was taken without my consent or ever asking of it - as such I tell you I will not give it up.....

That I lose the half of my landed property by your decision under pretext of it being better land this I deny most positively...

Gentlemen your bound by an oath to do justice to all parties - then search your breasts - what do you call this. I will not tell you what all the world says it is - what I in my sorrow and grief know it to be -

Now Sirs look what was done for Lord W<sup>in</sup>chelsea<sup>7</sup> his rent roll this year is increased many hundreds and in a few years it will be thousands - look at Mr Hawley and Mr Thompsons quantity of land they neither of them lose a fourth part."(5)

There can be little doubt that dissatisfaction with the commissioners' decisions was felt in other enclosures, for the redistribution of the land inevitably aroused bitterness. The problem, however, is rather to discover whether the complaints expressed in the above letter were general: the result of "a little system of patronage" by which the commissioners were elected and expected to act.

Amongst the modern writers Mantoux, who drew heavily on the opinion of the contemporary pamphleteers,



maintained that the Lord of the Manor, the rector, and the leading proprietors chose commissioners who were devoted to their interests, and that the unlimited authority of the commission was used to their own advantage.<sup>(6)</sup> On the other hand Gonner thought there was no evidence that the commissioners acted partially, and that their work was marked by a rough and ready fairness.<sup>(7)</sup>

In order to throw fresh light on this aspect of enclosure some writers have, in recent years, examined in detail the structure of those commissions which served the enclosures of a particular county.<sup>(8)</sup> In the following sections this method of research is developed and extended to a larger sample of enclosures in Leicestershire. The manner of appointment and the social status of the Leicestershire commissioners are described, and the enclosure maps (an extremely valuable source of information largely neglected by students of the enclosure movement) examined for evidence of the impartiality or otherwise of the commissioners.

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(6) P. Mantoux, The industrial revolution in the eighteenth century, revised ed. 1947, 173.

(7) E. Gonner, Common land and inclosure, 1912, 76.

(8) M. W. Beresford, "The commissioners of enclosure", Econ. H. R., Vol. XVI, 1946, 130-140.  
 W. E. Tate, "The Oxfordshire enclosure commissioners, 1737-1856", Journal of Modern History, Vol. XXIII, 1951,  
 H. Swales, "Parliamentary enclosures in Lindsay",  
 /cont.



The appointment of the Commission

The unsuccessful enclosure Bill for Queniborough in 1731 named 21 commissioners, mostly local Lords of the Manors and landed proprietors. This number was, however, exceptional for Leicestershire, where the early enclosures (e.g. Narborough, Knighton and Great Glen in the 1750s) normally had five commissioners. There were certain exceptions to this rule. No commissioner was named in the enclosure Act for Great and Little Claybrook which was solely for confirming articles of agreement of 1681 and 1694. There were seven commissioners in the Wimeswould (1757), Loughborough (1759), and Foxton (1770) enclosures. Four of the Loughborough commissioners lived in the town, and it is possible that the other three were added at the request of some of the proprietors who were unwilling to see their property put at the mercy of local men. At Wimeswould, in addition to the normal five, William Elstabb of Cambridge and the Reverend Steven Wilson, Trinity College, Cambridge appeared to represent the College which was the great tithe owner and also one of the principal land owners. At Foxton there is no apparent reason for the appointment of a commission of seven. There

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Reports and papers of the Associated Architectural and Archeological Societies of Lincolnshire and Northamptonshire, 1935-6.

(9) See Beresford, Op. cit., 134 on this point.



was no outstandingly large proprietor, but several owned between 50 and 200 acres each and might have insisted on nominating a commissioner.

In the mid 1770s it became usual to appoint a commission of only three, and after 1804 the normal size was reduced to two. These reductions were probably attempts to cut down the expenses of enclosure; moreover, the supply of experienced commissioners was increasing rapidly, and a smaller commission may also have been more efficient.<sup>(11)</sup>

The commission was usually small where there were comparatively few acres to be enclosed or a small number of proprietors. An extreme case was at Frolesworth (1805) where only one commissioner was appointed to divide 70 acres among five proprietors. At Knippon (1797) the Duke of Rutland (Lord of the Manor and proprietor of 859 acres) and William Bissell (55 acres) were the sole proprietors at the time of enclosure and each nominated one commissioner. Similar instances were at Harston, 1789, (two commissioners), where 975 acres

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(10) There was an increase in the costs of enclosure in the 1770s. *Infra* p. 160.

(11) John Iveson, a witness before the Committee of the House of Commons on Commons' Inclosure, 1844, and a commissioner in Leicestershire, thought that the business of enclosure might be better done by one than by two commissioners provided he could be relied on to follow his conscience. B.P.P., 1844, v, Q. 3825.



were divided between three landowners, and Groby, 1789 (two commissioners), where 571 acres were divided among five freeholders (three of whom owned less than thirteen acres). At Evington and Stoughton (1761) there were only two commissioners whose sole duty was to divide the land into five equal parts.<sup>(12)</sup>

The leading interests usually sought the power of naming a commissioner. The Lord of the Manor of Thringstone, for example, refused to assent to enclosure unless he was given this privilege. For the Charnwood Forest enclosure, it seems that John Herrick, one of the leading proprietors, had objected to Lord Moira's insistence on naming a commissioner. Ellis Pestelle, a solicitor, wrote to Herrick on 8 March 1808 saying that "His Lordship declared he had no view by naming Mr Ingle in his being at all to be more obliged to favour his own Interests than those of yours and others, and if it would give you any satisfaction he will expressly desire Mr Ingle, and particularly enforce on him his desire to be full as attentive and guardful of yours as his own- but I believe it is his Lordship's opinion as well as that of almost everyone that the undertaking is loaded with a very useless curtain of expense in respect to commission-

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(12) The estate of James Sherard was divided equally amongst his five tenants. An agreement was reached in 1760 for each to hold his undivided fifth part in severalty, but because one of them was a "lunatick" their agreement was not valid without an Act of Parliament. The commissioners appointed in the Act divided the land into five equal parts and put five tickets into a hat, each ticket corresponding to one of the divisions of the land. Each proprietor drew a ticket from the hat and thus received his allotment.



ers - As men in their situations must be supposed when solemnly sworn to act with impartiality to be incapable of conducting themselves otherwise." (13)

There was also a line in this same letter indicating that Mr Phillips (a leading proprietor) would refuse to consent to the enclosure unless he was able to name a commissioner. In a letter which passed between the same gentlemen on 7 March 1808 Pestelle thought that

"it might well be presumed that with the provisions made to guard the particular interest most materially involved no kind of danger is run by relying on the consciences of the commissioners who are to be sworn to act impartially." (14)

How far were the small proprietors able to influence the choice of commissioners in Leicestershire? While there is no direct evidence concerning their appointment, the clause in the enclosure Act providing for the nomination of new commissioners, should the original ones die or refuse to act, almost certainly identifies the original nominators. In most cases this privilege belonged solely to the Lord of the Manor, the incumbent, and two or three of the landowners whose interests, as measured by the value of their property, were the greatest. (15) A representative example was at Swinford (1780) where Sir Thomas Cave, who was Lord of the Manor, impropiator of the great

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(13) L.R.O. Herrick MSS Bundle 24.

(14) Ibid.

(15) The principle of allowing those with the most property to have the greatest say in the appointment of the commissioners was justifiable according to the /cont:



tithes and a proprietor of 780 acres of land, nominated William Wyatt, James Wilde, the vicar, who was entitled to the small tithes, nominated the Reverend Henry Homer, presumably in the belief that a fellow incumbent would not neglect the interests of the Church. The majority of the remaining proprietors (by value) decided to nominate John Sultzer; but since four proprietors owning from 50-150 acres each could "out-vote" the smaller proprietors, the nomination of the third commissioner (16) may in effect have been theirs. At Dunton Bassett (1796) the choice of the third commissioner was also left to the rest of the proprietors; but the ownership of the land was so evenly distributed that they could all have had a say, except perhaps the three cottage common right owners (17) who had no field land.

In a few cases the Lord of the Manor or the incumbent had little or no influence in the appointments. At Thurcaston (1798), for example, the two leading proprietors, Sir Charles Grave Hudson and Augustus Richard Butler Danvers, each nominated a commissioner, whilst Robert Spillman, the rector, nominated the third. The

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accepted standards of the day. See Paschel Larkin, Property in the eighteenth century, 1930, 88-89.

(16) 20 Geo III c. 23. The information concerning the acreage of land held has been obtained from the Award.

(17) 36 Geo III c. 11.



Lord of the Manor, the Earl of Stamford, a proprietor of  
 nine acres, apparently had no influence in their choice. <sup>(18)</sup>  
 At Swithland (1798) and Osgathorpe (1785) the Lords of  
 the Manors were entitled to an allotment in lieu of rights  
 of soil, but were not great land owners, and did not  
 nominate commissioners. <sup>(19)</sup> It can be concluded, therefore,  
 that where a Leicestershire Lord of the Manor was either  
 the impropiator of the tithes or a leading landowner he  
 nominated a commissioner. When he was neither of these,  
<sup>(20)</sup>  
 he usually did not.

The incumbent did not nominate a commissioner  
 in every enclosure, although his right does not seem to  
 have always depended on the extent of his property. For  
 example at Branston (1766) the rector, who possessed 98  
 acres of glebe land and was entitled to the great and  
 small tithes, had no say in the election of the

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(18) 38 Geo III c. 72.

(19) 38 Geo III c. 73., 25 Geo III c. 29.

At the other extreme was Croxton Kerrial (1766) where  
 the Duke of Rutland, the Lord of the Manor, named all  
 the commissioners. The only other proprietor was  
 William Brown with 34 acres of glebe and 143 acres  
 for the small tithes.

(20) This conclusion is based on the study of those Acts  
 where there was a provision for new proprietors to  
 be chosen by individuals. It is impossible to  
 distinguish the nominators where the provision for  
 the re-election of the whole commission was by  
 "number and value" of the proprietors, unless they  
 were elected by "number and value" in the first place.  
 If this were the case then the conclusion would not  
 be affected.



(21)  
 commissioners, whereas at Bringhurst, Great Eastern,  
 and Drayton (1804) the vicar, whose only interest was the  
 small tithes, nominated a commissioner. In the Ratcliff  
 Culey enclosure (1766) Edward Wolferton, patron of the  
 rectory, William Williams, the rector of South Mediety,  
 and William Biddle, rector of the North Mediety, nominated  
two of the commission of five. The share of the incumbent  
 in the nomination of the commissioners probably depended  
 entirely on negotiations amongst the interested parties,  
 although at most places he was allowed this privilege.

There are a few instances where there appears  
 to have been a relationship between nominator and nominee.  
 Of the nominees the Duke of Rutland, William Fillingham  
 of Flawborough, Notts., is said to have been <sup>formerly</sup> ~~formally~~  
 employed by the Duke, and William King, who served the  
 Knipton enclosure (1797), came from this same village  
 overshadowed by the Duke's castle. In the 1760s and 1770s  
 John Ward of York and James Garner of Grantham continually  
 appeared as nominees of the Duke, although their actual  
 connection is uncertain. Trinity College, Cambridge sent  
 their own representatives to act on the Wimeswould  
 commission, one being a member of the College and another

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(21) 6 Geo III c. 13

(22) 44 Geo III c. 41.

(23) Infra p. 103.



(97)

(23a)  
coming from the city. At Ashby Woulds (1800) the Earl of  
Moir<sup>(24)</sup> was represented by Edward Dawson, his own steward.

Cottage common right owners were allowed the right to nominate a commissioner on only three occasions in Leicestershire. At Mountsorrell they nominated John Sultzer; at Rothley Edward Dawson, and at Newbold Verdon<sup>(25)</sup> John Stone.

Generally speaking, except where the ownership of the land was very evenly distributed, the small owners had little say in the nomination of commissioners; but even when they did have this opportunity, they chose men who had already represented Lords and large proprietors elsewhere. The powerful landowners certainly did not sit on the commission when they themselves had interests in<sup>(26)</sup> the enclosure, as Mantoux has suggested. Most of the Leicestershire commissioners came from a class experienced in enclosure procedure and/or highly skilled in the<sup>(27)</sup> division and re-allotment of the land. Thus it is likely

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(23a) Supra p. 90.

(24) The Select Committee of the House of Commons on the appointment of commissioners and surveyors, 1800 resolved that henceforth this should not be allowed. B.P.P. 1801, iii., 361.

(25) The owners of common rights on Charnwood Forest were allowed to nominate a commissioner, but this in practice meant the large landowners.

(26) Mantoux, Op. cit., 1947, 173.

(27) Infra p. 104.



that the larger proprietors were concerned to ensure that men were appointed who knew their business rather than to acquire that which rightly belonged to the less powerful landowners.

The Commissioners.

It has not been possible to discover the social status and professional qualifications of every Leicestershire commissioner, although the circumstances of most of the leading ones and also some of the lesser known ones can be traced. At least nineteen in this county were professional land surveyors, and it was quite usual for a commissioner to act as the surveyor in the same or other enclosures. Thomas Oldknow, who acted more times in Leicestershire as a commissioner (35 times) and surveyor than any other individual, also acted 27 times in Nottinghamshire, and the Nottingham Date Book recorded on his death in 1787 that "this gentleman was remarkable for his experience in land-surveying. He had been a commissioner under more enclosure acts than any other person probably in this kingdom."<sup>(28)</sup>

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(28) W.E.Tate, Parliamentary land enclosures in the county of Nottingham during the eighteenth and nineteenth centuries, 1743-1869, 1935, Forward by T.M. Blagg, XV-XVI.



John Sultzer, 33 times a commissioner in Leicestershire, and also a surveyor in many enclosures, was described by Nichols as an "eminent surveyor."<sup>(29)</sup> William King, who served the Duke of Rutland,<sup>(30)</sup> was a surveyor and published in 1805 a map of the country within a ten mile radius of Belvoir Castle.<sup>(31)</sup> John Seagrave, both commissioner and surveyor in Leicestershire, was described in his will as a land surveyor.<sup>(32)</sup> The Samuel Wyatts of Burton-on-Trent, Staffs., who served many Leicestershire enclosures as surveyors and commissioners,<sup>(33)</sup> were also known as land surveyors in their own county.

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(29) J.Nichols, The History and antiquities of the county of Leicester, (1795-1816), Vol. 2, part 2, 2,536n.

(30) Supra p. 97.

(31) Tate Op. cit., Forward by Blagg, XVI.

(32) L.R.O. Wills 1809.

(33) W.Pitt, A topographical history of Staffordshire, 1817, 66.



James Harvey Wyatt of Barton-under-Neederwood, Staffs.,  
 (34)  
 was a well known land surveyor and agent who surveyed  
 the Neederwood Forest enclosure (1800), described as  
 easily the biggest operation of its kind carried out in  
 Staffordshire. John Iveson, who acted in the Charnwood  
 Forest enclosure (1808), was also a surveyor and land  
 (36)  
 agent. Other commissioners known to have been land  
 surveyors by virtue of their having acted as such in  
 Leicestershire enclosures were Henry Coleman, John Ward,  
 John Smith, John Davis, Miles Lowley, John Tomlinson,  
 Thomas Whyman, Thomas Pick, George Salmon, William  
 (36a)  
 Freeman and Edward Platt.

There was a large number of country attornies  
 amongst the Leicestershire commissioners, e.g. John  
 Davis, John Kirkland and John Watkinson from Lough-  
 (37)  
 borough, and James Garnar, a frequent nominee of the  
 (38)  
 Duke of Rutland, from Grantham. Caleb Lowdham was a

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(34) Report of the Select Committee of the House of Commons on Agriculture, 1833. B.P.P. 1833, v, Qs. 11097-11106.

(35) H.R. Thomas, Op. cit., 83.

(36) Report of the Select Committee of the House of Commons on Inclosure, 1844. B.P.P. 1844, v, Q. 3697.

(36a) See appendix II.

(37) Tate Op. Cit., Forward by Blagg, XVI.

(38) 6 Geo III c. 12.



(39)  
 solicitor in the borough of Leicester, and John Heyrick,  
 also of Leicester, probably belonged to the "dignified  
 Heyrick family" which held legal offices in the cor-  
 poration from 1737 till the end of the century. (40)

Some commissioners possessed landed estates.  
 Nicholas Grundy Esq., for example, was one of the two  
 leading proprietors at Thornton; Thomas Ayre of Gadesby  
 was the son of the High Sheriff of the county and a  
 leading proprietor of land at Gadesby; Thomas Grace  
 owned six yardlands at Market Bosworth and several other  
 parts of the county; Henry Coleman, described as a  
 gentleman, was awarded 104 acres on enclosure in Burton  
 Overy, and also held 386 acres in Stoughton; and Edward  
 Muxloe was Lord of the Manor at Coston. (41) (42) (43) (44) (45)

The most famous of the farmer-commissioners  
 was Thomas Paget whom Marshall described as "a superior  
 manager of the highest class of yeomanry." Paget retired  
 from the family business of farming at the end of the (46)

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(39) R.W.Greaves, The corporation of Leicester, 1689-1836, 1939, 30 n3, 79 n3.

(40) Ibid., 16 & n3 & n4.

(41) L.R.O. Collection of enclosure Awards, Thornton.

(42) Nichols, Op.cit., Vol 4 part 2, 981.

(43) L.R.O. Collection of enclosure Awards, Burton Overy.

(44) L.R.O. Collection of enclosure Awards, Evington & Stoughton.

(45) Nichols, Op. cit., Vol 2, part 1, 144.

(46) W.Marshall, Rural economy of the Midland Counties, 1790, Vol 1, 192.



eighteenth century and in 1800 joined the Leicestershire Bank, in which his eldest son, Thomas, also became a partner. The Thomas Paget who was described in the Leicester Poll Book for 1832 as a "banker" was probably one of these gentlemen. Scarcely less important was John Stone of Quorndon, a sheepbreeder following Bakewell's example. Blagg described John Garton of Dalby as a substantial yeoman, and a large tenant farmer and grazier; Thomas Coleman also was a yeoman. John Farmer, another of the substantial Leicestershire yeomen who acted as commissioner, owned and occupied land in his village (Barton-in-the-Beans) assessed for the land tax at £12/3/0d in 1780.

The land stewards included Job and Thomas Basely, Thomas Eaglesnr., Thomas Eagle jnr., Edward Dawson, who was employed by the Earl of Moira, and

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(47) Billson, Leicester Memoirs, 1824, 23. This is an interesting example of the flow of capital from agriculture to finance. See T.S. Ashton, The industrial revolution, 1760-1830, 1948, 94.

(48) Marshall, Op. cit., Vol. 1, 385.

(49) In his forward to Tate's Parliamentary Land Enclosures in the county of Nottingham during the eighteenth and nineteenth centuries, 1743-1869, 1935, XVI & XVII.

(50) L.R.O. Wills 1781.

(51) L.R.O. Land tax returns, Barton-in-the-Beans.

(52) W.E. Tate, "Oxfordshire enclosure commissioners, 1737-1856", Journal of Modern History, 1951, 141.

(53) Historical Manuscripts Commission, Hastings MSS, Vol. III, 299 & 398.



William Fillingham, who later acquired an estate of nearly 800 acres in Syerston, Notts., and is said to (54) have begun as a steward to the Duke of Rutland. The two famous clergyman-commissioners, the Reverend Henry Homer and the Reverend Henry Jephcote, both acted several times in Leicestershire. Homer was the author of the celebrated Essay on the nature and method of ascertaining the specifick shares of proprietors, upon the inclosure of common fields (1766), and Jephcote is also mentioned (55) as a commissioner in Oxfordshire.

Men, who had had wide experience in the business of enclosure, were appointed to most commissions in Leicestershire; and examples such as those of Oldknow, the Wyatts and Sultzer could doubtless be found amongst the commissioners in other counties. John Davis of Bloxham, for example, who was appointed five times in Leicestershire, had been employed on 26 enclosure commissions at the (56) same time; and George Maxwell was a commissioner in more than a hundred enclosures in different parts of (57) the country. Many were land surveyors and farmers who were well acquainted with the varying values of land, or

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(54) Blagg, Op. cit., XV.

(55) W.E.Tate, "Oxfordshire enclosure commissioners, 1737-1856", Journal of Modern History, 1951, 142.

(56) Ibid, 145. (quoted from J.C.Louden, Encyclopaedia of Agricultura, 1831, 1137).

(57) Report of the Select Committee of the House of Commons on Bills of Inclosure, 1800, 90-91.



attornies who were accustomed to examining evidence and witnesses and who also provided legal knowledge for the commission. Although it is difficult to justify the appointment of gentlemen and squires and those in professions (58) unconnected with the land or the law, the Leicestershire commissioners as a whole were well equipped to overcome (59) the technical problems of enclosure.

#### The allotments.

The maps showing the distribution of the allotments, drawn by the surveyor at the time of the enclosure, allow us to test Girdler's statement that the commissioners placed the small proprietors' allotments too far from home to be (60) occupied to advantage. Although not all these maps have survived, (61) a study of 35 of them shows that in general this was

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(58) e.g. Hugh Platt, who was probably the schoolmaster at Osgathorpe. L.R.O. wills 1789.

(59) When asked by the Committee of the House of Commons on Commons Inclosure, 1844 whether those capable of overstocking the commons (i.e. the powerful landowners) also had the power of appointing persons who would not do justice to all parties, R.Banks, a witness, answered "I have generally observed, that the commoners and lords of the manors are astute enough in seeking out competent and independent persons for the office of Commissioners, and the private Acts generally provide that they should do their duty." When asked whether there had been any abuses, he replied that he was not aware of any. B.P.P. 1844, v, Qs. 3005-6.

(60) Supra p. 86.

(61) Available in the L.R.O.



(62)  
 not true. The enclosure map for Stonesby provides a typical pattern of allotments: some (for example, John Gate's four acres and E. Rimmington's six acres) were placed far from the township at the extremity of the parish; others (for example, Thomas Smith's six acres and Robert Drake's 11 acres) were placed adjacent to the village; whilst Richard Mount had one allotment of six acres on the extreme west of the area recently enclosed and two others of four and two acres respectively near the village. At Ibstock the allotments of J. Chamberlain (3a. 2r. 1p.) and of Thomas Oatty (4a. 3r. 20p. & 6a. 0r. 29p.) were well away from the town, but those of many other small landowners were not unfavourably situated. At Ratby the Earl of Stamford had some allotments favourably placed near the village and some a considerable distance away. At Glooston and Cranoe the only small allotment to be inconveniently placed was that of the Cranoe churchwardens. The land allotted to the rector of Stondon was conveniently situated on the parish border adjacent to the parish of Stondon.

The enclosure of Botteford, Normanton and Easthorpe is a good example of a distribution favourable to the small proprietors. The Duke of Rutland's allotments and those of tithe and glebe formed most of the outer ring of land whilst the

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(62) It was one of the principal recommendations of the Select Committee of the House of Commons on inclosing commons and wastes (1795) that the poor should receive preference over the large landowners with respect to the position of their allotments.

(62a) See p. 107a.

(62b) See p. 107b.



small men's allotments formed the central core around the three villages. At Gumley also, the main allotments of the larger proprietors (Joseph Cradock, Harry Hubbard and Benjamin Simons) were farthest away from the village.

At only a small number of places, at Sutton Cheney for example, did a large proportion of the small proprietors have long walks to reach their allotments, and taken as a whole small landowners were not unfavourably treated. In any case the commissioners, in theory at least, took into consideration the quantity, quality and situation of the land, so that it does not always follow that those with allotments far from the village were placed at a disadvantage.

### Conclusion

Many of the contemporary writers appear to have exaggerated the case against the commissioners. The latter were normally appointed by the most powerful interests in the parish; but we cannot deduce from this fact that enclosure was a conspiracy between the leading landowners and their nominees. Although gentlemen and squires occasionally acted as commissioners, those entrusted with the division and re-allotment of the land were generally skilled in the technique of land surveying, farming or legal affairs and were seldom personally connected with any of the proprietors. Thus, despite certain undoubted



injustices, there are grounds for believing that their duties were on the whole carried out impartially and in the most efficient manner possible for such a complicated operation. If the small men often suffered, it was the fault of the promoters of enclosure and of Parliament in not providing for their rights, rather than that of the commissioners who were bound by the law and the provisions in the Act.<sup>(63)</sup>

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Further questions now arise. How far did the small proprietors oppose enclosure? Was their opposition heeded in Parliament or was it swamped by the influence of the large landed magnates in both Houses. These problems will be investigated in the two following chapters.

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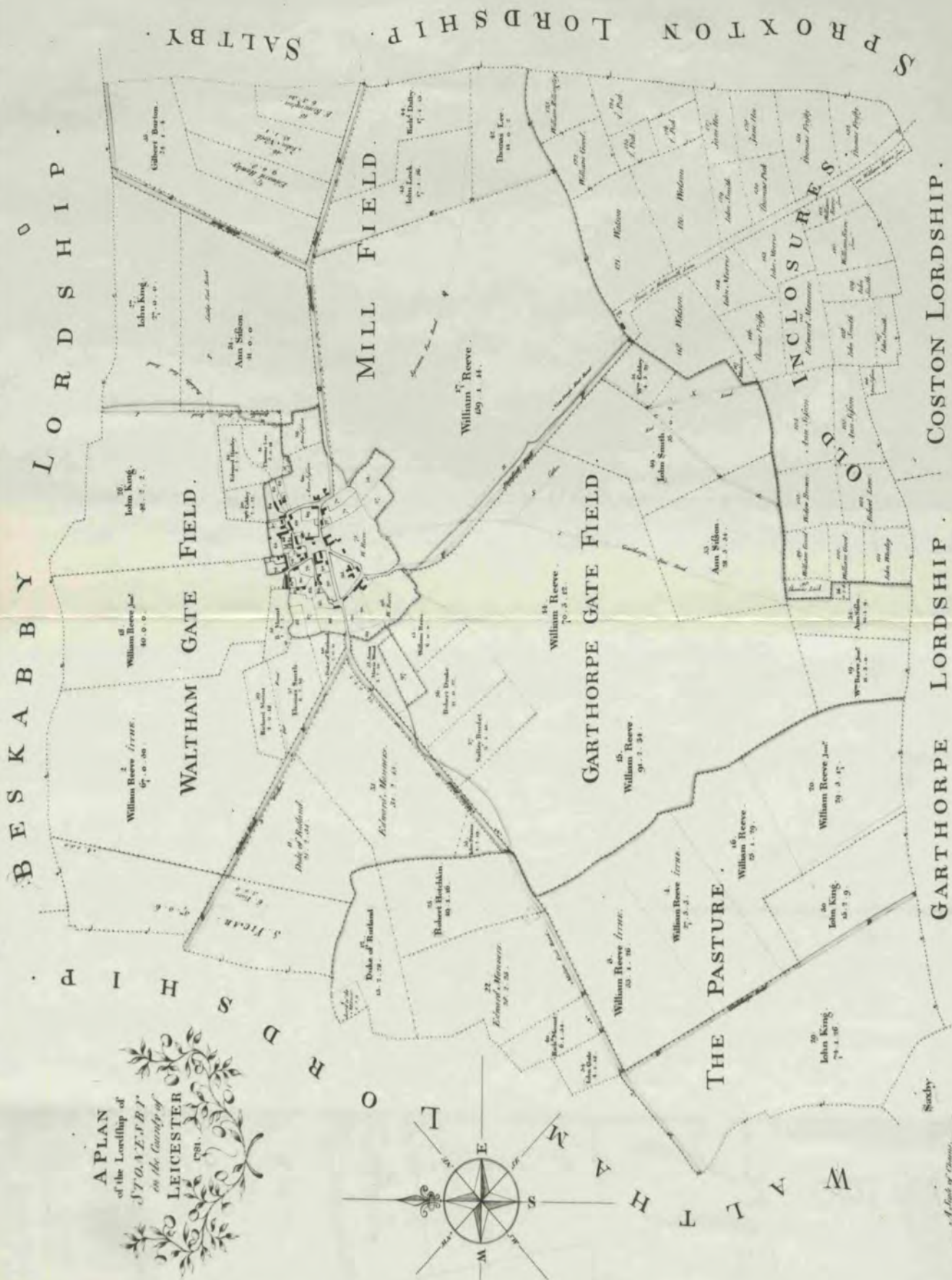
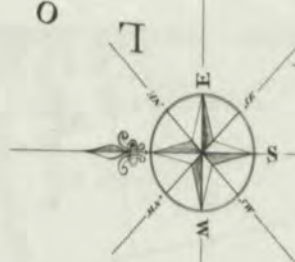
(63) At the enclosure of Tugby (1784), for example, the commissioners were compelled by the provisions of the Act to place at least twenty acres of the vicar's allotment contiguous to the vicarage and the rest as near as was convenient.  
24 Geo III (Sess. II) c. 24.



THE PATTERN OF ALLOTMENTS  
AND ROADS AT STONESEBY (1781)

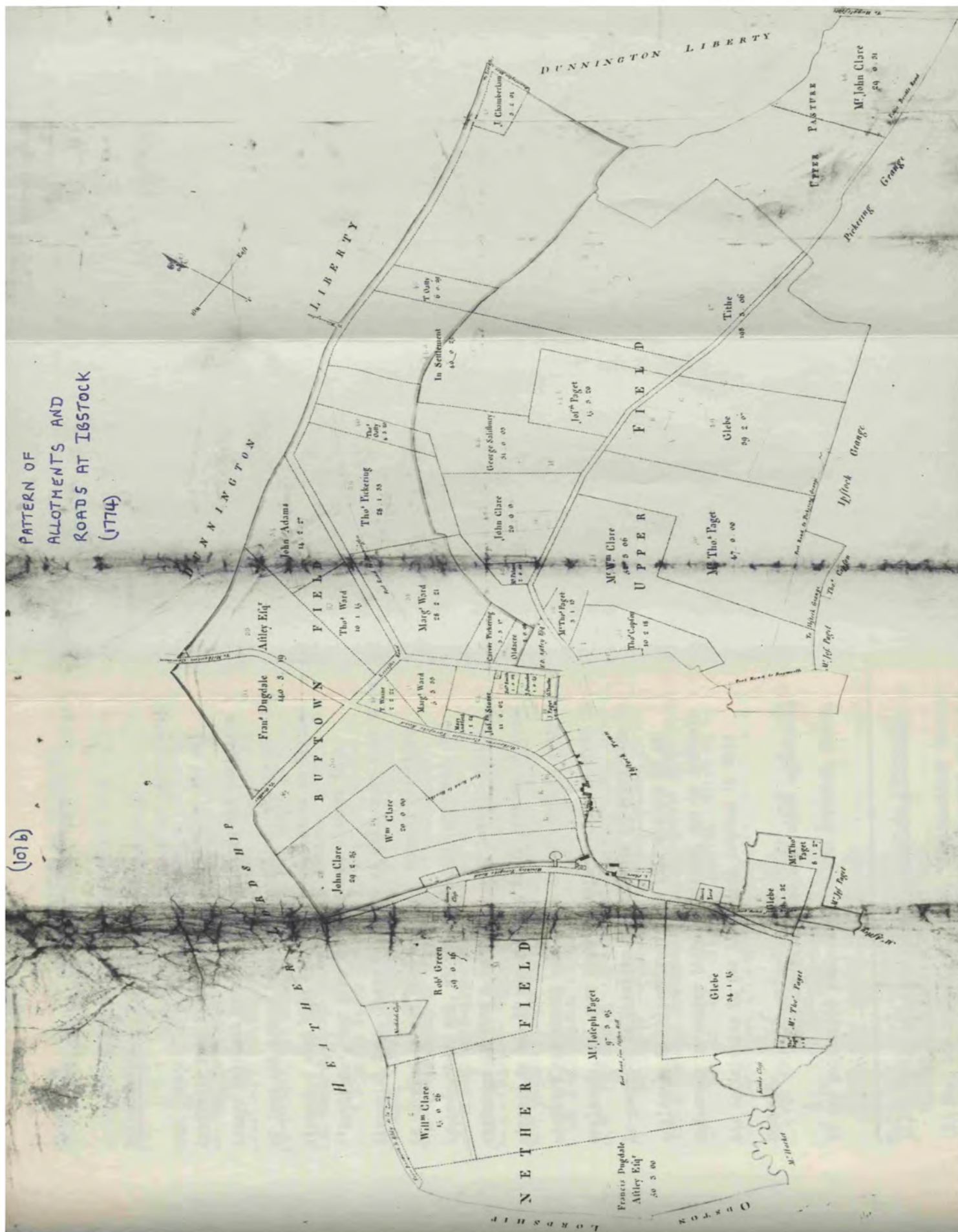
PUBLIC RECORD OFFICE 2340  
COPY NO. 2340. WITHOUT CERTIFICATE  
(107a)

A PLAN  
of the Lordship of  
STONESEBY  
in the County of  
LEICESTER  
1781.



A. D. 1781







Chapter IV.OPPOSITION TO ENCLOSUREIntroduction.

Enclosure, although so often economically desirable from the national point of view, was not always welcomed by all the proprietors and occupiers of land and common rights. This radical change not only disturbed what Marc Bloch has described as an "empire  
(1)  
d'habitude", but also involved some classes in a financial loss. These facts are so well known that there  
(2)  
is no need to set them out here. Several questions, however, have not, as yet, been fully answered. Did enclosure involve a conflict purely between social classes or was it opposed by a cross section of rural society? Was strong opposition encountered in every enclosure, and what form did this opposition take? It is proposed to consider the evidence of opposition to enclosure in Leicestershire in this chapter in an endeavour to answer these questions, and to indicate the deficiencies in the historical sources in this respect.

There are several ways in which opposition to any particular enclosure Bill was recorded. First,

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- (1) M. Bloch, Les caractères originaux de l'histoire rurale française, 1931, 227.  
 (2) See, for example, W.E. Tate, "Parliamentary counter-petitions during the enclosure movement", Eng. H.R. 1944, 392-397. and J.L. & B. Hammond, The village labourer, 1932, 55-72.



enclosure promoters, whose project was strongly opposed, sometimes thought it wise not to proceed with their Bill in Parliament even though it had passed one or more stages in the Commons. Secondly, a counter-petition of persons opposing a particular Bill was occasionally presented to Parliament. Thirdly, the promoters had to prove to the Commons' and Lords' Committees considering their Bill the value of the interests of those who were in favour of an enclosure in relation to the total value of interests involved. At the Report Stage in the Commons the value of the interests (and sometimes the number) of the persons who would not consent to the Bill was stated. Fourthly, after an enclosure Bill had been passed and the commissioners had re-allotted the land, local persons sometimes showed their dissatisfaction by rioting and tearing down the fences. Finally, it is alleged by the Hammonds that the opening of the Commons' Committees so that "all who attend shall have voices" was used as a method of packing committees by the promoters of enclosures when opposition was threatened or when an influential proprietor considered that his interests had been overlooked in the Bill.<sup>(3)</sup>

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(3) J.L. & Barbara Hammond, Op. cit., 22.  
This sign of opposition is examined in the following chapter.



Withdrawal of Bills from Parliament.

In Leicestershire there were 187 petitions for enclosure Acts of which 37 were abortive in as much as proceedings were dropped at one of the stages of the passage of the Bill through the Commons or Lords. In 20 of these 37 unsuccessful cases a further petition was presented and the Bill passed within two years of the original petition. In the remaining 17 cases enclosure was delayed for more than two years.

When a further petition was presented within a year or two it is possible that there was no opposition to enclosure per se but that the leading interests had failed to agree on terms. The passing of the Bill after a second petition in the following session when the recorded opposition was nil or negligible may indicate that in the meantime agreement had been reached or dissenting parties bought out. Thus the Bill for <sup>the</sup> enclosure of St Margaret's in 1763 did not get beyond a First Reading. A second petition was presented on 19 January 1764 and the Bill passed. A "few Parishioners" who had no land in the fields but who had a right of common between the end of harvest and 11 December were the only persons refusing to sign the second Bill. A similar case was that of Asfordby.

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(4) H.C.J. Vol 29 1 March 1764.



An enclosure petition was presented on 23 January 1760 but there was no further proceeding on the Bill after the First Reading. A second petition presented on 18 December in the same year resulted in an Act. Three proprietors, the Reverend Mr Wragg, John Ayre, and Mary Wakelin, together owning three yardlands, and also the proprietors of two cottages with common rights were reported as opposing the second Bill. This was an insignificant proportion of the total property to be enclosed, 52 yardlands and 21 cottages with common rights. There is nothing in the Commons' Journals to indicate why proceedings were dropped after the First Reading of the first Bill. The petitioners appear to be the same in both cases, viz the Lord of the Manor, the patron of the rectory, the rector, and a few of the leading proprietors, and other unspecified proprietors; but it is impossible to discover who, if anybody, opposed the first Bill as it never reached the Committee Report Stage. It may possibly have been unsuccessful through a failure to comply with the Standing Orders of the House of Commons; but the number of enclosure Bills withdrawn after the First Reading was too great to be

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(5) H.C.J. Vol 28, 2 February 1761.



entirely accounted for in this way: it may be assumed that the solicitors in charge of enclosure Bills, as well as agents in London, were normally well acquainted with Commons' procedure and the Standing Orders. It is much more probable that the promoters of the enclosure, in their anxiety to have their Bill passed in that session, had their petition presented by the appointed time in the Commons hoping to gain the consent of the leading proprietors; then, when they discovered an agreement could not be immediately reached, they withdrew their Bill to save further expense. Other examples are Worthington and Newbold (1801 & 1802), where no one opposed the second Bill, and Orton-on-the-Hill (1781 & 1782).

Those instances where enclosure was delayed for several years, and in some cases several decades, suggests opposition to enclosure on principle rather than disagreement on terms. Four attempts were made to obtain an Act for Newbold Verdon, in 1781, 1782, 1809, and 1810. When the enclosure Bill was finally passed in 1810 the proprietors assessed to the land tax at £4/6/9<sup>d</sup> and also the owner of one common right

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(6) It was on the Second Reading of a Bill that the fees became due. J.B.Bird, Laws respecting Commons and Commoners, 1801, 87.



would not sign their consent. The total assessment of the parish was £85/1/1<sup>(7)</sup>d. Most of the opponents of enclosure were probably bought out between 1781 and 1810 or died leaving their land to heirs who favoured the measure. Similar circumstances may have occurred at Dunton Bassett. Proceedings were dropped on the original Bill in 1786 and nothing more is known of the proposed enclosure till 12 November 1795 when another petition was presented to the Commons. This time the Bill was passed and all the proprietors consented to the enclosure <sup>(8)</sup>

An exceptional case was that of South Kilworth. The enclosure Bill of 1780 passed through all the stages in the House of Commons but received only one Reading in the House of Lords. At the Report Stage in the Commons it was stated that the proprietors of 1¼ yardlands would not sign the Bill; but this was not sufficient to impede its progress, for the total number of yardlands was <sup>(9)</sup> 54¼. One can only assume that there was some disagreement among the proprietors before the Bill was passed by both Houses, or that a large part of the land had been acquired by a person or persons

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(7) H.C.J. Vol 65, 7 May 1810. The proprietors of estates assessed at £2/13/4d and the owners of three common rights were neutral.

(8) H.C.J. Vol 51, 10 February 1796.

(9) H.C.J. Vol 37, 29 February 1780.



not desiring an enclosure. When an enclosure Act was finally passed in 1789 all the proprietors consented<sup>(10)</sup> to the enclosure.

Three attempts were made to enclose Arnesby, in 1790, 1791, and 1794. The proprietors of five yardlands refused to consent to the Bill of 1794, and the<sup>(11)</sup> proprietor of half a yardland was "neutser"; but, since their property formed only a small fraction of the total of 49 yardlands, their opposition was not able to prevent the Bill from passing.

When William Manners tried to obtain an Act in 1806 for the enclosure of Abbey Meadow in the Manor of Bishops Fee in the parish of St Margarets, the Bill did not get beyond a First Reading. There were many<sup>(12)</sup> freeholders with a right of common in this meadow and it seems that he failed to secure the consent of a sufficient number of them to ensure the success of his Bill.

#### Counter-petitions.

Anyone opposing a particular enclosure Bill could petition Parliament stating why it should not be passed or requesting that he (or his counsel) be

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(10) H.C.J. Vol 44, 22 May 1789.

(11) H.C.J. Vol 49, 16 April 1794.

(12) H.C.J. 16 April 1806.



heard against it. The case of Queniborough illustrates this procedure. On 6 February 1729 an enclosure petition of the Lord of this manor and several of the freeholders (13) was presented to the House of Lords. This was met by a petition of John Borlace, gentleman, George Burton Esq., and others against the Bill, and the latter was not committed.

The grievances of the counter-petitioners can be discovered from their private correspondence. In a letter to George Burton Esq. (a proprietor of 2½ yardlands) dated 21 January 1729 Richard Gregory (status unknown) declared that "Queenborough contains about 80 families and ye poor rate is small. Tis not a great lordship and half of ye number of familys will be sufficient to manage in all respects when inclosed. A proprietor yt lives in ye country sayes when ye people dyes they will pull down their houses." (14)

In a reply to Gregory on 16 March 1729 Burton showed his concern over the fate of the poor who would have undoubtedly suffered had the enclosure been carried through. "When I pressed it home to him [Mr Stanton, the Lord of the Manor] how many familys must be derived of their usual way of livelyhood (without

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(13) It was an unusual procedure to present an enclosure petition to the Lords in the first instance. In only two other cases (St and Little Claybrook 1734 and Horninghold 1730) did this occur in Leicester-shire.

(14) L.M. 81'30/56.



any provision for them in the Bill) he said some were stockingers but if they could not live by their trade and could gett a living by their daly labour it sheweth their industry to live. Why truly his answer was that they might go to the plantations.<sup>(15)</sup> He went on to discuss measures to impede the Bill. "Mr Borlace [one of the counter-petitioners] who opposes the bill will informe you that by his counsell thinks it may be proper to have a writing drawn up (with the severall inhabitants hands to it done by some knowing attorney thereabouts), setting forth the view of severall of them. In case the bill passes theres no time to be lost and may assure the poor inhabitants there shall be nothing wanting in my power to serve innocency oppressed."<sup>(16)</sup>

In an undated and unsigned letter (but in the handwriting of Burton) to Gregory the writer explained that "I am informed that Mr Stanton delivered in his petition to the Lords last Friday and that the Bill was ordered to be brought in yesterday which was read a first time. I find it has made great interest in the Lords but I dont much mind that as the subjects property is more immediately concerned in the Commons

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(15) Ibid.

(16) Ibid.



and I shall there make my effort if thought proper to  
 oppose the bill." <sup>(17)</sup> Evidently he changed his mind,  
 however, for his counter-petition was presented to the  
 Lords.

Stanton attempted to gain the support of the  
 cottagers by inserting a clause in his Bill to allow  
 owners of cottage common rights, previously worth 8/-  
 p.a., allotments of three times that value after the  
 hedging and ditching had been completed. <sup>(18)</sup>

A second attempt to obtain an Act was made by  
 Stanton in the following year, and this time the Bill  
 received two readings and was committed. There were,  
 however, three further petitions concerning this Bill.  
 The first was by John Borlace and George Burton and  
 six other proprietors against the Bill; <sup>(19)</sup> the second by  
 Lady Ann Powlett, guardian of Powlett Wright (impro-  
 priator of the great tithes) who wished to be heard on  
 a (unspecified) matter relating to the Bill; <sup>(20)</sup> the third  
 by Isabella Smith, widow of Francis Smith (a proprietor)  
 who wanted provision to be made in the Bill for payment  
 of her jointure. <sup>(21)</sup> There are no further entries in the

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(17) Ibid.

(18) Ibid.

(19) H.L.J. Vol 23, 30 March 1731.

(20) H.L.J. Vol 23, 6 April 1730.

(21) Ibid.



Lord's Journals so it may be presumed that the promoters  
(22)  
withdrew their Bill in the face of the counter-petitions.

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(22) A copy of a counter-petition against the Queenborough Bill has survived. As far as is known it is the only full copy of a Leicestershire counter-petition in existence.

To the Right Honorable  
the Lords Spiritual and  
Temporal in Parliament  
Assembled

The Humble Petition of John Borlace George Burton Wm Frank George Bennett Felix Bennett Geo Page Michael Clark Thos Bennett owners and proprietors of several parcels of land lying being in the open and common fields of Queenborough in the County of Leicester Sheweth/ That your petitioners and those under whom they respectfully claim are for severall generations last past have been seized to them their heirs of and in divers parcells of land lying and being in the open and common fields of Queenborough aforesaid together with a right of common for their cattle in the waste and other comonable places within the manor of Queenborough aforesaid part whereof they have from time to time lett out to divers persons inhabitants within the parish of Queenborough aforesaid and other part thereof they have kept in their own hands

That by careful management and improvement of those lands upwards of seventy familys within the said parish of Queenborough have been supported and maintained

That your petitioners are now informed a bill have been brought in and is now depending before your lordships in order to pass into a law in Parliament upon the petition by the promotion of Simon Stanton Esq who pretends to be Lord of the said manor of Queenborough and some few other persons and proprietors of lands within the open and comon fields of Queen borough aforesaid for the dividing separating and inclosing of the said open and common fields wastes to and amongst the severall owners and proprietors thereof according to their respective rights and interests therein

That your petitioners are advised the said bill as now framed tends greatly to the prejudice and injury of your petitioners and will in consequence bring great numbers of familys upon the parish to be maintained besides many other inconveniences which will attend the passing thereof into a law and a suit is now depending in the High Court of Chancery between your petitioner John Borlace and the person of whom the said Simon



Stanton did not entirely give up his ideas of an enclosure after this reverse. In a letter to George Burton dated 28 January 1731 the writer (whose signature is torn off) claimed that some of the proprietors were attempting to carry on enclosure piece-meal. "Mr Parlby [a proprietor of seven yardlands] is plowing a great deal of old Greendward up and grubbing of goss ground and plowing it and importunes the freeholders extreamly to change grounds with him and offers them good clay ground for gossy ground of theirs I suppose it is to lay his estate to large plats and Stanton and he plan to make midsommer closes of it there being eleven yardlands and a half of this estate which lys by itself."

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cont/

Stanton pretends to have purchased the said manor of Queenborough Touching title thereof to which suit your petitioner is advised the said Simon Stanton must necessarily be made a party

Your petitioners thereof most humbly pray your lordships that they may be at liberty to be heard by their councell before or at the reading of the said bill the second time and to lay before your lordships such objection as they shall be advised to be materially against the said bill

L.M. 81'30/56.

(23) i.e. gorse ground.

(24) L.M. 81'30/56.



In the same letter the writer showed his suspicion of the activities of the enclosure promoters "....should Mr Stanton, Mr Parlby or any one else go on privately with the enclosure again as they did last yeare, that they had layed all thoughts of it aside as they then sayed to blind me and at the same time went vigorously on with it, and should they doe so now I might be pay to a greater plunge than I was last yeare. Therefore [I] begg the favour of you to have an eye on their goings on and then also be so good to let me know if they do anything about it." <sup>(25)</sup> Evidently those anxious for an enclosure were attempting to disrupt the open field economy for "Mr Parlby says he values not the stint and will make the whole town keep the long stint which will ruin the poor farmers..... and I fear make my Lady Pawlett on behalf of her grandson Wright consent to the inclosure....I think they are acting something underhand and talk one thing to hide another Our news says the Lords have ordered no more private Bills to be read after the last day of February so what they will doe they will doe quickly." <sup>(26)</sup>

There was no further application to Parliament, however, until 1766 when John Peach Hungerford was the Lord of the Manor and the proprietor of 46

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(25) Ibid.

(26) Ibid.



yardlands. This Bill did not get beyond the First Reading in the Commons and Queniborough was not enclosed until 1793.

There were in all thirteen counter-petitions for Leicestershire (1729-1808).<sup>(27)</sup> In some of these (abridged versions of which are to be found in the House of Commons Journals) it is possible to ascertain the names and the social status of the counter-petitioners. In others, the counter-petitioners are described under a collective heading such as "several freeholders." The following table shows the petitioners and counter-petitioners in these cases (except those of Queniborough discussed above), and whether or not the Bill was passed.

<u>Enclosure Bill</u>	<u>Petitioners</u>	<u>Counter-petitioners</u>	<u>Result</u>
Loughborough 1759	Earl of Huntingdon (Lord of the Manor) Emmanuel College, Cambridge, Rev Thos Alleyne, Sir Woolston Dixie, Chas Jas Packe Esq., Joseph Boyer gent., and several of the leading freeholders.	several freeholders and inhabitants of Loughborough	Bill passed

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(27) For Queniborough 1729 & 1730, (4 counter-petitions), Gumley 1771, Ansty 1760, Barrow 1760, Loughborough 1759, Kegworth 1766 & 1778, Frolesworth 1805, and Charnwood Forest 1808 (2 counter-petitions).



<u>Enclosure Bill</u>	<u>Petitioners</u>	<u>Counter- petitioners</u>	<u>Result</u>
Ansty 1760	Earl of Stamford (Lord of the Manor and impropiator of the tithes), Emmanuel College, Cambridge (patrons of the rectory), the rector, and several of the leading proprietors.	Noah Thomas ( a lessee for three lives under the Earl of Stamford and also a large freeholder).	Bill not passed.
Barrow 1760	Earl of Huntingdon (Lord of the Manor) St John's College, Cambridge, Rev W.Burrow, Sir Thomas Parkyns, Sir John Danvers, Joseph Boyer, gent., & others.	Thomas Babington Esq., & William Ruding Esq., trustees for certain lands lying in Barrow, the great tithes, a moiety of the small tithes & other payments and dues valued at £200 p.a.	Bill passed.
Kegworth 1766	Christ's College, Cambridge, Rev John Willey, and some of the leading proprietors.	owners and proprietors of land in Kegworth.	Bill not passed.
Appleby 1771.	several owners.	unspecified.	Bill passed.
Gumley 1772.	Lord of the Manor, rector, and others.	several proprietors of a very considerable part of the open fields.	Bill not passed.



<u>Enclosure Bill</u>	<u>Petitioners</u>	<u>Counter- petitioners</u>	<u>Result</u>
Kegworth 1778.	Sir William Gordon (Lord of the Manor) Rev John Willey (rector) and others.	Christ's College, Cam- bridge, (part patrons of the rectory).	Bill passed.
Frolesworth 1805.	William Collins Esq., on behalf of himself and other owners.	S.G. Noble, (rector).	Bill passed.
Charnwood Forest 1808.	Several persons.	<u>1st counter- petition</u> Mary and William Bos- worth and several persons. <u>2nd counter- petition</u> Emmanuel College, Cam- bridge, (pat- rons of the rectory at Thurcaston and Loughborough) Rev W.R. Tyson (rector of Thurcaston) Rev R. Hardy, (rector of Loughborough.	Bill passed.

It was not usual for the smaller proprietors to petition against enclosure Bills in the Commons. A possible exception was at Loughborough where the counter-petitioners claimed that enclosure would bring inconveniences and hardships to themselves and the poor. (28)



Their counter-petition was unsuccessful, however, which is not surprising considering the power of the petitioners for enclosure. At the Report Stage of the Bill in the Commons it was stated that the proprietors of 121 acres and seven common right houses refused to sign the Bill and made several objections to it; the proprietors of 85 acres and six houses refused to sign the Bill but said they had no objection to it; and the proprietor of 60 acres and one house would not sign the Bill but gave no reason for her refusal. <sup>(29)</sup> The total property enclosed was 2015 acres and 203 common right houses (135 of which belonged to the Earl of Huntingdon).

There is no evidence in the Kegworth counter-petition of 1766 concerning the status of the counter-petitioners (who claimed that their property would be "greatly prejudiced" should an enclosure take place) <sup>(30)</sup> and they may have included the Lord of the Manor, who was not specified amongst the petitioners. Similarly the counter-petitioners against the Appleby enclosure <sup>(31)</sup> Bill of 1771 are not named in the House of Commons Journal.

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(29) H.C.J. Vol 28, 27 March 1759.

(30) H.C.J. Vol 30, 17 March 1766.

(31) H.C.J. Vol 33, 2 February 1771.



In general counter-petitioners were the more powerful landowners who did not usually object to enclosure per se but to some specific provision in the Bill which they felt <sup>was</sup> prejudicial to their interests. Christ's College, Cambridge, which appears as a petitioner for the enclosure of Kegworth in 1766, counter-petitioned the enclosure Bill for the same place in 1778. Their objection was that they considered the rector (the College was part patron of the rectory) should receive a greater compensation for the great and small tithes than was provided for in the Bill. <sup>(32)</sup> The latter was passed apparently without the alteration desired by the College for they were reported in the Commons as refusing to sign it. Similarly, the counter-petition of the rector of Frolesworth (1805) was grounded on provisions in the Bill, which, he claimed, <sup>(33)</sup> were contrary to his interests, and not against the Bill as a whole. No person appeared before the Committee in the Commons to support the counter-petition and, as all parties were reported as consenting, it may be presumed that agreement was reached between the proprietors and the rector. Thomas Babington Esq., a counter-petitioner at Barrow-on-Soar, was a petitioner for enclosure in other parts of the county, and wished only to be heard

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(32) H.C.J. Vol 36, 24 February 1778.

(33) H.C.J. Vol 60, 6 June 1805.



(34)  
against certain clauses in the Barrow Bill.

There was considerable opposition to the enclosure of Charnwood Forest. Petitions were presented to Parliament in 1805 and 1807, but the Bills were withdrawn before the Second Reading. A further petition was presented in 1808 which was met by two counter-petitions by persons wishing to be heard against certain clauses in the Bill. (35) The latter was passed, but it is not known whether the counter-petitioners were satisfied as it is impossible to discover the names of those refusing their consent. The property of the latter, assessed for the land tax at £201/6/3½d., was a small proportion of the total assessment of all the proprietors with rights on Charnwood Forest, £3,065/1/6½d; (36) but the former sum probably concealed a large number of very small proprietors. (37) John Iveson, a witness before the Select Committee of the House of Commons on Commons' Inclosure (1844) and a commissioner to this enclosure, confirmed that "the opposition.....was very great and a great many parties objected to it." (38)

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(34) H.C.J. Vol 28, 28 February 1760.

(35) Supra p. 123.

(36) The proprietors assessed for the land tax at £366/8/4d declared themselves neutral.

(37) See Charnwood Forest and Rothley Plain Inclosure. An alphabetical list of the claims of the proprietors, 1811.

(38) Report of the Select Committee of the House of Commons on Commons Inclosure, 1844. B.P.P. 1844, v, Q. 3705-6.



The enclosure of Gumley was also carried out in the face of bitter opposition. A Bill promoted by the Lord of the Manor, the patrons of the rectory, the rector, and the leading landowners in 1760 was withdrawn before the Second Reading. A petition from the same parties in 1771 was met by a counter-petition of "several owners" who opposed the Bill on the grounds (39) of the expense and hardship it would incur. The counter-petition was successful, but in the following year (1772) the promoters again petitioned for enclosure and this time the Bill was passed. The proprietors of (40) 315 acres refused to sign their consent; and these were probably the counter-petitioners of the previous year. In addition, Mrs Webb, a proprietor of just over seven acres, said she would not sign the Bill "because she would not", and Richard Weston, a miller, said that the enclosure did not affect him, his property being so small (18 perches), and he did not choose to offend anybody. The total acreage enclosed amounted to 1,145. Thus the "quantum of consent" was below the  $\frac{3}{4}$  or  $\frac{4}{5}$  which was alleged to be the minimum necessary for the (41) success of an enclosure Bill.

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(39) H.C.J. Vol 33, 4 March 1771.

(40) H.C.J. Vol 33, 13 April 1772.

(41) Infra p. 130.



The comparatively small number of counter-petitions for Leicestershire indicates the difficulty (42) for the small man of opposing enclosure in this way. The cost was probably sufficient to deter all but the richest proprietors (unless there was organised opposition of the small men as was probably the case at Loughborough) who had a reasonable chance of success. Moreover, even if a counter-petition succeeded in staving off enclosure there was no guarantee that there would not be further petition for enclosure in the following year; and if the latter was successful (e.g. in the case of Gumley) the expense originally incurred by the counter-petitioners would have been wasted.

Only five of the Leicestershire counter-petitions were successful in preventing an enclosure

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(42) This was also the case in Nottinghamshire, and the study of the Leicestershire counter-petitioners tends to confirm Tate's view that the Hammonds exaggerated the importance of this form of opposition against enclosure. W.E.Tate, "Parliamentary counter-petitions during the Enclosure Movement", Eng., H.R., 1944, 398.

	<u>petitions</u>	<u>counter-petitions</u>
Leicestershire	187	12
Nottinghamshire	179	8
Hammonds' sample	17	30.



Bill from being passed. This is not surprising, however, for most of the former were directed against certain clauses rather than against the Bill as a whole. Moreover since the counter-petitioners are not usually to be found amongst those refusing to sign the Bill, it may be presumed that either agreement was reached with the promoters or that their requests were satisfied by the committee. A notable success was the counter-petition of Noah Thomas (a leaseholder of 118 acres and freeholder of 17 acres) against the Bill of the Earl of Stamford (his lessor) and Emmanuel College, Cambridge for the enclosure of Ansty <sup>(43)</sup> (1760). His success was short-lived, however, for less than a year later Stamford presented another petition and the Bill was passed.

Only three counter-petitions caused the postponement of enclosure for more than a year or two: The Queniborough enclosure was delayed for several <sup>(44)</sup> decades and the Kegworth enclosure for twelve years.

#### Refusal to sign the Bill

It was much easier and less expensive for the proprietors who opposed a particular Bill to refuse

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(43) H.C.J. Vol 28, 9 May 1760.

(44) Supra pp. 115-121.



to sign it. According to the Select Committee of the House of Commons on the means of facilitating Enclosure Bills (1800) the promoters had to prove to the committees in the Lords and Commons that the proprietors of  $\frac{3}{4}$  or  $\frac{4}{5}$  (there was apparently no fixed rule) of the land to be enclosed had consented to the enclosure Bill. (45)

For 54  
~~In 45~~ of the <sup>154</sup>~~150~~ enclosure Bills for Leicestershire, however, it was reported that all parties had given their consent to the Bill. Thus, if this can be taken at its face value, ~~nearly~~  $\frac{1}{3}$  of the enclosures in Leicestershire were carried out without any opposition at all. It is more accurate though to say that in these <sup>54</sup>~~45~~ enclosures no person with a right recognised by law expressed his dissatisfaction by refusing to put his signature at the bottom of a printed copy of the Bill. (46)

It is quite possible that many of the poorer proprietors were unable to read the clauses in the Bill or understand the legal terminology. Moreover, there were many people who may have desired to retain the open fields and commons but whose consent to enclosure was not

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(45) Report of the Select Committee of the House of Commons on the means of facilitating Enclosure Bills, 1800. (Commons Preservation Society Reprint 1866) 77. Bird, however, thought that  $\frac{2}{3}$  was sufficient. Laws respecting Commons and Commoners, 1801, 38.

(46) Which was the form in which each proprietor was requested to signify his consent. J.B.Bird, Op. cit., 87.



required. The leaseholders, for example, could only express their opposition by a costly counter-petition<sup>(47)</sup> or a riot. Therefore it is possible that in some cases opposition to enclosure escaped mention in the House of Commons Journal.

It is seen from the table in appendix (iv) that at most places the value of the interests against enclosure, or against certain provisions in the Bill, was considerably less than the  $1/4$  or  $1/5$  which would probably have prevented the Bill from passing. This is not surprising, however, for the promoters would hardly have allowed the Bill to proceed to the Committee Stage<sup>(48)</sup> without the necessary quantum of consent. The Hammonds have pointed to cases where proprietors with interests amounting to considerably less than  $3/4$  or  $4/5$  of the<sup>(49)</sup> total managed to get their Bills passed; but such<sup>(50)</sup> instances were very few in Leicestershire. Examples<sup>(51)</sup> were at Gumley, and also at Bruntingthorpe where the

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(47) Although in some cases lessees for lives appear in the Commons Journals as refusing to sign the Bill e.g. Kibworth Beauchamp (1779). H.C.J. Vol 37, 19 April 1779.

(48) Supra p. 112.

(49) J.L. & B. Hammond, Op. cit., 26-7.

(50) As they were in Nottinghamshire. W.E. Tate, "Opposition to parliamentary enclosure in eighteenth century England", Agricultural History, 1945-6, 141.

(51) Supra p. 127.



proprietors of  $13\frac{1}{2}$  yardlands and three cottages were against the enclosure Bill (1776), and another proprietor refused to sign it but said he had no objection. The total property concerned amounted to 44 yardlands and eight cottages.<sup>(52)</sup>

There were also a few cases where the "quantum of consent" barely reached the required level. For example, the seven proprietors at Countesthorpe who would not sign the Bill (1766) owned  $8\frac{1}{8}$  yardlands out of a total of 38 yardlands.<sup>(53)</sup> At Seagrave (1760) fourteen proprietors with 515 acres refused to sign the Bill, although twelve of them said they would not oppose it.<sup>(54)</sup> The property of those who consented was 1898 acres. At Foxton (1770) ten proprietors with  $307\frac{1}{2}$  acres and ten cottages with common rights would not sign the Bill, although four of these with  $255\frac{1}{2}$  acres said they would not oppose it.<sup>(55)</sup> The total interests involved were 1549 acres and 50 cottages with common rights.

It was not absolutely necessary for the success of an enclosure Bill for the Lord of the Manor to be a petitioner.<sup>(56)</sup> At Grimston (1765), for example,

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(52) H.C.J. Vol 35, 20 March 1776.

(53) H.C.J. Vol 30, 24 March 1766.

(54) H.C.J. Vol 28, 10 March 1760.

(55) H.C.J. Vol 32, 27 March 1770.

(56) Supra p. 60.



Thomas Babington Esq. (Lord of the Manor and patron of the vicarage) refused to give his consent, although he did not specify any objection. <sup>(57)</sup> The Bill passed, for Babington, inspite of his powerful social position in the parish, had no property (except the rights of soil) affected by the enclosure.

Normally there was no opposition to Bills confirming earlier enclosures by agreement. At Nether Seal (enclosed by articles of agreement in 1755), however, proprietors assessed to the land tax at £1/0/2½d. would not sign the Bill of 1798, but declared themselves <sup>(57a)</sup> "neuter." The total property was assessed at £109/13/8½d. At Great Sheepy the proprietors of land assessed for the Land Tax at £1/2/3½d refused to sign the Bill of 1810 to confirm the enclosure by agreement <sup>(58)</sup> of 1659. The whole of the land was assessed at £96/9/9½d. Those refusing to sign the Bill in these cases could not have opposed enclosure per se for it had already taken place. They probably disagreed with some particular provision in the Bill, such as the commutation of tithes, or were against the Bill itself which they may have thought an unnecessary expense.

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(57) H.C.J. Vol 30, 20 April 1765.

(57a) H.C.J. Vol 54, 28 February 1799.

(58) H.C.J. Vol 65, 7 May 1810.



The reasons given by those proprietors refusing to sign the Bill were occasionally stated at the Report Stage in the Commons. For example, John Garde, the owner of  $\frac{1}{2}$  yardland, refused to sign the Sharnford Bill in 1764 because he did not hold enclosures to be good, and, being old, did not choose to have any concern in them. At Thurmaston (1762) the trustees for Syston Church, who owned  $\frac{1}{2}$  yardland, thought that enclosures would not prove of service to the nation.

Some proprietors opposed enclosure because of the high cost. One of the four trustees of 62 acres appropriated for charitable purposes would not sign the Bill for Quordon (1762) because he said "he expected the Proprietors should be at the Expence of making the Ring Fences to their allotment." William White, the owner of one yardland at Thurmaston, was doubtful whether the enclosure "will answer the Expence." In other cases enclosure was disapproved of on humanitarian grounds: Mrs Clark at Bruntingthorpe (1776), the owner of 11 yardlands, refused to sign the Bill because it might hurt the poor, and Mr Gee, the owner

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(59) H.C.J. Vol 29, 9 March 1764.

(60) H.C.J. Vol 29, 18 March 1762.

(61) H.C.J. Vol 29, 29 March 1762.

(62) H.C.J. Vol 29, 18 March 1762.

(63) H.C.J. Vol 35, 20 March 1776.



of five yardlands at Somerby (1760), approved of the Bill but would not sign it "as he did not know whether  
(64)  
Inclosures were against the Poor."

Opposition was sometimes directed against proposals concerning tithe commutation. The rector of Harston (1789) maintained that it would be of more benefit to the church to receive a land compensation  
(65)  
instead of tithes; two proprietors with 168 acres at Seagrave (1760) thought that too much was given to the  
(66)  
rector for his tithes; and a trustee for 1/2 yardland applied to charitable purposes at Somerby said he would not agree to anything for the benefit of the clergy, but  
(67)  
would do as the other proprietors did. Elsewhere, for  
(68)  
example, at Kavenstone (1770) and Kilby and Newton  
(69)  
Harcourt (1771), some of the proprietors were in favour of enclosure, but disapproved of the commissioners. Twenty cottage common right owners at Appleby (1771) declared that they were in favour of an enclosure, but would not consent to the Bill unless their shares for

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(64) H.C.J. Vol 28, 19 February 1760.

(65) H.C.J. Vol 44, 11 June 1789.

(66) H.C.J. Vol 28, 10 March 1760.

(67) H.C.J. Vol 28, 19 February 1760.

(68) H.C.J. Vol 32, 9 March 1770.

(69) H.C.J. Vol 33, 22 March 1771.



common rights were specified in the Bill.<sup>(70)</sup> This the committee in the House of Commons did.

The reason given by proprietors for refusing to sign their consent are not always mentioned at the Report Stage in the Commons and therefore it is impossible to discover how far those which were recorded were representative. Many of the small men probably refused to sign the Bill because they felt they had nothing to gain, yet possibly stood to lose their small income from the land. This would account for the explanation of Edward Charles of Hoton who owned land worth 5/- per annum and refused to sign the Bill for the enclosure of that place (1759). He merely stated<sup>(71)</sup> that he did not like it. Similarly Mrs Low, a widow who owned 50 acres in Orton-on-the-Hill (1782) said she did not understand the business and wished to<sup>(72)</sup> remain "neuter."

When more than one proprietor refused to sign the Bill the committee did not always state the number, and they rarely indicated the size of each individual's holding. Where details are available, however, it is seen that they were mainly the smaller

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(70) H.C.J. Vol 33, 20 February 1771.

(71) H.C.J. Vol 28, 20 March 1759.

(72) H.C.J. Vol 38, 28 May 1782.



landowners. The six proprietors who refused to sign the Burton Overly enclosure Bill, for example, owned on aggregate only  $7/8$  yardlands out of a total of  $49\frac{1}{2}$  (73) yardlands. At Ashby-de-la-Zouch (1768) two proprietors, who owned together fourteen acres out of a total of (74) 1040 acres, would not consent to enclosure. The one proprietor opposed to the Twyford enclosure Bill (1796) (75) owned only nine acres. These examples are typical of many in Leicestershire. Cases such as Cropston (1781) (76) where one owner of 50 acres out of a total of 360 acres, and Kilby and Newton Harcourt, in the parish of Wistow (1771), where two proprietors with seven yardlands out (77) of a total of  $86\frac{1}{2}$  yardlands refused to consent, were comparatively rare.

#### Riots.

If all legal methods of opposing enclosure failed the proprietors might try to prevent the commissioners by force from executing the Act. They could scarcely hope to postpone enclosure indefinitely by this means, (78) although it might have been possible to delay it.

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(73) H.C.J. Vol 30, 21 March 1765.

(74) H.C.J. Vol 31, 19 February 1768.

(75) H.C.J. Vol 51, 18 March 1796.

(76) H.C.J. Vol 38, 4 May 1781.

(77) H.C.J. Vol 33, 22 March 1771.

(78) For example, the case of Otmoor. J.L. & B. Hammond, Op. Cit., (1936 ed.), 64-72.



The example of Wilbarston across the Leicestershire border in Northamptonshire shows the probable fate of an attempt by force to prevent enclosure.

"In consequence of some obstructions which the commissioners for dividing and inclosing the open fields of Wilbarston, Northampton, had met with from a number of persons claiming right of common in the said field; who not only avowed their determination to resist the fencing out of a piece of land allotted to them in lieu of common right, but had even set the civil power at defiance; the Northampton and Althorpe troops of yeomanry were ordered to assemble at Market Harborough yesterday evening, and this morning they set out thence for Wilbarston....and having under their escort a waggon loaded with posts and rails for fencing out the above allotment. On approaching the parish they found a mob of about 300 persons who lighted a large bon-fire in the middle of the road, in order to obstruct the passage of the waggon, which they would not allow to proceed. On which, the magistrates read the Riot Act; and, after waiting an hour, the troops were ordered to advance and escort the waggon to the spot, which was immediately done, and one or two of the most active of the mob were taken into custody, and compelled to assist in setting down the rails and posts. After waiting 2 or 3 hours, the greatest part of the crowd dispersed; when the yeomanry returned, and the workmen were left in quiet possession of the field." (79)

But it was only in rare cases, when feeling ran very high and the poor were sufficiently organised, that such outbreaks took place.

In Leicestershire, as far as is known, there was only one exhibition of violence against enclosure

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(79) Gentleman's Magazine, July 25, 1799, 801-2. The riot of Wilbarston is also mentioned by the Hammonds quoting from Annual Register, 1799, Chron., p. 27.



in the eighteenth century. In 1754 the Corporation of Leicester attempted to enclose the South Field of Leicester but "The whig mob, led by a Winstanley, marched to the fields and pulled down the corporation's fences, in accordance with an advertisement they had issued (80) beforehand." Greaves speaks about the discontent widely felt amongst the freemen at the corporation's plans for the enclosure of the South Field but he also adds that there were political motives behind this riot in which the country gentry and the Rutland family (81) had a hand. The opposition was able to delay this enclosure, which did not have the sanction of an Act of Parliament, until 1804.

#### Conclusion.

A distinction must be made between opposition directed against certain clauses in the Bill and opposition directed against the principle of enclosure. In Leicestershire the latter came almost entirely from the poorer proprietors. The Hammonds maintained that ".....the poor were of course bitterly hostile. This appears not only from the petitions presented to Parliament, but also from the echoes that have reached us of actual violence." (82) In Leicestershire, however,

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(80) P.W.Greaves, The corporation of Leicester, 1689-1836, 1939, 101-2.

(81) Ibid. 101.

(82) J.L. & B.Hammond, Op. cit., (1932 ed), 54.



their hostility was rarely expressed by a petition to Parliament or by violence, but by their refusal to sign the enclosure Bill. There is no evidence that they systematically opposed enclosure throughout the county: where the number refusing to consent was specified it was usually a small fraction of the total number of proprietors owning, say, less than 25 acres. It is impossible, however, to discover how many people did not present a counter-petition or who gave their consent to an enclosure Bill because they felt that their opposition would be so much effort and expense wasted, or because they were intimidated, tricked or overawed into agreeing to enclosure. Moreover, there is no means of making a comprehensive study of the attitude of those classes who had an interest in the land, yet who had no say whether the fields and commons remained open or were enclosed. There was also probably

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(83) S. Addington, who appeared to know Leicestershire well, thought that "the ill-success that opposition to inclosing bills has generally met with discourages some from making the attempt, and the connections of others oblige them to forbear. There are few but would submit to inconvenience and injury rather than appear against their superiors..." An inquiry into the reasons for and against inclosing open fields, 1767, 34.



much popular feeling against enclosure not recorded in the Commons' Journals because Bills were not introduced into Parliament.

Where there was opposition from the more substantial landowners it was usually directed against certain clauses in the Bill rather than against enclosure itself. Thus the problem for the Leicester enclosure promoter was not to overcome the opposition of the small men but to negotiate an agreement amongst  
(84)  
the leading proprietors.

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(84) J.R.Heyward, a witness before the Committee of the House of Commons on Commons' Inclosure (1844) thought that generally speaking opposition was out of doors before the Bill was introduced into Parliament. "Very few venture to come to Parliament for an inclosure, unless there is an arrangement or a chance of an arrangement."  
B.F.P., 1844, v, Q. 6174.



Chapter V.MEMBERS OF PARLIAMENT AND THE PROCEDURE  
ON LEICESTERSHIRE ENCLOSURE BILLS.

The method of passing enclosure Bills through Parliament has been strongly criticised. The powerful landed interests, strongly represented in both Houses, were assured that their enclosure petitions would be favourably considered. On the other hand, it is alleged that sufficient attention was given to the rights of the poor, especially when their interests lay in opposition to those of the landed gentry and aristocracy. It was not only a question of an identity of interests between enclosure petitioners and the Members of Parliament in the field of agricultural policy: influence was, in some cases, more direct. Many Members of the House of Commons were dependent for their seats upon the territorial lords and therefore it was natural for the latter to expect their interests to receive special attention from their protégés in Parliament. Unfortunately there is no series of records dealing with the treatment of enclosure Bills in the Commons; but it is possible, in some cases, to trace a relationship, that of family ties, friendship or patronage, between the enclosure petitioners and the Members of Parliament who were concerned with a particular Bill.

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(1) A vehement attack on the treatment of enclosure Bills in the Commons was made by J.L. & B. Hammond, The village labourer, 1932, 21-34.



The names of the Members participating in each stage of a Bill through the House of Commons are recorded in the Journals of that House. Those who were designated to sit on the committees were fully specified up to 1770; but after this date it is impossible to discover the exact composition of the committees because the entries state that the Bill was committed to "Mr 'X' and Mr 'Y' etc." It is by no means certain, however, that all the Members mentioned in the Journals before 1770 actually sat in committee. Committees of up to twenty were quite frequently specified, yet J.B.Bird maintained that eight was the usual number, or even less where there was no opposition to the Bill. It was the Members who brought in the Bill who had charge of it, and it was usual for these also to sit on the committee. The same Members' names

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(2) The Laws respecting Commons and Commoners, 1801, 88, note a.

(2a) Report of the Select Committee of the House of Commons on the constitution of Committees on Private Bills, 1825, B.P.P. 1825, V, 106.  
See also O.C.Williams, The historical development of private bill procedure and Standing Orders in the House of Commons, 1948, Vol 1, 29.



often appear at every stage, or at two or more of the stages, and there can be little doubt that it was they who took it upon themselves to steer that particular enclosure Bill through the House.

The Duke of Rutland, the leading landowner in Leicestershire, had a connection with the Members who sat on some of his Bills. In nine of the enclosures (3) where the Duke had a predominant interest George Sutton, commonly known as Lord George Sutton, had some dealings with the Bill. Sutton was one of the (4) Members for Grantham when these Bills were in the Commons, and the Duke of Rutland (together with Lord Brownlow) is reported to have had the entire command (5) of the representation of that borough. The only other Leicestershire Bill with which Sutton had any connection

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(3) At Saltby (1771), Sproxton (1771), Branston (1766), Croxton Kerrial (1766), Waltham (1766), Bottesford (1770), Eaton (1769), Harby (1790), and Redmile (1792).

(4) It is possible to discover the constituencies for which the Members sat from the Return of Members, 1878. In some cases a difficulty arises where there was more than one Member with the same name; for example, there were 37 Vernons who sat in the Commons between 1704 and 1874. The House of Commons Journals rarely give Christian names, but by discovering the particular Parliament in which a Member sat it is usually possible to trace the actual Member referred to in the Journal.

(5) T.H.B. Oldfield, History of the Boroughs, 1792, Vol. II, 211. The information contained in Oldfield's works often refers to the situation a few decades after the passing of a Leicestershire enclosure Bill and must be treated with caution. He nevertheless provides invaluable data for the present study.



was that for St Margarets (1763) where the Lord of the Manor and leading proprietor was William Manners, (6) brother of the third Duke of Rutland. There were two means of contact between Lord George Sutton and the Manners: first, by William Manners' family relationship with the Duke of Rutland and, secondly, by a marriage connection between the Sutton family and the Manners family. (7)

Thomas Thornton, who figured prominently on all of Rutland's enclosure Bills, except that for Eaton, sat for the rotten borough of Bramber in Sussex where (8) one Member was returned by the Duke of Rutland. It is not known whether Thornton was returned by the Duke, but his connection with Rutland's Bills would suggest this.

A Mr Hewitt also had a connection with most of Rutland's enclosure Bills. There were two Hewitts in the Commons at this time: one, James Hewitt, sat for Coventry Borough and the other, John Hewitt, was a County Member for Nottingham; but Rutland's influence

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(6) J.Nichols, History and antiquities of the County of Leicester, 1795-1816, Vol. 2, Part I, 68.

(7) William Manners' sister-in-law was the daughter of Robert Sutton Lord Lexington. Ibid.

(8) T.H.B.Oldfield, Representative History, 1816, Vol. V, 52.



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(10)

in both Coventry and Nottinghamshire was comparatively slight. Mr Hewitt also brought in the two Great Glen enclosure Bills (1758 & 1759) where Mr William Hewitt was Lord of the Manor, impropiator of the great tithes, and patron of the vicarage. The Marquis of Granby, eldest son of the Duke of Rutland, also assisted in bringing in the Great Glen enclosure Bills. The evidence is purely circumstantial but nevertheless suggestive of a connection between the Hewitts and the Rutlands. <sup>(11)</sup>

A puzzling case is that of Anthony St Leger who acted only twice on Leicestershire enclosure Bills, for Bottesford (1770) and Saltby (1771). In both places the Duke of Rutland had a large interest. St Leger, however, sat for Great Grimsby where Charles Anderson Pelham had political control. <sup>(12)</sup> Similarly, John Calcraft acted twice on Leicestershire enclosure Bills, for Saltby (1771) and Sproxton (1771), where the Duke of Rutland was the leading petitioner. Calcraft, however, sat for

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(9) Ibid, 85.

(10) T.H.B.Oldfield, History of the Boroughs, 1792, Vol. II, 345.

(11) Although there was no family connection between them. See the Rutland pedigree in J.Nichols, Op. cit., Vol. 2, Part 1, 67-8. and the pedigree of the Hewitts in Nichols, Op. cit., Vol. 2, Part 2, 581.

(12) Oldfield History of the Boroughs, 1792, Vol. 2, 216.



Rochester, and Rutland does not appear to have had any influence over him. Nevertheless the fact that these Members acted only where the Duke of Rutland was interested suggests a connection which perhaps remains untraceable over this distance of time.

The Earl of Cardigan also appears to have used his connections in the House of Commons for the enclosure Bill for Slawston. The Earl was the Lord of this Manor, the impropriator of the great and small tithes, and also the patron of the vicarage, and he was <sup>partly</sup> ~~largely~~ responsible for the return of the County Members for Rutland, who acted on at least two stages of the Slawston Bill in 1793 (one at least sitting on the committee).

William Woolaston, Member for Ipswich, who sat on the committee dealing with the Saddington enclosure Bill (1770), owned considerable property in this parish and was Lord of the Manor. <sup>(14)</sup> His fellow Member for Ipswich also brought in and reported the same Bill.

Richard Viscount Howe was the impropriator

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(13) Oldfield, History of the boroughs, 1792, Vol. II, 396.

(14) Nichols, Op. cit., Vol. 2, Part 2, 777.



of the great tithes at Ab Kettleby and a leading petitioner for its enclosure. Among the committee that sat on the Ab Kettleby Bill (1760) was a Lord Howe and a Colonel Howe which suggests a family connection.

Beaumont Hotham was one of the Members who brought in the enclosure Bill for Ratby (1770), and he also sat in committee on the Bill and reported it. (15) Hotham was the Duke of Portland's lawyer, and the Earl (16) of Stamford, who was the brother-in-law of Portland, was the Lord of the Manor and the impropiator of the great tithes at Ratby.

Other cases involving the Stamfords were at Breedon and Syston. Harry, the third Earl of Stamford was Lord of the Manors of Breedon, Tong and Wilson and patron of the vicarage at Breedon. His brother, John (17) Grey, M.P. for Tregony, Cornwall was one of the Members appointed to prepare and bring in the enclosure Bill for Breedon Tong and Wilson (1759). At Syston the Earl of Stamford was the Lord of the <sup>Honor</sup> ~~Manor~~ of Winton, and his second son, Booth Grey, acted on the Syston and

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(15) I am indebted to Mr John Brooke of the Institute of Historical Research for this information.

(16) J.B. & A.P. Burke, A genealogical and heraldic history of the peerage, baronetage and knightage, 1939, 1892.

(17) Burke, Op. cit., 1939, 1892.



Barkby enclosure Bill (1777) in the Commons. There was no systematic use of influence through this channel, however, for Stamford had no interest in any of the other Leicestershire Bills on which Booth Grey acted.

An instance of informal relations between the enclosure promoter and the Members who acted on his Bill in the Commons was when Sir John Glynne was one of the Members who brought in the Grimston enclosure Bill (1765) and Mr Kynaston sat in committee on the same Bill. Kynaston and Glynne were both friends of George Grenville and so was Heneage, the third Earl  
(18)  
of Aylesford, the impropiator of the great tithes and a leading landowner at Grimston. Such relations of friendship, although they may well have frequently existed, are very difficult to trace in other cases.

In most of these cases the evidence is by no means conclusive, and the connection between the enclosure petitioner and the Member who actively participated in some particular stage of the Bill is often remote. At the most all that can be said is that the circumstances strongly suggest that influence was used. But even where a Member did actively participate

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(18) I am indebted to Mr John Brooke of the Institute of Historical Research for this information.



in one or more stages of the Bill of his patron or member of his family, there is <sup>no</sup> conclusive proof that the petitioner's interests were given undue consideration in committee. The minutes of the committee meetings in the Commons, which might have thrown some light on this, unfortunately no longer exist.

There are many more cases where Members brought in Bills, presented them and sat on the committee debating them without apparently having any connection at all with the petitioners. For example, George Medley, Member for Seaford, acted on two Leicestershire enclosure Bills, those for Ibstock (1774) and Ratcliff-on-the-Wreak (1774). The only petitioner with influence in Parliament was Washington, the fifth Earl Ferrers, a proprietor ~~at~~ Ratcliff; but Ferrers had no influence in Seaford and (apparently) no connection with Medley's patrons.

In addition to the numerous cases where Members sitting for constituencies far removed from Leicestershire appeared to have no connection with the petitioners, Members for surrounding counties often acted on Leicestershire Bills, especially where the parish concerned bordered on another county. For example, the two County Members for Derby, Mr Clark and Lord George Cavendish, acted on the Appleby Bill (1771), and the two

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(19) T.H.B.Oldfield, History of the Boroughs, 1792, Vol. III (The history of the Cinque Ports), 97-148.



Northampton county Members brought in the Bill for Little Bowden (1779), which parish was partly situated in Northamptonshire. Even where a parish did not adjoin another county a member for a nearby county occasionally had charge of the enclosure Bill: William Cartwright, Member for Northamptonshire, acted on twelve such Leicestershire Bills in the 1760s. Apart from the case of the Earl of Cardigan at Slawston, there was no question of the use of influence. The Earl of Stamford had political influence in Staffs., and Viscount Wentworth in Derbyshire, but there is no evidence that they used these connections to support their enclosure Bills. Members for adjacent counties brought in Leicestershire Bills probably when it was inconvenient for the Leicestershire Members to do so, and the latter frequently brought in enclosure Bills for parishes in nearby counties.

Normally, however, the local County Members

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(20) Supra p. 147.

(20a) "Under the present system, each Bill is committed to the Member who is charged with its management, and such other Members as he may choose to name in The House, and the Members serving for a particular County (usually the County immediately connected with the object of the Bill), and the adjoining Counties;" Report of the Select Committee of the House of Commons on the constitution of Committees on Private Bills 1825. B.P.P. 1825, V, 106.



took charge of the enclosure Bills for Leicestershire. William Pochin acted on 46 between 1780 and 1802, John Peach Hungerford on 44 between 1774 and 1790, and Sir John Palmer on 30 between 1761 and 1780. These cases include only those in which the Member brought in or reported the Bill and not those where he sat in committee on the Bill but acted at no other stage. Messrs Darker, Keck and Perkins, Members for Leicester borough, also brought in many Leicestershire enclosure Bills and sat in committee on them. (21)

The fact that local Members acted on local enclosure Bills has been criticised on the grounds that they themselves were most interested in the result. This was the case, however, in only two or three Bills on which local Members acted. For the enclosure of Little Bowden (1779) John Peach Hungerford (in addition to the Northants Members already mentioned as bringing in the Bill) brought in his own Bill, sat on the committee and carried it to the House of Lords. William Pochin also played a (22)

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(21) Oldfield believed that there was no "immediate influence of aristocracy or administration" in the return of the Leicester borough Members. History of the Boroughs, 1792, Vol. 2, 201.

(22) J.L. & B. Hammond, Op. cit., 22, quoting the Report of the House of Commons on the Constitution of Committees on Private Bills, 1825.



prominent part in the passing of two of his own Bills. He brought in and presented the Bill for Humberstone (1788), where he was Lord of the Manor and leading proprietor, and he also brought in the Bill for the enclosure of Barsby (where he was a leading landowner) and South Croxton (1794), sat on the committee, reported the Bill, and carried it to the Lords. It must be emphasised though that these Members brought in and sat on the committee of most of the other Leicestershire enclosure Bills at this time, and the ones they were personally interested in formed a very tiny fraction of the total. The Duke of Rutland is reported as having the power of returning one of the County Members for  
(23)  
Leicester, but the County Members rarely acted on his Bills, and he made very little use of his influence over them. While it is possible that the County Members were personal friends of some of the enclosure petitioners and relied on some of them for support in elections, the number of Bills in the charge of the former was so great that they could have had a personal interest in a small minority. Bird maintained that it

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(23) Oldfield, History of the Boroughs, 1792, Vol. II, 200.



was the usual compliment to the County Members to get<sup>(24)</sup> them to introduce a local enclosure Bill; indeed, it was the County Members with their local knowledge who were the best suited to deal with them.

It has been claimed by the Hammonds that the system of opening committees so that "all who attend shall have voices" was a device used to pack the committee with friends and supporters of the enclosure petitioners in order to swamp opposition to the Bill. Alternatively, if a Member considered that his interests, or those of his friends, had been neglected he might call for "all to have voices" and so compel the promoters to satisfy his claims.<sup>(25)</sup> There seem some grounds for the Hammonds' allegation, for, although this only<sup>(26)</sup> occurred five times on Leicestershire Bills, on four occasions there was a counter-petition before the Commons (a rare enough occurrence in itself) and on the fifth (Gumley, 1772) there was strong opposition to<sup>(27)</sup> the Bill. In all cases the Bill was passed.

The House of Lords' Journals record the names

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(24) J.B.Bird, Op. cit., 83.

(25) J.L. & B.Hammond, Op. cit., 22.

(26) On the Bills for Loughborough (1759), Gumley (1772), Kegworth (1778), Frolesworth (1805), and Charnwood Forest (1808).

(27) Supra p. 127.



of those who were to sit on the committees in that House dealing with Leicestershire enclosure Bills. It was usual for a committee of between ten and twenty Members to be nominated; but it is doubtful whether they all actually sat, for Bird maintained that it was often difficult to obtain a quorum of five. Very rarely did an aristocrat sit on the committee considering his own Bill. The Earl of Huntingdon sat on the committee dealing with the Bills for Markfield (1769) and Loughborough (1759) where he was Lord of the Manor and a leading proprietor, and the Earl of Stamford on two of his own Bills: those for Groby and Breedon, Tong and Wilson. But neither Stamford nor Huntingdon normally sat in committee on their own Bills; at the time when they did, they participated in the proceedings on many enclosure Bills for other counties. The only other case of an interested party sitting in committee in the Lords concerned the Earl of Denbigh, Lord of the Manor of Lutterworth, who sat in

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(28) J.B.Bird, Op. cit., 92.

(29) H.L.J., Vol. 23, 273.

(30) H.L.J., Vol. 29, 473.

(31) H.L.J., Vol. 38, 407.

(32) H.L.J., Vol. 29, 482.

(33) e.g. Quorndon (1761), Ashby-de-la-Zouch (1768), Ratby (1789).



committee on the Lutterworth Bill (1790). Neither the Duke of Rutland nor the other aristocratic enclosure petitioners appeared in the Lords to "safeguard" their interests.

Procedure in the Lords was largely a formality.  
The minutes of the committee meetings in the Lords (34)  
show that scarcely any topic of controversy was raised. (35)  
Occasionally there was a question about the

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(34) Available in the House of Lords Library.

(35) The Lords' Committee considering the Hoby enclosure Bill (1760) asked the promoters' representative to state the number of proprietors who had signed their consent, the acreage of Hoby, and the property of the leading landowners.

Minute Books of the House of Lords' Committees,  
5 March 1760.

The Lords' Committee considering the Somerby enclosure Bill (1760) asked the promoters' representative to state the number of yardlands to be enclosed, the number of people who had consented, whether those who had refused to sign were acquainted with the Bill, the property of those who had consented and that of those who had not, and whether the Lord Bishop of Lincoln had signed.

Minute Books of the Lords' Committees, 6 March 1760.



compensation to be paid for tithes, but amendments were rarely made; those there were consisted mainly of verbal changes rather than changes in substance.

Conclusions drawn from a study of the Members of Parliament who acted on Leicestershire enclosure Bills can in no way be interpreted as a defence of the system of representation in the unreformed Commons, nor do they show that the interests of the peasant landowners were generally respected. What can be claimed, for Leicestershire at least, is that the exertion of direct influence over M.P.s was exceptional. It was usual for local M.P.s to deal with Leicestershire enclosure Bills; in a few of the cases where they did not there was some connection between the Member and the petitioner whereby the latter could claim preferential treatment. But even in those cases, which formed a tiny fraction of the total number in Leicestershire, the evidence is not always conclusive. While it is possible that more such instances occurred and have escaped discovery, they could not be sufficiently numerous for one to conclude that vested interests played a prominent part in the passing of Leicestershire enclosure Bills.



Chapter VI.THE COST OF ENCLOSUREIntroduction.

The disappearance of the small landowner has been attributed in part to his inability to meet the costs of enclosure which forced him to sell his land to the engrossers of farms. The Hammonds, for example, claimed that "... even if the small farmer received strict justice in the division of the common fields, his share in the legal costs and the additional expense of fencing his own allotments often overwhelmed him, and he was forced to sell his property."<sup>(1)</sup> This view is supported by Lord Ernle, who maintained that "Small men might well hesitate, apart from the uncertainty of proving their title, to support an enclosure scheme, since the value of their allotment might be almost swallowed up in the expense of surrounding it with a hedge."<sup>(2)</sup> In this chapter, the nature of these costs, the method of their payment and the ability of the small man to meet them will be discussed; the more general question of the change in landownership following enclosure is examined in chapter XI.

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(1) J.L. & B.Hammond, The village labourer, (1932 ed) 73.

(2) Lord Ernle, English farming past and present, (1936 ed.), 251.



The nature of the costs.

The costs of enclosure can be divided into two broad categories: (a) legal, administrative and parliamentary costs and that of other miscellaneous items such as the scouring of ditches; (b) the costs incurred after the drawing up of the Award, i.e. that of fencing the proprietors' allotments and, usually, that of forming the new roads. Most of the Awards record the sum of the former set of costs and the gross acreage enclosed. The following table is a summary of appendix VII showing the average cost per acre (not including that of fencing the individual allotments) for 88  
(3)  
Leicestershire enclosures.

<u>Date</u>	<u>No enclosures for which figures are available</u>	<u>Acreage enclosed.</u>	<u>weighted average cost per acre of enclosure.</u>
1755-9	10	15,370	12/-
1760-9	38	58,566	12/-
1770-9	24	34,387	16/-
1780-9	11	11,613	22/-
1790-9	<u>5</u>	<u>6,101</u>	<u>23/-</u>
	<u>88</u>	<u>126,037</u>	<u>14/-</u>

The average cost per acre is not, however,

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(3) It is not possible to ascertain the average cost per acre for the remaining enclosures in Leicestershire, either because costs were met otherwise than by a payment of money sums by the proprietors, or because there is no figure in the Award giving the total costs and/or the acreage enclosed.



the exact measure of the charge to the individual proprietor because the costs of the allotments to the tithe owners and the Lord of the Manor were usually borne by the other proprietors. Moreover, as will be seen later, costs not mentioned in the Awards often<sup>(4)</sup> formed a considerable proportion of the total.

It is seen from appendix VII that there was a permanent increase in the average cost per acre in<sup>(5)</sup> the mid 1770s. Costs came to more than £1 per acre in 8 enclosures out of 59 before 1774, and in 20 enclosures out of 29 after this date. This increase is not surprising since the general trend of prices in the second half of the eighteenth century was upward; moreover, as Tate has pointed out, it is possible that many of the enclosures involving high costs were delayed till later in the century when the rise in the price of provisions<sup>(6)</sup> rendered them profitable. There is little mention of costs in the Awards after the 1790s: in Leicestershire

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(4) *Infra* pp. 170-172.

(5) This has also been observed for smaller samples of enclosures in Oxfordshire and Lindsay. See W.E. Tate, "The cost of parliamentary enclosure in England", *Econ.H.R.*, 1952, 263; and also T.H. Swales, "The parliamentary enclosures of Lindsay- II", Reports and Papers of the Associated Architectural and Archaeological Societies of Lincolnshire and Northamptonshire, 1938, 87.

(6) W.E. Tate, *Op. cit.*, 264.



it became the fashion in the later enclosures to meet the costs by the sale of common land, so removing the need for a schedule of the proprietors' contributions towards the expenses.

The cost per acre of most Leicestershire  
(7) enclosures was considerably less than that in the cases quoted by J.L. & Barbara Hammond. They record that Billingsley, in his report on Somerset, gives £3 an acre as the cost of enclosing a lowland parish and  
(8) £2/10/- for an upland parish. On the other hand their  
(9) example of a cheap enclosure, 23/- an acre at Stanwell, was nearer, but still much above, the average figure for Leicestershire (14/-). The latter may also be  
(10) compared with the average of 18/- for Lindsay, £1/5/-  
(11) for Oxfordshire, and £1/17/- for Cambridgeshire.  
(12) The comparatively low average for Leicestershire is largely explained by the large number of enclosures in the 1750s, 1760s and early 1770s, i.e. before the steep rise in

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(7) See appendix VII.

(8) It is not clear whether the cost of fencing is included in these figures.

(9) J.L. & B.Hammond, Op. cit., 74.

(10) Swale's figure revised by Tate, Op. cit., 262.

(11) W.E.Tate, Op.cit., 263.

(12) Gooch, A general view of the agriculture of Cambridgeshire, 1813, quoted by W.E.Tate, Op. cit., 264.



the cost of enclosure took place,.When costs in the same decades are compared the Leicestershire average is much nearer that for Lindsay, Oxfordshire and Cambridgeshire.

The cost per acre was usually low where the relatively indivisible costs could be spread over a large number of acres. It was also low where there was a small number of proprietors, for the surveyors had less work in making the "particular survey,"<sup>(13)</sup> the commissioners had fewer claims to deal with, the re-division of the land was less complicated, and the expense of obtaining the proprietors' consents was also less. At Loughborough (1759), for example, where there were a large number of proprietors (119 allotments were made, although there were less than 119 proprietors), the average cost per acre was £1 at a time when the normal cost ranged from 8/- to 14/- per acre;<sup>(14)</sup> it would probably have been even higher were it not for the large area (2715 acres) enclosed. Similarly, the high average cost at Wigston Magna, £1 per acre, was probably

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(13) Although surveyors were often paid by the acre.  
Supra p. 52. and Infra p. 165.

(14) L.R.O. Collection of enclosure Awards, Loughborough.



due, in part at least, to the fact that the commis-  
 sioners had to deal with more than 80 proprietors. The  
 high average cost at St Margarets (1763) £1/2/- per  
 acre, was ~~probably~~ partly the result of the low acreage  
 enclosed (773 acres). At the other extreme, at Croxton  
 Kerrial (1766), there were 2132 acres to be divided  
 amongst two proprietors and the average cost was only  
 4/- per acre.

The three main items of expense before the  
 Award was drawn up were that of the commissioners, that  
 of the solicitors, and that of the Act itself. It is  
 often possible to discover in the enclosure Acts the  
 fees paid to the commissioners. At Hugglescote (1774)  
 and Bruntingthorpe (1776), for example, they received  
 £1/11/6d each per day engaged on enclosure business,  
 including all expenses. In ten further enclosures  
 between 1776 and 1792 each commissioner was paid this  
 same sum per day which may be taken as the customary

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(15) L.R.O., Collection of enclosure Awards, Wigston  
 Magna.

(16) L.R.O., Collection of enclosure Awards, St Margarets

(17) L.R.O., Collection of enclosure Awards, Croxton  
 Kerrial.

(18) 14 Geo. III c. 25.

(19) 16 Geo. III c. 52.



rate of payment at that period. Between 1793 and 1808 the Leicestershire Commissioners were paid two guineas each, except at Sibson (1803) where they received  
<sup>(20)</sup> £2/12/6d. This sudden and permanent rise in fees may be explained partly by the rising cost of living and partly by the increased demand for commissioners' services in the enclosure boom of the war period. After 1808 the fees were raised to three guineas per day, except at Belton (1812) where each commissioner received a lump sum of 200 guineas, half of which was paid when the allotments were set out and half at the execution  
<sup>(21)</sup> of the Award, and at Medbourne (1842) where the fee of three guineas a day was reduced to two guineas after  
<sup>(22)</sup> two years. These two last methods of payment were doubtless designed to increase the speed at which the commissioners worked..

There is no record of exorbitant expenses being charged by commissioners in Leicestershire such  
<sup>(23)</sup> as Beresford has found for other counties. A witness to the Select Committee of the House of Commons considering Bills of Inclosure (1800) knew of a case

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(20) 43 Geo III c. 38.

(21) 52 Geo. III c. 132.

(22) 5 & 6 Vict. c. 10. A "day" was defined as eight hours between 25 March and 29 September and six hours for the rest of the year.

(23) M.W.Beresford, "The commissioners of enclosure", Econ.H.R., Vol. XVI, 1946, 136.



where the commissioners received 4 guineas a day (although the Act had directed only 2 guineas to be paid) because they claimed to have worked double days (presumably twice the hours of a single day) and to be entitled to double fees. (24) No such instances have been found for Leicestershire where the fees covered all expenses.

Very little evidence can be found about surveyors' fees. Only once were they mentioned in a Leicestershire enclosure Act, at Medbourne (1842), where the surveyor was allowed 2/- per acre surveyed and 2 guineas per day when engaged on duties imposed by the Act other than surveying, mapping and measuring. (25) Henry Homer, several times a commissioner in Leicestershire, declared (in 1766) that surveyors used to be paid at the rate of 1/- per acre, but that the fee had risen in recent years to 1/8d. (26)

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(24) Report of the Select Committee of the House of Commons appointed to consider the most effectual means of facilitating Bills of Inclosure, 1800 (Appendix) p. 87.

(25) 5 & 6 Vict. c. 10. This extra fee was paid when the surveyor was required to assist the commissioners. According to the Select Committee Report of 1800 (p. 79) the usual fee at that date was 1½ guineas.

(26) H. Homer, An essay on the nature and method of ascertaining the specifick shares of proprietors, upon the inclosure of common fields, 1766, 107.



The commissioners' and surveyors' bills came to between a quarter and a third of the total expenses in the five Leicestershire enclosures for which detailed figures are available.

<u>Enclosure</u>	<u>Cost of commission</u>	<u>Cost of Survey</u>	<u>Percentage of total cost.</u>
Rothley (1781)	£310	£162/1/6d	25%
Sutton Cheney (1794)	£294	£280/7/4d	28%
Kimcote & Walton (1778)	£258/8/6d	£317/7/0d	29%
Gilmorton (1777)	£265/2/6d	£225/10/6d	33%
Little Bowden (1779)	£269/16/0d	£195/8/0d	33%

(27)

The largest single item of expense was usually the solicitors' Bill which normally included the fees for arranging and drawing up the enclosure Bill, the interest on money advanced to provide working capital for the enclosure, and the fees arising from the passage of the Bill through Parliament. This latter item formed a considerable proportion of the total cost and, judging from the appendix to the Report from the Select Committee of the House of Commons on Bills of Inclosure (1800), was very unpopular with enclosers. A House Fee or Second Reading Fee was paid on all enclosure Bills. If the land to be enclosed did not exceed 100 acres half fees were paid; if it was between

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(27) The cost of road construction is excluded from the total cost to make the figures comparable with the others.



100 and 300 acres single fees were paid; if there was a larger acreage double fees were paid. Where there were two or more parishes (that did not intercommon) included in the same Bill, separate fees were paid for each parish. Five shillings per person consenting to the Bill was charged by the Commons' committee; in the Lords no charge was made on the number of consents, but there was a fee for the "Evidence Clause." There was also a multiplicity of small fees going to housekeepers, doorkeepers, messengers and clerks. The other main items of expense were those of engrossing and printing the Bill and Act, and those of the solicitor when supervising the Bill during its passage through Parliament.

At Little Bowden (1779) the fees of both Houses of Parliament, the cost of printing Bills, and the fees of George White, the town solicitor, came to £215/4/8d, plus an extra £12/1/4d for interest in this sum. The fees of Mr Wartnaby, the general solicitor,

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(28) Report of the Select Committee of the House of Commons on Commons Inclosure, 1844, B.P.P., v, QQ. 6171, 6210, 6211. Fees paid on a Single Bill in the Commons amounted to £15/2/0d and on a Double Bill £28/15/4d. The Report of the Committee of the House of Commons on Bills of Inclosure, 1800 (appendix p. 102-3) gives a table showing each item of expense in the Commons and the Lords.

(29) The "Evidence Clause" was probably the charge for hearing witnesses concerning the allegations in the Bill.



were £256/2/6d which included payment for attending the commissioners at their meetings, attending the proprietors and taking their consents, his own and witnesses' journeys, drawing up the Bill, having the Act engrossed, drawing up the Award and having it engrossed and enrolled, and supervising the Bill through Parliament. There was a further charge of two guineas for the engrossing clerk. At Sutton Cheney (1794) the solicitor's charges, for both parliamentary and non-parliamentary proceedings, came to £600/18/0d; at Gilmorton (1777) £505/18/9d; and at Kimcote and Walton (1778) £653/14/0d. The latter sum, however, was distributed over a larger area and represented a smaller cost per acre than at Little Bowden where the total legal cost was over £100 less. While it is impossible to draw an average for the whole county from such a small number of enclosures, it can be seen that, in these cases at least, the solicitor's fees amounted

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(30) L.R.O., Collection of enclosure Awards, Little Bowden.

(31) L.R.O., Collection of enclosure Awards, Sutton Cheney.

(32) L.R.O., Collection of enclosure Awards, Gilmorton.

(33) P.R.O., C.P. Recovery Roll, 784.



to more than those of the commissioners and surveyors  
(34)  
together.

Advantage was sometimes taken of enclosure to  
straighten and scour brooks and drains. This operation  
came to £227/6/6d at Glenfield (1809)<sup>(35)</sup>, although at  
Rothley (1781) the cost of cleaning one drain and  
making another was only £18/3/6d.<sup>(36)</sup> At the enclosure of  
Great Bowden (1776), Bowden Brook was straightened  
and set as a boundary between that parish and East,  
West and Tur Langton,<sup>(37)</sup> but no record can be found of the  
cost of this work.

Occasionally, for example at Swinford (1780),  
some proprietors were required to pay sums of money as  
compensation to others for an unequal share of the  
boundary fencing.<sup>(38)</sup> Again, where there were standing crops  
compensation was normally paid by the incoming  
proprietors to the outgoing proprietors. At Nether  
Broughton (1763) the total cost was increased through  
a mistake by the commissioners. They discovered, after  
they had made the allotments, that they had erred in  
their original valuation; consequently several people

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(34) Supra p. 166.

(35) L.R.O., Enclosure commissioners' minute books,  
Glenfield, 22 May 1809.

(36) L.R.O., Collection of enclosure Awards, Rothley.

(37) 16 Geo. III c. 72.

(38) P.R.O. Recovery Roll 799 & 800.



had erected fences in the wrong places, and these had to  
 be removed and compensation paid. At South Kilworth (1789)  
 the proprietors had to contribute towards the expenses  
 incurred by Sir Thomas Cave, the Lord of the Manor, in  
 previous unsuccessful attempts to obtain an enclosure Act. (40)

Two items of expense, that of constructing the new roads and that of fencing the individual allotments, are seldom mentioned in the Awards, and therefore they are not taken into account in the figures of average cost per acre of enclosure tabulated in appendix VII. There is reason to believe that these two items together formed a large proportion of the total costs. The following table shows that road construction was a considerable item of expense in four Leicestershire enclosures.

		(40a)	
<u>Enclosure</u>		<u>Cost of roads</u>	<u>Other costs incurred before the Award was drawn up.</u>
Tugby	(1784)	£838/16/8d	£1279/15/3d
South Kilworth	(1789)	£200/-/-	£1089/15/6d
Lutterworth	(1790)	£231/18/4d	£1877/9/1d
Sutton Cheney	(1794)	£741/1/7d	£2059/4/1d

(39) P.R.O., C.P. Recovery Roll 729.

(40) 29 Geo. III c. 46.

(40a) These figures have been obtained from those Awards that mention the cost of road construction.  
 See also page 45.



(170a)

With regard to the fencing of the individual allotments, William Pitt described that at Thurcaston (1798) and that at Swithland (1798) as formed by "2 rows of posts and rail, each containing double rows, with a mound beneath the under rail, and quicksets planted between; the expenses of enclosing in this manner, independent of act of parliament, commissioners, surveyors etc., may then be estimated, per perch of eight yards;

	s.	d.
Six posts and 12 rails lain down, 6d each	9	0
Mortising, sharpening, and setting	1	6
Ditches on both sides	1	0
Quicksets and planting	1	0
Keeping clean and repairing post and rail	0	6
	<u>13</u>	<u>0</u>



"If we suppose a square mile divided into 10 acre enclosures it will contain 640 acres, and 18 miles; or 3960 perches in length of such fencing at 13/- £2574.

"This is upward of 4L per acre, besides the additional expense of gates etc., but as all enclosures are less uniform and more divided, I suppose the expense will be £5 per acre.<sup>(41)</sup>" The enclosure of Ashby Woulds (1800) with post, rail, and quicksets cost about £4 per acre, <sup>(42)</sup> 3/4 of which was spent on materials and 1/4 on labour.

If Pitt's estimates were typical, the cost of fencing was considerably more than the parliamentary, legal and administrative fees. This is also apparent from the fact that guardians and trustees were permitted to charge their lands at a rate considerably in excess of the fees mentioned in the Award. At Barrow-on-Soar, for example, they were allowed to charge their lands at £3 per acre,<sup>(43)</sup> this being presumably the estimate of total (or maximum possible) expenses; the parliamentary, legal and administrative expenses, however, mounted to only 16/- per acre.<sup>(44)</sup> Again, at Wigston Magna lands held in trust could be charged at £3 per acre, whereas the expenses mentioned in the Award came to an average of £1 per acre.

(41) W. Pitt, Op. cit., 69-70.

(42) Ibid, 83.

(43) 33 Geo. II c. 33.

(44) 4 Geo. III c. 64.



Thus while the average costs of enclosure calculated from the Awards serve as a useful basis of comparison between individual enclosures in Leicestershire and with those in other counties, they were only a preliminary to another heavy drain on the proprietors' financial resources.

The payment of the costs.

In the vast majority of cases in Leicestershire each proprietor (with the exemptions mentioned hereafter) paid a sum of money proportional to the value of his allotment. In the last decade of the eighteenth century, however, it became more usual to sell common land to meet the expenses, especially where there were large areas of common waste to be enclosed, e.g. Charnwood Forest (1808), Ashby Woulds (1800) and Whitwick (1803). At Southfields (1804), now incorporated within the city of Leicester, a part of the land was sold in small lots to trading and professional men who might well have been investing the profits of their principal

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(173)

(45)

occupation to obtain valuable building sites.

At only a very few places were the difficulties of the small proprietors, in meeting the costs, taken into consideration. At Ratcliff Culey (1776) those allotted less than six acres were exempt from

(45)

<u>Purchaser</u>	<u>Profession</u>	<u>Quantity purchased</u>	<u>Sum paid.</u>
W.Turmadge	architect	21 perches	£87/3/3d.
"	"	27½p.	£76/5/4d.
"	"	33p.	£130/11/9d.
W.Bishop	innkeeper	39p.	£132/15/-
E.Parsons	surveyor	1 rood 3p.	£104/3/8d.
J.Highton	hosier	1r 3p.	
W.Davis	auctioneer	1r 6p	£110/5/7d.
J.Deacon	watchmaker	1r 6p	£117/6/8d.
W.Sultzer	draper	31p	£74/5/2d.
J.Miller	banker	1a 1r 9p	£215/9/9d
"	"	1a 1r 9p	£150/3/9d.
"	"	1a 1r 7p	£168/4/4d.
J.Baker	hosier	1a 1r 34p	£160/16/4d.
"	"	1a 2r 11p	£150/8/8d.
"	"	1a 3r 18p	£269/19/9d.
F.Brown	builder	15p	£10.
S.Brinkhart	woolstapler	2r 3p	£156/13/9d.

L.R.O., Collection of enclosure Awards, Southfields.



(174)

(46)  
paying enclosure expenses, and at Sapcote (1778) those  
whose allotments did not exceed £5 per annum in value  
(47)  
were similarly exempt. At Aylestone (1767), John Manners,  
the Marquis of Granby, agreed to pay all the expenses of  
(48)  
the enclosure; the only other proprietors were the rector  
the Lord of the Manor, and four small proprietors with  
(49)  
less than two acres each. At Bitteswell (1787) and  
(50)  
Appleby (1771) cottage common right owners, who had no  
field land, were not obliged to pay their share of the  
costs, and there was also a similar provision at  
Thurlaston (1769), where the cottagers had their allot-  
(51)  
ments fenced at the expense of the other proprietors.  
An allotment made to the poor at Oadby (1759) was also  
(52)  
exempt from expenses. It is difficult to conceive of  
any but humanitarian grounds for such provisions. They  
are unlikely to have been a means of persuading the  
small proprietors and cottage common right owners to  
agree to enclosure, for their consent was hardly worth

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(46) 6 Geo III c. 79.

(47) 18 Geo III c. 9.

(48) 7 Geo III c. 65.

(49) 27 Geo III c. 22.

(50) 11 Geo III c. 59.

(51) 8 & 9 Geo III. (Sess 2) c. 79.

(52) 32 Geo II c. 51.



courtāng; in numbers they were quite strong, but the total value of their rights was insignificant. The cases where the burden of costs upon the poor was thus lightened were, however, exceptional.

It is often possible to distinguish allotments in lieu of cottage common rights, even when the Award does not state the fact, where each recipient paid the same small sum to cover the expenses. At Ashby-de-la-Zouch (1768), for example, seventeen people received allotments on Goose Pen Common or Brick kiln Common varying from 3 roods 8 perches to 1 acre 2 roods and paid 11/3d each; these were almost certainly proprietors of ancient cottages with rights of common, who owned no other land. At Markfield sixteen proprietors received allotments ranging from 1a. 1r. 6p. to 2r. 25p. for cottage common rights and paid 22/3/6d each.

The number of cottagers varied considerably from place to place. At Little Stretton (1770), where previous rights were specified in the Award, no cottagers were allotted land; on the other hand at

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(53) L.R.O., Collection of enclosure Awards, Ashby-de-la-Zouch.

(54) L.R.O., Collection of enclosure Awards, Markfield.

(55) L.R.O., Collection of enclosure Awards, Little Stretton.



Mountsorrell (1781) the common rights of the owners of 67 cottages were recognised by the commissioners who awarded them an allotment in common. The cost to the cottagers amounted to £117/5/- which was paid at the rate of £1/15/- per cottage. A more representative example, however, was Bruntingthorpe (1776) where there were six proprietors with cottage common rights. If, as John Cowper maintained, there were on average twice as many cottage common right owners as farmers, a large proportion of the former must have failed to prove their rights to the commissioners in Leicestershire. Where the previous rights are not mentioned in the Award, however, it is sometimes impossible to distinguish all the cottage right owners because some paid expenses for their field land as well.

Lessees for lives usually paid the share of the cost of enclosure on behalf of their lessors. The lessees for shorter periods were liable to have the terms of their lease changed on enclosure, but the lessors normally paid the expenses. The tenants of the

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(56) L.R.O., Collection of enclosure Awards, Mountsorrell.

(57) An essay proving that inclosing common field lands is contrary to the interests of the nation, 1732, 3.

(58) Leases at 'rack-rent' were declared void on enclosure.



Colleges of the Universities of Oxford and Cambridge were usually required to pay their share of the expenses and so were these of most other institutions, such as hospitals and schools. The trustees of the land of Wigston Hospital at Bottesford (1770) avoided charging their land by agreeing to a reduction of their allotment equivalent to their share of the expenses. The latter were paid by the other proprietors who received a portion of the Hospital's land as compensation. On many of the Earl of Stamford's estates, for example, at Groby, Ratby and Ansty, he agreed to pay the expenses of enclosure and fencing on behalf of his lessees for lives, and in return they paid him an annual sum of money. At Ansty (1760) he paid the enclosure expenses (£77/6/6d) for an allotment of 118 acres 2 roods 20 perches to Noah Thomas his lessee, and the latter paid £7 p.a., to Stamford. In only one instance, at Loughborough (1759) where they received 18/- p.a., was there any mention in the Awards of compensation to the occupiers of cottages for the loss of common rights. There were doubtless many other such agreements, the records of which have not survived.

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(59) 10 Geo. III c. 33.

(60) L.R.O., Collection of enclosure Awards, Ansty.

(61) L.R.O., Collection of enclosure Awards, Loughborough



Where the owners of ancient enclosures had their tithe payments commuted on enclosure they also contributed towards the expenses of the commissioners, the surveyors and the fencing of the tithe owner's allotment. At Leire (1779) the expenses of valuing the ancient enclosures were met by their owners. At Sheepy Parva, (1768) the old enclosures were thrown into a general "hotchpot" with the unenclosed land to be re-allotted, the expenses being met by the owners of the new allotments in proportion to the value of their land.

Vicars never contributed toward the enclosure expenses, and most lay impropriators were similarly exempt. The Lord of the Manor also seldom paid anything. The question of the liability of the Lords of the Manors to pay expenses arose in the Charnwood Forest enclosure (1808). In a letter to Mr Herrick (one of the Lords concerned) John Piddocke (a solicitor) explained:-

"...it was mentioned to you that doubts existed whether the Lords of the Manors were liable to contribute towards expenses in the inclosure, on which account, I have been pressing you for payment, and always observing to the commissioners that I would lay down the money for you

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(62) 19 Geo. III c. 64.

(63) 8 Geo. III. c. 40.

(64) Exceptions were at Wimeswold (1757), Great Glen (1758-9), Noton (1759), and Somerby (1760).



in your absence, it had been thought right to have counsel opinion as to the liability of the Lords, and have by the post today recorded the opinion of an able person and he is inclined to think the lords are not liable to contribute toward the expenses." (65)

In spite of this opinion there was no fixed rule in Leicestershire; where Lords of the Manors (and lay impropriators) paid their share, it was probably an inducement to the other proprietors to agree to enclosure.

The profitability of enclosure.

How did the cost of enclosure compare with the annual value of the land and how far did the subsequent increase in the productivity compensate for the capital outlay? At Lutterworth (1790) the total annual value of the land enclosed was estimated at  
(66)  
£1546/2/2d by the commissioners. The costs, excluding those of fencing the individual allotments, came to £1877/9/1d, i.e. considerably more than the annual value of the land at the time of enclosure. Similarly, at Orton-on-the-Hill (1782) the cost of enclosure (not including the private fencing) was £1573 and the annual  
(67)  
value of the land was estimated at £1097/4/4d.

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(65) L.R.O., Herrick MSS, Bundle 24.

(66) L.R.O., Collection of enclosure Awards, Lutterworth.

(67) P.R.O., C.P. Recovery Roll, 801.



There are no records available from which it is possible to estimate the increase in value of the land in the years following enclosure, although some of the contemporary agricultural writers made some valuable observations. At Queniborough, for example, "Mr Graham [a farmer of 400 acres] says this land in its open state was very unprofitable to the occupier, though rented at 10 to 12s per acre, the great expense of cultivation, and collecting crops from patches of land dispersed over the whole lordship, the trespass from stock getting loose, and the loss from disorders in sheep...was such, that he thinks the occupiers could<sup>not</sup> have gone on;....

"The rent [of the newly enclosed land], according to Mr Graham, is now 23s per acre, upon the average, tithe free; the former rent having been 11s, advance 12s per acre, or £1230 per annum. The enclosure [in 1793] has, therefore, been a good speculation to the proprietors, but Mr Graham believes the occupiers could not have paid their way, had it not been for the late extraordinary prices of corn and sheep: as the improvement is now coming round, he believes they will be able to go on." (68) Robert Bakewell was impressed by the potentialities of the land at Queniborough. He was heard to say that he would willingly give 25/- per acre



for several hundred acres of it and also meet the expense of enclosing provided he could have a lease of 21 years. <sup>(69)</sup>

Pitt seemed to think that the enclosure of Charnwood Forest (an enclosure of waste and common) would be well worth while. ".....it is of some value, suppose 2/6d per acre; but by enclosure and cultivation it might be improved ten-fold, or made equally well worth one pound five shillings per acre, after the first round of cultivation." <sup>(70)</sup> His view appears to have been justified, for Potter, writing some twenty years after the enclosure, declared, "That Act [the enclosure Act of 1808] increased the value of the land some thirty, some sixty, and some a hundred fold." <sup>(71)</sup>

Arthur Young, on the other hand, a strong advocate of enclosure, wrote very guardedly about the immediate profits of enclosure. "[The]...impositions and inaccuracy of commissioners have risen to such a height, that many proprietors who were eager for inclosures, on a sanguine prospect of benefit, have found the measure highly injurious and totally owing to the immense expences. There is very false idea current, that rents are doubled by inclosing;...This notion hurries numbers to inclosing

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(69) John Monk, A General View of the Agriculture of Leicestershire, 1794, 45.

(70) W. Pitt, Op. cit., 176.

(71) Potter, Charnwood Forest, 1842, 30. John Iveson, a commissioner to this enclosure, told the House of Commons Committee on Commons' Inclosure (1844)



who afterwards find the expences to run away with the great part of the profit. But even where the expences do not exceed the profit, it is often the case, that the proprietor is not repaid in six or seven years, perhaps more."<sup>(72)</sup>

Marshall's observations support this view. He thought that enclosure was disadvantageous to the tenant during the first six or seven years after enclosure "by reason, he cannot, in less than that time, bring his land to a good 'turf'."<sup>(73)</sup>

Appleby in Leicestershire (enclosed 1771) was a case in point for "although it is ten or twelve years since it was enclosed, the enclosures have not yet reached their most profitable state."<sup>(74)</sup> The commissioners to the Melton Mowbray enclosure (1760) were also very cautious concerning the potential value of the land. They estimated that the 247 acres allotted to the improPRIATOR, worth £130 p.a., was capable of further improvement to an annual

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cont/

that the working of the whole enclosure, including parliamentary expenses and roads, cost more than £70,000. The land whose owners had a right of common on the Forest amounted to between 60,000 and 70,000 acres. The actual land enclosed was about 12,000 acres. B.P.P., 1844, v, QQ. 3709, 3715, 3717.

(72) A. Young, A Six Months Tour through the North of England, 1771, Vol. 1, 229-30.

(73) W. Marshall, Op. cit., Vol. 2, 39.

(74) Ibid.



value of £160/10/- in fifteen years' time.<sup>(75)</sup> The Select Committee of the House of Commons on inclosing wastes (1795), although continually emphasising the benefits of enclosure both to the nation and to the individual, also admitted that one of the great objections was the cost and that sometimes proprietors were not quickly repaid.<sup>(76)</sup>

At Loughborough (1759), however, there seems little doubt about the financial benefit of enclosure. "Very few inclosures have answered better than that of Loughborough, in which the common rights, which, before the inclosing, sold at £10 each, arose to £50, and since even to £70; and the land that was at 7s is now at 40 shillings."<sup>(77)</sup> According to Monk "It is the opinion of the first men

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(75) L.R.O., Collection of enclosure Awards, Melton Mowbray.

(76) Report from the Select Committee of the House of Commons appointed to take into consideration the means of promoting the cultivation and improvement of the waste, uninclosed and unproductive lands of this kingdom, 1795, 14.

(77) A.Young, A Month's tour to Northamptonshire and Leicestershire, 1791, (L.S.F. reprint, 1932), 328.



in the county, that inclosing the open fields had advanced the rents all through the county upon an average as from eight to twenty." (78)

It seems, therefore, that the results of enclosure varied considerably from place to place and that it was not always immediately profitable where high costs were incurred.

#### Conclusion.

The lack of a large number of detailed accounts for Leicestershire prevents a close examination of each item of cost; but it is clear that the total cost varied according to the number of commissioners and surveyors employed, the level of their fees, their efficiency and the technical problems of enclosure that arose, the acreage enclosed, the number of proprietors, and the number of ancillary operations carried out such as draining and ditching.

There was an increase in the average cost of enclosure after the 1770s due mainly to rising commissioners' and solicitors' fees, and possibly because enclosures involving a large amount of administrative work were postponed till rising prices made them profitable. Efforts to reduce costs were made by cutting

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(78) Presumably percent. J.Monk, Op. cit., 45.



the size of the commission or by offering inducements for the work to be done more quickly. Unfortunately there are no figures revealing the effect of the General Enclosure Act of 1801 on the cost of enclosure in Leicestershire.

W.E.Tate has argued that the annual interest on money borrowed, say at 5%, by proprietors to pay the costs mentioned in the Awards amounted to a comparatively small fraction of the value of the gross yield from the land. Nonetheless we cannot dismiss the view that enclosure costs were a serious problem for the small peasant farmer. The latter had heavy expenses not mentioned in the Awards, and it is by no means certain that he could always obtain a supply of capital at this rate. Moreover, the full benefits of enclosure were

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(79) This Act reduced the cost of drawing up a Bill by allowing the incorporation of certain clauses by reference to the General Act, and by allowing affidavits instead of the personal attendance of witnesses in Parliament.

(80) See W.E.Tate, Op cit., 265.

(81) L.S.Presnell has shown that in a few instances country banks financed enclosure- but their loans were merely to accommodate the commissioners until the landowners paid their assessments. Thus the latter were still faced with the problem of how to raise the cash. Presnell declared that ~~large~~ landowners do not appear to have received much finance from country bankers, for the latter were reluctant to lock up money in mortgages. During the late years of the Napoleonic Wars, however, country bankers helped many tenant farmers to purchase their holdings. Some aspects of English country banking, 1750 to 1844. (Ph.D. thesis of University of London, 1953). 425, 429-439.



sometimes not felt for some years. It has been seen that some proprietors found difficulty in providing the ready cash and that little effort was made in Leicester-<sup>(82)</sup>shire to relieve the financial strain on the small landowners. Where the latter were forced to meet the costs from their own resources, or where they were living little above subsistence level, the loss of what probably amounted to considerably more than a year's income must have placed many in a perilous position. The evidence of the actual selling out that took place is examined in chapter XI.

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(82) Supra p. 53.



The payment of tithes was one of the most unpopular features of the eighteenth century agrarian economy. Not only did the leading agricultural writers of the day have much to say on the question, but it also called forth a host of pamphlets and counter-pamphlets from landowners, farmers and members of the clergy. William Pitt, for example, remarked on the bitterness that existed in Leicestershire between tithe owners and tithe payers, and Thomas Comber, the rector of Buckworth and Morborne (Hunts.), admitted that "The Circumstance of taking Tithes in Kind is so loudly complained of throughout the whole Kingdom..." Arthur Young, who was continually attacking the system of tithe payments, considered that it was "the greatest burden that yet remained on the agriculture of this kingdom."

Although some writers exaggerated the case against tithes and clergymen were unnecessarily dogmatic

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- (1) W.Pitt, A general view of the agriculture of the county of Leicester, 1809, 47.
- (2) T.Comber, Real Improvements in Agriculture (A letter to Reade Peacock Esq.), 1772, 14.
- (3) A.Young, Political arithmetic, 1774, 18.
- (4) An example was Richard Flower who claimed that agriculture was in danger of being "stricken with famine" through the avarice of the clergy. Abolition of tithes, 1809, 28. Young, himself, complained that the landowners were "groaning under the slavery of tythes". Annals of Agriculture, Vol. 15, 578.



in their counter-arguments, there is no doubt that the institution was open to serious criticism. The main allegation of the former was that the farmer was unwilling to increase the productivity of his land where tithes were taken in kind so that, consequently, "half a tillage stints the smiling plain."<sup>(5)</sup> Those who supported the system pointed to the flourishing state of agriculture<sup>(6)</sup> as a refutation of their opponents' argument. It was also maintained that waste lands on the margin of cultivation, which it had been profitable to cultivate during the Napoleonic Wars, would return to their natural state because of the burden of tithes. As a result, the public would lose by the falling off in<sup>(7)</sup> production and the clergy from the diminution in tithes.

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(5) R. Flower, Op. cit., 26.

(6) For example, James Bearblock employed this argument against Flower's pamphlet. Observations on a pamphlet written by Richard Flower recommending the Abolition of Tithes, 1809, 22-23.

(7) This is one of the arguments used by John Benett in his Reply to the Letter of the Reverend William Coxé on the subject of the Commutation of Tithes, 1815, 39. Benett had been awarded a gold medal by the Bath and West of England Society for the Encouragement of Agriculture, Arts, Manufactures and Commerce for his Essay on the Commutation of Tithes, 1814. The essay prompted a rejoinder from the Reverend William Coxé, the Archdeacon of Wiltshire, which was followed by the above reply from Benett and four letters from Coxé. Both writers' replies are characterised by bitter invective and biting sarcasm.



The Reverend William Coxe, Archdeacon of Wiltshire, claimed, on behalf of the clergy, that tithe payments were in fact a rent; if they were abolished the land-owner, and not the farmer, would be the gainer in the long run, for rents would be raised correspondingly at the expiry of the lease.<sup>(8)</sup>

It was a common complaint amongst farmers that tithe-owners took more than 1/10 of the natural produce of the soil; that is to say, by taking 1/10 of the gross produce the tithe-owner also received a part of the return on the farmer's capital outlay. Many writers who accepted the principle of tithe payments were, at the same time, anxious that their value should be calculated from net produce, i.e. the value of the gross produce minus production costs.

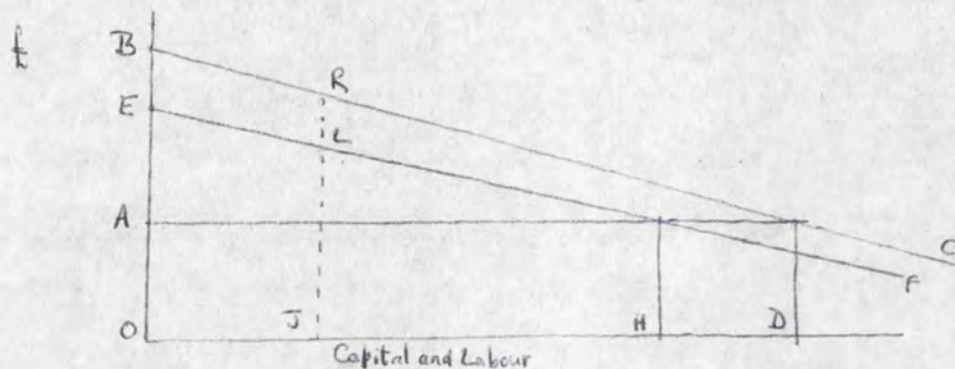
A further argument often used against the system of tithes was that it penalised the industrious. Richard Preston lamented the fact that "...the individual, who, by superior industry, makes an acre of land worth only 10s in its natural herbage, and consequently only liable to pay 1s a year for tithes,

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(8) W.Coxe, A third letter to J.Benett, 1815, 50.



produce a crop of the value of 10L should subject himself to pay 1L a year for tithes...<sup>(9)</sup> It does not necessarily follow, however, that the payment of tithes always discouraged investment in agriculture; it depended on the circumstances of the individual farmer. A hypothetical situation is illustrated in the following diagram:



If BC is value of the gross marginal product and CA is the marginal cost when increasing "doses" of labour and capital are applied to a farm, it would pay the farmer to invest up to OD; this is the point where marginal cost equals marginal revenue. If, however, a fixed proportion of gross produce has to be paid to the titheowners, the marginal return to the farmer becomes EF and he will reduce his investment from OD to

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(9) Richard Preston, M.P., "A review of the present landed and agricultural interests", The Pamphleteer, Vol. VII, 1816, 155.



(10)

OH. In practice it would not be possible for the farmer to estimate accurately the shape of his revenue curves, and the element of risk involved would be an important factor in his calculations. Nevertheless the assumption that the marginal cost curve would cut the marginal revenue curve as in the above diagram is made by those who argued that tithe payments discouraged investment in agriculture. It is possible, however, particularly in the case of small farms, that capital resources were limited, say to OJ. In this case it would be profitable to the farmer to invest the whole of his resources whether tithes payments were made or not because marginal cost would still be below marginal revenue. The proportional tithe payment would merely reduce the farmer's gross revenue from BRJO to ELJO. Thus the effect of tithe payments clearly depended on the shape of the revenue and cost curves and the extent of the capital resources.

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- (10) These may have been the cases that Pitt had in mind when he declared that the payment of tithes in kind tended to "stagnate and check all improvement." W.Pitt, Op. cit., 48. Writing to Arthur Young, however, Pitt professed his ignorance on the subject of tithes and Church revenue. Annals of Agriculture, Vol. 32, 1799, 279. In many cases it seems that the incidence of the tithe payment was felt by the landlord. J.Howlett, An Enquiry concerning the Influence of Tithes on Agriculture, 1801, 35-6; W.Coxe, A third letter to John Benett, 1815, 48.



The large farmer was probably more anxious to be rid of proportional tithe payments than was the small farmer. It was from the former, having larger capital resources, that many of the improvements in eighteenth century agriculture came, and it was his investment that was more likely to be reduced by the obligation to pay tithes. Moreover, the large farmer was more able to withstand the loss of a proportion of his land to commute his tithe payments; such a loss for the small man would reduce still further his uneconomical unit of production. The flexibility of proportional tithe payments was favourable to the small farmer in times of bad harvest when they were reduced; after commutation there was no such compensation. This factor was less important to the large farmer, for after enclosure he was more able to increase the productivity of his land and less likely to meet disaster from one or two seasons of bad harvest.

Advantage was taken of enclosure by Act to commute the tithe payments. The form of commutation

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(11) A. Young, "The different circumstances of large and small farms considered", Farmers letters to the people of England, 1767.

(12) i.e. he was likely to find himself in a position to the right of OH in the diagram above.

(12a) Except at Harston (enclosure Act 1789).



varied considerably from enclosure to enclosure and from decade to decade. The most frequent method, particularly in the 1750s, 1760s, and 1770s, was to allot  $1/7$  of the land to be enclosed to the titheowners, to be divided in a specified or unspecified way between them if there were more than one. Almost as often, however, they were allotted  $1/8$  of the land to be enclosed. Sometimes this allotment was for the great tithes only, and a money payment or a much smaller proportion of the land to be enclosed (e.g.  $1/56$  at Whetstone) was given for the small tithes.

After the early 1790s a distinction was often made, when deciding the proportion of land to go to the titheowners, between the different types of land. At Newbold Verdon (1810), for example, the rector received  $1/5$  of the open fields and of the ancient enclosures in tillage,  $1/9$  of the commons and waste,  $1/10$  of the woodland and land covered with water, and  $2/7$  of all other parts. At Sheepy Magna the

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(13) A land allotment was praised by Howlett as "the best and most secure [form of] commutation." Op. cit., 43.

(14) At Belton as much as  $1/5$  of the unenclosed land was allotted to the titheowner.

(15) At Thurstaston, where a similar method was employed, arable land was defined as all land which had been ploughed within seven years of the enclosure. At Thurlaston "leys and sward land" which had been ploughed within memory of living men were included as arable land.



proportions were  $\frac{1}{5}$  of arable land and  $\frac{1}{9}$  of grass land. At Queniborough (1793) the impropriator of the great tithes received  $\frac{2}{9}$  of the Corn Sand Field including the hedges and bulks,  $\frac{1}{5}$  of the Corn Clay Field including hedges and balks,  $\frac{1}{9}$  of the homesteads contiguous to the dwelling houses,  $\frac{1}{7}$  of the other homesteads and Boonton Meadows, of the Lott Grass land, of the furzeland and other commonable lands and of the leys. The vicar of this parish received, in lieu of his vicarial tithes, land worth £45 p.a. from the owners of the newly enclosed land, and land from the open fields worth £2/6/- from the owners of ancient enclosures.

In some places tithe payments in kind were replaced by an annual payment of money from the proprietors which varied according to the average price of wheat. In this way the discouragement to increase productivity, which payment in kind was alleged to have been, was removed and the titheowner was sheltered from a general fall in the value of money so long as wheat prices rose in the same proportion as other prices. The arrangement at Slawston (1793) was typical. Two persons nominated by the justices plus a third person chosen by the nominees ascertained from the London

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Gazette the average price of the Winchester bushel of best Leicestershire wheat for the last 14 years. A new average was calculated in the same manner every seven years after enclosure and compared with the original average. Where the two averages differed by more than 3d the annual money payment was altered proportionately. This arrangement was praised by Arthur Young, who quoted the enclosure Act (1791) for West Langton, East Langton, Thorpe Langton, and Tur Langton in Leicestershire to illustrate its detailed working.<sup>(16)</sup>

In several enclosures the proportion of the land to be allotted in lieu of tithes was left to the discretion of the commissioners. This arrangement, in the case of Whitwick (1803), was due to the failure of the promoters of enclosure to agree on terms.<sup>(17)</sup> At Knipton (1797) the tithe allotment was made to the Duke of Rutland (the Lord of the Manor), who paid an annual sum of money, equal to its annual rent, to the rector. At Loughborough (1759) the many cottage common right owners, unlike the larger proprietors, paid an annual sum of money instead of having their small land allotments reduced to commute their tithes.

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(16) Annals of Agriculture, Vol. 15, 565-575.

(17) *Supra* p. 72.



Normally tithes were commuted on old enclosures by means of an allotment of  $1/10$  of the value of the (18) latter to the tithe owners, or, particularly in the early parliamentary enclosures, by an annual money payment. Where tithes had been paid annually by a fixed sum of money before enclosure (in some score of cases) this arrangement remained unchanged afterwards. Those proprietors with no unenclosed land to give up to commute the tithes on their old enclosures paid an (19) annual sum of money to the tithe owner instead. At Osgathorpe (1785) the owners of old enclosures with no land in the open fields paid a sum equal to  $1/10$  of the value of their land toward the expenses of enclosure, and the titheowner was compensated by an allotment from the open fields deducted from the allotments of the other proprietors.

Lay improPRIATORS almost invariably received a land allotment in lieu of their tithe rights, whereas the incumbents more often received money payments.

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(18) At Sproxton (1771) the fraction was  $2/17$  and at Barkestone (1791)  $1/9$ . At Bitteswell (1787) the commissioners were to decide on an allotment which could be between  $2/15$  and  $1/10$  of the total value of the old enclosures; similarly at Leire between  $2/18$  and  $2/19$ .

(19) Except at Newbold Verdon where part of the ancient enclosures had to be given up if their owners did not possess sufficient land in the open fields and commons to commute their tithes.



Variations in the proportion of land allotted to the titheowners at different places may be attributed to differences in the relative bargaining power of titheowners and tithe payers.

The fortunes of the titheowners largely depended upon the method of commutation. The lowness of agricultural prices and rents up to 1766 probably accounts for the fact that most of the instances where annual money payments were substituted for payments in kind, both on newly enclosed and old enclosed land, occurred in the 1750s and early 1760s. But where the incumbent received an annual money payment not varying with the price of corn he exposed himself to fluctuations in the value of money. He thus suffered a loss in real income as prices rose in the second half of the eighteenth century, especially during the inflation of the Napoleonic Wars. Worst affected were those whose income from glebe was small and who had taken their  
(20)  
tithes in kind before enclosure. Those who received

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(20) It is very difficult to ascertain the method of paying tithes in Leicestershire before commutation. The enclosure Act gives a clue by providing that compensation should be made for tithes in kind and modus payments, but no hint is given as to the proportion of the land on which the two types of payment were made. Pitt, speaking of the western part of the county, declared that tithes were seldom taken in kind. But he was writing in 1790 when most of that part of the county had been enclosed and the tithes commuted.



a land allotment enjoyed a rising income from an appreciating asset. The tables were turned, however, in the period of agricultural depression after the war when the value of land fell and that of money rose. Where commutation had taken place during a time of agricultural prosperity the recipients of fixed money incomes probably enjoyed a greater real income than had they continued to receive their tithes in kind. Much land was converted to pasture after enclosure in (21) Leicestershire but, by means of commutation, owners of the great tithes managed to escape a reduction in their income.

The detailed study of Leicestershire confirms Lavrovsky's generalisation, based on twenty enclosure Awards throughout the county as a whole, that the commutation of tithes on enclosure involved a large (22) transfer of land from lay to ecclesiastical hands. In Leicestershire 14,800 acres were transferred in this manner and, as a result, the incumbent often became a leading, if not the greatest landowner in the (22a) parish. At Bottesford the rectory was worth £900 p.a. (23) per annum after enclosure and commutation of tithes

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(21) *Infra* p. 240.

(22) V. Lavrovsky, "Tithe commutation as a factor in the general decrease of landownership by the English peasantry", *Econ H.R.*, 1932-4, 273-89.

(22a) See p.<sup>252</sup> for examples.

(23) Pitt, *Op. cit.*, 47.



(1770). Almost of equal importance, however, was the accumulation of land by lay improPRIATORS. In Leicester-shire they received an aggregate of 10,000 acres, bringing the number of acres transferred by commutation of tithes to 24,800. This was undoubtedly a very important factor in the decline of the occupying owner and the rise of the large tenant farmer. Every enclosure Act contained a clause giving the incumbent legal sanction to lease his allotment for 21 years at a time with the permission of the Bishop of Lincoln. Moreover, most of the lay improPRIATORS were not farmers themselves but belonged to the class of landed gentlemen and squires, and it may be presumed that most of the land acquired by them was subsequently leased out. While the transfer of land through commutation involved a good deal of land that was already being leased, the land given up by occupying owners was in the main a transfer to a landlord class.

The commutation of tithes on enclosure helped to promote the interests of large scale capitalist farming. First, as a result of the large transfer of

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(24) These figures have been obtained by adding together the allotments in compensation for tithe rights in all the Leicestershire enclosure Awards.



land to the clergy a new class of landlords arose who were, in many cases, equal in importance (as landowners) to the local squire. Similarly the lay improPRIATORS, who were usually already large landowners, increased their estates. The small farmer, without the same prospect of a large increase in output as the large farmer, was more seriously affected by the loss of a part of his land. Secondly, it is unlikely that the commutation of tithes had the revolutionary effect envisaged by its advocates; but nevertheless it removed the burden of a very inefficient tax and increased the reward of those farmers who were able and willing to augment the productivity of their land after enclosure. Even allowing for exaggeration in Arthur Young's allegation that the system of tithe

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(25) Howlett, who rebuked most critics of the system of tithe payments, admitted that the inconvenience and cost of collecting was a "real and substantial objection to the practice in question." Op. cit., 24.



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payments was "such a horrible oppression that men  
will give enormous compensations to be rid of it",<sup>(26)</sup>  
their commutation can be regarded as one of the highly  
beneficial changes brought about on enclosure.

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(26) Annals of Agriculture, Vol. 15, 577. According to  
Arthur Young nowhere in western Europe were tithe  
payments so oppressive as in Great Britain. See  
Young's Answer to a letter on tithes to Arthur  
Young Esq. (by J.S.), 1792, 17.



Chapter VIIIPOOR RELIEF AND ENCLOSURE

Any discussion of the enclosure movement that did not take into account the fate of those who lost their means of livelihood after enclosure would ignore one of its most controversial aspects. One of the social evils attributed to enclosure by some writers was a large increase in the number of unemployed, who became a heavy burden on the poor rates of the parish.<sup>(1)</sup> It is possible, however, that the effect of enclosure in creating local unemployment has been exaggerated. It is proposed, accordingly, to examine the accounts of overseers of the poor and their returns to the government in order to determine how far enclosure had this alleged consequence in Leicestershire.

There were both a large number of enclosures and a rapid growth in poor relief expenditure between 1760 and 1830, and it is not surprising that many contemporary commentators believed them to be connected. Moreover, there can be little doubt that

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(1) For example, by S. Addington, An inquiry into the reasons for and against inclosing open fields, 1772, 45. See also D. Davies, The case of labourers in husbandry, 1795, 55-7.

The way enclosure could lead to poverty amongst certain classes by the loss of common and other rights, by the high costs, and by the reduction in the demand for labour when conversion of arable land to pasture took place is well-known and need not detain us here.



in some cases they were right. For example, at Kibworth Beauchamp in Leicestershire "before the fields were enclosed [1779] they were solely applied to the production of corn; the Poor had then plenty of employment in weeding, reaping, threshing etc., and would also collect a great deal of corn by gleaning, but the fields now being in pasture, the farmers have little occasion for labourers and the Poor being thereby thrown out of employment, must of course be supported by the parish."<sup>(2)</sup> As a result, it was said, the poor rates increased more than three fold, and the situation would have been much worse had it not been for the demand for labour for canal cutting in the district.<sup>(3)</sup> At Yardly Goban, in the neighbouring county of Northampton, many people attributed the rise in the poor rates to the fact that men of small means were unable to stock the large farms which had arisen as a result of enclosure.<sup>(3a)</sup> A letter to George Burton, a proprietor of Queniborough, Leics. from a fellow proprietor Richard

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(2) Sir F.M. Eden, The state of the Poor, 1797, (ed. by A.G.L. Rogers, 1928), 226-227.

(3) Ibid, 227.

(3a) Ibid, 267.



Gregory (dated 21 Jan 1729), shows what the small men had to fear from enclosure: "Sir John Hartopp in your time inclosed a small field in Burton wherein 13 families were concerned. 8 or 9 of these families in five years became chargeable on ye town and he has not given ye poor one farthing since. I leave you to judge what detriment it may be to ye inhabitants."<sup>(4)</sup>

The General Report on Enclosures by the Board of Agriculture in 1808 contains several returns concerning the fate of the poor after enclosure. It was usually unfavourable; e.g. at Donington, Lincs. it was said that the cottagers had lost 140 cows through enclosure, and at Passenham, Northants. the poor were "Deprived of their cows, and great sufferers by loss of their hogs."<sup>(5)</sup>

It is unwise, however, to generalise from individual cases such as these, for where enclosure did not lead to a considerable increase in the poor the fact would not have excited much attention. Moreover, the problem of the poor was not confined to parishes that had recently undergone enclosure. Eden estimated that at Ashby-de-la-Zouch nearly 4/5 of the inhabitants

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(4) L.M. 81'30/56.

(5) Board of Agriculture, General Report on Enclosures, 1808, 151.



who were receiving poor relief (1797) belonged to the manufacturing class; Pitt, speaking of Leicestershire, declared that poor relief expenditure was much less in purely agricultural regions; and Arthur Young thought that the poor rates were much higher on the average in some of the manufacturing districts on his eastern and northern tours. But even if this were generally the case we could not exonerate enclosure on this evidence; it is possible that redundant labour in enclosed areas migrated to industrial areas where there were not sufficient opportunities of employment to absorb them permanently. In this case industry would receive the blame which, at least in part, rightly belonged to enclosure. A distinction must therefore be made, as far as possible, between pauperism primarily due to fluctuations in industrial and agricultural prosperity and pauperism which arose from frictional unemployment after enclosure.

Parliamentary enclosure in Leicestershire affected less than half the <sup>lordships</sup> ~~parishes~~ in the county,

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(6) Sir F. Eden, Op. cit., 224.

(7) W. Pitt, A general view of the agriculture of the county of Leicester, 1809, 48.

(8) A. Young, Political arithmetic, 1774, 10-11.



whilst in any one decade the proportion of parishes enclosed was comparatively small. Hence to compare the period when most enclosure took place with the period when the largest increase in poor relief expenditure occurred in the county as a whole would be an oversimplification of the problem; it is necessary to know whether the rate of increase in expenditure in parishes recently enclosed was significantly larger than that of other parishes in any period. Moreover, account must also be taken of changes in the administration of poor relief: larger amounts spent, say in the 1790s rather than the 1760s, may reflect a more liberal administration of outdoor relief rather than the relatively insignificant influence of enclosure.<sup>(9)</sup>

The earliest available returns of the expenditure of the overseers of the poor for a large number of individual parishes are for 1776, and there are also similar statistics for the years 1783, 1784 & 1785.<sup>(10)</sup> Unfortunately they do not distinguish the expenditure on removal of paupers and on legal proceedings from that on the actual maintenance of the

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(9) *Infra* pp. 211-212.

(10) The figures for 1776 and 1783-4-5 are available in An abstract of the answers and returns made pursuant to Act 43 Geo. III, relative to the expense and maintenance of the poor in England, 1803-4. B.P.P. 1803-4, xiii.



poor; but they are the only comprehensive statistics available for this period, and, as they appear to be  
 (11)  
 pretty accurate, they provide the essential basis for the present study. In the early nineteenth century it became more common for the government to enquire into the parish expenditure on the poor and there are returns for the years 1803, 1813, 1814, 1815, 1825, 1826, & 1827, giving sums spent on the poor in every parish, comparable with those for the eighteenth  
 (12)  
 century.

In order to study the returns for Leicester-shire a sample has been taken of 109 parishes<sup>and lordships</sup> (slightly less than 1/3 of the total number in the county) which have been <sup>classed</sup> ~~divided~~ according to whether they were predominantly agricultural (84 parishes) or industrial (25 parishes). A parish has been considered

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(11) G. Nicholls, A history of the English poor law, 1898, Vol. 2, 94.

(12) The 1803 returns are available in An abstract of the answers and returns made pursuant to Act 43 Geo. III, relative to the expense and maintenance of the poor in England, 1803-4, B.P.P., 1803-4, xiii; those for 1813-14-15 in Abridgement of the abstract of the answers and returns made pursuant to Act 55 Geo. III for procuring returns relative to the expense and maintenance of the poor in England, 1816, B.P.P., 1818, xix; those for 1825-26-27 in Account of the amount of money levied and expended for the relief of the poor in every parish in England and Wales, 1825-1829, B.P.P., 1830-31, xi.



predominantly agricultural when, according to the early  
 (13)  
 nineteenth century population censuses, the proportion  
 of families engaged in agriculture was at least 2½:1  
 and where the absolute number of families not so  
 (14)  
 engaged was less than 15. A similar definition of  
 predominantly industrial parishes has also been used.  
 The predominantly agricultural parishes comprise two  
 groups: 40 parishes enclosed before 1740 and 44  
 enclosed by Act between 1740 and 1825. The latter have  
 been sub-divided <sup>according</sup> to whether they were enclosed between  
 1740 and 1775 or between 1776 and 1825. Thus there is  
 a group of old-enclosed parishes, a group recently  
 enclosed by Act when the first comprehensive statistics

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(13) The early nineteenth century censuses of population classify the inhabitants of each parish according to whether they were employed in (a) agriculture, (b) trade or manufacturing, (c) occupations other than (a) or (b). The first census of 1801 cannot be used for the present purpose, however, because the return of the occupation of each person was made, and an ambiguity arose over that of wives and dependent children. In some parishes they were returned as being in the same occupation as the head of the household, whilst in others they were returned in class (c). Thus parishes known to be predominantly agricultural were returned as having fewer persons in class (a) than in classes (b) and (c). In the following censuses the anomaly of the 1801 census was admitted and the return made for families instead of persons. The result was declared to be highly satisfactory.

(14) Although in the vast majority of cases the number was much less than 15. In the class of agricultural parishes enclosed before 1740, for example, no parish had more than eight non-agricultural families.



of poor relief became available, and a group enclosed by Act during the period between 1776 and 1825.

The course of the expenditure on the poor in the various classes of parishes have been plotted in diagrams I & II at the end of this chapter. Diagram I shows the course of the poor rates in the three classes of agricultural parishes. The absolute and relative levels of the curves are unimportant because the number and size of the parishes in each group vary; it is the relative slope of the curves, i.e. the comparative rate of increase in expenditure, which is significant. Diagram II shows the expenditure on the poor of the three groups in diagram I, drawn on a logarithmic scale, with the addition of the poor relief expenditure in industrial parishes over the same period. The curve of the latter appears well above those for the agricultural parishes, for they were, on the whole, larger. In both diagrams the average of the three years 1783-4-5, of the three years 1813-4-5, and of the three years 1825-26-27 have been used.

Before drawing any conclusions from the graphs certain drawbacks which arise from their method of construction should be indicated. First, there are only five points on each graph, two relating to individual years (1776 & 1803), and three to the average of three years. The years to which the points relate may not



have been typical of poor relief expenditure in the decades in which they fall. If in the year for which figures are available there happened to be an unusually bad harvest, the sum spent on poor relief would probably be higher than the average for the decade. Thus if a continuous series of detailed figures of poor relief could be found, <sup>the</sup> shapes of the resulting graphs might differ from those as they now stand. Nevertheless, (15) although no exact correlation can be attempted, it is possible to suggest the relative effects of enclosure by comparing the rates of increase of poor relief expenditure in the various groups of parishes.

The points on the graphs show the total expenditure of each group of parishes in the years indicated. The detailed returns show that within each group there were some places whose experience differed widely from the average; in a few parishes, for example, the absolute level of expenditure fell over a given period whilst the average for the group rose. Thus any general statements based on this evidence can only relate to a majority of parishes. Moreover, since no

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(15) For example the graphs do not show the great peak in poor relief expenditure in Leicestershire in 1819. G.R.Porter, The Progress of the Nation, 1847, 86.



parish was purely agricultural or purely industrial, and since the income of agricultural workers was often augmented from an auxiliary occupation, it is impossible to attribute an increase in the numbers receiving relief solely to one factor. One can reasonably presume, however, that large increases in poor relief in predominantly agricultural parishes were most likely to have been caused by unemployment or low wages in agriculture; and, in predominantly industrial parishes, to unemployment or low wages in industry. (15a)

Differences in the rates of increase from parish to parish might be explained partly by changes in the administration of poor relief. Where a particular repellent workhouse was constructed or where it was decided to farm the poor, for example, a worsening of (16) (17)

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(15a) But see supra p. 205.

(16) A large number of Leicestershire parishes were in Gilbert Unions. L.R.O. Union Orders, 2507-2511. In 1776 there were 44 workhouses in Leicestershire, and in 1803 69 parishes or places maintained all or part of their poor in workhouses. Returns relative to the expense and maintenance of the poor in England, 1803-4. B.P.P., 1803-4, xiii, 264.

(17) In 1803 the poor were farmed at Barsby, South Croxton, Queniborough, Seagrave, Thrussington, Tugby and Twyford, and also in the parishes of All Saints, St Martins, and St Mary in the borough of Leicester. Ibid, 256, 258, & 262.



the conditions leading to destitution would not be followed by the same increase in the rate of expenditure as where outdoor relief was liberally given. <sup>(18)</sup> Fortunately only an "unbiased error" is involved, for there would be a tendency for the effect of changes in the administration of poor relief in the individual parishes to cancel out when comparing the expenditure of one group with another.

We now consider diagram I. From 1776 to 1783-4-5 the expenditure in the recently enclosed parishes shows a greater rate of increase than that of the other two groups. This is possibly evidence of an increase in the numbers of poor following enclosure. There seems, however, to have been a time lag between enclosure and an increase in poor, due perhaps to an attempt by the small common right owners to struggle on after enclosure. Had the returns for the 1760s been available, we might have seen that the rate of increase in expenditure was greater at the time of enclosure than during the period 1776-83; but without

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(18) The establishment of local charities also reduced the burden on the poor rates, e.g. at Staunton Harold in Leicestershire where "The poor rate.... is very much lessened by voluntary Gifts and by the Poor living Rent Free." Ibid, 258.



the figures it is only possible to speculate.

Hasbach (quoting from Eden and Young) thought that a great increase in the poor rates in unenclosed parishes resulted from an immigration from surrounding (enclosed) parishes of poor persons who  
(19)  
settled on the commons. Moreover, Dorothy Marshall has shown that migration was more important at this time than was realised by Adam Smith because of the many  
(20)  
loopholes in the Law of Settlement. But the movement of paupers from enclosed to open parishes does not seem to have taken place in Leicestershire; the rate of increase in the sums spent on the poor between 1776 and 1783 was less in open parishes than in those enclosed at a much earlier date. It is doubtful whether a large migration could have occurred without it showing in the poor relief expenditure in the open parishes. Tooke maintained that 1783-4-5 were years of bad harvest and  
(21)  
scarcity and Arthur Young spoke of the distress of farmers and landlords due to falling prices in the year  
(22)  
1776. Thus the graphs compare one year (1776) when

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(19) W. Hasbach, A History of the English Agricultural Labourer, 1908, 101.

(20) Dorothy Marshall, "The Old Poor Law, 1662-1795", Econ. H.R., Vol VIII, 1937-8, 39.

(21) Thomas Tooke, History of Prices, 1838, Vol 1, 78.

(22) Annals of Agriculture, Vol 25, 460.



conditions were favourable to the poor commoner with another (average of 1783-4-5) when harvest conditions were likely to have impoverished those on the margin of subsistence (including immigrant poor living on the commons of open parishes).

In the second period (from 1783-4-5 to 1803) the rate of increase in expenditure of the parishes enclosed between 1740 and 1776 was not appreciably different from that in the old enclosed parishes.<sup>(23)</sup>

In the parishes enclosed in this second period, however, the rate of increase in expenditure was greater than in the other two classes of parishes, again suggesting that enclosure led to an increase in the level of expenditure on the poor.

After 1803 the absolute as well as the relative influence of enclosure on the poor rates must have considerably diminished. The greater part of Leicestershire was already enclosed by that date,<sup>(24)</sup> and many of the enclosure Acts were obtained either to confirm early enclosures by agreement or to enclose small areas. It is difficult to explain the difference

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(23) Cf. the period from 1776 to 1783-4-5.

(24) Charnwood Forest (enclosure Act, 1808) was an outstanding exception.



between the increase in poor relief expenditure in the period from 1803 to 1813-14-15 in parishes enclosed before 1776 and in parishes enclosed after that date. Although prices were falling in 1814 and 1815 they were still relatively high compared with 1803 and <sup>(25)</sup> this might account for the rapid increase in poor relief in the parishes enclosed before 1776. In the group of parishes enclosed after 1776, however, the level of expenditure scarcely rose at all. This may be accounted for in part by changes in the administration of poor relief and other factors hitherto assumed uniform between the various groups of parishes; but it is <sup>also</sup> possible that the serious poor relief problem in the last fifteen years of the eighteenth century (in part due to enclosure) was only a temporary feature and was overcome by the migration of surplus labour elsewhere (see diagram II) or by local employment in other occupations. Had the rate of increase between 1783-4-5 and 1803 in these parishes been no greater than in the other groups, the absolute amount of money spent in 1803 would have been less and the increase

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(25) W. Silberling, "British prices and business cycles", Review of economic statistics, Vol. 5, suppl. 2, 1923, 230-1.

A. D. Gayer, W. W. Rostow, A. J. Schwartz, The growth and fluctuation of the British economy, 1790-1850, 1953, Vol 1, 510.



between 1803 and 1813-4-5 perhaps not so different from the others. Prices were low in 1825 -26-27 (average) compared with 1813-14-15<sup>(26)</sup> (average) and this might account for the shape of the graphs after the latter date.

In diagram II the rate of expenditure increased considerably faster between 1803 and 1813-14-15 in industrial parishes than in agricultural parishes undergoing enclosure. This is the only evidence to support a theory that surplus labour in newly enclosed parishes migrated to industrial areas where they added to an already heavy poor bill. A migration would not, however, be reflected in the poor relief figures where the migrants were able to find permanent employment. The similarity in the trend of poor relief expenditure in all groups of parishes tends to support the view that other factors, such as the price of provisions and the general level of prosperity, had a greater effect than enclosure on the sums spent on the poor.<sup>(27)</sup> The amount paid in subsidising low wages was increased

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(26) Ibid.

(27) According to Dorothy Marshall the subsidising of low wages was widely practised throughout the eighteenth century and earlier. "The old poor law, 1662-1795", Econ. H.R. 1937-8, 47.



during periods of rising prices, particularly where the  
 (28)  
 latter resulted from harvest failures and where there was  
 no commensurate increase in wages. Arthur Young pointed  
 to the way in which the poor rates were sensitive to a rise  
 in prices when he complained that even "... a small rise  
 in prices is much noised about, and never fails of sending  
 many of the poor to the parish; not because they are really  
 in want, but because they have an argument to use to officers  
 and justices". (29)

It is possible to see the effect of enclosure on  
 the poor relief expenditure at Ansty and at Thurcaston  
 from the overseers accounts which are available in

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(28) Judging from the comments of the Leicestershire  
 witness to the Select Committee of the House of  
 Commons on Agriculture (1833), underemployment rather  
 than unemployment seems to have been the bane of  
 the agricultural labourers in the post Napoleonic  
 Wars period at least.

(29) A six months' tour through the North of England, 1771,  
Vol. 4, 329.



a continuous series for a long period in the second half of the eighteenth and early nineteenth centuries. (30) The enclosure of Ansty seems to have had very little effect. The sums spent in the 1760s (the enclosure Act was passed in 1760) were higher than in the early 1750s, but the increase began in April-October 1757, i.e. before the enclosure took place. Moreover, the very large increase did not occur till several decades later and could not have been the result of enclosure. At Thurstaston there was a rapid increase in expenditure on the poor in the years following enclosure (Act 1798), but it is by no means certain that this can be solely attributed to enclosure. Prices were generally higher (31) for some years after 1798 than before, and this ~~may~~<sup>might</sup> have aggravated the position of the existing poor as well as those impoverished by enclosure. It is interesting to note, however, that when prices fell immediately following the end of the war and in the 1820s the

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(30) L.R.O. Overseers' account books, DE 199/1 & DE 157. Extracts from these books have been transcribed in appendix V.

(31) e.g. see the price of wheat at Winchester College in Sir W. Beveridge, Prices and wages in England, 1939, 84.  
N. Siberling, "British Prices and Business Cycles", Review of Economic Statistics, Vol 3, 1923, 230-1.



expenditure on the poor did not fall to the level of the 1780s and 1790s. Unfortunately, continuous series of overseers' accounts covering the period of enclosure are not available for other parishes in Leicestershire.

In some parishes in Leicestershire provision was made on enclosure so that the poor should not become a burden on the rates. One method was to allow them to graze their cattle on a few acres of land as compensation for the loss of the commons. At Eaton (1769), for example, four acres were allotted to the surveyors of the highways for the quarrying of stone and gravel to repair the roads, and the overseers were instructed to allow the poor to stock this land with their cattle and to cut the gorse and furze which grew (32) there. Similar provisions were made at Saltby, Scalford, (33) Long Clawson, and Sproxtton.

The grass verges on the sides of the new roads were sometimes used to benefit the poor. At Seagrave (1760), for example, half the profits of the roadside herbage went to the relief of the poor. (34) At Castle Donington (1778) the rents from the cottages

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(32) 8 & 9 Geo III (Sess. 2) c. 25.

(33) 11 Geo III c. 23., 5 Geo III c. 107., 19 Geo III c. 58., 11 Geo III c. 21. In all these places the Duke of Rutland was a proprietor or the Lord of the Manor.

(34) 33 Geo II c. 25.



standing on common ground were gathered by the church wardens and overseers and used to raise the standard of living of the poor. Occasionally a common allotment was made to the owners of cottage common rights, for example, at Syston and Barkby (1777) and at Earl Shilton (1778),<sup>(35)</sup> to avoid the expenses of fencing small individual allotments and to give the cottagers sufficient land on which to graze their cattle.

In some places a few acres of land were set aside on enclosure to help maintain the poor. At Walcott (1796) land of the annual value of £5 was allotted to the rector and the overseers of the poor in trust, the rent from which was used for the purchase and distribution of coal and other fuel during the months of January and February amongst "such sober and industrious persons" residing in Walcott, not in receipt of poor relief, as the trustees thought fit.<sup>(36)</sup> At Tugby (1784) the rent from land of an annual value of £10 was used to clothe the poor (who were not receiving relief from the parish) and to place their

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(35) 18 Geo III c. 20.

(36) 19 Geo III c. 7., 18 Geo III c. 40.

(37) 36 Geo III c. 67.



(38)

children as apprentices. There were similar provisions  
 at Earl Shilton (1778) where the capital was ten acres,  
 and at Kimcote and Walton (1778) where land of an annual  
 value of £5 was allotted to trustees so that fuel, meat,  
 corn, or clothing could be distributed to the poor.

Before the enclosure of Queniborough (1793)  
 the churchwardens held in trust 36 acres, the rents  
 from which were used to pay for the maintenance and  
 repair of the parish church. It had been the custom  
 for poor persons to rent the ground as mowing ground  
 and cow pastures. This was said to be "attended with  
 material advantage to themselves and their families"  
 and it was desirable that the practice should continue  
 after enclosure. The allotment made by the commissioners  
 was divided into two <sup>or</sup> portions, one used as mowing ground  
 and the other as cow pastures. These were sub-divided  
 into lots, and each was rented to such poor persons as  
 the parishioners (having the right to vote in vestry)

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(38) 24 Geo III (Sess. II) c. 24.

(39) 18 Geo III c. 40.

(40) 18 Geo III c. 7.



(41)

thought the most deserving, provided that the aggregate rent was not less than the annual value of the land and that no one rented a lot who had sufficient land elsewhere to keep one cow. If there were not sufficient poor persons to rent all the lots then the other parishioners were eligible as tenants. (42)

Such attempts to keep the poor independent or, at least, to ease the pressure on the poor rates, were, however, by no means general. In many parishes the promoters of enclosure completely ignored the problem.

Although no simple answer can be found to the question of the influence of enclosure on the growth of pauperism, certain broad conclusions emerge from the present study. The level of expenditure rose more quickly in parishes affected by enclosure than in other agricultural parishes in the last three decades of the eighteenth century, but the evidence does not justify

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(41) The principle of letting small quantities of land to the poor was praised by Lord Winchelsea in the Annals of Agriculture, Vol 26, 227-245, and also by Arthur Young, "An Inquiry into the Propriety of applying Wastes to the better maintenance and support of the Poor...", Annals of Agriculture, Vol 36, 533-4.

(42) 33 Geo III c. 84.



Lord Winchelsea's statement that the poor rates in the parishes of the Midlands (where the cottagers' land was 'thrown' to the farmers) increased "in an amazing degree more than according to the average rise throughout England"<sup>(43)</sup>. The similar rates of increase of all groups of parishes between the various dates for which figures are available suggest<sup>(44)</sup> that enclosure was not the most important factor causing changes in the level of expenditure. Addington specified the counties of Northampton and Leicester as containing villages suffering from depopulation through enclosure "where they have no considerable manufactory"<sup>(45)</sup>. Migration to industrial towns may have taken place, but it is unlikely that industrial and open parishes received from enclosed parishes a large number of migrants who became a burden on the poor rates as soon as adverse conditions arose: expenditure in old enclosed parishes

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(43) Quoted by W. Hasbach, A history of the English agricultural labourer, 1920, 110 n.

(44) An inquiry into the reasons for and against inclosing common fields, 1772, 29.

(45) Although Mr Smith Wolley, a land and tithe agent and farmer near Newark, Nottinghamshire, claimed that there was little migration of surplus agricultural labourers in his area to neighbouring towns. Report of the Select Committee of the House of Commons on Agriculture, 1833. B.P.P. 1833, v, QQ.



(which probably did not attract the victims of enclosure) rose just as quickly. Although conversion to pasture generally followed enclosure, it seems that either there was not a large all round reduction in demand for labour locally or that a good deal of successful migration took place. Many small landowners managed to struggle on after enclosure and in a few parishes provision was made to prevent a large increase in poor.

To determine the precise role of the factors affecting the level of poor relief expenditure it would be necessary to discover for each parish the numbers receiving relief, their normal occupation and, where they were not natives of that parish, the reason for their migration. We can only argue in terms of possibility and probability from the facts of diagrams I & II. Unfortunately the data that would enable us to make more positive correlations are not available.

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(46) See Chapter IX.

(47) Mr Joseph Lee of Malpas in Flint and Cheshire, a land agent and valuer, thought that the employment of surplus labour in his area in canal cutting and other occupations not connected with farming saved the poor rates from being higher. Report of the Select Committee of the House of Commons on Agriculture, 1833. B.P.P., v. 1833, QQ. 6035-6.

(48) See Chapter XI.

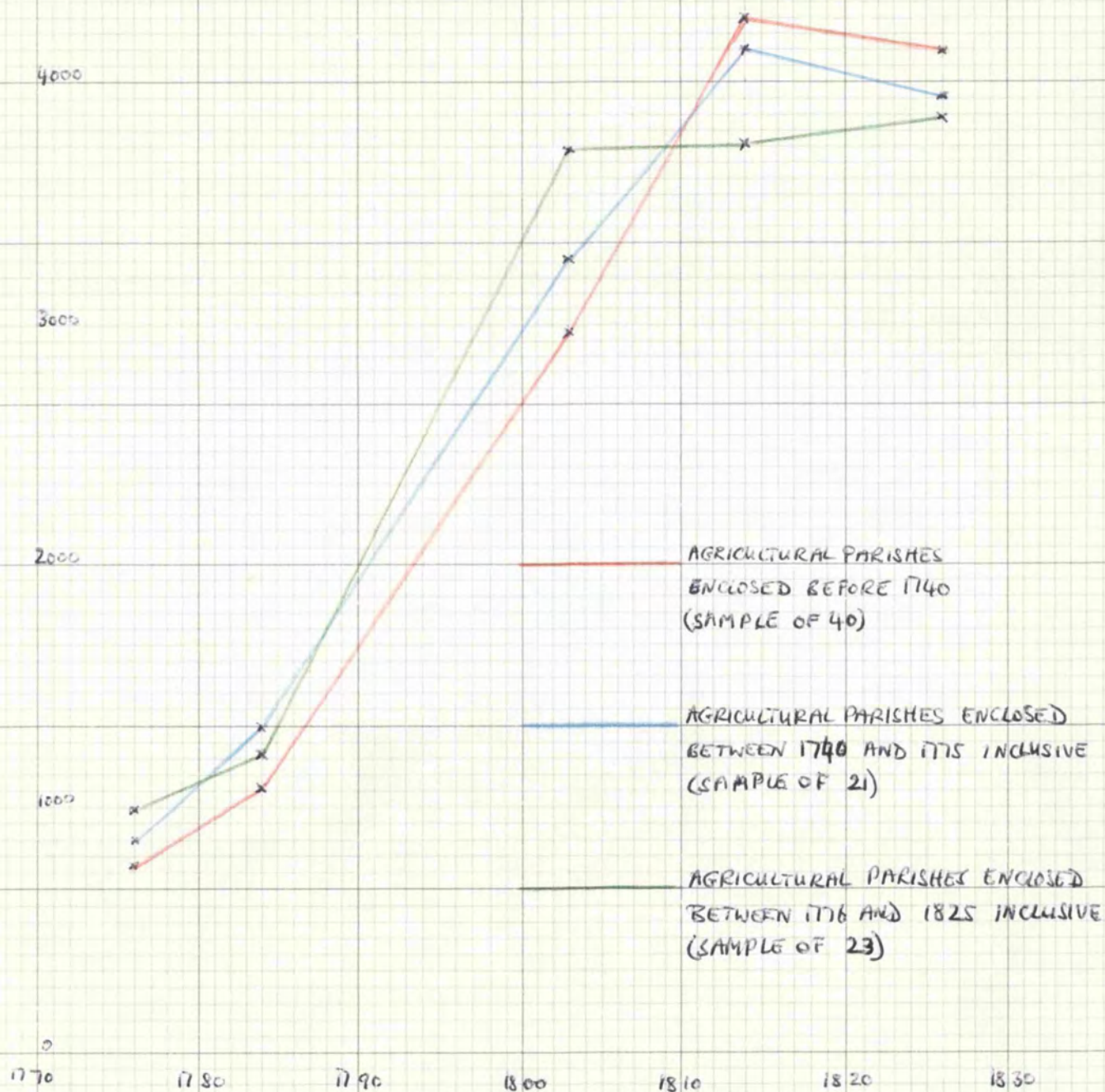


(224a)

# Diagram I

EXPENDITURE ON POOR RELIEF IN CERTAIN LEICESTERSHIRE  
PARISHES, 1776-1825.

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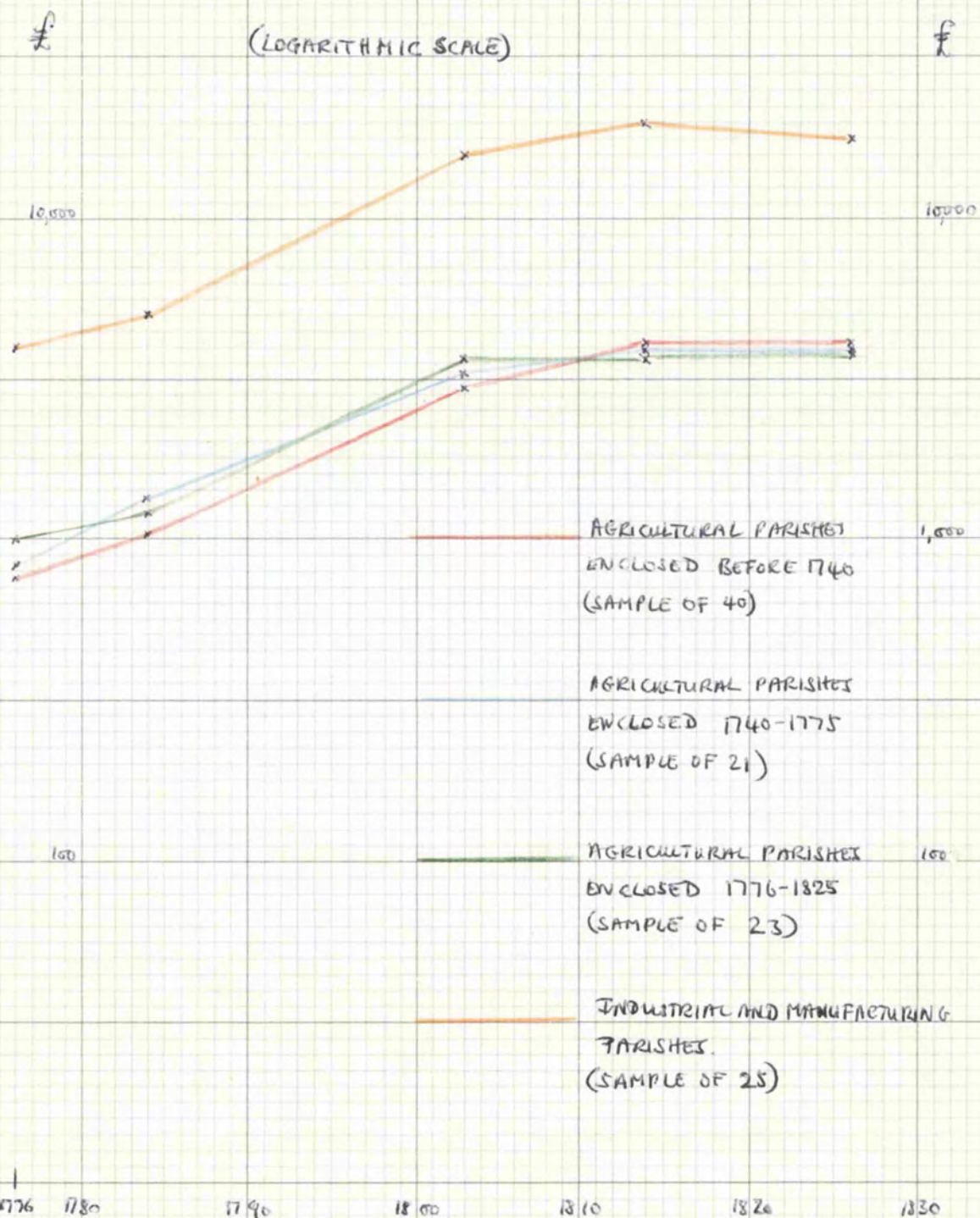




(2246)

Diagram II

EXPENDITURE ON POOR RELIEF IN CERTAIN LEICESTERSHIRE  
PARISHES, 1776-1825





Chapter IXENCLOSURE AND THE UTILISATION  
OF THE LAND.

Recent research has shown that the traditional system of open<sup>field</sup> farming in Leicestershire (a rotation of wheat or barley, beans and fallow in the (1) eighteenth century) was by no means rigid and that parts of the open fields were often left to grass in the form (2) of temporary leys amongst the arable strips. Nevertheless enclosure was necessary before many restrictions could be completely swept away. Enclosure, in many parts of the country, was followed by an extensive conversion of uncultivated and pasture land to arable farming, especially after the general improvement of corn prices (3) in the second half of the eighteenth century. But there are reasons for believing that this was not the case in Leicestershire, and the evidence relating thereto will be examined in this chapter.

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- (1) G.Fussell, "Four centuries of Leicestershire farming", Studies in Leicestershire agrarian history, 1948, 164.
- (2) W.G.Hoskins, "The Leicestershire farmer of the seventeenth century", Agricultural History, 1951, 19-20. Dr Hoskins has shown that "the whole picture is one of an infinitely more flexible economy than later critics, such as Arthur Young, would allow."
- (3) See, for example, H.Levy, Large and small holdings, 1911. Levy, himself, admitted that in Leicestershire the area under corn was occasionally reduced after enclosure. Ibid, 28. It was quite common for contemporary pamphleteers to blame enclosure for the high price of butchers' meat, e.g. the anonymous
- cont/



The principal documentary sources concerning the utilisation of land in the late eighteenth century are the crop returns for 1793, 1794, 1795, and 1801, which state the acreage under various crops in many Leicestershire parishes. The returns in the 1790s were severely criticised at the time on the grounds that they "...are so incomplete in their number and founded on so many different principles....that it is extremely difficult to combine and compare them, so as to state accurately the result of the whole." Those for Leicestershire, however, were not founded on difficult principles, and, although incomplete, they are

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cont/ author of A political inquiry into the consequences of inclosing waste lands, 1785, 63-4.

- (4) Wheat, barley, rye, maslin, oats, beans and peas in 1793, 1794 & 1795 plus potatoes and turnips in 1801. There are returns for 11 parishes and lordships in Gathlaxton Hundred, 25 parishes and lordships in Sparkenhoe Hundred, and 12 parishes and lordships in Framland Hundred for 1793, 94 & 95. There are also returns for 22 parishes and lordships in Framland Hundred for 1794 & 1795 only, and for 16 parishes and lordships in Sparkenhoe Hundred for 1795 only.
- (5) Annals of Agriculture, XXVI, 1796, 201. Quoted by W.E.Minchinton, "Agricultural returns and the government during the Napoleonic Wars", Agricultural History Review, Vol 1, 1953, 35. A general discussion of these documents is given in this article.
- (6) The Leicestershire returns state the acreage under various crops and the yield in quarters. In other counties Minchinton has found that some returns gave bushels per acre, other the acreage under various crops, and other only a general statement about the crop. Op. cit., 33.



sufficiently voluminous to reveal the effect of enclosure in many places. A more serious question concerns their accuracy; the returns for 1793, 94 and 95 were made in the latter year, and some of those for 1793 and 1794 may have been little more than estimates. At Saxby the farmers stated that they could not remember the acreage under crops for any year before 1794, and at Saltby also no record could be procured. Only four parishes and lordships out of eleven in John Chettle's division in Framland Hundred made any return for 1793, and there are also blanks for other places in that year. For these reasons the figures for 1793 have not, in many cases, been included in appendix VI. Some farmers were <sup>un</sup>willing to give a full account of their crops possibly through the fear of an increase in tax or <sup>(7)</sup>tithe. At Crosby, for example, Joseph Everate would give no account in 1795, and William Wheevall returned only 10 acres under barley in 1795 and nothing else, which obviously did not satisfy the collection officer who complained that "this is all the account he would give." Thomas Jarrett refused to give an account of his

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(7) The magistrates of the hundred of Lonsdale South of the Sands (Lancashire) thought that the farmers in their district had estimated their crops one third below their actual amount. Minchinton, Op. cit. 34.



crops in Sharnford in 1795, and so did three proprietors in Stoney Stanton.

On the other hand some of the acreages were given to the nearest quarter which suggests that not all the returns were wild estimates. Moreover, as W.G.Hoskins has pointed out, the comparatively small size of parishes and farms in Leicestershire and the small amount of arable land made it difficult for the farmer to make a grossly inaccurate return.<sup>(8)</sup> Thus the figures give a general picture of the utilisation of the land in different parts of the county from which we can deduce the effects of enclosure.

The returns for 1793-4-5 have been tabulated together with those for 1801 in appendix VI. Caution must be paid, however, when considering the acreage under crops at different dates, for the figures for 1801 include the acreage under turnips and potatoes, whereas those for 1793-4-5 do not.<sup>(9)</sup> Moreover, some lordships with separate returns in 1793-4-5 were grouped into parishes for the enquiry of 1801. Thus it would seem, *prima facie*, that the acreage under crops (excluding turnips and potatoes) increased in Claybrook

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(8) The 1801 returns have been transcribed and analysed by W.G.Hoskins, "The Leicestershire crop returns of 1801", Studies in Leicestershire agrarian history, 1948.

(9) The figures for 1793, 1794 and 1795 cover some places for which there is no return available for 1801. The 1801 returns have been included in appendix VI only for those places with a return for 1793, 1794 or 1795.



from 169 in 1795 to 571 in 1801. But, whereas the 1801 returns seem to include all the townships, there were separate returns for Ullesthorpe, Wigston Parva and Bittesby in 1793-4-5. Similarly, there is a separate return for Atterton (in the parish of Witherly) in 1793-4-5, but not in 1801, when the figures for Atterton were probably included with those for Witherly. This inconsistency could not, however, explain why so many places showed an increase in arable acreage over the years 1793-4-5. If this increase was the result of greater accuracy in the later returns, the value of the figures for 1793-4-5 would be considerably diminished; but it might well be accounted for by the ploughing up of land during the Napoleonic Wars in response to a rapid rise in the price of cereals. Dr Hoskins saw little evidence in the 1801 (10) returns, which he thought to be generally accurate, that there was much reconversion of grassland to arable during the war. But this conclusion was based on the proportion of arable to total acreage in that year; the earlier figures indicate the possibility that this proportion was even lower before the high war-time prices had had time to take effect.

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(10) Ibid, 130.



The detailed returns confirm Dr Hoskins' opinion that enclosure was followed by the conversion of a good deal of arable land to pasture. Even if the returns tend to under-estimate the acreage under crops, and allowing for the increase arable<sup>in</sup> acreage returned between 1793 and 1801, the very small proportion of the total acreage returned under arable indicates the large extent to which pasture figured in the rural economy of Leicestershire at this period. At Kettleby, (11) for example, where 900 acres were enclosed in 1760, there were only 62 acres under crops in 1794 and 76 acres in 1795 out of a total acreage of 971. At Stonesby, where 1135 acres were enclosed in 1780, the acreage under crops in 1801 was double that in 1793 but was still less than 1/8 of the total. At Eaton, where 1655 acres were enclosed in 1769, the acreage under crops varied between 252 in 1793 and 352 (plus 123 acres of turnips and 7 acres of potatoes) in 1801. The total acreage of the parish was 1696. In the old enclosed parishes there appears to have been an even greater

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(11) The total acreages taken from White, History, gazetteer and directory of the counties of Leicester and Rutland, 1863.



development of pasture farming. At Bittesby it seems that almost the whole parish was laid to grass. Out of a total of 600 acres, 6 acres were returned under crops in 1793 and 5½ acres in 1795. In the small liberty of Mythe there were no crops grown at all in the years 1793,4,5.

The returns for Dunton Bassett reveal a large decrease in arable land immediately following enclosure (750 acres were enclosed in 1796). Out of a total of 1286 acres, 436 acres were under crops one year before enclosure and 272 acres <sup>(12)</sup> five years later. This is largely accounted for by a drastic reduction in the acreage under beans, from 144 to 9, in these years.

The 1793,4,5 returns also confirm Dr Hoskins' conclusion that beans were an important crop in <sup>(13)</sup> unenclosed villages. For example, at Congerstone, which was not enclosed till 1823, the acreage under beans (123 acres in 1795) exceeded that under any other crop in these years. Similarly, at Sibson, where 740 acres were not enclosed till 1803, the acreage under beans (102½ acres in 1794) was second only to that of wheat.

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(12) Plus 53 1/2 acres under turnips for which there was no return in 1795.

(13) W.G.Hoskins, "The Leicestershire crop returns of 1801", Studies in Leicestershire agrarian history, 1948, 136.



On the other hand in many old enclosed villages beans had almost disappeared, and in most villages enclosed by Act they formed a small proportion of the total arable crop. Harby, not enclosed till 1790, was an exception, for there were 106 acres under beans and peas in 1794; this acreage was, however, reduced to 70 1/2 in 1795. Most farmers grew little or no rye at this time. The disappearance of this crop cannot, however, be attributed to parliamentary enclosure, for it was unimportant even in the seventeenth century. <sup>(14)</sup>

Further information gathered from correspondents and the local clergy for many parishes throughout the country, concerning the change in land use after enclosure is contained in a report of the Board of Agriculture in 1808. The figures, in many cases, are only rounded estimates, but they nevertheless give a very useful impression of farming in enclosed parishes in Leicestershire. They record a reduction on balance of 3,793 acres under wheat in 86 Leicestershire parishes and lordships from the time of enclosure <sup>(15)</sup> to that of the enquiry. Eleven out of the 74 places for which details were given reported an increase in

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(14) W.G.Hoskins, "The Leicestershire farmer of the seventeenth century", Agricultural history, 1951, 20.

(15) Board of Agriculture, General Report on Enclosures, 1808, 231.



(233)

(16)

acreage under wheat and only four an increase of twenty acres or more. Other counties reporting a net decrease in acreage under wheat were Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Middlesex, Northamptonshire, Oxfordshire, Rutland and Warwickshire, i.e. mainly the Midland counties. Elsewhere, particularly in the eastern counties, the acreage under wheat had increased.

The figures for Leicestershire relating to barley, oats and pulse have been tabulated below and compared with those for the surrounding counties and the country as a whole.

(17)

Barley

	<u>No.</u> <u>enclosures</u> <u>reported</u>	<u>No.</u> <u>recording</u> <u>increase</u>	<u>No.</u> <u>recording</u> <u>decrease</u>	<u>No.</u> <u>as</u> <u>before</u>
Leicestershire	72	28	37	7
Nottinghamshire	50	33	9	8
Northamptonshire	78	36	29	13
Lincolnshire	115	75	26	14
Total for 37 counties & Wales	941	506	256	179

(16) Those places recording an increase were Bottesford 170 acres, Redmile 90 acres, Eaton 42 acres, Scalford 20 acres, Wartnaby 18 acres, Swinford 15 acres, Croft 14 acres, Blaby 12 acres, Quorndon 11 acres, Grimstone 6 acres, and Whetstone 4 acres.

(17) It is not clear whether the increase or decrease concerns acreage or quantity, but as the preceding figures, dealing with wheat, specify acreage, and as there is no mention of a change in principle, it may be assumed that the figures for barley, oats and pulse are also in acreages.



Oats

	<u>No.</u> <u>enclosures</u> <u>reported</u>	<u>No.</u> <u>recording</u> <u>increase</u>	<u>No.</u> <u>recording</u> <u>decrease</u>	<u>No.</u> <u>as</u> <u>before</u>
Leicestershire	69	59	8	2
Nottinghamshire	46	34	5	7
Northamptonshire	74	50	14	10
Lincolnshire	109	78	22	9
Total for 37 counties and Wales.	963	683	149	131

Pulse.

	<u>No.</u> <u>enclosures</u> <u>reported</u>	<u>No.</u> <u>recording</u> <u>increase</u>	<u>No.</u> <u>recording</u> <u>decrease</u>	<u>No.</u> <u>as</u> <u>before</u>
Leicestershire	71	13	58	-
Nottinghamshire	44	12	24	-
Northamptonshire	70	3	65	2
Lincolnshire	83	14	56	13
Total for 37 counties and Wales.	779	229	402	148.

In the majority of places in England for which information is available there was an increase under barley, oats and wheat, and a decrease in the acreage under pulse following enclosure. In Leicester-  
(18)  
shire there was an increase only in oats, the proportion of places in which this increase occurred being greater

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- (18) The Charnwood Forest enclosure (1808) resulted in an increase in the acreage under oats. "The sower who had the courage to hazard his seed, 'might think himself fortunate', said the opponents of this enclosure, 'if his crop returned the seed!' What was their surprise, when the apparently sterile and valueless Broombriggs produced ten quarters of oats per acre!" Potter, Charnwood Forest, 1842, 35. Apparently the success of the attempt to cultivate the Forest was largely due to Charles Allsop, "one of the best and practical agriculturalists that ever set plough on the Forest."



(19)

than that in most other counties. In only one other county, Warwickshire, where figures are available for more than 15 enclosed places, was the acreage under barley decreased in the majority of places. The proportion of places reporting a reduction in the acreage under pulse was greater in Leicestershire than in any other county except Northamptonshire. (20)

The 1808 report also deals with the effect of enclosure on sheep and cattle grazing. The following tables are an abstract from the figures received by the Board of Agriculture. (21)

Cattle (presumably beef)

	<u>No</u> <u>enclosures</u>	<u>No</u> <u>recording</u> <u>increase</u>	<u>No.</u> <u>recording</u> <u>decrease</u>	<u>No.</u> <u>as</u> <u>before</u>
Leicestershire	57	51	4	2
Nottinghamshire	34	19	5	10
Northamptonshire	33	28	4	1
Lincolnshire	73	37	26	10
Total for 37 counties.	571	354	106	111

(19) It is always possible, however, that, although a minority of places decreased the acreage under grain, the aggregate acreage or the total output of grain, in the county was increased.

(20) Excluding Lancashire and Rutland where the proportion cannot be fairly compared with that of Leicestershire and Northamptonshire because reports were received from eight and nine enclosures respectively.

(21) It is not stated whether the increase or decrease concerns the number of beasts kept or the acres of pasture for the grazing of these beasts.



Dairy (presumably cattle)

	<u>No.</u> <u>enclosures</u>	<u>No.</u> <u>recording</u> <u>increase</u>	<u>No.</u> <u>recording</u> <u>decrease</u>	<u>No.</u> <u>as</u> <u>before</u>
Leicestershire	47	39	7	1
Nottinghamshire	26	16	3	7
Northamptonshire	33	16	13	4
Lincolnshire	38	7	26	5
Total for 37 counties	511	255	143	113

Sheep

	<u>No.</u> <u>enclosures</u>	<u>No.</u> <u>recording</u> <u>increase</u>	<u>No.</u> <u>recording</u> <u>decrease</u>	<u>No.</u> <u>as</u> <u>before</u>
Leicestershire	65	59	5	1
Nottinghamshire	41	29	8	4
Northamptonshire	43	39	3	1
Lincolnshire	91	72	11	8
Total for 37 counties.	721	467	157	91

Clearly the grazing of sheep and cattle rose in importance both in Leicestershire and in the country as a whole. Only in Bedfordshire, Cambridgeshire, Hampshire and Surrey did the majority of enclosed places report a decline in importance of cattle grazing; but in these counties the importance of sheep grazing had increased in most places since enclosure. The proportion of enclosed places in which cattle and sheep grazing increased was greater in Leicestershire than in any (22) other county, including the famous grazing county of Northamptonshire. The increase in both arable and pasture in some places is accounted for by the cultivation of

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(22) Excluding those counties where information was available for less than ten places.



hitherto waste and common land and the disappearance of fallow.

The surviving returns for individual parishes provide an interesting commentary on the change in husbandry and agricultural production that took place after enclosure. The summary of the curate of Orton was as follows:-

"Barley is much increased as well as oats. Beans are very much decreased. Barley is increased three-fourths; there being sown before enclosure not more than 40 acres, and now from 150-160 acres. Oats are also increased in the same proportion. Beans have decreased in as great a proportion. There are also five times the quantity of potatoes; and turnips have increased in a greater proportion.

N.B. Taking a fair view upon the whole, both before, and since enclosure, there is more grain since the enclosure brought to market; a greater produce from sheep and young cattle, and considerably more than double the quantity of cheese made in the parish. A great deal of waste lands etc. before the enclosure, the produce of which was but trifling, is now drained, and with proper cultivation, is become the finest land, and the greatest crops are got therefrom. And since the exoneration from tithes, no person is more respected than our clergyman, which was not formerly the case, and there is not now a dissenter in the place." (23)

From Queniborough the minister reported:-

Beef has increased in proportion to ten to one:- mutton a hundred to one.

About half the number of horses kept since the enclosure than there was before.

Wool increased more than a fifth part; the produce of butter and cheese double;- the increase of potatoes, ten bushels to one;- decrease of pigs one-half;- one fifth the quantity of beans;- ten times the quantity of oats;- twice the



quantity of rye.

Turnips, in the open field state, none; but now about 100 acres annually  
Decrease of gorse and fern, 200 acres." (24)

The rector of Sharnford summarised the changes in his parish as follows:-

decrease of wheat 55 acres  
decrease of beans 200 acres  
increase of oats 75 acres  
increase of barley 5 acres  
increase of cheese 18 tons (from two to twenty tons)  
increase of mutton 6210 lbs (from 0 to 6210 lbs)  
increase of beef 840 lbs (from 0 to 840 lbs)  
increase of wool 150 tods (from 20 to 170 tods)  
(25)

There was a similar return from the minister of

Stoney Stanton

decrease of wheat 50 acres  
decrease of beans 220 acres  
increase of oats 100 acres  
increase of barley 30 acres  
increase of cheese 18 tons (from 2 to 20 tons)  
increase of mutton 4420 lbs (from 0 to 4420 lbs)  
increase of beef 1680 lbs (from 0 to 1680 lbs)  
increase of wool 156 tods (from 20 to 176 tods)  
(26)

The statistics are strongly borne out by the observations of contemporary writers. Addington, who appeared to know the county well, declared that "in these counties [Northants & Leices]/inclosing has greatly

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(24) Ibid 268.

(25) Ibid 265-6.

(26) Ibid 263.



prevailed, and most of their newly inclosed lordships  
 are laid down for pasturage.<sup>(27)</sup> John Monk observed  
 that the land for the most part was used for sheep,  
 dairies, feeding neat cattle, and breeding horses, but  
 that dairy farms always had some land in tillage to  
 produce straw and turnips for the cows in winter, e.g.  
 a farm of 200 acres normally had 30-40 acres of various  
 sorts of grain. He estimated that in the Ashby-de-la-  
 Zouch and Loughborough districts  $\frac{1}{4}$  of the land was  
 pasture. Around Melton Mowbray not more than one acre  
 in thirty was arable, and the proportion of pasture  
 to arable in the Lutterworth region was eight to one,  
 and near Hinckly six to one. In the south east of the  
 county there was also very little arable land.<sup>(28)</sup> Using  
 the example of Leicestershire in an argument against  
 enclosure, a clergyman in the Diocese of Lincoln feared  
 that "if the present rage for inclosing continued, our  
 country will soon be in a state which is reported to  
 be that of Leicester; unable to produce corn sufficient  
 to supply the inhabitants of its principal town with  
 bread."<sup>(29)</sup> Arthur Young, however, observed that "more  
 than half Measham, Ibstock, [enclosed 1774] etc. are

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(27) An enquiry into the reasons for and against inclosing the open fields, 2nd ed. 1772, 51.

(28) J. Monk, General view of the agriculture of Leicestershire, 1791, 9-10.

(29) Reflections on the cruelty of inclosing common field lands, 1796, 17.



laid to grass since enclosure and yet send more to the market than ever they did before. At Heather Oakthorn and Appleby more than double. Such are the astonishing improvements wrought by inclosing and converting to grass!"<sup>(30)</sup> On his Tour through the east of England (1771) he continually referred to the extensive grazing grounds in Leicestershire's enclosed parishes from Market Harborough to Loughborough, noting at the same time<sup>(31)</sup> that arable farming was continued in the open parishes.

Thus all the evidence concerning land use after enclosure, namely the crop returns, the returns to the Board of Agriculture, and the observations of contemporary writers, tends to point in one direction. There was a large extension of permanent pasture for cattle, sheep and horses grazing; a general reduction in the acreage under wheat, beans, and peas; and an increase in importance of oats as a crop, possibly for livestock fodder. The position of barley is not so clear: many places increased the acreage under this crop, but it also diminished in importance in many places. The crop returns indicate that there were generally fewer acres under barley than oats. Turnips

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(30) A month's tour to Northamptonshire and Leicestershire, 1791, 285.

(31) Tour through the east of England, 1771, Vol 1, 81-102.



had made their appearance by the end of the eighteenth century in enclosed villages, although their cultivation was not profitable in many places in Leicestershire because the soil could not be easily drained. The type of farming varied in different parts of the county. Most contemporary writers spoke of conversion to permanent pasture on the clayey parts of the county, but William Marshall described a convertible husbandry prevalent in the north west of the county where "the land having lain six or seven years in the state of sward-provincially 'turf'- is broken up, by a single plowing, for oats; the oat stubble plowed two or three times for wheat; and the wheat stubble winter fallowed, for barley and grass seed; letting the land lie, during another period of six or seven years, in herbage; and then, again, breaking it up for the same singular succession of crops." It has already been seen that a good deal of Leicester soil (except in the north west) was not suited to arable farming and that, in general, enclosure took place first on the heavy clays in the

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(32) W.G.Hoskins, "The Leicestershire crop returns of 1801", Studies in Leicestershire agrarian history, 1948, 141.

(33) W.Marshall, The rural economy of the Midland counties, 1790, Vol. 1, 225.

(34) W.Marshall, Op. cit., Vol. 1, 187.



eastern and south eastern parts of the county where a  
change in land use was most imperative. It seems that  
sometimes, for example, in the Vale of Belvoir, the  
better field land was converted to pasture and the  
common land of poorer quality was put under tillage  
after enclosure. Much of the land hitherto uncultivated  
or left to fallow was more profitably used after  
enclosure, and a general reduction in the acreage under  
tillage was often compensated for by an increase in  
productivity.

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(35) Supra pp. 14 & 18.

(36) W.Pitt, Op. cit., 14-15.



Chapter XLANDOWNERSHIP IN LEICESTERSHIRE IN THE  
THIRD QUARTER OF THE EIGHTEENTH CENTURY.

A study of the distribution of landownership in the eighteenth century would supply the answer to some important problems concerning the parliamentary enclosure movement. It is still a matter for debate, for example, whether enclosure was facilitated by the early disappearance of the independent landowning peasantry, or whether the decline of the latter was subsequent to enclosure. It is equally uncertain whether large landowners and progressive farmers were able to enclose without effective opposition because they had gained a marked superiority in landowning strength, or whether they found it necessary to gain the support of the smaller proprietors. The only records available in sufficient volume for a detailed and extensive study of landownership in Leicestershire between 1750 and 1780 are the enclosure Awards which state the allotments made by the commissioners on enclosure. The present chapter is, accordingly, devoted to an analysis of the distribution of landownership as ascertained from certain of these documents. For the period after 1780 the land tax assessments are available, and the evidence furnished by these records will be studied in the following chapter.

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The data on which the table at the end of this chapter is based have been derived from 45 enclosure Awards drawn up between 1754 and 1774, i.e. during the main wave of parliamentary enclosure in Leicestershire. Thus the figures refer only to open parishes which were on the point of being enclosed. For several reasons the Awards are not <sup>an</sup> entirely adequate source from which to calculate the distribution of landholding. The Award is a record of the redistribution of land which had formerly been open and does not always take into account the old enclosed land. In those cases, therefore, where there was a large amount of old enclosure the Award does not indicate the ownership of all the land in a parish or lordship. <sup>(1)</sup> Care has been taken, however, to include in the table only those cases where the quantity of old enclosed land was comparatively small. For most

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- (1) At Ashby-de-la-Zouch 1081 acres were allotted by the commissioners on enclosure, 808 acres of which went to the Earl of Huntingdon, and 162 acres to the small proprietors receiving less than 50 acres each. It appears that there was a good deal of old enclosure and many of the recipients of less than 50 acres owned considerably more than the acreage which was allotted to them. To include Ashby in the table therefore would seriously distort the classification of proprietorship. It is impossible, however, to eliminate all parishes having a small number of old enclosures, and to that extent the classification is defective since it does not take into account the ownership of small old closes.



places there is no record of any enclosure before the passing of the enclosure Act. Only at Hoby (100 acres), at Lubnam (171 acres) and Eaton (acreage not specified) are more than a few acres of pre-1730 enclosure mentioned by Parker, Beresford or Joan Thirsk; and it is probable that even here the land of the majority of the proprietors remained unenclosed.

A further limitation of the Awards is that it is not always possible to tell whether a particular proprietor owned land in an adjoining parish already enclosed. Moreover, where a proprietor owned land in more than one of the 45 parishes under consideration, double counting of proprietors has taken place, and consequently some may have been placed in smaller size-groups than those to which they really belonged. It was, however, mainly the aristocracy and other owners of large estates who held land in several parishes. As these are classified separately, the inaccuracy in the table appears in their numbers rather than the proportion of land they held.

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- (2) L.A. Parker, Enclosure in Leicestershire, 1485-1607. (unpublished thesis of the University of London, 1948).  
 M.W. Beresford, "Glebe tenures and open field Leicestershire", Studies in Leicestershire Agrarian History (ed. W.G. Hoskins), 1949.  
 Joan Thirsk, "Agrarian History, 1540-1950", The Victoria History of the Counties of England, Leicestershire, Vol. 2, 1954, 254-259.



A difficulty in a study of this nature lies in the classification of landowners. Some social classes, for example, the aristocracy and the clergy, are clearly distinguished in the Awards; but the difference between the more substantial peasant proprietors and the lesser gentry, and between the independent peasant proprietors and the cottagers and labourers, who owned a few acres of land, is not always clear. Lavrovsky considered as a separate class those called "gentleman" and "squire" (3) in the Awards. In the Leicestershire Awards, however, these titles appear to have been given freely and inconsistently by the enclosure commissioners: a landowner described as a gentleman in one part of an Award often had no title in another part. It would be necessary therefore to fall back on the size of his allotment when deciding whether to classify such a proprietor amongst the peasantry or the gentry. Moreover, there seems little point in trying to distinguish in the Awards the yeomanry as a separate class; the holdings

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(3) V. Lavrovsky, Parliamentary enclosure of the common fields in England at the end of the eighteenth and the beginning of the nineteenth centuries. Hill's review, Econ.H.R., 1942, 93.



of those proprietors specified as "yeoman" varied from one or two acres to several hundred acres. When Marshall approved of the fact that his district (west Leicestershire) abounded with yeomanry of the higher class, he was speaking of men cultivating their own estates worth £200, £300, £400 or £500 p.a. Gray considered that the size of a yeoman's holding was between one and three hundred acres; but such a definition is too wide to be used for Leicestershire, for in a number of parishes all the holdings, including those owned by aristocracy, fell within this range.

Those landowners who were not aristocrats, members of the clergy, or trustees for institutions have therefore been classified in the table at the end of this chapter according to the acreage they held. This method of classification is not entirely satisfactory, for social divisions do not always correspond to economic divisions, and, as Marc Bloch insisted, "jamais une société n'est une figure de géométrie." Moreover, the

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(4) W. Marshall, The rural economy of the Midland counties, 1790, Vol. 1, 14.

(5) H.L. Gray, "Yeomen farming in Oxfordshire from the sixteenth to the nineteenth centuries", Q.J.E., Vol. XXIV, 1909-10, 301.

(6) Quoted by P. Leuilliot in Annales, 1951, 212-213 when reviewing P. Recht's Les biens communaux et leur partage à la fin du XVIII<sup>e</sup> siècle, 1950.



choice of the range of holdings for each class is  
 (7) arbitrary, and it does not take into account the fact that a holding, say of 50 acres, in one part of the county did not always represent the same value as a similar one elsewhere. Nevertheless this method of classification is useful for the purpose of discovering how far landownership was concentrated; and, as will be seen later, certain broad conclusions concerning the distribution of land amongst social classes can be drawn from the final tables.

The first class of landowners are those holding less than five acres (excluding the clergy, aristocracy and the institutions). Lavrovsky termed this class the "village poor" and described it as the  
 (8) lowest social stratum of the rural population. But these proprietors, like those of the other so-called "peasant divisions," were not socially homogeneous. No doubt most of them were lower on the social scale than those owning large estates, but some belonged to

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(7) The classification, based on acreage held, adopted in the Statistique Agricole in France was criticised on this ground by Auge-Laribe. But he admitted that "il faut bien s'y resigner. C'est le defaut commun de toutes les classifications, de toutes les statistiques." L'evolution de la France agricole, 1912, 84.

(8) V.Lavrovsky, "Tithe commutation as a factor in the general decrease in landownership by the English peasantry", Econ.H.R., 1932-4, 277.



the professional class and were engaged in occupations not related to the land.

The second class consists of those proprietors holding 5 and less than 100 acres. Lavrovsky maintained that 100-150 acres was the maximum size of a peasant holding. <sup>(9)</sup> Indeed, owners of over 100 acres were frequently described as "gentleman" or "esquire" in the Leicestershire enclosure Awards; but the inconsistency of the Awards on this point must be kept in mind. <sup>(10)</sup> These landowners have been sub-divided according to whether they held 5 and less than 25 acres, 25 and less than 50 acres, and 50 and less than 100 acres. Again, this division is arbitrary, but corresponds to Lavrovsky's definition of small, medium and large <sup>(11)</sup> peasants.

Other classes are those proprietors holding 100 and less than 200 acres, and those with 200 acres and over. The latter were in the main Lords of the Manor and impropriators of tithes, the former poorer squires and gentlemen but rarely peasants (according to Lavrovsky's definition).

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(9) Ibid.

(10) Supra p. 246.

(11) V. Lavrovsky, Parliamentary enclosure of the common fields in England at the end of the eighteenth and the beginning of the nineteenth centuries. Hill's review, Op. cit., 93.



We now consider the table on pages 258-260. The following is an abstract from this table showing the distribution of land for the aggregate of 45 parishes

<u>Class of owner</u>	<u>% of land held.</u>
Clergy	11%
Aristocracy	17%
Institutions	5%
Owners of 200 acres and over	20%
Owners of 100 acres and less than 200 acres	14%
Owners of 50 acres and less than 100 acres	14%
Owners of 25 acres and less than 50 acres	10%
Owners of 5 acres and less than 25 acres	8%
Owners of less than 5 acres	1%

Generally speaking no one class held a predominant proportion of the land. Among the aristocracy, who owned 17% of the land, the leading proprietor was the Duke of Rutland, who owned a very large proportion of the land in the north east of the county, e.g. at Croxton Kerrial, Branston, Waltham, Eaton, Saxby and Sproxton. The Earls of Stamford and Huntingdon also held large estates in the county. In the parishes where the aristocrats owned a much smaller proportion of the land their allotments were usually in lieu of their rights of soil as Lord of the Manor plus an odd yardland or two of field land. The Earl of Huntingdon, for example, received 5 acres ( equal to 1/20 of the



commons and waste) for his rights of soil at Quorndon  
(12)  
(1761) plus another 3 acres; at Hoton (1759) he  
received 9 acres for his rights of soil.

The owners of 200 acres and over ( other than  
the aristocrats, clergy and institutions) held the  
(13)  
largest proportion of the land (20%). Like the  
aristocracy they were few in number in every parish,  
but in the aggregate there were more of these  
proprietors than there were aristocrats. Many of them  
had extensive estates in more than one parish in  
Leicestershire and were active in promoting enclosure.  
Typical examples were that of Shukbrugh Ashby who held  
81% of the land at Hungarton where he was Lord of the  
Manor and impropriator of the great and small tithes  
before their commutation (1761); that of William  
Farrell who was Lord of the Manor at Skeffington where  
he held 79% of the land; and that of Charles James Packe  
who held 47% of the land at Hoton.

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(12) Presumably either for the field land he held before enclosure or for a right of common.

(13) In the seventeenth century the wealthy yeomen were the dominating figures. W.G.Hoskins, "The Leicestershire farmer of the seventeenth century", Agricultural History, 1951, 10. The class owning 200 acres and over includes many impropriators of tithes to whom a large acreage was transferred when tithes were commuted on enclosure.



The comparatively large proportion of the land held by the clergy (11%) was mainly the result of the  
(14)  
commutation of tithes. It is fairly easy to distinguish from the table those parishes where the incumbent received allotments for both great and small tithes, and those where he received a money compensation or where the tithes had been in the hands of a lay impropriator. At Husbands Bosworth, for example, the Reverend Edward Colquitt, the rector, received an allotment of 583 acres for his glebe and tithe rights and became the largest landowner after enclosure. On the other hand, at Wymeswold, Thomas Green, the vicar, who held only the small tithes, received an allotment of 60 acres for the latter and a further 13 acres for glebe - amounting together to 3% of the total acreage. The allotment of 333 acres for the great tithes went to Trinity College, Cambridge, the impropriator.

At the other end of the scale the cottagers ( the recipients of less than five acres) owned an insignificant proportion of the land, but were more numerous than the proprietors in any other class. This is especially noticeable in the case of towns and larger

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(14) Supra p. 193.



villages, e.g. Melton Mowbray (29 small owners), Hinckley (34 small owners), and Wigston Magna ( 21 small owners), where the number of these small peasant land-owners was doubtless augmented by town artisans and tradesmen. The number of owners with 5-25 acres was generally high in these areas for the same reason. The proportion of land owned by those with less than 100 acres (32%) was not large compared with the 51% of the land in the hands of proprietors of the peasant type in 11 Suffolk parishes, but was by no means insignificant compared with that of the aristocracy and proprietors of over 200 acres in Leicestershire.

Conditions varied widely from parish to parish. In those which were virtually the sole property of the Duke of Rutland small owners were almost non-existent, whilst in others such as Ab Kettleby, Foxton, and Sharnford the small landowners (owning less than 100 acres) owned most of the land. At Wigston Magna no class predominated but these proprietors owned slightly more land than any other class.

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(14a) John Monk noted that many of the farms under 100 acres near the great market towns were occupied by tradesmen or manufacturers. General view of the agriculture of Leicestershire, 1794, 9.

(15) V.Lavrovsky, "Parliamentary enclosures in the county of Suffolk, (1797-1814)", Econ.H.R., Vol. VII, 1936-7, 207.



In contrast to Lavrovsky's sample of twenty  
(16)  
parishes throughout the country the amount of copyhold  
land in Leicestershire was insignificant at this time;  
indeed, in the vast majority of parishes copyhold tenure  
was entirely absent. In those parishes where it still  
existed, it represented a small proportion of the land.  
(17)  
Leases for lives (as far as it is possible to dis-  
tinguish them in the Awards) and copyhold tenure were  
mainly confined to church, college, and Wigston  
(18)  
Hospital land.

Lavrovsky concluded that the independent  
peasantry had already ceased to exist in unenclosed  
(19)  
parishes by the end of the eighteenth century. The  
Leicestershire figures show that there were still many  
landowners with less than 100 acres in the third

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(16) V. Lavrovsky, "Tithe commutation and landownership",  
Econ.H.R., Vol. IV, 1933, 278.

(17) Dr Chambers found that copyhold tenure was also  
rare in the neighbouring county of Nottingham in  
the eighteenth century, Nottinghamshire in the  
eighteenth century, 1932, 185-6, & 202.

(18) This applies to all the 150 parishes and lordships  
enclosed by Act of Parliament and not merely those  
shown in the table.

(19) V. Lavrovsky, Parliamentary enclosure of the common  
fields in England at the end of the eighteenth and  
beginning of the nineteenth centuries, Hill's  
review, Op. cit., 94. Lavrovsky's general conclu-  
sions, however, are different from the results of  
his enquiry for the county of Sussex. Econ.H.R.,  
Vol. VII, 1936-7, 187.



quarter of the eighteenth century although they held less than  $1/3$  of the land. It must be remembered, however, that those Leicestershire landowners with less than 100 acres who were entered as "esquire" or "gentleman" in the Awards would not be counted as peasants by Lavrovsky, whilst a small number of landowners with more than 100 acres would be termed "peasants" by Lavrovsky.

It would be wrong to say of Leicestershire that the engrossing of land by a few large proprietors and the almost complete disappearance of the small landowner generally preceded and facilitated parliamentary enclosure by removing those who might otherwise  
(20)  
have opposed it. There were many parishes where landowners each with less than 100 acres would have been strong enough to muster the necessary  $1/5$  or  $1/4$  (by value of the land to be enclosed) of opposition to prevent enclosure had they so desired. It is a mistake

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(20) Although it may well have been that persons opposing enclosure were bought out beforehand. In the area examined by Habakkuk there was large scale buying out of freeholders before enclosure in the period 1680-1740.  
"English landownership, 1660-1740", Econ.H.R., 1940, 15.



to suppose that these small landowners, or any other class for that matter, were organised and solidly for or against enclosure. Nevertheless the strength of the small landowners in many Leicestershire parishes does not support the view that their extinction was a prelude to parliamentary enclosure. While this view may be warranted in those Leicestershire parishes where one or two proprietors owned most of the land, the total percentages of the land belonging to the several classes suggests that the contrary was generally true. The table indicates that, in fact, it is very difficult to generalise about the matter. If, however, the peasantry suffered severe losses in the late seventeenth century and early eighteenth century, it remained (as far as it can be identified <sup>as</sup> ~~with~~ the proprietors with less than 100 acres) by the middle of the eighteenth century, collectively at least, as great in

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(21) H.L.Gray, "Yeoman farming in Oxfordshire", Q.J.E. Vol. XXIV, 1907-10, 323, suggested that before 1755 the engrossing of small properties was the essential antecedent to enclosure. When enclosures were sanctioned by Act of Parliament in the second half of the eighteenth century, however, the opposition of the small owners was less important.

(22) A.H.Johnson, Disappearance of the small landowner, 1909, 132.



landowning strength as any other single class in many parishes.

It must, however, be repeated that these conclusions can be applied only to parishes which had scarcely been affected by enclosure before the middle of the eighteenth century. It may have been that in old enclosed parishes the land market was more buoyant and that many of the small proprietors had sold their holdings and become large leaseholders, whilst the loss of the commons had ruined others. The discussion of this possibility will be resumed in the following chapter.



The distribution of land in certain Leicestershire parishes.

1757-1772.

Other owners

<u>Enclosure</u>	<u>Clergy</u>		<u>Arist- ocracy</u>		<u>Instit- utions</u>		<u>200 a. and over</u>		<u>100 and less than 200 a.</u>	
	No.	P. %	No.	P. %	No.	P. %	No.	P. %	No.	P. %
Wymeswold	1	3%	-	-	1	28%	1	23%	2	11%
Sileby	1	1%	-	-	-	-	2	30%	2	14%
Cadby	2	6%	-	-	1	3%	1	36%	2	11%
Hoton	-	-	1	0.5%	1	3%	1	47%	2	24%
Somerby	1	7%	-	-	3	12%	1	13%	3	25%
Melton	-	-	2	7%	2	6%	2	22%	5	32%
Frisby	1	2%	1	22%	2	1%	-	-	1	14%
Hinckley	-	-	-	-	1	30%	-	-	1	10%
Seagrave	1	17%	-	-	1	3%	1	38%	1	5%
Hoby	1	18%	-	-	-	-	2	59%	1	11%
Asfordby	2	17%	2	7%	-	-	1	28%	1	9%
Birstall	-	-	-	-	1	3%	1	52%	1	16%
Ansty	1	9%	1	22%	2	4%	-	-	1	12%
Ab Kettleby	1	6%	1	10%	3	9%	-	-	1	12%
Rearsby	1	22%	-	-	-	-	1	23%	5	46%
Quorndon	1	1%	1	1%	3	5%	-	-	3	41%
Hungarton	1	7%	-	-	-	-	1	81%	-	-
Wigston M.	1	3%	1	14%	3	7%	2	17%	3	13%
Sharnford	2	19%	-	-	-	-	-	-	2	22%
Billesdon	1	6%	-	-	2	1%	2	48%	2	14%
Wartnaby	2	3%	1	33%	-	-	1	41%	-	-
N. Broughton	1	18%	1	9%	2	1%	-	-	-	-
Whetstone	1	3%	-	-	3	45%	1	18%	-	-
N. Kilworth	2	23%	-	-	1	2%	1	19%	2	12%
Burton Overy	3	20%	-	-	-	-	2	26%	1	6%
Scalford	1	11%	1	4%	1	1%	1	12%	4	25%
Houghton	1	15%	-	-	-	-	1	25%	2	20%
Grimstone	1	4%	1	58%	1	1%	-	-	1	11%
Croxton K.	1	9%	1	91%	-	-	-	-	-	-
Husbands B.	1	22%	1	2%	4	1%	1	17%	5	23%
Branston	1	20%	1	80%	-	-	-	-	-	-
Waltham	1	19%	1	80%	-	-	-	-	-	-
Lubnam	1	2%	-	-	-	-	1	23%	3	30%
Countesthorpe	1	18%	-	-	-	-	-	-	3	32%
Blaby	1	20%	-	-	1	6%	1	18%	-	-
Aylestone	1	41%	1	7%	-	-	1	52%	-	-

No. P. = Number of proprietors. % = percentage of land held.



<u>Enclosure</u>	<u>Clergy</u>		<u>Arist- ocracy</u>		<u>Instit- utions</u>		<u>Other owners</u>	
							<u>200 a. and over</u>	<u>100 and less than 200 a.</u>
	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>
Eaton	1	3%	1	67%	2	1%	1	12%
Fleckney	1	9%	-	-	-	-	2	20%
Hallaton	1	26%	1	1%	-	-	3	17%
Ratby	1	3%	1	58%	1	1%	2	20%
Saddington	1	15%	-	-	-	-	4	36%
Saltby	1	4%	1	96%	-	-	-	-
Sproxtton	1	3%	1	71%	-	-	2	11%
Skeffington	1	17%	-	-	-	-	-	-
TOTAL		11%		17%		5%		20%

	<u>Other Owners</u>		<u>50 a. and less than 100 a.</u>		<u>25 a. and less than 50 a.</u>		<u>5 a. and less than 25 a.</u>		<u>Less than 5 a.</u>	
	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>
Wymeswold	6	15%	6	7%	30	11%	19	2%		
Sileby	3	11%	16	28%	21	14%	19	2%		
Cadby	4	16%	6	14%	15	12%	12	2%		
Noton	2	13%	2	7%	4	4%	9	1.5%		
Somerby	5	19%	5	11%	14	12%	6	1%		
Melton	3	9%	7	11%	27	10%	29	3%		
Frisby	6	30%	6	17%	14	12%	9	2%		
Hinckley	8	30%	7	16%	11	9%	34	4%		
Seagrave	10	26%	6	9%	3	2%				
Hoby	1	6%	1	3%	2	2%	5	1%		
Asfordby	2	14%	5	14%	8	9%	10	2%		
Birstall	1	7%	5	17%	3	4%	3	1%		
Ansty	3	16%	6	21%	12	14%	11	2%		
Ab Kettleby	6	47%	3	13%	1	1%	10	2%		
Rearsby	1	3%	-	-	6	5%	4	1%		
Quorndon	4	23%	6	15%	15	11%	17	3%		
Hungarton	-	-	1	6%	3	6%	-	-		
Wigeton Magna	6	16%	9	12%	41	16%	21	2%		
Sharnford	5	23%	9	24%	14	11%	6	1%		
Billesdon	1	4%	4	7%	28	19%	10	1%		
Wartnaby	2	21%	-	-	1	1%	1	1%		
N. Broughton	3	22%	8	30%	12	18%	11	2%		
Whetstone	4	13%	7	12%	16	8%	13	1%		
N. Kilworth	6	25%	5	10%	10	8%	5	1%		
Burton Overy	6	26%	5	9%	17	12%	12	1%		
Scalford	8	30%	5	10%	10	6%	8	1%		
Houghton	4	15%	6	11%	19	13%	5	1%		
Grimstone	1	7%	3	9%	6	9%	5	1%		
Croxton K.	-	-	-	-	-	-	-	-		
Husbands B.	6	13%	8	9%	26	12%	11	1%		



<u>Enclosure</u>	<u>Other Owners</u>							
	<u>50 a. and less than 100 a.</u>		<u>25 a. and less than 50 a.</u>		<u>5 a. and less than 25 a.</u>		<u>Less than 5 a.</u>	
	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>	<u>No.</u>	<u>P. %</u>
Branston	-	-	-	-	-	-	-	-
Waltham	-	-	-	-	2	1%	-	-
Lubnam	2	13%	6	17%	13	13%	12	2%
Countesthorpe	5	28%	3	7%	10	13%	11	2%
Blaby	5	31%	5	17%	5	6%	13	2%
Aylestone	-	-	-	-	-	-	-	-
Eaton	1	5%	1	1%	5	3%	-	-
Fleckney	6	36%	6	18%	14	16%	3	1%
Hallaton	4	10%	2	3%	13	6%	17	1%
Ratby	2	19%	2	8%	7	11%	9	1%
Foxton	7	30%	6	15%	13	11%	14	1%
Saddington	4	18%	2	6%	10	7%	-	-
Saltby	-	-	-	-	-	-	-	-
Sproxton	2	7%	1	1%	1	7%	-	-
Skeffington	1	4%	-	-	-	-	-	-
TOTAL		14%		10%		8%		1%

No.P.= Number of proprietors. %= percentage of land held.

N.B. Final percentages are a weighted average.



Chapter XITHE OWNERSHIP AND OCCUPATION  
OF THE LAND, 1780-1831.(a) The land tax returns.

Much of our knowledge concerning the relationship between enclosure and the changing ownership of land and the size of farms between 1780 and 1830 is derived from the county by county reports to the Board of Agriculture, the reports of the Select Committees of the House of Commons on agriculture of 1821 and 1831, and contemporary pamphlets and articles. A good deal of this evidence is, however, impressionistic. Accordingly, some modern writers<sup>(1)</sup> have attempted to measure these agrarian changes, from the land tax returns relating to a particular area or a particular class of landowner. The quantitative approach to the subject is extended and developed in this chapter, which is devoted to a study of the land tax returns for the county of Leicester.

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- (1) A.H.Johnson, The disappearance of the small landowner, 1910.  
 H.L.Gray, "Yeoman farming in England from the sixteenth to the nineteenth century", G.J.E., Vol. XXIV, 1909-10.  
 E.Davies, "The small landowner, 1780-1832, in the light of the land tax assessments", Econ.H.R., Vol. 1, 1927.  
 J.D.Chambers, "Enclosure and the small landowner, 1780-1832", Econ.H.R., Vol. X, 1939-40.



It is not proposed to give in outline a history of the land tax or to discuss in full the limitations of the returns for historical research. This has been done by earlier writers. It will suffice to mention that the amount payable by those villages under discussion remained unchanged throughout the period ( except for redemption which does not affect the use of these documents for the purpose of studying the distribution of land<sup>(2)</sup>); and that changes in the distribution of tax payments normally reflect changes in the distribution of land<sup>(3)</sup>. The Leicestershire returns have, however, certain limitations not met with or fully discussed by the students of similar documents relating to other counties, and these receive special consideration before the main analysis of the tables.

One of these limitations is that the returns do not always, even after 1780, clearly state the names of the occupiers. The return of 1801 for Thorpe Arnold, for example, includes the following entry:

<u>Proprietors</u>	<u>Occupiers</u>	£	s	d.
Duke of Rutland	Underwood and others	103	4	0.

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(2) *Infra* p. 264.

(3) *Infra* p. 268.



and entries such as "sundry tenants" commonly appear in the "occupiers" column of the returns for other parishes. This omission was probably due to the fact that the landowner paid the tax, and that the individual names of the occupiers were consequently of little interest to the collectors. (4) Thus in only 76 out of the 107 chosen villages can any analysis be made of the size of farms. There<sup>are</sup> also a few returns for Leicestershire parishes where the proprietors are grouped together and the occupiers separately specified. In these cases the farmers themselves probably paid the tax.

In order to avoid multiple counting and incorrect classification of landowners and farmers it is necessary to take into account the fact that in many of the early returns the names of the proprietors and occupiers appear more than once. (5) Some of the early returns specify the sums payable quarterly or half yearly, and these have to be adjusted to an annual basis for the purpose of comparison with later returns and with those

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(4) For example, the payments of each of the Duke of Rutland's tenants are rarely stated, suggesting that the Duke himself normally paid the land tax on his estates.

(5) For example at Thorpe Langton in 1791 William Smith occupied the land of five different proprietors (as well as his own on which he paid 2/4d).



(6)

for other parishes.

The word "ditto" which sometimes appears in the "occupier" column creates no ambiguity in the Leicestershire returns unlike those examined by Davies. (7) It is always possible to tell whether "ditto" refers to the occupier above or the proprietors to the left by a comparison with other returns for the same parish one or two years before or after. Davies also found that the names began to disappear from the returns after 1798 when it became possible to redeem the tax. (8) In the Leicestershire returns, however, the owners and occupiers of exonerated land were specified and the sums formerly payable placed in a special column for exonerated payments.

The returns for 107 parishes, about 1/3 of the total number in the county, have been studied and the results tabulated at the end of this chapter. In order to measure, as far as it is possible, the effects of enclosure, these parishes have been classified according

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(6) A unique difficulty was encountered in the returns for 1790 for Twyford. No heading was given to the proprietors or occupiers, and only by a comparison with the returns for other years (1780 & 1793) is it possible to ascertain that in 1790 the proprietors were placed on the right and the occupiers on the left, which was contrary to the usual practice.

(7) Davies, Op. cit., 90.

(8) Ibid.



to their date of full enclosure, i.e. whether it was without an Act of Parliament before 1740, by Act 1740-79, or by Act 1780-1831. The dates for which the returns have been studied are at convenient intervals of approximately ten years, beginning in 1780, when most of the returns first distinguished between owner and occupier, and including the year 1813 before the price<sup>(9)</sup> of wheat fell rapidly at the end of the Napoleonic Wars. Where the return~~s~~ for a particular date cannot be used because it is missing (as are many for the year 1813) or because no distinction was made between owner and occupier (e.g. for Muston in 1780) the return nearest to the desired date has been used instead. The figures in Table III have been rearranged in table VII (which also includes returns at other dates) to show the distribution of land immediately before and after enclosure in parishes enclosed after 1780.

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(9) T. Tooke, History of prices, 1793-1837, 1838, 2-4. The price of corn rose again 1817-18 - but not to the high 1813 level - and fell thereafter. Ibid ch. VI, VII & VIII. Siberling's commodity price index falls rapidly after the year 1813 with only comparatively minor recoveries in 1817, 18, 19, "British prices and business cycles", Review of Economic Statistics, 1923, 230-231.



The classification of landowners and farmers presents a considerable problem, not only because a division into classes based on acreage or land value (10) is bound to be arbitrary, but because it is not always possible to determine the exact acreage or land value on which any particular payment was made. The payments (11) in the returns do not all relate to land; hence the average payment per acre cannot be accurately obtained by dividing the total payment of any village by the total acreage. The tax was originally designed as a general income tax on estates, goods, wares, other personal estate and offices of profit, as well as on (12) land. While most personal incomes were excluded from the assessment, some owners of buildings, titheowners and officers continued to pay the tax in the second half of the eighteenth century. The accuracy of the original assessments on which tax payments were based varied in different parts of the country, although in the Midlands (13) the assessments are thought to have been equitable, as (14) they were within the counties themselves. The fairness

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(10) *Supra* p. 248.

(11) *Infra* p. 274 and 268.

(12) W.R.Ward, The English land tax in the eighteenth century, 1953, 6-7.

(13) H.J.Habakkuk, "English landownership, 1680-1740", Econ H.R., Vol. X, 1939-40, 9.

(14) E.Davies, Op. cit., 88.



of the assessment must have been reduced by the construction of new property or the destruction of old,<sup>(15)</sup> and also by the influence of local magnates over assessors and collectors, whilst a relief through a reduction in<sup>(16)</sup> the assessment was seldom forthcoming.

Most of the returns after 1825 specify the property on which each payment was made. In Leicestershire payments were often made on "house and land" as well as land alone, although the number of houses on which payments were made was a small proportion of the total number of houses in the parish. Typical cases were Keyham, where in 1831 thirteen of the items of payment were on land alone, seventeen on houses and land, and three on house alone. The 1831 census shows that there were 38 inhabited houses in Keyham. In the return for Foxton in 1831 eighteen payments were on land alone, 22 on house and land, three on house and garden, and four on house and orchard. The 1831 census shows there were two uninhabited and 86 inhabited houses in this parish. Occasionally the returns have a separate column for personal estates (e.g. the return for Sibson in 1801), but there is no instance of any payments under

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(15) This difficulty became acute in parishes where there was little prospect of an increase in the value of property and where, for example, a government office was removed. Ward, Op. cit., 41.

(16) Ward, Op. cit., 87-88.



this heading having been made in the Leicestershire returns that have been examined. There were, however, in some of the returns, payments on mills and canals, payments by the excise officer, and, almost invariably (where tithes had not been commuted), payments by the tithe owner.

In order to isolate the payments relating to land, so far as that is possible, payments concerning items other than houses and land have been omitted from the tables. Fortunately such items can usually be easily recognised in the returns, and where they cannot it is possible to trace the payments on these items back from 1825 (when the returns specify the property on which payments were made). Wigston Parva, where the tithe payment was distributed amongst ten persons, proved to be the only case in the returns examined where it is impossible to distinguish these payments not relating to land or houses.

The payments on tithe income present a serious problem in those villages enclosed 1780-1831 where commutation took the form of a land allotment to the

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(17) It is impossible to eliminate the payment on houses as it was often included with that on land.

(18) e.g. The Duke of Rutland's payment of 2/6d on a mill at Harby which can be identified in the 1780 return, and the Union Canal Company's payment of £1/2/11d in 1801 and 1813 and £2/-/10d in 1821 and 1831 at Gumley as well as a great many others.



titheowner. The payment is not included in the figures at the end of this chapter for the years preceding enclosure because it was not on land; after enclosure it became a payment by virtue of landownership and is therefore included in the figures. It should be noted that after commutation the proprietors (the former tithe payers) continued to pay the same amount of land tax but that the size of their holding had decreased by the amount of land they gave up to the titheowners.

A smaller change in the acreage equivalent to the payment of individual proprietors probably took place on enclosure when allotments were made to the owners of cottage common rights who had no field land. It is doubtful whether they all paid tax on their common rights before enclosure, although, judging from the great jump in the number of owners paying less than 4/- tax, they probably paid after enclosure. As the total contribution of each parish remained fixed over these years the burden of the land tax on the other proprietors was thus lightened.

Thus whilst the comparison of the total tax paid with the total acreage in order to find an average acreage equivalent to any tax payment will not produce an accurate result, it is the most practical method possible. We may therefore accept Davies'

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(19)

estimate of 1s 4d per acre for Leicestershire as a rough guide. On this basis landowners and farmers have been classified in tables I-VII according to whether they had approximately less than 3 acres, 3 and less than 15 acres, 15 and less than 75 acres, 75 and less than 150 acres, 150 and less than 375 acres, and 375 acres and over.

(20)

(21)

Although the use of the land tax returns in the study of changing distribution of land 1780-1831 involves many difficulties, useful statistics can be obtained by a careful selection from these documents. It has been impossible to avoid a certain amount of overlapping between the various classes of landowners, but this does not completely destroy the usefulness of the figures, for in any case the divisions employed are based more on convenience than on sociological principles. The land tax returns are the only records which furnish detailed evidence relating to changes in the size and number of holdings over a large part of Leicestershire and are invaluable

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(19) Davies, Op.cit., 109 & 105 note 2.

(20) Most payments on a house alone were also in this category.

(21) Because these acreage equivalents can only be given approximately, reference will be made to landowners according to the tax they paid, as corresponding to a particular land value, rather than the acreage they held.



for the study of the social and economic effects of enclosure.

(b) Landownership.

The striking feature of the distribution of landownership in Leicestershire in 1780 was its concentration in the hands of large proprietors in villages entirely enclosed before 1740. The following table reveals the strength of owners paying £25 and over in these old enclosed villages.

	<u>No</u> <u>villages</u>	<u>No</u> <u>landowners</u> <u>paying more</u> <u>than £25 each</u> <u>in 1780.</u>	<u>Percentage</u> <u>of land held</u> <u>by this</u> <u>class.</u>
villages enclosed before 1740.	41	52	75
villages enclosed 1740-79.	36	23	40
villages enclosed 1780-1831.	30	13	33

The other classes of landowner, particularly those paying less than £5, held a smaller percentage of the land in 1780 in villages enclosed before 1740 than in the other two classes of village. Landowners paying less than £10 in the open villages owned 61% of the land compared with 44% in those recently enclosed (1740-1779) and 14% in old enclosed villages. These facts suggest a relationship between enclosure and the disappearance of the small landowners; but it is not possible to tell



from these figures alone, whether their decline preceded or followed enclosure or both. We cannot conclude in the case of villages enclosed before 1740, for example, that the larger proprietors acquired the land over a large number of years after enclosure. In the latter half of the eighteenth century the whole of the parish could be enclosed provided the consents of  $3/4$  or  $4/5$  (by value) of the landowners were obtained, whereas the engrossing of land (i.e. the buying out of the freeholders refusing to enclose) was often a necessary antecedent to earlier enclosure.

The buying out of the small holder did not always precede enclosure after 1780. In 30 villages enclosed after that date there were on average 20 land-  
 (22) (23)  
 owners per parish 1-3 years before enclosure, less than one paying £25 and over per two villages, and less than one paying £10 and less than £25 per village. At some places, however, the number of landowners differed widely from the average, and a large number of landowners did not necessarily indicate a wide distribution of land.

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(22) To the nearest whole number.

(23) It is impossible, however, to distinguish in the land tax returns sums paid on unenclosed land and sums paid on old enclosures. The enclosure Awards also show that small owners were numerous in some places at the time of parliamentary enclosure. *Supra.* p. 252.



At Tugby in 1780, five years before the enclosure, there were 17 proprietors, but £41.45 out of a total of £56.6 was paid by two owners. Similarly, at Hemington nine years before enclosure (Act 1789) there were 18 proprietors, but one paid £56.7 out of the total of £85.15. At the other extreme at Cropston there were 15 proprietors two<sup>years</sup> before ~~the~~ enclosure, and none paid more than £5. More typical, however, was Mowsley where, eight years before the enclosure, there were 20 proprietors, the largest paying £10.3 out of a total of £65.

The numbers of proprietors paying less than 4/- increased considerably in all three classes of village over the period as a whole, although the percentage of the land they held remained insignificant. In the villages enclosed between 1780 and 1832 their numbers more than doubled between these dates, and tables VII and III suggest that enclosure may have been partly responsible for this large absolute increase.<sup>(24)</sup> There were 150 such proprietors 1-3 years before enclosure and 201 4-7 years after enclosure; moreover, the largest absolute increase during the period 1780-1831 in these villages occurred in the 1790s, the busiest

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(24) At Thrussington (enclosure 1790), for example, six proprietors paid less than 4/- in 1788, 16 in 1795, and 21 in 1801.



decade of enclosure in Leicestershire after 1780. The fact that the number paying less than 4/- showed a similar trend in villages enclosed before 1780, (especially during the period 1813-1831) indicates, however, that there were other factors besides enclosure favourable to their increase. It is likely, for example, that small parcels of land on the margin of the cultivated area found a ready sale as building sites during the period when population was rising rapidly.<sup>(25)</sup>

The increase in the number of very small owners after enclosure may be accounted for in several ways. Cottagers whose rights of common were recognised by the commissioners received allotments which seldom exceeded two or three acres, for which they contributed less than 4/- to the land tax. The Lord of the Manor also received a small allotment (rarely more than three acres and usually much less) as compensation for his rights of soil. Sometimes the surveyors of the highways were allotted

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(25) It must also be remembered that not all payments of less than 4/- were on land. Five out of ten such payments in the Thurcaston return for 1830, and 5 out of 11 in the Stonesby return for 1831, were in respect of houses; at Barkestone in 1831 five of the fourteen small payments related to houses and gardens and two to houses and orchards; and at Shackerstone 8d was paid by the publican in 1831.



a few acres, which were either used as a source of gravel for the repair of the roads or let, the profits being used for highway maintenance. Such allotments (where the recipients held no other land in the village) helped to swell the number~~s~~ paying less than 4/-. In those villages where a part of the common land was sold in small lots to defray the expenses of enclosure, or where some of the proprietors sold a small portion of their allotment to cover their expenses, there was sometimes an increase in the number of small owners (unless all the land was sold in large lots or purchased by persons already landowners). At Ashby Woulds (enclosure Act 1800) nine purchasers of the land sold to meet the cost of enclosure bought less than ten acres each. Fifty-three of the allotments of between three rods and ten acres were recent purchases, and, although some proprietors bought a series of these small parcels of land (e.g. John Smith who bought 42 acres in this way), many became landowners for the first time by the purchase of an acre or two. Many sold their common rights before the commissioners drew up their Award, presumably to avoid the cost of fencing; but a considerable number of these small allotments were purchased by large landowners, e.g. five of the Earl of Moira's small allotments

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were described as recent purchases. At the enclosure of Southfields (Act 1804) eleven persons purchased the lots (each of less than five acres) sold to meet the expenses. At the enclosure of Charnwood Forest (enclosure Act 1808), however, the sale of land to meet the costs was in large lots, and many of the rights of the smaller proprietors were bought by "wealthy and enterprising individuals causing farms to be of a large size." (28)

Thus, although the number of owners paying less than 4/- increased on enclosure, they did not all belong to the peasant class. Where cottagers not paying land tax, did not receive compensation for their common rights on enclosure, or where they sold their allotment, their loss would not be recorded in the land tax returns. Moreover, where persons from a higher social class, hitherto not landowners, acquired these small parcels of land, there would be a net loss by the cottager class but an increase in the number paying less than 4/- in land tax. (29)

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(26) L.R.O. Collection of enclosure Awards, Ashby Woulds.

(27) Supra p. 173.

(28) Potter, Charnwood Forest, 1842, 37.

(29) As alleged, for example, by John Cowper, An Essay proving that inclosing commons, and common field lands, is contrary to the interests of the nation, 1732, 2.



A detailed examination of the social status of the proprietors in this class would be necessary to see in fact how far this was the case.

Large landowners grew in number and increased the size of their estates at the expense of small landowners between 1780 and 1831. The number of proprietors paying 4/- and less than £5 fell in all three classes of village, and both the number of large proprietors, paying £10 and over, and the size of their estates increased (except those paying £25 and over in the villages enclosed before 1740), in this period. Thus at Newton Harcourt the payment on Sir Henry Halford's estate between 1811 and 1831 rose from £41/10/1d to £52/11/4d, while the number of proprietors paying £1-£5 fell from six to two over the same period. In 1832 Sir Henry had acquired two new farms, one paying £1/14/4d and the other £2/4/0d. He also increased the size of his estate at Kilby where in 1813 he paid £27/16/0d in land tax and in 1831 £36/13/6d. At Sheepy Parva Mr Wilmot increased his payments of land tax between 1780 and 1813 £12/14/1d to £20/1/1d. In this same period the number paying £1 and less than £5 diminished from seven to three and the amount of tax they paid decreased from £19/0/9d to £11/13/1d. Enclosure after 1780 did not immediately

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accelerate this transfer of land. The number of proprietors paying 4/- and less than £1 in the villages enclosed after 1780 remained fairly constant for a few years after enclosure, and the increase in the group paying £5 and less than £25 seems to have been at the expense of those paying £25 and over.

Neither the period of prosperity during the Napoleonic Wars nor the post war depressions seems to have affected the steady concentration of land into the hands of the larger proprietors. There were a few exceptions to the general tendency, e.g. the number of owners paying 4/- and less than £5 increased between 1813 and 1821 in the villages enclosed before 1740, and the number of owners paying £1 and less than £5 increased between 1790 and 1801 in the villages enclosed after 1740; but these reversals were temporary and probably due to local circumstances.

The acquisition of land in Leicestershire between 1780 and 1831 was effected in the main by  
(30)  
landowners established in the county. Examples such as that of William Collins of London, who suddenly appears in the returns for Leire in 1801, do not occur frequently

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(30) Although these families were not necessarily resident in the county.



and are confined to the smaller classes of landowner. The Duke of Rutland made considerable purchases of land at Hose and Kripton where he was already the largest owner in 1780. Clement Winstanley of Braunstone, increased his land tax payment from £75/17/8d in 1780 to £91/13/10d out of a total for his parish of £111/6/8d. This represented an increase in his estate of some 250 acres. As a result three proprietors paying £1 and less than £5, and one proprietor paying £5 and less than £10 disappeared. Purchases by the Earl of Stamford at Cropston between 1813 and 1831 reduced the number of proprietors paying £1 and less than £5 from eight to four and their aggregate payments in land tax from £23 to £10. At Bilstone three proprietors who paid 5d, 4/-, and £2/13/4d respectively in 1821 had disappeared by 1830 and the one large landowner in the £25 and over class (Viscount Curzon in 1821 and Earl Howe in 1830) thus increased his property.

In Leicestershire, therefore, the fact that many large proprietors (notably the aristocracy and landed squirearchy<sup>(31)</sup>) increased their estates at the expense of those of their smaller neighbours during the period 1780-1831.

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(31) The clergy also rose in landowning strenght. See chapter VII.



strengthens the argument that the abolition of collective rights and enclosure increased the attractiveness of land as a means of investment and also weakened the position of the smallholders. But, in the period 1780-1831, there was no immediate and revolutionary transfer of land from one class to another following enclosure. The process was more gradual and was doubtless retarded by the natural reluctance of the small landowner to sell.

(c) Tenants and occupying owners.

There was a decline throughout the period in the number of small and middle-sized farmers paying 4/- and less than £10 in villages enclosed before 1740 and after 1779, and those paying 4/- and less than £5 in villages enclosed between 1740 and 1779. This was balanced by an increase in the number of farms paying £10 and over in the villages enclosed before 1740, and those paying £10 and less than £25 in villages enclosed after that date. The engrossing of farms was most vigorous in the villages

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(31a) Except that connected with the commutation of tithes.



enclosed between 1780 and 1831, and enclosure appears to have been at least partly responsible for this (table VII). Enclosure, however, was not immediately followed by a large transfer of land from many small farmers to a few large ones: a reduction of six occupiers paying 4/- and less than £1 and seven paying £1 and less than £5 out of totals of 201 and 180 respectively four to seven years after enclosure could scarcely be described as a revolution. Moreover, as a similar tendency can be observed in the villages enclosed before 1780 there is evidence that engrossing was taking place decades and centuries after enclosure.

The increase in the number of occupying owners paying less than 4/- reflects the increase in the number of small proprietors and may be accounted for in the  
(32)  
same way.

The average number of occupiers per village in 1780 paying less than £5 was considerably less in the villages enclosed before 1740 than in the more recently enclosed and open villages, whereas those paying £10 and over were numerous in these old enclosed villages.

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(32) Supra pp. 274-276.



<u>No. occupiers per village in 1780 paying</u>	<u>before 1740</u>	<u>Villages enclosed</u>	
		<u>1740- 1779</u>	<u>1780- 1831.</u>
Less than 4/-	0.6	6.4	4.7
4/- and less than £1	3.9	7.5	9.8
£1 and less than £5	5.4	8.3	8.9
£5 and less than £10	2.9	3.0	2.7
£10 and less than £25	2.6	0.8	0.9
£25 and over.	1.1	0.3	0.04

The fact that farms were larger on the average in old enclosed areas than in areas of more recent enclosure or open fields suggests that, in the long run, the small farmer was unable to meet the increase in rent which followed enclosure even if, as table VII indicates, many of them were able to struggle on for a time.

There is no evidence to suggest that the war-time prosperity or post-war depression had any revolutionary effect on the rate of decrease in the number of small farms. There is a very slight fall in the rate of decrease after 1813 in some villages, which may possibly be accounted for by the reluctance of farmers to lay out larger sums of capital during a  
(33)  
period of depressed prices, but the process of engrossing

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(33) John Buckley, a Leicestershire farmer of between 400 and 500 acres, spoke of a general reluctance on the part of tenants to take land in this county. Report of the Select Committee of the House of Commons on Agriculture 1833, B.P.P. 1833, V, QQ. 8610, 8612, 8616.



went on steadily throughout the period with an occasional jump or slackening off which can probably be attributed more to <sup>local</sup> ~~local~~ circumstances than to general economic conditions. It seems that the small farmer was gradually replaced by the large because in the long run the latter proved to be more efficient. When leases were due for renewal the small farmer was less able to meet the increase in rent during periods of prosperity and more in need of a reduction in rent during periods of depression when, after the end of the Napoleonic Wars, farmers found themselves living at times on their capital. (34) Enclosure helped to make the large farm more profitable by the removal of restrictions on the utilisation of the land and the abolition of rights of common, whilst the growth of large urban markets in this period added a further advantage.

In the 105 Leicestershire villages under consideration, 19% of the total land tax was paid by occupying owners in 1780. This is higher than H.L.Gray's (35) figure of 9% for Oxfordshire, but the latter did not

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(34) Ibid., B.P.P. 1833, V, Q. 8543.

(35) "Yeoman farming in Oxfordshire from the sixteenth to the nineteenth century", Q.J.E., Vol 24, 1909-10, 305.



include those paying less than 6/- and more than £20.

In Leicestershire the paucity of owner occupiers was far more pronounced in villages enclosed before 1740 than in those enclosed after this date.

No. occupier owners per vill- age in 1780	<u>before</u> <u>1740</u>	<u>Villages enclosed.</u>	
		<u>1740-</u> <u>1779</u>	<u>1780-</u> <u>1831</u>
	2.9	8.5	8.9

The contrast between old enclosed villages and those recently enclosed or still open in 1780 is further illustrated by the fact that in the former villages 70% of the land tax paid by this class of owner was contributed by the large landowners (each paying £10 and over) compared with 31% in villages enclosed between 1740 and 1779, and 8% in unenclosed villages. Thus there is evidence that enclosure before 1740 was preceded and/or followed by the buying up of small landowning farmers by large landed proprietors and by the engrossing of farms. (36)

There was not, however, a large reduction in the number of occupying owners immediately after enclosure between 1780 and 1831 in the 30 villages examined (table III). The very slight decrease in the

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(36) A.H. Johnson thought that the small landowners experienced a decline between the beginning of the seventeenth century and the year 1785. Disappearance of the small landowner, 1909, 132. The class under discussion, the occupying-owners, should not be confused with the peasant proprietors (holding less than 100 acres) considered in chapter X (page 256). Many of the latter did not farm their land.



number of those paying 4/- and less than £1 (table VII) 4-7 years after enclosure represents a reduction of less than 1% and was more than offset 9-12 years after enclosure. The majority of enclosures in Leicestershire having taken place before 1813, most landowners were helped by comparatively prosperous conditions in meeting the burden of enclosure costs.

The period 1780- 1831 was not particularly disastrous for the occupying owner. Twenty percentage of the total land tax was paid by occupying owners in 1831 compared with 19% in 1780. A turning point in their fortune, however, seems to have been the end of the prosperity of the Napoleonic Wars. The number of small occupying owners increased up to the year 1813, in many cases the result of sitting tenants purchasing their holdings, but afterwards there was a decline ~~of~~ in the number of

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(37) At Orton-on-the-Hill John Norrhal owned and occupied land in 1801 on which he paid 4/9d tax and also occupied land owned by S.S.Perkins Esq. on which 5/6d tax was paid. In 1813 Norrhal owned and occupied both holdings. At Ravenstone, John Darling a tenant of land on which was paid £1/16/10d tax, bought the holding between 1801-13.



occupying owners paying 4/- and less than £5 in all classes of villages and also in the number of those paying £5 and less than £10 in villages enclosed before 1780. The number of occupying owners paying less than 4/- increased throughout the whole period largely as a result of the increase in the number of proprietors paying this small sum.

The increase in the number of large owner-occupiers accounts for the most appreciable increase in the total land tax paid by this class up to 1813 (particularly those paying £10 and over in villages enclosed between 1780 and 1831 and those paying £5 and less than £25 in villages enclosed before 1740). For example, the Duke of Rutland appears in the 1801 return for Barkestone (enclosure Act 1796) as occupying his own land, paying £58/17/4d. As a result the number of tenants paying less than 4/- had dropped between 1790 and 1801 from seven to two, those paying 4/- and less than £1 from eighteen to eleven, those paying £1 and less than £5 from twenty-one to four, and those paying £5 and less than £10 from two to nil. It seems that these large landowners, wishing to take advantage of the high price of provisions,

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(38) Thus the marginal holding, showing a decline after 1813, of which Dr Chambers speaks, appears to have been much wider in Leicestershire than in Lindsay, Derbyshire and Nottinghamshire. "Enclosure and the small landowner, 1780-1832", Econ.H.R., Vol. X, 1939-40, 121-122.

(39) *Supra* pp. 274-276.



turned to farming their own lands (by means of a land steward) as their tenants' leases expired.

Small tenant farmers paying 4/- and less than £5 appear (judging from their numbers) to have better withstood the post-war depressions than occupying owners in spite of the impression of John Buckley (the Leicestershire witness to the Select Committee of the House of Commons on agriculture 1833) that the latter had not suffered so greatly as the non-owning tenants who were (40) burdened with heavy rents. Buckley agreed, however, that a number of small occupying owners, particularly these who had borrowed money during the war to improve their lands, had been forced to sell their property to the (41) great landed proprietors and manufacturers. Some, however, (42) continued farming their land after they had sold it. With the exception of the class paying 4/- and less than £1 in all three groups of villages, of those paying £1 and less than £5 in villages enclosed before 1740, and of

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(40) Report of the Select Committee of the House of Commons on Agriculture, B.P.P. 1833, V, Q. 8572.

(41) Ibid., QQ. 8578-8587. See also J.Rae, "Why have the yeomanry perished", Contemporary Review, Vol VIIV, 1883, 552-553.

(42) e.g. in 1813 Robert Buckley of Normanton Turville was an owner occupier paying £5/13/8d land tax. By 1821 Richard Arkwright Esq. had become the landlord and Buckley the lessee.



those paying £5 and less than £10 in villages enclosed 1740-17<sup>79</sup>~~80~~, occupying owners had maintained or increased their numbers in 1831 compared with 1780.

The evidence of the land tax returns for Leicestershire supports many of the conclusions drawn from comparable studies of other areas and also reveals a few local variations. The Leicestershire occupying owners did not own a large proportion of the land (particularly in old enclosed villages) in 1780, but their number and landowning strength did not decline appreciably in the next 50 years. Percentages and rates of change differ from those in other areas but the overall picture is similar. The period under consideration was characterised by the engrossing of farms (non-owning tenants) and the concentration of land into the hands of large proprietors who did not occupy their property. While enclosure assisted this process, its effect was by no means revolutionary. It was often drawn out over a large number of years, whilst many parishes enclosed for decades and centuries showed the same tendencies.

The number of detailed studies of the land tax returns is not sufficiently large to make possible

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a generalisation for the whole country, Nevertheless the regional trends revealed by this and other research of a statistical nature suggest that many earlier theories concerning the role of enclosure in the agrarian and industrial revolutions need considerable revision.



Table IVillages enclosed before 1740.

<u>Owners (41 villages)</u> <u>paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	16	17	16	21	32	45
4/- and less than £1	86	77	75	61	72	67
£1 and less than £5	110	107	95	93	97	84
£5 and less than £10	47	46	50	52	54	49
£10 and less than £25	37	36	39	44	46	50
£25 and over	52	50	51	52	49	47
Total	<u>348</u>	<u>332</u>	<u>326</u>	<u>323</u>	<u>350</u>	<u>342</u>
 <u>Occupiers (29 vil-</u> <u>lages) paying</u>	 <u>1780</u>	 <u>1790</u>	 <u>1801</u>	 <u>1813</u>	 <u>1821</u>	 <u>1831</u>
Less than 4/-	16	14	19	20	36	45
4/- and less than £1	112	103	98	81	95	95
£1 and less than £5	158	146	143	135	124	122
£5 and less than £10	83	76	72	82	78	71
£10 and less than £25	74	72	64	63	63	60
£25 and over	31	31	34	34	35	37
Total	<u>474</u>	<u>442</u>	<u>430</u>	<u>415</u>	<u>431</u>	<u>430</u>
 <u>Owner-occupiers</u> <u>(40 villages)</u> <u>paying</u>	 <u>1780</u>	 <u>1790</u>	 <u>1801</u>	 <u>1813</u>	 <u>1821</u>	 <u>1831</u>
Less than 4/-	9	8	15	9	13	25
4/- and less than £1	35	32	34	38	31	27
£1 and less than £5	40	37	38	50	46	39
£5 and less than £10	20	21	33	30	27	28
£10 and less than £25	6	9	10	16	16	15
£25 and over	6	5	9	10	6	6
Total	<u>117</u>	<u>112</u>	<u>139</u>	<u>145</u>	<u>139</u>	<u>138</u>



Table IIVillages enclosed 1740-1779

<u>Owners (36 villages)</u> <u>paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	178	168	169	164	201	210
4/- and less than £1	224	225	223	205	192	185
£1 and less than £5	236	225	234	224	226	208
£5 and less than £10	61	62	62	61	57	55
£10 and less than £25	28	31	31	33	33	31
£25 and over	23	25	21	24	25	27
Total	<u>750</u>	<u>736</u>	<u>740</u>	<u>711</u>	<u>734</u>	<u>719</u>

<u>Occupiers (24 vil-</u> <u>lages) paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	154	136	148	133	155	145
4/- and less than £1	180	176	191	152	156	150
£1 and less than £5	200	188	197	187	192	190
£5 and less than £10	73	77	80	79	77	73
£10 and less than £25	20	25	24	25	23	32
£25 and over	8	7	5	7	8	6
Total	<u>635</u>	<u>609</u>	<u>645</u>	<u>583</u>	<u>611</u>	<u>596</u>

<u>Owner-occupiers</u> <u>(35 villages)</u> <u>paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	108	99	110	106	125	126
4/- and less than £1	105	102	120	107	100	78
£1 and less than £5	64	73	87	91	85	67
£5 and less than £10	17	18	19	20	18	12
£10 and less than £25	4	2	5	4	5	4
£25 and over	1	3	2	1	1	1
Total	<u>298</u>	<u>297</u>	<u>343</u>	<u>329</u>	<u>334</u>	<u>287</u>



Table IIIVillages enclosed 1780-1831

<u>Owners (30 villages)</u> <u>paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	116	151	203	212	254	269
4/- and less than £1	239	238	212	224	210	204
£1 and less than £5	193	169	175	168	160	141
£5 and less than £10	48	49	55	47	50	47
£10 and less than £25	21	24	27	27	29	28
£25 and over	13	12	11	12	12	14
Total	<u>630</u>	<u>643</u>	<u>683</u>	<u>690</u>	<u>715</u>	<u>703</u>

<u>Occupiers (23 vil-</u> <u>lages paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	109	120	166	185	228	223
4/- and less than £1	226	222	215	208	200	189
£1 and less than £5	205	198	170	157	163	162
£5 and less than £10	62	61	62	58	48	51
£10 and less than £25	20	25	24	26	33	28
£25 and over	1	-	2	4	2	2
Total	<u>623</u>	<u>626</u>	<u>639</u>	<u>638</u>	<u>674</u>	<u>655</u>

<u>Occupying owners</u> <u>(30 villages)</u> <u>paying</u>	<u>1780</u>	<u>1790</u>	<u>1801</u>	<u>1813</u>	<u>1821</u>	<u>1831</u>
Less than 4/-	78	104	124	140	157	146
4/- and less than £1	123	113	109	144	122	109
£1 and less than £5	52	50	74	75	66	64
£5 and less than £10	12	12	8	10	15	13
£10 and less than £25	2	1	3	5	4	4
£25 and over	-	-	1	1	1	2
Total	<u>267</u>	<u>280</u>	<u>319</u>	<u>375</u>	<u>365</u>	<u>338</u>



(293)

Table IV

Villages enclosed before 1740.

<u>Owners (41 villages)</u> <u>paying</u>	<u>Percentage of the</u> <u>total Land Tax paid.</u>		
	<u>1780</u>	<u>1813</u>	<u>1831</u>
Less than 4/-	.04	.05	.1
4/- and less than £1	1	1	1
£1 and less than £5	6	5	4
£5 and less than £10	7	8	8
£10 and less than £25	11	13	16
£25 and over	75	73	71

<u>Occupying owners</u> <u>(40 villages) paying</u>	<u>Percentage, paid by</u> <u>each class, of the total</u> <u>land tax paid by occup-</u> <u>ying owners.</u>		
	<u>1780</u>	<u>1813</u>	<u>1831</u>
Less than 4/-	.2	.2	.3
4/- and less than £1	2	2	1
£1 and less than £5	12	11	10
£5 and less than £10	16	20	23
£10 and less than £25	7	19	21
£25 and over	63	48	45

<u>Percentage of total Land</u> <u>Tax in 40 villages paid by</u> <u>occupying owners.</u>	<u>1780</u>	<u>1813</u>	<u>1831</u>
	19	24	20

N.B. All percentages are given to the nearest whole number, except the under 4/- class where the figures are correct to the nearest two decimal places in the case of the owners in 1780 and 1813, 1790 and to the nearest decimal place in all other cases in this class.



Table VVillages enclosed 1740-1779.

<u>Owners (36 villages)</u> <u>paying</u>	<u>Percentage of total Land</u> <u>Tax paid.</u>		
	<u>1780</u>	<u>1813</u>	<u>1831</u>
Less than 4/-	1	1	1
4/- and less than £1	4	3	3
£1 and less than £5	23	22	20
£5 and less than £10	16	17	16
£10 and less than £25	16	19	17
£25 and over	40	38	43

<u>Occupying owners</u> <u>(35 villages)</u> <u>paying</u>	<u>Percentage, paid by each,</u> <u>class, of the total Land</u> <u>Tax paid by occupying owners</u>		
	<u>1780</u>	<u>1813</u>	<u>1831</u>
Less than 4/-	2	2	2
4/- and less than £1	10	9	9
£1 and less than £5	34	38	37
£5 and less than £10	23	23	24
£10 and less than £25	12	12	13
£25 and over.	19	16	15

<u>Percentage of total Land</u> <u>Tax in 36 villages paid</u> <u>by occupying owners.</u>	<u>1780</u>	<u>1813</u>	<u>1831</u>
	21	23	19

N.B. All percentages are given to the nearest whole number.



Table VIVillages enclosed 1780-1831

<u>Owners (30 villages)</u> <u>paying</u>	<u>Percentage of the total</u> <u>Land Tax paid.</u>		
	<u>1780</u>	<u>1813</u>	<u>1831</u>
Less than 4/-	1	1	1
4/- and less than £1	6	5	5
£1 and less than £5	25	22	18
£5 and less than £10	19	17	17
£10 and less than £25	16	22	22
£25 and over	33	33	37

<u>Occupying owners</u> <u>(30 villages)</u> <u>paying</u>	<u>Percentage, paid by each</u> <u>class, of the total Land</u> <u>Tax paid by occupying</u> <u>owners.</u>		
	<u>1780</u>	<u>1813</u>	<u>1831</u>
Less than 4/-	3	3	3
4/- and less than £1	18	14	11
£1 and less than £5	42	39	29
£5 and less than £10	29	16	19
£10 and less than £25	8	15	13
£25 and over	-	13	25

<u>Percentage of total</u> <u>Land Tax in 30 villages</u> <u>paid by occupying owners.</u>	<u>1780</u>	<u>1813</u>	<u>1831</u>
	15	23	25

N.B. All percentages are given to the nearest whole number.



Table VIIVillages enclosed 1780-1832.

<u>(30 villages)</u> <u>Owners paying</u>	<u>1-3 years</u> <u>before</u> <u>enclosure</u>	<u>4-7 years</u> <u>after</u> <u>enclosure</u>	<u>9-12 yrs</u> <u>after</u> <u>encl.</u>
Less than 4/-	150	201	222
4/- and less than £1	199	203	204
£1 and less than £5	153	143	153
£5 and less than £10	45	50	51
£10 and less than £25	27	33	33
£25 and over	14	12	12
Total	<u>588</u>	<u>642</u>	<u>675</u>
 <u>Occupiers (23</u> <u>villages) paying</u>			
Less than 4/-	121	151	159
4/- and less than £1	201	195	181
£1 and less than £5	180	173	163
£5 and less than £10	79	75	66
£10 and less than £25	24	26	29
£25 and over	1	2	3
 <u>Occupying owners</u> <u>(30 villages)</u> <u>paying</u>			
Less than 4/-	101	128	141
4/- and less than £1	114	113	121
£1 and less than £5	51	57	79
£5 and less than £10	11	13	8
£10 and less than £25	1	2	4
£25 and over	-	1	1
Total	<u>278</u>	<u>314</u>	<u>354</u>



An attempt has been made in this thesis to throw fresh light on the method of promoting and executing enclosure Bills, and to assess the responsibility of enclosure for some of the economic changes and social ills in the period 1750-1850. Thus the promoters and opposers of enclosure have been identified and their motives examined. Special consideration has been given to the procedure of the commissioners in order to discover how far the power of the leading landowners was exerted in the execution of the Act. Finally, certain social and economic effects of enclosure have been traced and the fortunes of the various social classes considered. These are not new aspects of enclosure; but an examination of the primary historical sources, notably the Awards and Land Tax Returns, has provided the evidence for a more precise analysis of the movement in one county than had hitherto been attempted. The principal conclusions of this study may be briefly restated.

In Leicestershire, as elsewhere, the lord of the manor, the incumbent and other titheowners, and the leading proprietors usually petitioned for enclosure. The exceptions were mainly those where the lord of the manor or the incumbent had very little property involved and did not think it worth his while to participate in the promotion

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of enclosure. Opposition to enclosure came mainly from the smaller proprietors who demonstrated their hostility by refusing to sign the enclosure Bill. Occasionally larger proprietors would not consent to the Bill; but it was usually because they objected to certain clauses rather than to enclosure itself. There was only one riot and very few counter-petitions, the latter being too expensive for the small man and in any case usually ineffective in postponing enclosure indefinitely. The amount of known opposition was surprisingly small; but there must have been much opposition not recorded either because the Bill never reached the Committee Stage or because it was not even introduced. Promoters were unlikely to have petitioned Parliament, or at least to have allowed their Bill to proceed to the Second Reading, when the amount of opposition was known to be great.

The evidence for Leicestershire does much to exonerate the commissioners from the responsibility attributed to them by many contemporary and modern writers for the misfortunes of the small landowners. The commissioners' task was not an easy one, and they doubtless blundered on occasions. But there is very little evidence that they acted unfairly by favouring their nominators in the redistribution of the land. Indeed, the evidence of their minutes, working papers and enclosure maps shows they were often sympathetic to the difficulties of the small

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man. Their procedure was given wide publicity, and they did not attempt to exclude anyone from an allotment by concealing the date for entry of claims and objections. On the contrary - the evidence suggests that they were willing to extend the period for entry of claims when necessary. The imposition of a time limit at various stages was a necessary administrative arrangement rather than a ruse to cheat the small man of his right.

Where the large proprietors benefitted from enclosure at the expense of the peasants and cottagers, it was not so much due to the decisions of the commissioners, as to the large proprietors being able to exert powerful influence when the enclosure Bill was drawn up. In most cases there does not appear to have been any connection between enclosure promoters and the M.P.s who acted on their Bills. At the same time, it must be admitted that Parliament very rarely amended the many Bills containing clauses in the interests of the leading proprietors but which had no safeguard for the rights of the poor. Thus many Lords of the Manor used the enclosure Act as a means of acquiring the small estates of squatters on the waste and commons, and promoters often decided upon the position of their

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(1) Whitwick was an exception. *Supra* p. 73.

(2) A large number of enclosure Bills provided that cottages and encroachments (enclosures) on the waste and commons should be allotted to the Lord of the Manor, e.g. At Markfield (1769) to the Earl of Huntingdon and at Groby (1789) to the Earl of Stamford.



(3)

allotment before the Bill was drawn up.

The commissioners had no alternative but to obey unfair provisions in the enclosure Act. They were bound by precedent, and occasionally by a clause in the Act, when deciding, for example, who was entitled to receive allotments in lieu of common rights. The commissioners were usually appointed by those with the greatest financial interest in the enclosure, but not on a patronage basis: the chosen men were, in the main, well fitted to deal with the problems of enclosure. It is significant that on the few occasions when small proprietors were able to appoint commissioners they chose men who had already served on other commissions as nominees of the large landowners.

To what extent did a redistribution of land take place on enclosure? An immediate change in ownership occurred not as a result of enclosure properly speaking, but through the commutation of tithes that accompanied it. The tithe-owners often received as much as 1/7 of the land to be enclosed in lieu of his rights and thus became a leading landowner in his parish. The removal of this proportional

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(3) At Glenfield the Earl of Stamford's allotments were to be set beside his cottages and other property and at Barrow-on-Soar the commissioners were compelled to allot 1/16 of the commons to the Earl of Stamford for his rights of soil in the limestone area. (the lime of Barrow was used on the walls of farm buildings and was praised by Marshall for its high quality. Rural economy of the Midland counties, 1790, Vol 1, 28.)



tax on agricultural production was beneficial to the large farmers who were in a position to increase productivity and output; but for the smaller farmers it was not such an obvious gain. True they no longer lost  $1/10$  of their annual production, but their farms were reduced still further in size and they could not expect the same increase in productivity as did their larger neighbours.

When assessing the influence of enclosure on the reduction in the number of small farms and the disappearance of peasant proprietorship, a distinction should be made between the long- and short-term effects. In the period 1780-1831 there was a steady transfer of land from small to large farmers and landlords. But, in the villages enclosed after 1780, there is no evidence that the redistribution of land was quicker in the years immediately following enclosure. True the cost of enclosure was high and few small proprietors were exempt from this burden. The costs mentioned in the Awards, although not including two of the main items, that of forming the new roads and that of fencing the individual allotments, probably amounted to more than the annual value of the land at the time of enclosure. Moreover there are signs in the commissioners' minutes that some of the proprietors had difficulty in meeting such a high capital cost. Yet the majority of them did manage to overcome their



immediate financial problems, probably by mortgaging  
 their land or by drawing on their savings.<sup>(4)</sup> Thus they  
 became more vulnerable to a series of unfavourable harvests,  
 but were fortunately assisted by conditions of comparative  
 prosperity during the second half of the eighteenth century  
 and during the Napoleonic Wars. Some probably also sold  
 a portion of the land, although it is difficult to trace  
 such sales in the land tax returns.<sup>(5)</sup>

The statistics tell us little about the position of  
 the cottage common right owners. Where they had no legal  
 right to use the commons - owners of cottages constructed  
 for less than 40 years were usually considered as not  
 having such a right in Leicestershire - they did not  
 receive an allotment from the commissioners; but their loss  
 was not recorded in the land tax returns, for they rarely  
 paid land tax before enclosure (on their cottage common  
 rights at least). Landowners paying less than 4/- increased  
 rapidly between 1780 and 1831; but as proprietors of  
 houses and gardens, small landowners from all social classes,  
 and sometimes even Lords of the Manor, as well as recipients  
 of allotments for cottage common rights, often paid less  
 than 4/-, it is rarely possible to distinguish the latter.

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(4) But see pp. 185-186.

(5) Supra p. 275.



While enclosure did not immediately reduce the number of small proprietors and farmers (say holding less than 100 acres), in the long run there appears to have been a connection between enclosure and their disappearance. In 1780 there were more of these small landowners (who also held a greater proportion of the land) in open field villages than in those enclosed between 1740 and 1779; and this difference is even more marked when a comparison is made between unenclosed villages and those enclosed before 1740. Many small landowners were in a weaker position after enclosure (through the loss of their common rights and, after 1740, through the high costs of enclosure which drained their capital resources) and were more easily induced to sell. Furthermore, land purchasers may have been more anxious to acquire enclosed rather than open land as a more profitable investment. In order to enclose the whole parish, before the method of enclosing by Act became established, it was necessary to buy out those proprietors refusing to enter into an agreement, and this might also partly explain why the landownership was concentrated into fewer hands in villages enclosed before 1740.

There does not appear to have been a large number of agricultural labourers and small landowners thrown on to poor relief as a result of enclosure. The level of poor relief expenditure did not rise much more rapidly in

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villages undergoing enclosure than in other villages despite the fact that much land was converted to permanent pasture or to six or seven year leys following enclosure. It seems that either a high level of employment was maintained because improved husbandry was adopted, (6) or that surplus labour found employment in other occupations. The similar shapes of the curves of poor relief expenditure in all classes of village (whether predominantly agricultural or industrial, or whether enclosed early or late) suggest that factors unconnected with enclosure were mainly responsible for the large increases in the sums spent on the poor.

The use of empirical methods to test the theories and allegations of earlier writers helps us to appreciate more precisely the role of enclosure in the social and economic changes of the period. But the quantitative approach has its limitations and should not lead us to think that it exhausts the subject. Some aspects of enclosure are not best treated by statistical analysis, whilst for others figures can only supplement qualitative evidence. Moreover, the statistics that can be compiled for

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(6) J.D.Chambers had pointed out that the yield per acre of corn increased after enclosure but the method of sowing, reaping and threshing were not substantially speeded up till the 1830s and 1840s. The spread of the use of fodder crops and the hedging and ditching of new enclosures also called for labour. "Enclosure and the supply of labour in the industrial revolution", Econ.H.R., 1952-3, 332.



this period are often suspect and rarely provide all the necessary detail. Indeed, in some cases, conclusions based upon the figures alone would be inaccurate. The discussion on opposition to enclosure shows how statistical evidence can often be misleading. Nevertheless, it is only by an examination of a large number of cases that general conclusions can be verified and local variations brought to light. The present study confirms some of the generalisations that have been based on smaller samples for other parts of the country; but it also shows that many earlier theories should be modified, at least as far as Leicestershire is concerned. It may be that the parliamentary enclosure movement in Leicestershire was not typical of that in the country as a whole. A general conclusion must await detailed research in other counties.



Appendix IACREAGE ENCLOSED BY ACT OF PARLIAMENT  
IN LEICESTERSHIRE PARISHES.

<u>Enclosure</u>	<u>Date of Act</u>	<u>Acreage enclosed</u>			<u>Source of information</u>
		<u>a.</u>	<u>E.</u>	<u>p.</u>	
Horninghold	1730	916	-	-	A
Gt. & Little Claybrook	1734	1,373	-	-	A
Norton-juxta- Twycross	1748	1,701	3	30	B
Narborough	1752	942	1	18	C
Knighton	1755	1,520	1	35	B
Wimeswold	1757	2,891	-	14	C
Gt. Glen	1758	1,049	3	8	B
Gt. Glen	1759	945	-	31	B
Loughborough	1759	2,715	3	14	B
Hoton	1759	1,246	2	27	B
Sileby	1759	2,153	2	7	B
Breedon	1759	1,814	3	26	B
Oadby	1759	1,859	3	21	B
Birstall	1759	987	1	38	B
Desford & Peckleton	1759	1,078	1	8	B
Hoby	1760	1,214	3	13	B
Somerby	1760	1,395	3	-	B
Seagrave	1760	2,230	-	29	B
Barrow-on-Soar	1760	2,091	-	33	B
Melton Nowbray	1760	2,431	2	6	B
Hinckley	1760	1,876	2	34	B
Frisby-on-the- Wreak	1760	1,382	-	38	B
Rearsby	1760	1,525	2	29	B
Asfordby	1760	1,438	1	7	B
Ansty	1760	1,013	1	36	B
Ab Kettleby	1760	856	-	10	B
Hungarton	1761	900	-	-	A



<u>Enclosure</u>	<u>Date of Act</u>	<u>Acreage enclosed</u>			<u>Source of information</u>
		<u>a.</u>	<u>r.</u>	<u>p.</u>	
Evington & Stoughton	1761	1,845	-	16	C
Thurmaston	1762	1,599	-	-	B
Quorndon	1762	1,480	1	12	B
Billesdon	1763	1,795	-	-	B
St Margarets	1763	773	2	39	B
Wartnaby	1763	707	2	27	B
Sharnford	1763	1,366	3	33	B
Whetstone	1763	2,031	1	10	B
Stoney Stanton & Potters Marston	1763	1,472	3	32	B
N. Broughton	1763	947	1	6	B
Wigston Magna	1764	2,887	2	14	B
Husbands Bosworth	1764	3,348	2	11	B
N. Kilworth	1765	1,931	-	19	B
Houghton	1765	1,827	-	27	B
Barton Overy	1765	1,779	2	16	B
Grimston	1765	989	1	26	B
Scalford	1765	1,942	-	20	B
Waltham	1766	1,948	2	32	B
Branston	1766	1,500	3	12	B
Croxton Kerrial	1766	2,132	-	16	B
Blaby	1766	1,209	1	14	B
Countesthorpe	1766	1,408	-	14	B
Lubnam	1766	1,233	2	39	B
Ratcliff Culey	1766	472	3	1	B
Cosby & Littlethorpe	1767	2,220	-	38	B
Aylestone	1767	1,153	3	6	B
Sheepy Parva	1768	578	-	4	B
Ashby-de-la-Zouch	1768	1,074	3	20	B
Eaton	1769	1,655	-	-	B
Markfield	1769	344	2	18	B



<u>Enclosure</u>	<u>Date of Act</u>	<u>Acreage enclosed</u>			<u>Source of information</u>
		<u>a.</u>	<u>r.</u>	<u>p.</u>	
Shackerston	1769	845	1	13	B
Fleckney	1769	1,175	-	24	B
Thurlaston	1769	730	-	28	B
Hallaton	1770	2,555	-	39	B
Ratby	1770	879	-	30	B
Saddington	1770	1,576	3	-	B
Bottesford	1770	4,300	-	-	A
Ravenstone	1770	242	2	8	B
Little Stretton	1770	626	1	25	B
Foxton	1770	1,741	2	-	B
Kirby Mallory	1771	780	-	-	A
Keyham	1771	897	1	11	B
Sproxton	1771	2,222	2	16	B
Saltby	1771	2,124	2	33	B
Appleby	1771	1,000	-	-	A
Kilby & Newton Harcourt	1771	1,958	2	2	B
Skeffington	1772	1,139	3	15	B
Stapleford	1772	390	-	-	A
Gunley	1772	1,139	3	15	B
Shearsby	1773	1,040	1	31	B
Ibstock	1774	1,074	2	6	B
Ratcliffe-on- the-Wreack	1774	800	-	-	A
Hugglescote	1774	537	3	26	B
Bruntingthorpe	1776	1,200	-	-	A
Kimcote & Walton	1776	2,870	3	36	B
Great Bowden	1776	3,082	2	2	B
Hatherne	1777	1,250	2	5	B
Shepshead	1777	2,000	-	-	A
Syston & Barkby	1777	1,786	-	38	B
Wykeham & Cauldwell	1777	670	-	36	B



<u>Enclosure</u>	<u>Date of Act</u>	<u>Acreage enclosed</u>			<u>Source of information</u>
		<u>a.</u>	<u>r.</u>	<u>p.</u>	
Gilmorton	1777	2,058	3	17	B
Castle Donington	1778	2,438	3	9	B
Sapcote	1778	1,300	-	-	A
Long Whetton	1778	820	3	2	B
Kegworth	1778	1,950	2	17	B
Earl Shilton	1778	1,437	2	6	B
Barkby	1779	1,728	1	24	B
Croft	1779	764	2	4	B
Knight Thorpe & Thorpe Acre	1779	442	2	11	B
Little Bowden	1779	1,313	1	37	B
Long Clawson	1779	3,411	2	10	B
Leire	1779	376	1	4	B
Kibworth Beauchamp, Kibworth Harcourt & Smeeton Westerby	1779	3,931	3	12	B
Stanton-under-Bardon	1779	600	-	-	A
Stonesby	1780	1,135	3	38	B
Swinford	1780	1,531	1	-	B
Rothley	1781	1,593	2	7	B
Mountsorrell	1781	279	2	24	B
Cropston	1781	348	3	22	B
Orton-on-the-Hill	1782	1,053	-	6	B
Tugby	1784	1,262	1	6	B
Osgathorpe	1785	206	2	23	B
Bitteswell	1787	1,600	-	-	A
Humberstone	1788	1,482	3	-	B
Mowsley	1788	1,214	1	29	B
Thrussington	1789	1,903	1	21	B
Grobby	1789	571	2	2	B
South Kilworth	1789	1,380	2	18	B



<u>Enclosure</u>	<u>Date of Act</u>	<u>Acreage enclosed</u>			<u>Source of information</u>
		<u>a.</u>	<u>r.</u>	<u>p.</u>	
Hemmington	1789	986	3	30	B
Harston	1789	975	1	25	B
Harby	1790	1,908	3	14	C
Lutterworth	1790	1,737	1	27	B
Barkestone & Plungar	1791	2,179	-	34	B
Hose	1791	1,553	3	13	C
Langtons	1791	3,718	2	30	B
Walton-on-the-Wolds	1792	1,318	3	-	B
Redmile	1792	1,541	1	33	C
Stathern	1792	1,966	2	25	B
Queniborough	1793	2,200	-	-	A
Slawston	1793	1,443	2	6	B
Diseworth	1794	1,739	3	8	B
Arnesby	1794	1,366	-	30	B
Sutton Cheney	1794	1,364	3	32	B
Barsby & South Croxton	1794	1,847	2	27	B
Thornton & Bagworth	1794	1,293	2	22	B
Dunton Bassett	1796	730	2	16	B
Misterton	1796	1,133	1	5	B
Twyford	1796	1,101	1	14	B
Knipton	1797	1,102	1	7	B
Thurcaston	1798	1,166	3	5	B
Swithland	1798	1,132	1	22	B
Nether Seal	1799	confirmation of old enclosure			
Ashby Wolds	18 1800	1,876	2	3	B
B readon, Newbold & Worthington	1802	1,194	-	7	B
Whitwick, Thringstone & Peggs Green	1803	673	-	17	B
Sibson	1803	769	3	39	B



(311)

<u>Enclosure</u>	<u>Date of Act</u>	<u>Acreage enclosed</u>			<u>Source of information</u>
		<u>a.</u>	<u>r.</u>	<u>p.</u>	
St Mary's	1804	597	2	39	B
Brighthurst, Great Eastern & Drayton	1804	3,500	-	-	A
Frolesworth	1805	70	-	-	A
Higham-on-the-Hill	1806	1,650	-	-	A
Charnwood Forest	1808	18,000	-	-	A
Glenfield	1809	700	-	-	A
Newbold Verdon	1810	900	-	-	A
Sheepy Magna	1810	confirmation of old enclosure			
Belton	1812	400	-	-	A
Congerston	1823	900	-	-	A
Glooston & Cranoe	1825	1,027	2	20	B
Halstead	1836	543	2	39	B
Medbourne	1842	1,775	1	22	B

(1)

Source of information

A = estimate given in Act.

B = exact acreage given in Award.

C = the sum of the allotments made in the Award.

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(1) When possible the exact acreage in the Award has been given in the above table. When, however, the figures given in the Awards include some of the old enclosed land, the estimate given in the Act has been inserted in the table instead.



Appendix IITHE LEICESTERSHIRE COMMISSIONERS  
OF ENCLOSURE.

<u>Commissioner</u>	<u>Place of residence</u>	<u>No. times acted in Lei- cestershire</u>
Thomas Oldknow	Nottingham.	35
William Wyatt	Seany Park, Staffs.	33
John Sultzer	Seany Park, Staffs, later Burton Overy, Leics.	22
Samuel Wyatt	Burton-on-Trent, Staffs.	20
Thomas Grace	Shawell, Leics.	15
Rev. Henry Homer	Birdingbury, Warws.	14
Henry Coleman	Burton Overy, Leics. later Market Harborough, Leics.	11
Thomas Eagle	Allesley, Warws.	12
Henry Walker	Thurmaston, Leics.	10
Thomas Crane	Melton Mowbray, Leics.	9
George Cooper	Great Glen, Leics.	9
William Fillingham	Flawborough, Notts.	10
John Ward	York.	9
James Garnar	Grantham, Lincs.	9
John Newcomb	Brinklow, Lincs.	9
John Stone	Quorndon, Leics.	8
William Burdett	Mowsley, Leics.	8
William Wyatt	Burton-on-Trent, Staffs.	7
John Kirkland	Loughborough, Leics.	7
Rev. Henry Jephthcote	Kislingbury, Northants.	6
Hugh Platt	Osgathorpe, Leics.	5
Job Baseley	Priors Marston, Warws.	5
John Brothers	Coventry.	5
John Smith	Packington, Leics.	5
John Burcham	Conningsby, Lincs.	5
Nicholas Grundy	Thornton, Leics.	5
Edward Bishop	Humberstone, Leics.	4



<u>Commissioner</u>	<u>Place of residence</u>	<u>No. times acted in Lei- cestershire</u>
William Blower	Great Dalby, Leics.	4
Thomas Drake	Shardlow, Derbys.	4
John Watkinson	Loughborough, Leics.	5
Thomas Bushwell	Peilton, Warws.	4
John Ayre	Tilton, Leics.	4
Francis Lane	Somerby, Leics.	4
Thomas Wade	Clipston, Northants.	4
Edward Dawson	Donnington Park, Leics.	5
John Davis	Bloxham, Oxfordshire.	5
Robert Edmonds	Broughton, Northants.	4
John Renshaw	Owthorpe, Notts.	4
William Elstobb	Cambridge.	3
John Stone	Thurcaston, Leics.	3
Joseph Grundy	Newhall Park, Leics.	3
George Ingman	Wilford, Notts.	3
Thomas Ayre	Gaddesby, Leics.	3
John Davys	Loughborough, Leics.	3
Edward Muxloe	Pickwell, Leics.	3
William Gilson	Greetham	3
John Garton	Dalby-on-the-Woulds, Leics.	3
Miles Lowley	Burley, Rutland.	3
Thomas Paget	Ibstock, Leics.	3
Thomas Whyman	Great Glen, Leics.	3
Thomas Wright	Welford, Northants.	2
Joseph Nutt	Hinckley, Leics.	2
William Kemp	Belton, Leics.	2
John Alleyne	Loughborough, Leics.	2
John Tomlinson	Aston, Warws.	2
Joseph Stubbins	Nottingham.	2
John Saunders	Rushton, Northants.	2
John Heyricke	Leicester.	2
John Nethercoate	Sibbertoft, Northants.	2



<u>Commissioner</u>	<u>Place of residence</u>	<u>No. times acted in Lei- cestershire</u>
William Stevens	Croxton Kerrial, Leics.	2
Thomas Pick	Beeby, Lincs.	2
John Dickinson	Gopsall, Leics.	2
Tristram Exley	Trowell, Notts.	2
William Dickinson	Twycross, Leics.	2
Henry Shield	Preston, Rutland.	2
Benjamin Chambers	Tibshelf, Derbys.	2
Richard Hole	Stoughton, Leics.	2
John Hall	Langer, Notts.	2
Thomas Paget	Scraptoft, Leics.	2
William Toone	Belton, Leics.	2
James Green	Lenton Abbey, Notts.	2
John Farmer	Barton-in-the-Beans, Leics.	2
John Watts	Comb Abbey, Notts.	2
Anthony Good	Croxton Kerrial, Leics.	2
John Seagrave	Kirby Bellars, Leics.	2
John Armston	Cosby, Leics.	1
Richard Lydall	Kimcoate, Leics.	1
Thomas Allcock	Enderby, Leics.	1
John Launt	Whobberly, Warws.	1
Morris Cann	Hoby, Leics.	1
William Wild	Costock, Notts.	1
Rev. Steven Wilson	Trinity College, Cambridge.	1
Daniel Curwen		1
Thomas Ayres	Leicester.	1
John Carter	Groby, Leics.	1
George Hall,	Cossington, Leics.	1
John Newbold	Rothley, Leics.	1
John Smith	Loughborough, Leics.	1
Vincent Wing	Pickworth, Rutland.	1
Thomas Standley	Leicester.	1
Nathaniel Stone	Goadby, Leics.	1



<u>Commissioner</u>	<u>Place of residence</u>	<u>No. times acted in Le icestershire</u>
John Goodhall	Angersley, Leics.	1
William Thompson	Houghton-on-the-Hill, Leics.	1
Thomas Goodacre	Sleaford, Lincs.	1
William Beckwith	Lincolns Inn, Middlesex.	1
Thomas Carter	Fleckney, Leics.	1
Henry Cole	Melton Mowbray.	1
Edward Platt	Sibbertoft, Leics.	1
John Thompson	Wetherley, Leics.	1
Joseph Wilkes	Over Seal, Leics.	1
Henry Hubbard	Fleckney, Leics.	1
Robert Power	Barleston, Leics.	1
George Salmon	Long Itchington, Warws.	1
John Buddington	Whitmore, Warws.	1
James Bradshaw	Carlton Curlieu, Leics.	1
Thomas Coleman	Foxton, Leics.	1
John Whyman	Aston, Warws.	1
Robert Green	Normanton, Leics.	1
James Stevens	Doncaster, Yorks.	1
George Buckley	Thornton, Leics.	1
William Willington	Tamworth	1
William Freeman	North Kilworth, Leics.	1
George Cooper	Clipston, Northants.	1
Thomas Hogard	Spalding.	1
Thomas Billis	Sweptone, Leics.	1
John Burberry	Over Whitacre, Warws.	1
Caleb Lowdham	Leicester.	1
William Pywell	Barnwell Castle, Northants.	1
Richard Richardson	Darlington.	1
Edward Gibbs	Barford, Warws.	1
Reuben Parke	Melton Mowbray	1
Edward Palmer	Coleshill, Wars.	1
John Ashmore	Stoney Stanton, Leics.	1
William Lovett	Hilmorton, Warws <sup>1</sup> / <sub>2</sub>	1



<u>Commissioner</u>	<u>Place of residence</u>	<u>No. times acted in Lei- cestershire</u>
Christopher Staveley	Melton Mowbray.	1
George Maxwell	Gravelly, Herts.	1
Daniel Eaton	Deane, Northants.	1
Thomas Fisher	Ravenstone, Leics.	1
John Heycock	East Norton, Leics.	1
William Fox	Melbourn, Derbys.	1
Wm. Fillbridge Arnold	Mowsley, Leics.	1
Samuel Davenport	Burton Overy, Leics.	1
John Claridge	Upton upon Seven, Worcs.	1
Henry Cole	Peterborough, Northants.	1
Samuel Reeve	Kelton, Rutland.	1
Robert Hubbard	Oadby, Leics.	1
Thomas Chambers	Tibbsshelf, Derbys.	1
Edward Platt	Lidlington, Beds.	1
John Ashmore	Sharnford, Leics.	1
William King	Belvoir Castle, Leics.	1
Thomas Paget	Leicester.	1
John Beighton	Hazlewood, Derbys.	1
Thomas Copson	Sutton Cheney, Leics.	1
Edward Hare	Castor, Northants.	1
John Bishton	Kilfull, Salop.	1
Thomas Wightman	Peckleton, Leics.	1
James Weldon Roberts	Thornby, Northants.	1
Robert Harvey Wyatt	Barton-under-Needwood, Staffs.	1
Joseph Outram	Alfreton, Derbys.	1
Samuel Stone	Knighton, Leics.	1
Johnathan Gibson	Uppingham.	1
John Willington	Tamworth, Staffs.	1
Christopher Saunders	Shorehill, Staffs.	1
John Wedge	Bickenhill, Warws.	1



Appendix IIIDETAILED SCHEDULES OF ENCLOSURE COSTS  
FOR KIMCOTE AND WALTON, GILMORTON, LITTLE  
BOWDEN AND SUTTON CHENEY.Kimcote and Walton (1776)

	£.	s.	d.
Mr Burford for fees of act and interest	224	4	6
" for soliciting the same and attendance	221	18	4
Mr Gamble	207	9	2
Surveyors	317	7	0
Sharpless & Co. for fencing rector's allotment etc.	416	3	11
Carpenter for stakes	12	7	0
Labourers for attending commissioners and surveyors	19	17	0
Walker for grass seed	226	0	0
Nicholls "	48	17	0
Inchley for sowing	6	8	0
Lucas for sowing	6	8	0
Gratuities for house servants and candles	14	13	6
Smith for entertaining proprietors on day	17	12	4
Clark for sticks for setting out land	2	18	0
Orton for footbridge and fence	3	4	7
Wormleighton for an old piece of fence	-	6	0
Labourers for attending surveyors when making alterations	-	5	0
Doorman for bread and for men setting out joint ways	2	17	0
Commissioners' journeys and attendance	250	8	6
	1,998	4	2
Deduct what was received for old boundary fences belonging to the proprietors in common	70	17	6
	1,927	6	8

Source: Enclosure Award (L.R.O.)

Gilmorton (1777)

	£.	s.	d.
Mr Wartnaby for fees of the act and law charges	264	8	11
Mr John Gamble for ditto	241	9	10



Gilmorton(cont.)

	£.	s.	d.
To Messrs Sharpless for public fencing of the lythe, Lord of the Manor and townland allotment	304	2	0
Messrs Chapman & Davenport, surveyors	225	10	6
Mr Homer as commissioner	48	16	6
Mr Palmer ditto	39	7	6
Mr Gamble ditto	58	5	6
Mr Sultzer ditto	58	16	0
Mr Sultzer for quality books	3	3	0
Mr Brothers as commissioner	59	17	0
Mr Sultzer for Enrolling the award	19	2	6
To sundray persons for stakes, labour and attendances	46	4	1
Mr Walker for grass seed sown in fallow field	80	4	6
Mr Smith for entertaining the proprietors on pay day	10	5	2
" for candles and fire during business	3	3	0
To the engrossing clerk usual fee	2	2	0
For gratuities to the servants	7	17	6
" to the parish clerk	-	10	6
To persons having too much fencing	2	5	4
	<u>1,475</u>	<u>11</u>	<u>4</u>

Source: Enclosure Award (L.R.O.)

Little Bowden (1779)

	£.	s.	d.
Geo. White fees of both Houses of Parliament and printing bills	215	4	8
" interest on the above sum	12	1	4
Mr Wartnaby for drawing and engrossing the bill, his and witnesses' journeys, attending proprietors and taking their consent, passing the Bill through both Houses, drawing and engrossing and Enrolling the award, attending the commissioners at their meetings and expenses	256	2	6
Cash paid for advertisements, labourers and other sundries	42	12	7
Engrossing clerk	2	2	0
Messrs Chapman & Sanderson (survey)	195	8	0
Carriage of stakes	3	11	6



Little Bowden (cont.)

	£.	s.	d.
Mr Eaton [a commissioner]	88	4	0
Mr Wade "	81	16	0
Mr Maxwell "	79	16	0
Mr Tayler and others for a fence purchased for the allotments of the Dean and Chapter and the rector	19	11	6
Henry Shuttleworth for fencing on the Dean and Chapter's allotment	20	0	0
Thomas Harrison for fencing allotments of the Lord of the Manor and rector and Dean and Chapter	273	10	10
To purchase of land for public fencing	55	10	0
Mr West for scouring a ditch	1	0	0
For scouring a ditch	1	2	0
Wm. Hefford for altering fencing	3	12	11
Mr Berry's bill for entertaining witnesses and fire and candle	7	11	11
Servants at the Bell	8	18	6
Richard Pearson for making an arch at Staples Gate on the Sutton Road	2	18	8
Bill for Beer to the labourers	1	12	0
Damage done by continuing the Farndon Rd.	1	1	0
Wm. Harrot for the Garden Wall	3	0	0
Bowley for a footpath	2	2	0
John Flavell for tithe	1	17	6
Mr Bockett for damage done by digging gravel after the quality was taken	3	0	0
Do. for footpath	5	2	6
Parish clerk for giving notices	-	10	6

Source: Enclosure Award (L.R.O.)

Sutton Cheney (1794)

	£.	s.	d.
To Mr Dudley Baxter, the solicitor, for preparing and obtaining the act, preparing and enrolling the award, for other business in executing the act including parliamentary fees and printing etc.	600	18	0
Month's interest on the sum of £213/17/6d advance by Baxter to discharge parliamentary fees and printing the act	9	16	0



Sutton Cheney (cont.)

	£.	s.	d.
Paid for corn returns, attendance to bespeak the same, and carriage	1	11	6
Robert Fletcher, the surveyor of the highways appointed by the commissioners for his bill of expenses incurred in forming and putting the roads in good repair including his salary	741	1	7
Sums allotted for old hedges	14	17	0
Paid Mr Brown for fencing tithe allotment	244	6	0
Mr Alworthy for making a general survey previous to applying for the act	20	18	6
Messrs Jarvis & Newbold for valuing timber	53	8	0
Thomas Pares, the solicitor, for the rector for attendances in settling allowance to be made for tithes	10	10	0
To Mr Renshaw, a commissioner, for seventy days' attendance	147	0	0
Mr Wyatt, a commissioner, for seventy days' attendance	147	0	0
John Smith, surveyor	280	7	4
Wm. Pratts for poles boards and stakes	8	16	8
Surveyor's assistance	14	8	0
Sutton Cheney tenants for dinners when they were examined as to the customs 18th October 1794	1	11	6
Ditto at other times	0	17	6
Willoughby Dixie Esq., committee of the estate of Sir Wolstan Dixie Bart. for timber and interest	119	14	0
To the same for old hedges	12	17	9
John Heyrick for timber and interest	293	19	0
Joseph Clarke, old hedges	15	0	0
Wm. Webster, old hedges	8	10	6
Thomas Drakely for the same	0	13	0
John Heyrick for attendance and expense in going to London to assist in settling the allowance to the rector	20	0	0
Wm. Webster ditto	10	10	0
Gratuity to servants, engrossing clerk and other small expenses	15	17	0
Total	2,800	5	2

Source: Enclosure Award (L.R.O.)



Appendix IVOPPOSITION TO ENCLOSURE BILLS REPORTED  
IN THE HOUSE OF COMMONS

<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated)</u>
Horninghold	1730	All consented		
Gt. & Little Claybrook	1734	All consented		
Norton-juxta- Twycross	1748	All consented		
Narborough	1752	Not specified		4
Knighton	1754	All consented		(1)
Wymeswold	1757	329½ acres and 23 cott- ages	2,238½ acres and 49 cott- ages	31
Great Glen (Upper field)	1758	4½ yardlands	32½ yardlands	15
Great Glen (Nether field)	1759	3 yardlands	30½ yardlands	7
Loughborough	1759	266 acres & 14 common right houses	2015 acres 203 common right houses	
Oadby	1759	£77/13/-	£731/1/-	
Hoton	1759	land worth £26/5/- p.a.	£339/9/6	3
Birstall	1759	All consented		
Sileby	1759	274 acres	2,200 acres	
Breedon, Tong and Wilson	1759	5 acres and 3 cottages	1,630 acres	

(1) Eleven of whom declared their "Indifferency" to the passing of the Bill, and a further two could not be found.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated</u>
Desford & Peckleton	1759	30 $\frac{1}{2}$ acres (and also 1/3- $\frac{1}{2}$ of 67 $\frac{1}{2}$ acres and 1/3 - $\frac{1}{2}$ of gt. tithes) and 1 cottage	1,000 acres	*6
Hoby	1760	All consented		
Somerby	1760	7 $\frac{1}{2}$ yardland	36 yardlands	3
Seagrave	1760	515 acres	1,898 acres	14(2)
Barrow-on- Soar	1760	16 acres 2 roods	2,250 acres	
Melton Mowbray	1760	3 yardlands, 19 acres and 18 cottage common rights	86 $\frac{1}{2}$ yardlands with common rights	
Hinckley	1760	4 $\frac{1}{2}$ yardlands 10 cottages	36 yardlands 50 cottages	
Frisby-on- the-Wreak	1760	4 $\frac{1}{2}$ yardlands and 2 cottages	49 $\frac{1}{2}$ yardlands and 16 cott- ages	
Rearsby	1760	2 acres	16,000 acres	1
Asfordby	1760	3 yardlands and 2 cott- ages	52 yardlands and 21 cott- ages	3
Ansty	1760	1 $\frac{1}{2}$ yardlands	44 $\frac{1}{2}$ yardlands	
Ab Kettleby	1760	All consented		
Hungarton	1761	All consented		
Evington & Stoughton	1761	Not mentioned in H.C.T.		
Thurmaston	1762	1 $\frac{1}{2}$ yardland	68 yardlands	

(2) Twelve of these, owning together 347 acres, refused to sign the Bill but said they would not oppose it.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref. using to consent to the Bill (where stated</u>
Quorndon	1762	16 acres (3)	1,620 yard- lands	1 propr- ietor and trus- tees for church land
Billesdon	1763	1¼ yardlands	50¼ yard- lands	3
St Margarets	1763	(4)		
Wartnaby	1763	All consented		
Sharnford	1763	½ yardland	48 yard- lands	1
Whetstone	1763	3¼ yardlands and 2 cottage commons	49 yard- lands and 26 cottage commons	
Stoney Stanton & Potters Marston	1763	3¼ yardlands	None given in H.C.J.	
N. Broughton	1763	land, annual value £37/10/10d	land, annual value £360/16/8d	
Wigston Magna	1764	15 yardlands	96 yard- lands	
Husbands Bos- worth	1764	7 yardlands	96 yard- lands	
N. Kilworth	1765	1 yardland	50¼ yardlands	2
Houghton-on- the-Hill	1765	3½ yardlands	60½ yardlands	
Burton Overy	1765	¾ yardland	49½ yard- lands	6
Grimston	1765	3 roods	1,000 acres	2

(3) Also 1 of 4 trustees for 62 acres would not sign the Bill.

(4) A few parishioners, who had no land in the fields but only a right of common between the end of harvest and 11 December, objected to the Bill.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated)</u>
Scalford	1765	4 yardlands and 7 cottage common rights	54 yardlands and 18½ cott- age common rights	
Waltham	1766	All consented		
Branston	1766	All consented		
Blaby	1766	6 yardland, 1 cottage common right	38 yardland and 9 cottage common rights	
Countesthorpe	1766	8½ yardlands	38 yardlands	7
Lubnam	1766	¼ yardland, 4½ acres, 4 cow commons, 20 sheep commons and 2 cow pastures	31 yardlands	4
Ratcliff Guley	1766	All consented		
Cosby & Littlethorpe	1766	2¼ yardlands and land worth 40/- p.a.	52½ yardlands	4
Aylestone	1767	All consented		
Sheepy Parva	1768	½ yardland	24 yardlands	2
Ashby-de- la-Zouch	1767	14 acres 2 roads	1,040 acres	2
Eaton	1769	All consented		
Markfield	1769	All consented		
Shackerston	1769	All consented		
Thurlaston	1769	All consented		
Fleckney	1769	1¼ yardlands	47 yardlands	3
Hallaton	1770	244 acres	2,233 acres	
Ratby	1770	All consented		



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated</u>
Saddington	1770	2/3 yardland	48½ yardland	
Bottesford	1770	5 acres <sup>(5)</sup>	4,300 acres	
Ravenstone	1770	45 acres	247 acres	1
Little Stre- tton	1770	3 acres	661 acres	
Foxton	1770	370 acres and 10 cott- age common rights	1,549 acres and 50 cott- age common rights	10
Kirby Mal- lory	1771	All consented		
Keyham	1771	5¼ yardlands	43 yardlands	4
Sproxton	1771	All consented		
Saliby	1771	All consented		
Appleby	1771	74 acres and 20 cottage common rights	794 acres	
Kilby & Newton Harcourt	1771	8 yardlands	86½ yardlands	2
Skeffington	1772	All consented		
Stapleford	1772	All consented		
Gumley	1772	322 acres 1 rood 15 per- ches	1,145 acres 2 roods 34 perches	
Shearsby	1773	½ yardland	48½ yardlands	1
Ibstock	1774	2 yardlands and 2 acres	13 acres and 39¼ yardlands	
Ratcliffe-on- the-Wreak	1774	2½ yardlands	26 yardlands	1
Hugglescote	1774	All consented		

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(5) The owner of which could not be found.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref. using to consent to the Bill (where stated</u>
Brunting- thorpe	1776	13½ yardlands and 3 cottages	44 yardlands and 8 cottages	
Gt. Bowden	1776	All consented		
Hatherne	1777	93 acres	1,300 acres	
Shepshed	1777	27 acres (6)	1,855 acres	
System & Barkby	1777	100 acres 12 horse commons 23 cow commons 95 sheep com- mons	1,454 acres 202 horse com- mons 340 cow commons 1970 sheep commons	
Wykeham & Cauldewell	1777	All consented		
Gilmorton	1777	¼ yardland and 1 cow common	44½ yardlands and 14 cow commons	2
Kimcote & Walton	1778	9 yardlands	84 yardlands	
Sapcote	1778	All consented		
Long Whatton	1778	29 acres	2,000 acres	
Castle Don- ington	1778	69 acres in the fields, 14 acres in the meadows	1,417 acres fieldland, 706 acres pasture land, 318 acres meadow land	
Kegworth	1778	2 yardlands and 7½ acres of open field land - 2 acres of enclosed land - 5 cottages (7)	103 yardlands and 8 acres of open field land - 160 acres of old enclosure - 57 cottages	

(6) The proprietors of a further 14 acres were not requested to sign the Bill.

(7) The owner of 4 acres of open field land, 1 acre of old enclosure and 3½ cottages could not be found.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated)</u>
Earl Shilton	1778	79 acres and 1 cottage	1,114 acres and 28 cottages	
Barkby	1779	All consented		
Croft	1779	All consented		
Little Bow- den	1779	All consented		
Knight Thorpe & Thorpe Acre	1779	All consented		
Stanton- under-Bardon	1779	1 yardland	33½ yardlands	1 (8)
Long Clawson	1779	6¼ oxgangs	169 oxgangs	
Leire	1779	3½ yardlands	31 yardlands	
Kibworth Beau- champ, Kibworth Harcourt and Smeeton Westerby	1779	15¼ yardlands	148 yardlands	
Stonesby	1780	3 acres of open field land and 1 cot- tage and 2½ acres of old enclosure (9)	27¼ yardlands and 48 acres of open field land - 20 cottages and 194 acres of old enclosure	
Swinford	1780	1 yardland	52 yardlands	1
Rothley	1781	85 acres and 5 common right houses -also 41 common rights houses in Mount- sorrell	1,656 acres and 73 common right houses- also 67 common rights houses in Mount- sorrell	
Mountsorrell	1781	All consented		

(8) He was too ill in bed to sign.

(9) The owner of this property could not be found.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated</u>
Cropston	1781	50 acres	360 acres	1
Orton-on- the-Hill	1782	50 acres	1,000 acres	1
Tugby	1784	All consented		
Osgathorpe	1785	5 acres 3 roods	179 acres	1
Bitteswell	1787	6 $\frac{2}{3}$ yardlands and 1 cow comm- on (10)	51 $\frac{1}{2}$ yardlands 19 leys of odd land 2 lammas closes 4 cott- ages 3 horse commons 20 cow commons 36 sheep commons	
Humberstone	1788	All consented		
Mowsley	1788	$\frac{1}{2}$ yardland	48 yardlands	
Thrussington	1789	1 yardland and 2 acres	47 yardlands and 9 acres	
<del>Harby</del>	<del>1789</del>			
South Kil- worth	1789	All consented		
Hemmington	1789	land rated 4/- p.a. for land tax	land rated £85/3/4d for land tax	1
Harston	1789	2 yardlands	44 $\frac{1}{2}$ yardlands	1
Groby	1789	All consented		
Harby	1790	8 $\frac{1}{2}$ oxgangs	96 $\frac{1}{2}$ oxgangs	
Lutterworth	1790	All consented		
Barkestone & Plungar	1791	All consented		
Hose	1791	$\frac{1}{4}$ oxgang	65 $\frac{1}{4}$ oxgangs 15 cottage rights	

(10) The proprietors of 1 cow common and 7 leys of odd land could not be found.



<u>Enclosure</u>	<u>Date</u>	<u>Property of those refusing to consent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprietors refusing to consent to the Bill (where stated)</u>
Langtons	1791	14 yardlands	153 yardlands	
Walton-on-the-Woulds	1792	3½ yardlands	52½ yardlands	1
Redmile	1792	All consented		
Stathern	1792	8 oxgangs (11)	121 oxgangs, 13 cottage rights and 2 homesteads	
Queniborough	1793	All consented		
Slawston	1793	72 acres	1,415 acres	
Diseworth	1794	All consented		
Arnesby	1794	5½ yardlands	49 yardlands	
Barsby & South Croxton	1794	½ yardland	82 yardlands	1
Thornton & Bagworth	1794	All consented		
Sutton Cheney	1794	2 acres of odd land, 3 cow commons and 10 sheep commons	47½ yardlands, 15 acres of odd lands, 24 cow commons, 37 sheep commons, 63 horse commons	
Dunton Bassett	1796	All consented		
Misterton	1796	All consented		
Twyfard	1796	9 acres	900 acres	1 (12)
Knippton	1797	All consented		
Thurcaston	1798	23 acres	1,148 acres	

(11) The proprietors of 1 cottage right and 2 homesteads could not be found.

(12) One proprietor with 1 acre could not be found.



<u>Enclosure</u>	<u>Date</u>	<u>Property of</u> <u>those refus-</u> <u>ing to con-</u> <u>sent to the</u> <u>Bill</u>	<u>Total</u> <u>property</u> <u>enclosed</u>	<u>No.</u> <u>proprie-</u> <u>tors ref-</u> <u>using to</u> <u>consent</u> <u>to the</u> <u>Bill</u> <u>(where</u> <u>stated</u>
Swithland	1798	All consented		
Nether Seal	1798	land assessed at £1/0/2½d for the land tax	land assessed at £109/13/8½d for the land tax	
Ashby Woulds	1800	land assessed for the <sup>land</sup> tax at £6/2/4½d	land assessed for the <sup>land</sup> tax at £633/4/1d	
Breedon New- bold & worth- ington	1802	All consented		
Whitwick Thr- ingstone & Peggs Green	1803	land assessed for the land tax at £19/5/10½d	land assessed for the land tax at £111/2/2d	
Sibson	1803	All consented		
St Mary's	1804	All consented		
Brighthurst, Great Eastern & Drayton	1804	11½ yardlands	76 yardlands	
Frolesworth	1805	All consented		
Highameon- the-Hill	1806	All consented		
Charnwood Forest	1808	property asse- ssed for the land tax at £567/14/7½d	property asse- ssed for the land tax at £3,065/1/6½d	
Glenfield	1809	estates asse- ssed for the land tax at £4/12/9½d	estates asse- ssed for the land tax at £51/9/3d	



(331)

<u>Enclosure</u>	<u>Date</u>	<u>Property of those refus- ing to con- sent to the Bill</u>	<u>Total property enclosed</u>	<u>No. proprie- tors ref- using to consent to the Bill (where stated</u>
Newbold Ver- don	1810	estates asse- ssed for the land tax at £7/0/1d & 4 common rights	estates asse- ssed for the land tax at £85/1/1½d	
Sheepy Magna	1810	estates asse- ssed for the land tax at £1/2/3½d	estates asse- ssed at £296/9/9½d	
Belton	1812	All consented		
Congerstone	1823	estates asse- ssed for the land tax at £4/18/6d	estates asse- ssed at £54/4/2d	
Glooston & Craneoe	1825	All consented		
Medbourne	1842	All consented		

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M.B. The property of those who declared themselves "neutral" has been added to the property of those opposing the Bill in the column headed Property of those refusing to consent to the Bill.



Appendix VEXTRACTS FROM THE ACCOUNT BOOKS OF THE  
OVERSEERS OF THE POOR AT ANSTY AND  
THURCASTON.(a) Sums expended by the overseers at Ansty  
(enclosed 1760).

	£	s	d.
Oct-April 1749	9	11	5
April-Oct 1749	7	8	3½
April-Oct 1750	19	5	3
Oct-April 1751	9	3	11
Oct-April 1752	14	9	3
April-Oct 1752	21	14	2½
Oct-April 1753	21	1	6
April-Oct 1753	14	6	11
April-Oct 1754	23	8	5
Oct-April 1755	17	16	0
April-Oct 1756	31	17	1
Oct-April 1757	23	14	5
April-Oct 1757	46	11	6
Oct-April 1758	48	10	2

Enclosure

April-Oct 1763	21	4	1
Oct-April 1764	41	8	7
April-Oct 1764	39	9	4
April-Oct 1765	44	6	0
Oct-April 1766	39	13	11
April-Oct 1766	33	5	7
Oct-April 1767	49	4	11
April-Oct 1767	71	2	3½
April-Oct 1768	67	3	0½
Oct-April 1769	71	9	1
Oct-April 1771	48	6	8
April-Oct 1771	47	10	5
Oct-April 1772	46	3	2
April-Oct 1772	52	15	2
Oct-April 1773	37	8	11
April-Oct 1773	55	2	6
Oct-April 1774	61	7	4
April-Oct 1775	71	13	6
Oct-April 1775	48	9	2
April-Oct 1775	41	19	3
Oct-April 1776	51	3	10
Oct-April 1777	51	12	2
April-Oct 1777	60	16	8
Oct-April 1778	54	3	2
April-Oct 1778	58	1	3
Oct-April 1779	52	15	1
April-Oct 1779	65	5	2
Oct-April 1780	70	5	2
April-Oct 1780	69	13	7

Oct-April 1781	59	12	7
April-Oct 1781	103	12	5
Oct-April 1782	87	14	5
April-Oct 1782	65	15	9
Oct-April 1783	99	7	10
April-Oct 1783	62	5	10
Oct-April 1784	99	8	5
April-Oct 1784	83	5	5
Oct-April 1785	83	19	7
April-Oct 1785	84	11	1
Oct-April 1786	115	3	2
April-Oct 1786	83	1	11
Oct-April 1787	87	10	3
April-Oct 1787	83	10	11
Oct-April 1788	84	4	5
April-Oct 1788	70	13	0
Oct-April 1789	82	16	0
April-Oct 1789	81	0	9
Oct-April 1790	90	3	5½
April-Oct 1790	92	4	2½
Oct-April 1791	105	6	8
April-Oct 1791	64	14	8
Oct-April 1792	111	0	2
April-Oct 1792	73	16	7
Oct-April 1793	57	3	6
April-Oct 1793	63	12	0
Oct-April 1794	71	11	4
April-Oct 1794	67	19	11
Oct-April 1795	155	3	9
April-Oct 1795	134	6	7
Oct-April 1796	128	7	9
April-Oct 1796	98	0	4½
Oct-April 1797	160	2	6½
April-Oct 1797	102	3	11
Oct-April 1798	123	15	8½
April-Oct 1798	104	16	4½
Oct-April 1799	112	13	7½



(b) Sums expended by the overseers at Thurstaston  
(enclosed 1799).

## Easter to Easter.

	£	s	d
1770-1	21	12	8
1771-2	24	15	5½
1772-3	37	8	9
1774-5	20	4	11
1776-7	23	9	7
1779-80	28	1	4
1780-1	25	7	5½
1781-2	34	17	6
1783-4	59	16	4
1786-7	44	0	7
1788-9	61	14	7½
1789-90	65	17	11
1790-1	66	12	7
1791-2	64	17	0
1793-4	56	0	11
1794-5	61	9	9½
1795-6	73	5	1¼
1796-7	96	19	11¼
1797-8	50	18	1¼
1798-9	98	6	6¼

Enclosure

1800-1	173	15	2
1801-2	232	11	11½
1802-3	190	17	0
1803-4	250	15	7¼
1804-5	276	0	3
1805-6	220	17	3

## Easter to Easter.

	£	s	d
1808-9	242	16	11
1809-10	304	2	4
1810-11	308	15	0½
1811-12	310	2	2
1812-13	330	16	0
1813-14	325	5	1
1814-15	315	10	3¼
1815-16	448	18	0
1816-17	373	1	9¼
1817-18	475	10	7
1818-19	425	9	0
1819-20	467	5	2
1820-1	414	11	10¼
1822-3	266	10	1
1823-4	278	12	0
1824-5	278	6	11
1825-6	354	19	0
1826-7	378	10	5
1827-8	303	14	8
1828-9	327	3	9
1829-30	402	9	8
1830-1	345	10	6
1831-2	273	6	5

N.B. These figures include  
the constables accounts.



Appendix V (cont.)An agreement to farm out the poor between the parish officers of Ansty and Thomas Bosworth, 19 June 1792.

The condition of this Agreement is in ye Manner and form following/  
 /that is to say/ First that ye said Thomas Bosworth is from ye 13 Day of July 1792 to ye 13 Day of July 1793 to find and to provide unto and for all such poor people as shall be Legally Intitled to Relief and Maintenance from ye said parish of Ansty as shall be Brought unto him ye said Thomas Bosworth or Orderd by ye Churchwardens or Overseers of ye poor or Any of them to be Relivd and provided for Good and Sufficient Meat Drink Cloathing Washing and Lodging And All Other things Necessarys for their Keeping and Maintenance in Health and Sickness and at his Own Cost bury Such of ye Said Poor of ye Said parish as Shall Die for untill ye said term shall be Expired and ye said Thomas Bosworth Doth further promise and agree to free ye said parish of Ansty of Rents and Doctors Bills and all other things whatsoever concerning poor of ye said parish of Ansty Except Lawsutes and County Rates Money and ye said Thomas Bosworth Shall ad will permit and suffer ye Church wardens and Overseers or any of them from time to time as Often as thay shall think Occasion to Come and Inspect into ye Goodness of ye Clothing Victuals that shall be provided for ye poor of ye said Parish and in Consideration of ye same ye said Thomas Bosworth is to receive from ye parish Officers of Ansty ye sum of one Hundred pounds of good and Lawful Money of Great Britian for ye term of one year to be paid unto him in ye form and Manner following /that is to say/ for ye first 26 Week one pound Six Shillings p<sup>r</sup> Week on every friday and ye last 26 Weeks Two Pounds Six Shillings pr Week on every friday and ye Remaner of ye Over pluch money to be paid unto ye said Thomas Bosworth when ye term of ye year Shall be Expired Reducting one a Guinea as he Hath Recev<sup>d</sup> in part of pay ment and ye said Thomas Bosworth is to have ye Benefit of All ye Wast houses Belonging to ye said Parish of Ansty for ye Benefit of ye Poor and ye said Thomas Bosworth Doth Promise and agree to pay unto ye Infirmary of Leicester ye Sum of two pounds two Shillings whenever ye parish Officers thinks well to Receive or to stop it out of his pay

Source: Overseers account book, Ansty (L.R.O. DE 199/1).

A further agreement was made with Thomas Bosworth in the following year. He was to be paid £105 at the rate



(335)

of £1/10/0d per week for the first 26 weeks and £2/0/0d for the last 26 weeks plus a lump sum at the expiry of the agreement to cover the balance.



Appendix VI

THE LEICESTERSHIRE CROP RETURNS FOR 1793, 1794, 1795 (TO WHICH ARE ADDED THOSE FOR 1801 FOR CERTAIN PARISHES AND LORDSHIPS.  
(in acres)

Guthlaxton Hundred.Broughton Astley (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	63	90	-	-	64	-	-	217
1794	70	119	-	-	88	3½	2½	283
1795	110	112	-	-	89	3½	½	315
1801	205	148	-	-	107	2	6½	468

(Also in 1801 turnips 72½ potatoes -) Total acreage 2,500.

Frolesworth (mainly pre-parliamentary enclosure - 70 acres enclosed 1805)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	39	69	-	-	42	-	-	150
1794	43	77	-	-	56	-	-	176
1795	50	75	-	-	60	-	-	185
1801	65	127	-	-	70	1	1	264

(also in 1801 turnips 76½ potatoes 3½) Total acreage 1,471

Dunton Bassett (750 acres enclosed 1796)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	168	47	-	2	56	112½	-	385
1794	207	60	-	2½	55	119	-	443½
1795	114	70	5	36	65	114	2	436
1801	82	92	-	-	89	9	-	272

(also in 1801 turnips 51 potatoes 2½) Total acreage 1,286.

Cosby (2,220 acres enclosed in Cosby and Littlethorpe in 1767)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	66	111	-	-	89	10	-	276
1794	88	84	-	-	92	-	-	264
1795	87	98	-	-	117	10	-	312
1801	98	174	-	-	176	9	22	476

(also in 1801 turnips 62 potatoes 4) Total acreage 2,341.

Claybrook (Seventeenth century agreement confirmed by Act 1734)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	49	60	-	-	38	-	-	147
1794	42	51	-	-	54	-	-	147
1795	58	64	-	-	45	1	1	169
1801	172	198	-	-	201	-	-	571

(Also in 1801 turnips 121 potatoes 9¼) Total acreage 1071  
Magna Parva 486



Guthlaxton Hundred (cont.)Leire (370 acres enclosed 1779)

<u>Year</u>	<u>Wheat</u>	<u>Barley</u>	<u>Rye</u>	<u>Maslin</u>	<u>Oats</u>	<u>Beans</u>	<u>Peas</u>	<u>Total</u>
1793	29	36	-	-	30	3	-	98
1794	31	47	-	-	43	7	-	128
1795	42	38	-	-	52	6	-	138
1801	48	37	4	-	33	-	¼	122¼

(also in 1801 turnips 21 potatoes 4) Total acreage 1,079.

Ullesthorpe (non-parliamentary enclosure)

<u>Year</u>	<u>Wheat</u>	<u>Barley</u>	<u>Rye</u>	<u>Maslin</u>	<u>Oats</u>	<u>Beans</u>	<u>Peas</u>	<u>Total</u>
1793	16	37	-	-	34	-	-	87
1794	13½	35	-	-	41	-	-	89½
1795	20½	39	-	-	50	-	-	109½
1801	No separate returns							

Total acreage 1,173.

Ashby Parva (non-parliamentary enclosure)

<u>Year</u>	<u>Wheat</u>	<u>Barley</u>	<u>Rye</u>	<u>Maslin</u>	<u>Oats</u>	<u>Beans</u>	<u>Peas</u>	<u>Total</u>
1793	29	45	-	-	41	-	-	115
1794	22	46½	-	-	62	-	-	130
1795	35	43	6	-	38½	-	1	123½
1801	34	40	1	-	72	3	1	151

(also in 1801 turnips 41 potatoes 3) Total acreage 1,326

Wigston Parva (non-parliamentary enclosure)

<u>Year</u>	<u>Wheat</u>	<u>Barley</u>	<u>Rye</u>	<u>Maslin</u>	<u>Oats</u>	<u>Beans</u>	<u>Peas</u>	<u>Total</u>
1793	-	39	-	-	7	-	-	46
1794	-	46	-	-	11	-	-	57
1795	11	46	-	-	-	-	-	57
1801	No return							

Total acreage 386

Bittesby (non-parliamentary enclosure)

<u>Year</u>	<u>Wheat</u>	<u>Barley</u>	<u>Rye</u>	<u>Maslin</u>	<u>Oats</u>	<u>Beans</u>	<u>Peas</u>	<u>Total</u>
1793	3	-	-	-	3	-	-	6
1795	3½	-	-	-	2	-	-	5½
1801	No separate return							

Total acreage 600.



Sparkenhoe Hundred.Appleby (1,000 acres enclosed 1771)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	85	78	-	-	60½	1½	7	225
1794	72	78	-	-	80	4	-	234
1795	112	111½	-	-	91	4	-	319
1801	No return							

Total acreage 2,748.

Atterton (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	26	27	-	-	28	-	-	71
1794	26½	32	-	-	26	-	-	84½
1795	28	47	-	-	29	-	-	104
1801	No return							

Total acreage 638.

Billston (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	25	50½	-	-	29	-	-	104½
1794	30	49½	-	-	23	-	-	102½
1795	36	60½	-	-	34½	-	-	131
1801	No return							

Total acreage 690.

Congerstone (900 acres not enclosed till 1823)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	85	36½	-	-	-	111	-	232½
1794	89	39	-	-	-	123	-	251
1795	102	32	-	-	-	123	-	257
1801	104½	62	-	-	20½	160 (b & p)	-	347

Also in 1801 Turnips Potatoes Total acreage 992.

Drayton (3,500 acres enclosed at Brighthurst, Great Eastern and Drayton in 1804)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	84	60	-	-	71	-	-	215
1794	68	70	-	-	62	-	-	200
1795	91	72	-	-	80	-	-	243
1801	No return							

Total acreage 679.



Sparkenhoe Hundred (cont.)Snarestone (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	77	111	-	-	76	-	-	264
1794	83½	105	-	-	90½	-	-	279½
1795	87½	119½	-	-	92	-	-	299½
1801	No return							

Total acreage 1,325.

Twycross (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	94	82	-	-	74	-	-	250
1794	96	101	-	-	58½	3	-	258½
1795	95½	94	-	-	87	-	-	276½
1801	118½	104	-	-	67	2	-	291½

(Also in 1801 Turnips 27½ Potatoes ¼) Total acreage 1,500.

Upton (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	71	75	-	-	69	12	-	227
1794	73	75	-	-	83	18	-	249
1795	84	80	-	-	74	15	-	253
1801	No return							

Total acreage 1,270.

Witherley (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	BeansV	Peas	Total
1793	21½	24½	-	-	35	-	-	81
1794	56	51	-	-	39	-	-	146
1795	46	80½	-	-	41	-	-	167
1801	84	64	-	-	104	8	(b&p and vetches)	260

(also in 1801 Turnips 5 Potatoes 4) Total acreage 774.

Gopsal (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	21	10	-	-	26	-	-	57
1794	11	12	-	-	22	-	-	45
1795	26	11	-	-	10	-	-	47
1801	No return							

Total acreage 600.



Sparkenhoe Hundred (cont.)Heather (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	35	105	-	-	42	-	-	182
1794	23	106	-	-	46	-	-	175
1795	47	121	-	-	36	-	-	204
1801	No return							

Total acreage 1,000

Normanton-le-Heath

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	50	96½	-	-	109½	-	-	256
1794	1½	116½	-	-	117½	-	-	353½
1795	82	109	-	-	103½	-	-	294½
1801	No return							

Total acreage 1,320

Norton-juxta-Twyckcross

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	160½	139	-	-	105	-	-	404½
1794	160	110½	-	-	120	-	-	390½
1795	189	142	-	-	110½	-	-	441½
1801	154	92	-	-	131	18	(b & p)	395

(also in 1801 Turnips 1 Potatoes 0 ) Total acreage 1,898.

Sheepy Parva (500 acres enclosed in 1768)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	62	28	-	-	25	11	-	126
1794	67½	43	-	-	31	10	-	151½
1795	92	41½	-	-	40	13	-	186½
1801	No return							

Total acreage 582.

Sibson (740 acres not enclosed till 1803)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	117	77	-	-	36	69½	-	299½
1794	146½	46	-	-	42½	102½	3	300½
1795	104½	47	½	-	56½	99½	-	308
1801	No return							

Total acreage 1,300.



Sparkenhoe Hundred (cont.)Mythe (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793		No grain grown in this liberty						
1794		No grain grown in this liberty						
1795		No grain grown in this liberty						
1801		No return						

Orton-on-the-Hill (1,000 acres enclosed 1782)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	153	165½	-	-	94½	12	-	425
1794	162	170	-	-	82	53	-	467
1795	179½	165½	-	-	90	57	-	492
1801	180	105	-	-	81	26	-	392

(also in 1801 Turnips 27½ Potatoes 5½) Total acreage 1,535.

Ratcliff Culey (472 acres enclosed 1766)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	77	59	-	-	56	10	-	202
1794	84	86½	-	-	76½	13	-	260
1795	90	75	-	-	69½	9	-	243½
1801		No return						

Total acreage 1,192.

Shackerstone (845 acres enclosed in 1769)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	82½	75½	-	-	79	-	-	237
1794	78	64	-	-	83½	-	-	225½
1795	83	74½	-	-	67	6	½	231
1801	93	114	-	-	63	-	-	270

(also in 1801 Turnips 14 Potatoes 2) Total acreage 1,182.

Sheepy Magna (Act in 1810 confirmed old enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	117	95	-	-	78	10	-	300
1794	138	99	-	-	102	16½	-	355½
1795	137	104½	-	-	105	17	5	369
1801		No return						

Total acreage 1,539.



Sparkenhoe Hundred (cont.)Temple Hall (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	33	43	-	-	15	-	-	91
1794	30	26	-	-	15	-	-	71
1795	30½	27	-	-	35	-	-	92½
1801	No return							

Total acreage See Wellsborough

Wellsborough (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	78	46	-	-	48	7	-	179
1794	69	49	-	-	39	8	-	165
1795	63	55	-	-	53	2	-	173
1801	No return							

Total acreage (of Wellsborough &amp; Temple Hall) 1,250.

Moor Barn (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	30	18	-	-	23	12	-	83
1794	36	32	-	-	32	10	-	110
1795	30	28	-	-	35	14	-	107
1801	No return							

Total acreage see New House

Lea Grange (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	32	23	-	-	9	9	-	73
1794	36	20	-	-	9	5	-	70
1795	34	25	-	-	18	5	-	82
1801	No return							

Total acreage see New House

New House (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	54	38	-	-	30	-	-	122
1794	67	20	-	-	43	-	-	130
1795	63	62	-	-	20	-	-	145
1801	No return							

The manors of Lea Grange, Moor Barn, Benn Hills, Pinwall and New House have an aggregate 1056 acres.



Framland Hundred (the figures under the heading 1793 are for any year preceding 1794)

Freeby (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	1½	2½	-	-	9	6	-	19
1794	14½	8	-	-	15	-	-	37½
1795	9½	8½	-	-	24	5	-	47
1801	No return							

Total acreage 920.

Garthorpe (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	20½	37	-	-	29	-	-	86½
1794	20½	44½	-	-	34½	4	-	103½
1795	23	35	-	-	34½	-	-	92½
1801	29	24½	-	-	22	6	-	81½

Also for 1801 Turnips 22 Potatoes 0 Total acreage 1,714.

Coston (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	1	7	-	-	34	-	-	42
1794	15	6	-	-	34½	4	-	56½
1795	31½	11	-	-	35½	1	-	79
1801	32	20	-	-	70	1	1	124

Also in 1801 Turnips 16 Potatoes 1 Total acreage 1,723.

Wymondham (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	11½	68½	-	-	45½	2	-	127½
1794	22½	76½	-	-	45	1½	7	152½
1795	32½	52½	-	-	48½	4	1	138½
1801	57	93	-	-	80	17	(b&p)	247

Also in 1801 Turnips 60 Potatoes 8 Total acreage 2,823.

Sewstern (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	10	16½	-	-	25½	-	-	52
1794	12	15½	-	-	29	-	-	56½
1795	12	10	-	-	34	-	-	56
1801	No return							

Total acreage 1,257.



Framland Hundred (cont.)Buckminster (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	15½	14	-	-	78	-	-	107½
1794	12½	30½	-	-	82½	-	-	125½
1795	16½	39½	-	-	97½	4½	-	158
1801	No return							

Total acreage 1,795.

Sproxton (2,000 acres enclosed 1771)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	73	124	-	-	202	13	3	415
1794	95	137	-	-	214	24	-	470
1795	84	188	-	-	210	17½	-	523
1801	71	219	-	-	275	2	20	587

Also in 1801 Turnips 135 Potatoes 3 Total acreage 1,390.

Stonesby (1,135 acres enclosed in 1780)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	13	29	-	-	43	-	3	88
1794	34	47	-	-	39	3	1	124
1795	16½	54	-	-	48	5	-	123½
1801	35	68	-	-	58	6	-	167

Also in 1801 Turnips 44 Potatoes 1 Total acreage 1,390.

Waltham (1,948 acres enclosed 1766)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1793	45	85	-	-	107	29	-	266
1794	65	58½	-	-	133½	4	2½	263½
1795	40½	102½	-	-	121	28½	-	292
1801	74	100	-	-	140	15	(b&p)	329

Also in 1801 Turnips 103 Potatoes 4 Total acreage 2,756.

Nether Broughton (700 acres enclosed 1763)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	33	28	-	-	14½	11½	-	87½
1795	24½	35½	-	-	13	16	-	88½
1801	54	11	-	-	31	18	(b&p)	114

Also in 1801 Turnips 1 Potatoes 3. Total acreage 2,236.



Framland Hundred (cont.)Long Claxton (3411 acres enclosed 1779)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	112	100	-	-	103 $\frac{3}{4}$	25 $\frac{1}{2}$	12	353 $\frac{3}{4}$
1795	115	91	-	-	105	41	9	361
1801	186	80 $\frac{1}{2}$	-	-	140	80 $\frac{1}{4}$	5 $\frac{1}{2}$	492 $\frac{1}{4}$

Also in 1801 Turnips 20 $\frac{1}{2}$  Potatoes 5 Total acreage 3,500.

Eaton (1,655 acres enclosed 1769)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	21	64	-	-	163	4	-	252
1795	19	61	-	-	172	5	-	257
1801	56	94	-	-	191	-	11	352

Also in 1801 Turnips 123 Potatoes 7 Total acreage 1,696.

Eastwell (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	27	16	-	-	123	-	-	168
1795	11	27	-	-	114	2	-	154
1801	30	39	-	-	103	4	(b&p)	176

Also in 1801 Turnips 65 Potatoes 5 Total acreage 1304.

Goadby (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	31 $\frac{1}{2}$	36 $\frac{1}{2}$	-	-	122	-	-	190
1795	23 $\frac{1}{2}$	35	-	-	122	-	-	180 $\frac{1}{2}$
1801	45 $\frac{1}{4}$	55 $\frac{1}{2}$	1	-	95	4	6 $\frac{1}{2}$	207

Also in 1801 Turnips 51 Potatoes 8 $\frac{1}{4}$  Total acreage 942

Hose (1,553 acres enclosed in 1791)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	31 $\frac{1}{2}$	90 $\frac{1}{2}$	-	-	70 $\frac{1}{2}$	7	-	199
1795	57	68 $\frac{1}{2}$	-	-	70	16	-	211 $\frac{1}{2}$
1801		No return						

Total acreage 2,296.



Framland Hundred (cont.)Harby (1,908 acres enclosed 1790)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	81½	107	-	-	33	82	24	327½
1795	78½	100½	-	-	38	63½	7	287½
1801		No return						

Total acreage 1,988.

Holwell (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	16	21	-	-	20	-	-	57
1795	27	15	-	-	22	4	-	68
1801		No return						

Total acreage 848.

Kettleby (900 acres enclosed 1760)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	10½	22	-	-	26	3½	-	62
1795	23	27	-	-	22	4	-	76
1801		No return						

Total acreage 971.

Scalford (1,942 acres enclosed 1765)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	62	68	-	-	106	36	3	275
1795	87	92	-	-	41	49	-	269
1801	172	68	-	-	107	18	9½	374½

Also in 1801 Turnips 54 Potatoes 1½ Total acreage 2,429.

Welby (non-parliamentary enclosure)

Year	Wheat	Barley	Rye	Maslin	Oats	Beans	Peas	Total
1794	22	65	-	-	56	7	-	150
1795	29	65	-	-	49	5	-	148
1801		No return						

Total acreage 1,165.



Appendix VIICOSTS OF 88 LEICESTERSHIRE ENCLOSURES

<u>Enclosure</u>		<u>Total cost</u>	<u>Total acreage enclosed</u>	<u>Average cost per acre</u>
Knighton	(1755)	£580/13/-d	1520.25	8/-
Great Glen	(1758)	£534/18/-d	1049.75	11/-
Great Glen	(1759)	£680/8/-d	945.25	14/-
Sileby	(1759)	£880/8/8d	2153.5	8/-
Birstall	(1759)	£651/16/6d	987.5	13/-
Barrow	(1760)	£1,650/6/2½d	2091.25	16/-
Oadby	(1759)	£750/-/-	1859.75	8/-
Breedon Tong & Wilson	(1759)	£1,028/10/4½d	1814	11/-
Hoton	(1759)	£652/13/6d	1246.75	13/-
Desford and Peckleton	(1759)	£720/-/-	1078.25	13/-
Loughborough	(1759)	£2,722/14/4d	2715.75	£1
Frisby-on- the-Wreak	(1760)	£995/-/-	1382.25	14/-
Somerby	(1760)	£739/6/11d	1395.25	11/-
Melton				
Mowbray	(1760)	£1324/8/-	2431.5	11/-
Hinckley	(1760)	£733/7/11d	1876.75	8/-
Seagrave	(1760)	£1,200/-/-	2230.25	11/-
Hoby	(1760)	£600/1/-	1214.75	10/-
Asfordby	(1760)	£865/5/6d	1438.25	12/-
Ab Kettleby	(1760)	£828/18/6d	856	19/-
Rearsby	(1760)	£1,005/6/-	1525.75	13/-
Quorndon	(1761)	£1,083/7/6d	1480.25	15/-
Thurmaston	(1761)	£1,090/-/5d	1599	14/-
Husbands				
Bosworth	(1763)	£1,615/17/7½d	3348.5	9/-
Billesdon	(1763)	£1,181/5/-	1795	13/-
Wigston				
Magna	(1763)	£2,817/10/9d	2887.5	£1
Nether				
Broughton	(1763)	£783/8/-	947.25	17/-
St. Margarets	(1763)	£789/2/5d	773.75	£1/2/-
Stoney				
Stanton	(1763)	£783/12/8d	1473	11/-
Whetstone	(1763)	£799/4/5d	2031.25	8/-
Scalford	(1765)	£889/7/9d	1942.25	10/-
Burton Overy	(1765)	£1,330/-/-	1779.5	15/-
Houghton	(1765)	£1,124/5/-	1827.25	12/-
Grimston	(1765)	£509/12/7d	989.5	10/-
North				
Kilworth	(1765)	£809/13/1½d	1931	8/-
Croxton				
Kerrial	(1766)	£459/18/7d	2132	4/-
Waltham	(1766)	£436/4/9d	1948.75	5/-



<u>Enclosure</u>	<u>Total cost</u>	<u>Total acreage enclosed</u>	<u>Average cost per acre</u>
Countes-			
thorpe	(1766) £881/10/-	1408	13/-
Lubnam	(1766) £930/-/-	1233.75	15/-
Ratcliffe			
Culey	(1766) £875/1/-	472.75	£1/17/-
Branston	(1766) £351/10/4½d	1500.75	5/-
Cosby &			
Littlethorpe	(1767) £1,174/7/6d	2220.25	11/-
Sheepy Parva	(1768) £580/3/10d	578	£1
Ashby-de-la-			
Zouch	(1768) £837/13/9d	1075	16/-
Fleckney	(1769) £610/18/5d	1175.25	10/-
Markfield	(1769) £543/4/-	344.5	£1/11/-
Shackerstone	(1769) £1,100/-	845.25	£1/6s
Thurlaston	(1769) £582/-	730.5	16/-
Eaton	(1769) £962/2/2d	1655	12/-
Foxton	(1770) £900/-/-	1741.5	10/-
Hallaton	(1770) £1,579/13/5d	2555.25	12/-
Ravenstone	(1770) £708/3/2d	1041.25	14/-
Little			
Stretton	(1770) £600/-/-	625.5	19/-
Ratby	(1770) £906/4/-	879.25	£1/1/-
Saddington	(1770) £751/9/6d	1576.75	10/-
Keyham	(1771) £760/-/-	897.25	£1/1/-
Kilby & Newton			
Harcourt	(1771) £900/-/-	1958.5	9/-
Saltby	(1771) £618/-/-	2125	6/-
Gumley	(1772) £1,070/-/-	1139.75	19/-
Skeffington	(1772) £724/-/-	1275.25	10/-
Hugglescote	(1774) £680/-/-	338	£2
Kimcote &			
Walton	(1778) £1,927/6/8d	2871	13/-
Syston	(1777) £2,056/7/7d	1786.25	£1/3/-
Wykeham &			
Caldewell	(1777) £1,049/3/3d	670.25	£1/11/-
Long Whatton	(1778) £1,512/10/3d	820.75	£1/17/-
Gilmorton	(1777) £1,475/11/4d	2053.75	14/-
Earl Shilton	(1778) £1,500/-/-	1437.5	£1/1/-
Kibworth	(1779) £2,345/10/9d	3931.75	11/-
Little Bowden	(1779) £1,396/9/1d	1351.25	£1/1/-
Knight Thorpe &			
Thorpe Acre	(1779) £919/10/6d	442.5	£2/2/-
Barkby	(1779) £1,532/-/-	1728.5	18/-
Croft	(1779) £800/10/-	764.5	£1/1/-
Leire	(1779) £750/10/-	376.25	£2/-



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<u>Enclosure</u>		<u>Total cost</u>	<u>Total acreage enclosed</u>	<u>Average cost per acre</u>
Swinford	(1780)	£1,160/-/-	1531.25	15/-
Cropston	(1781)	£930/16/4d	349	£2/13/-
Mountsorrell	(1781)	£780/5/-	279.75	£2/16/-
Rothley	(1781)	£1,836/18/4d	1593.5	£1/3/-
Orton	(1782)	£1,573/-/-	1053	£1/10/-
Tugby	(1784)	£1,279/15/3d	1862.25	£1/5/-
Osgathorpe	(1785)	£878/8/11d	206.75	£4/5/-
Humberstone	(1788)	£1,140/8/9d	1482.75	15/-
Thrussington	(1789)	£1,500/-/-	1903.5	16/-
S. Kilworth	(1789)	£1,089/15/6d	1380.5	16/-
Grobby	(1789)	£806/-/11d	571.5	£1/8/-
Lutterworth	(1790)	£1,877/9/1d	1737.5	£1/2/-
Sutton Cheney	(1794)	£2,800/5/2d	1365	£2/1/-
Dunton Bassett	(1796)	£798/2/-	730.5	£1/2/-
Twyford	(1796)	£1,689/3/10d	1101.25	£1/10/-
Thurcaston	(1798)	£1,796/18/8d	1166.75	£1/11/-
TOTAL		<u>£94,001/7/-</u>	<u>126,039.50</u>	<u>14/-</u>



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