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NON-PARLIAMENTARY ENCLOSURE
THE EVIDENCE FROM SOUTHERN ENGLAND

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Background

Recent work on enclosure has tended to move the emphasis away from the Parliamentary sector of the movement towards non-Parliamentary aspects. It is now generally accepted that something of the order of 25 per cent of the whole surface area of England was affected by the Parliamentary enclosure movement of the eighteenth and nineteenth centuries, and this obviously invites discussion about what happened to the remaining 75 per cent. Some of this land was never open or common in the legal sense, and there is little consensus on precisely how much fell into this category (Wordie, 1983 and 1984; Chapman, 1984). However, it is clear that a substantial area of England was subject to communal rights during the medieval period, is no longer so subject today, but was not affected by Parliamentary enclosure.

A commonly held view is that most of this other enclosure took place prior to the Parliamentary movement, and writers such as Kerridge (1967) and Wordie (1983) have placed the major period firmly in the seventeenth century. Wordie talks of enclosure 'losing

momentum' about 1700, to be revived by the new device of the act, and in his calculations he allows only one per cent for non-Parliamentary enclosure occurring after 1750. Baker effectively dismisses any such enclosure in Sussex after 1800 with the statement that 'Some open arable fields survived in Sussex until the nineteenth century when they were enclosed by acts of Parliament' (Baker and Butlin, 1973). It is the object of this paper to examine this view in the light of evidence provided by the recent ESRC-funded project, 'Non-Parliamentary Enclosure in South-Central England'. This project covered the counties of Sussex, Hampshire, Dorset, and Wiltshire. Though these counties are adjacent, they show significant variations in their patterns of Parliamentary enclosure and thus offer a wide range of different circumstances in which to examine possible variations in the non-Parliamentary movement.

For the purposes of this paper a threefold division of enclosures has been made into Parliamentary enclosures, formal agreements, and informal, or piecemeal, enclosures. Though the distinction is primarily a legal one, it also has a practical significance, since it represents, in very broad terms, a trend from greater to lesser efficiency in the layout of the resulting holdings. It is, of course, with the last two types, the non-Parliamentary enclosures, that this paper is primarily concerned.

However, the definition of the various types of enclosure is not as clear-cut as might at first appear. In the first place, as is well known, some Parliamentary acts merely confirmed an existing agreement. In such cases the act might also confirm an existing award under the terms of the original agreement, might incorporate the award within the act itself, or might

make provision for an award to be drawn up subsequently. Following the precedent established by Tate and Turner (1978), all such enclosures have been classified for the purpose of this paper as 'Parliamentary', and agreements subsequently confirmed in this way, such as North Stoneham, Hampshire, have been omitted from the calculations of 'formal agreements'. It must be noted, however, that the distinction is a fine one. A number of agreements made provision for a confirmatory act to be obtained should the parties later feel it advisable, and there seems to have been a considerable chance element in whether or not this was then done. In a rather different case, that of Fordington, Dorset, an act was sought first, but when the bill failed to gain assent in the Commons the proprietors were able, some time later, to reach agreement instead.

The distinctions between enclosures by formal agreement and informal enclosures – those achieved piecemeal or by an individual acquiring all the rights – are also not always quite so obvious as might at first appear. Most piecemeal enclosure was only possible by some form of agreement, even if this was tacit or in the form of bilateral arrangements between pairs of owners. However, for the purposes of this project 'formal agreements' have been defined as those cases where a specific general agreement was made to abolish all, or a coherent block of, an open field or common at a set date. In contrast, cases where fields or meadows disappeared over a period of time by a process of strip exchange and mutual failure to exercise common rights, or commons were worn away by gradual encroachment, have been categorised as informal. Thus the Bashley Commons enclosure, with its formal written award, clearly belongs in the former category, while Mere Field, Portsmouth, where individual strips were built upon while neighbouring ones continued to be farmed, nominally at least, in accordance with fixed compulsory rotations, belongs in the latter. In

reality, though there was no problem in classifying the extremes, the situation was not always so obvious.

Since formal agreements were essentially private arrangements, there was no systematic process of registration or preservation, and copies of some have not survived. Similarly, formal awards did not necessarily follow upon such agreements: a number simply recorded that it had been agreed that the land should be divided 'as the same is now staked out'. In these circumstances there is a range of doubt, stretching from specific documentary references to a now-lost agreement at one end of the scale, to the sudden disappearance of a system, coupled with a high degree of regularity in the later field patterns, giving rise to a strong suspicion that a formal agreement might have existed, at the other. In terms of the classifications given above, an element of arbitrary judgement has therefore sometimes been necessary, and caution has been exercised in inferring the presence of formal agreements from circumstantial evidence. It is thus highly likely that some enclosures classified as 'piecemeal' may in fact have been by formal agreement. However, the total number of doubtful cases does not appear to be sufficient to significantly disturb the general conclusions.

It was initially assumed that much of the enclosure would be by means of formal agreements, and thus would yield precise figures. In practice a very high proportion proved to be informal, leaving no direct figures in most cases. Details of all known formal agreements were therefore abstracted, but a very comprehensive exploration of a wide range of other sources proved necessary in order to provide the material from which reliable estimates of other types of enclosure could be calculated.

Methods

The methods originally devised for the ten per cent sample survey of Parliamentary enclosure in England and Wales carried out by Chapman and Harris (¹) were adopted for this investigation in order to provide directly comparable data. In the earlier work the details of each individual allotment for the Parliamentary enclosure awards in the chosen sample parishes were abstracted and subjected to computer analysis, to provide a breakdown of the types of land enclosed, the number of allottees, their occupations and any other additional relevant information. Wherever possible, identical material was now abstracted for non-Parliamentary enclosures. However, the very large scale of 'informal' enclosure created substantial problems, not merely in obtaining the detailed information, but even in identifying the incidence of enclosure. Only the formal agreements were likely to have left definite documentary evidence, and it soon became obvious that the tracking-down of informal enclosure would dictate a comprehensive search of every possible archive to isolate a period of time during which the system or common had vanished.

Three theses provided invaluable as a means of finding formal agreements, M. Naish (1961) for Hampshire, J.R. Ellis (1971) for Wiltshire and P. Brandon (1963) for Sussex, to enable the formation of preliminary lists of parishes where formal agreements might be expected. All four counties have agreements listed in their enclosure indexes, but the coverage is variable and by no means exhaustive. In order to obtain details of any further agreements not catalogued in the theses and lists, the place name indexes were searched for any references to 'common field', 'open field', 'enclosure' and other terminology relating to communal agriculture. Glebe terriers (²) proved an extremely useful resource, in that they

very often reflect the state of communal farming. In many cases, the glebe strips were the last open arable land to be enclosed. A map of Southwick in West Sussex made in 1768 (3) shows the last remnants of an open field system with the glebe strips highlighted as the only remaining open land. If a glebe terrier describes the church land in closes, then it is likely that all the open fields had been enclosed, or that there never was any open arable land, though occasional exceptions were discovered.

Once the formal agreement material had been collected, attention was turned to the extent of informal enclosure. Map information and chance references indicated that many field systems had disintegrated, almost by a process of attrition, leaving only fragmentary evidence. A parish such as Wield in Hampshire has its open field system shown as open on a map of 1779 (4), but a surrender of 1821 (5) describes these lands as 'formerly in diverse common fields but now enclosed'. There is no surviving evidence of how this was done. In other places, chance provides a record of the substantial re-organisation of a manor or parish's open land. A survey of 1602 (6) of Cheriton in Hampshire details the redistribution of open fields, down, commons and wastes, making it possible to estimate that approximately 800 acres was dealt with.

However, such survivals are rare, and the net had to be cast wider, with a search of more diffuse sources, such as deeds dated 1700 to 1850, sale particulars, stewards' notes and rentals, which often promise much information about land use and so often prove to be lists of names. The place name index had allowed the compilation of a list of target parishes in Hampshire, Dorset and Sussex, where it was suspected that piecemeal enclosure had taken place. The tithe also provided an invaluable comprehensive bench mark for the

study, as an indication of remaining open land in the 1830s and 1840s. In many cases the most effective method of proceeding was found to be the use of photocopied base maps onto which fragmentary records of systems could be transcribed, thus gradually building up a picture of their whereabouts and tracing their disappearance through time.

Particularly in the case of open fields, such evidence proved vital, since many parishes proved to have a multiplicity of independent systems, often with one or two field names in common, and often with alternate names for the same field coexisting simultaneously. In the case of Portsmouth, the three main fields all had alternative names while one had three, being variously called Fountain, East Dock or Pesthouse Field. This particular example was already known from earlier research, but a number of others came to light through careful plotting and cross-checking, and examples of the opposite case, where the same name was used for different areas within the same parish were also discovered. In Nether Wallop, for example, map evidence coupled with written material (?), eventually revealed the existence of two distinct 'Beech Fields' operating within the same parish, one of which bore the alternative name 'Whitehill Field'.

Ease of access to the Hampshire Record Office in Winchester and the prior existence of a substantial body of information in the National Enclosure Project data base allowed the formation of a complete picture of the enclosure history for that particular county. All the Parliamentary enclosures for Hampshire were transcribed onto the prepared base maps as a major tool of investigation. These were analysed in tandem with the formal agreement details, to provide a comprehensive body of statistics for comparison. The scale of

enclosure done without formal record in this county prompted a final, close examination of any relevant references.

The normal difficulties of archival research were present in good measure. The researcher is always dependent on the workings of the archivist's mind - classification is a fine art, sometimes not well practised. Agreements were found in catalogues masquerading under the ubiquitous, bland title "indenture", agreements for Wiltshire were found in Hampshire due to the vagaries of the manorial system, vital information was found literally on scraps of paper [in boxes of material with no connection to enclosure] or scribbled into the back pages of surveys. Conversely, listed documents were not always forthcoming, either because they were lost, or had never existed. The prime example of this is again in Hampshire; Bishop's Sutton was apparently enclosed with the nearby parish of Crawley, and the act ⁽⁸⁾ gives two sets of commissioners, one for each parish. However, the award for Crawley makes no mention of Bishop's Sutton, and there appears to be no other award for that parish. It is impossible to say how the land that was intended to be enclosed by Parliamentary action was actually enclosed.

Archival research always involves deduction and interpolation, with tantalising hints at some event that cannot be independently verified. Surveyors and commissioners sometimes increase this difficulty. The operation of the "everyone knows where that is" syndrome produces agreements and awards with no acreages, and maps where vital landmarks are not provided. Changes in road layouts and to coastlines can make it impossible to transcribe information.

The enclosure process itself dictated the course of the research. Several instances came to light where, at a first glance, the open field in a parish appeared to have been completely dealt with by a Parliamentary enclosure, but further investigation into deeds revealed open field persisting after the date of the award. For example, though 1,611 acres were involved in a Parliamentary enclosure of the open fields of Crawley, Hampshire, in 1795, documents dated up to 1880 (9) refer to land in the common fields, showing a possible second system apparently untouched by the formal enclosure. As many of these systems are poorly documented prior to the Parliamentary award and generally just withered away at a later date, map evidence of their existence beyond the areas covered by the Parliamentary enclosure was often a vital source in establishing that they were not merely alternative names for fields dealt with by act. The existence of formal enclosure in a particular parish has also tended to foster an assumption that no other process has taken place, and necessitated the exploration of unpromising or apparently irrelevant material.

Unfortunately the sheer volume of material and the constraints of time meant that the complete investigation of all Parliamentary enclosures in the four counties was not possible, and this may, paradoxically, have led to some understatement of the non-Parliamentary side of the movement. As is indicated below, full data for the Parliamentary enclosures of Sussex and Hampshire was available from other research, but the same was not true for Dorset and Wiltshire. It therefore seems likely that some informal enclosures of parts of parishes may have escaped notice in these last two counties, especially where, as in a significant number of cases, the Parliamentary enclosures had no associated map.

Results

From the analysis of the data collected it is abundantly clear that enclosure by non-Parliamentary means played a major part in the counties concerned in the eighteenth and nineteenth centuries. Enclosure by formal agreement proved to be far more significant than the existing literature implied, though with substantial variations from county to county. Against a total of 536 Parliamentary enclosures for the four counties, 140 formal agreements dating from between 1690 and 1900 were discovered: 676 enclosures may thus be characterised as 'formal', with agreements representing almost 21 per cent of the total. Put in other terms, it is necessary to inflate the Parliamentary enclosures by over 26 per cent to get an indication of the true level of formal enclosure alone.

Interestingly, in spite of the wide differences in other aspects of the enclosure movement between the counties, the 'add-on' percentage represented by agreements remained fairly consistent, ranging between just under 20 per cent (Dorset) to just over 30 (Wiltshire). In both Hampshire and Sussex the absolute numbers of agreements are far higher than those given in existing published lists: in the former there were 43 against Taverner's three, and in the latter 20 against Tate's two (Taverner, 1957; Tate, 1950). Even for Wiltshire, where Ellis's thesis and Sandall's list provided apparently comprehensive information, 56 were discovered against Ellis's 39, and two of the latter were discounted as falling within Tate's definition of Parliamentary, i.e. as agreements later confirmed by act (Ellis, 1971; Sandall 1969; Turner, 1978). There appears to have been no previous list for Dorset.

Though the nominal starting date for the investigation was originally set at 1700, it appeared that a significant movement in fact began in the mid 1690s, so 1690 was used as a basis for these calculations. No systematic attempt was made to collect all formal agreements dating from before this date, since this was significantly beyond the stated aim of the investigation; however, in order to try to establish the existence or otherwise of open or common land in 1700 it was necessary in many cases to work forward from examples discovered in seventeenth century sources, and in the course of these investigations a further 36 such agreements were discovered, no fewer than 20 of them in Wiltshire.

These formal agreements show a far greater spatial uniformity than was originally anticipated. From the existing literature it seemed reasonable to suppose that Wiltshire would stand out sharply from Hampshire and Sussex as an area of high agreement enclosure. Though Wiltshire does indeed have a higher absolute number of enclosures by agreement, even allowing for the greater size of the county, this simply broadly matches the pattern of Parliamentary enclosures. In other words, although formal agreements were obviously a substitute for an act of Parliament in an individual case, the same does not hold true when the matter is looked at regionally. The presence of Parliamentary enclosures in a region does not imply the absence of agreements, or vice versa: the two appear to be present in roughly the same proportions.

Temporal patterns do, however, appear to emerge, again in part reflecting the patterns of Parliamentary enclosures. Well over a quarter of Wiltshire agreements occurred before 1690, while only a fifth of the Hampshire ones did, only a sixth of those in Dorset, and less than a tenth of the Sussex ones. While the incomplete nature of the survey of earlier

agreements must be borne in mind, and hence the possibility of a distorted sample, the figures for the main period under consideration support this view. Thus only a seventh of Wiltshire's agreements were of nineteenth century date, as against a sixth of Hampshire's, a fifth of Dorset's and a third of Sussex's. Areas of late Parliamentary enclosure do not therefore appear merely to have been late in substituting this method of enclosure for formal agreements; the evidence strongly suggests that if they were laggard in adopting one they were equally laggard in adopting the other.

Though these formal agreements represent a substantial increase in the number of known enclosures for these two centuries, the more surprising feature was the very large number of informal and 'manorial' enclosures discovered. Though it was expected that a number of these would come to light, the totals were far greater than anything anticipated. By their very nature such enclosures tend to leave no formal record of their occurrence: they can frequently only be discovered by references to a common or an open field at one date and its absence at some subsequent one. Apart from the obvious problem of providing a precise date for enclosure, this also creates a rather less obvious source of difficulty, namely that in many cases the systems simply became moribund, their functions becoming more and more attenuated with time.

In these circumstances dating 'enclosure' becomes in part a matter of definition, complicated by the tendency for documents to continue to use field or common names as location names after the entity itself has disappeared. There is, furthermore, a considerable problem of identification, particularly in Sussex where manors bearing the same names as parishes or townships were often fragmented, and scattered through many parishes over a wide area.

Thus a manorial reference ⁽¹⁰⁾ apparently recording open fields in Barcombe in fact appears to refer to the system physically located in West Firle, and well documented elsewhere. In these circumstances, the figures given must be regarded as a minimum, since some of those disregarded as dubious, or rejected because there was no definite evidence that they still existed at the starting date of 1700, should perhaps have been included.

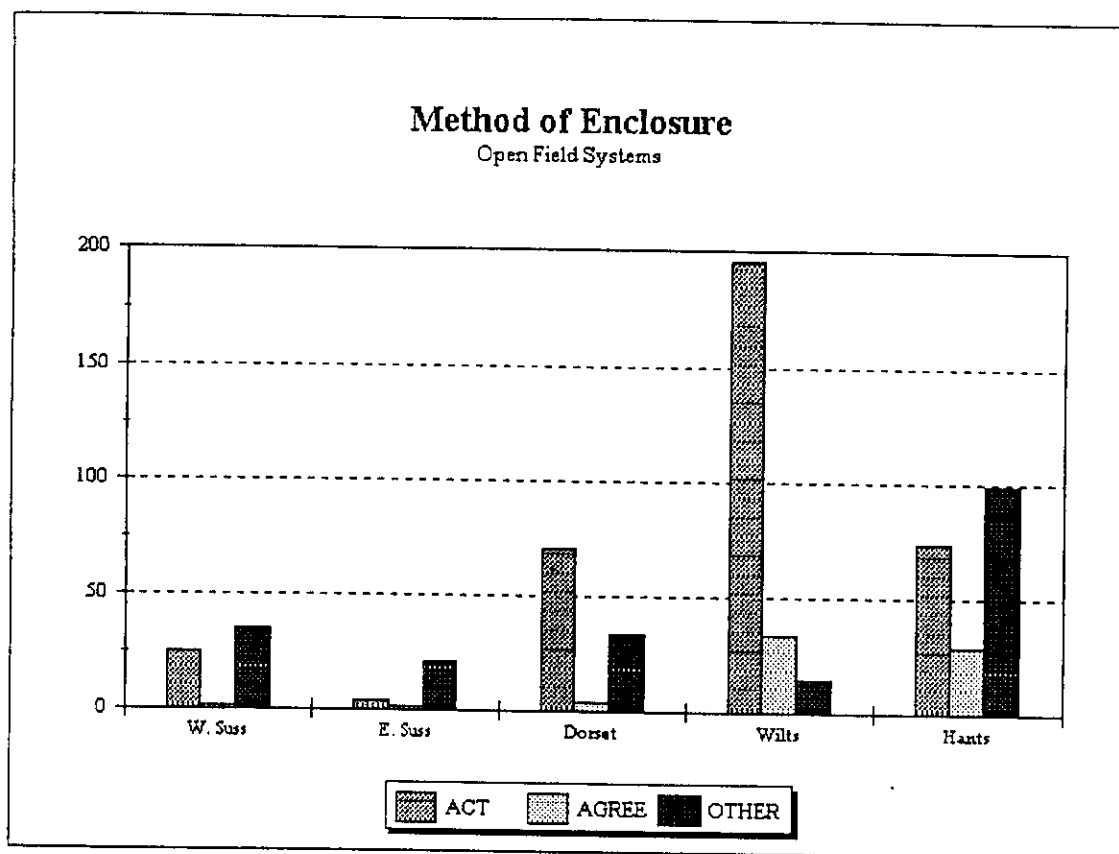
It is easier to be categorical about such informal enclosures of open arable as against those of common waste. Apart from on the Isle of Portland no open field system has persisted in the four counties to the present day, so any reference to a system must inevitably imply its subsequent disappearance, whereas many commons named in the past still exist, and specific proof is needed that they have been reduced in size during the intervening period. It was also generally far simpler for an individual to make a small encroachment on a common than to fence off his proportion of the common field, where he was impinging very obviously on the workings of the whole system. The latter therefore tended to attract a reaction, and specific mention in documentary sources. As a consequence, the estimates of the amount of open field involved are far more reliable than those for common waste, and will inevitably remain so even when final analysis is completed.

The tendency to present a simple picture of enclosure in any particular parish must also be questioned. The case of North Hayling, in Hampshire, illustrates a known example of a not-untypical situation. Here there were three Parliamentary enclosures of open fields, all carried out over a short period and of small amounts of land, together with three Parliamentary enclosures of commons. Numerous similar examples, but using a mixture of act, formal agreement and piecemeal enclosure were discovered and, contrary to initial

assumptions, it was not always the act which was the final stage in the process. Why the landowners of a parish should go to the trouble and expense of arranging a Parliamentary enclosure, and then not enclose all the open field land, even if it did belong to another manor is by no means clear, especially when, as in some cases, the landowners were the same.

Another somewhat unexpected feature was the number of settlements with common meadowland, which in many cases persisted in an active form well into the nineteenth century. A number of these were discovered in areas where no open field system appeared ever to have been recorded, notably in parts of Sussex, and several appeared to have been confused, in both contemporary documents and by later writers, with common arable. Again, a very substantial number of these disappeared without any formal enclosure, whether Parliamentary or by agreement.

As far as open field systems are concerned, documentary evidence was discovered of the existence of 638 in the four counties in or after 1700. For the reasons indicated earlier, it is likely that this figure represents an under, rather than an over, estimate. Of these, 309, or 48 per cent, were certainly still in existence in 1800. The breakdown of these figures between the three methods of enclosure is significant, and is illustrated in Graph 1. 368 were eliminated wholly or partly by Parliamentary enclosure, 68 by formal agreement, and 202 by informal means. It is therefore clear that Parliamentary enclosure was responsible for less than 60 per cent of the enclosures during these two centuries. Since some systems had already undergone partial piecemeal enclosure before Parliamentary action was taken, these figures tend to understate the informal element.



Once again the situation varied greatly from county to county. In Dorset almost 70 per cent of systems were abolished formally, either by Parliamentary action or by written agreement, as against only 30 which disappeared piecemeal; in Hampshire, on the other hand, the proportions were more-or-less equal, with 49 per cent piecemeal, while in Sussex informal enclosure was overwhelmingly dominant. 64 per cent of separate Sussex open field systems lost during this period were enclosed by informal means. There is a clear spatial element in the distribution, especially when it is appreciated that Wiltshire appears to have had only a negligible amount of informal enclosure. As was indicated above, the availability of a far greater volume of comparable material for Sussex and Hampshire may have introduced some element of distortion, but by no means sufficient to account for the patterns observed.

The fact that the total numbers of systems discovered in Hampshire and Wiltshire are roughly proportional to the relative sizes of the two counties, but the number enclosed by Parliamentary means are wildly at variance indicates clearly that there are real differences. The reasons for this are still under investigation. In view of the suggestion that use of Parliamentary means of enclosure shows a marked diffusion process (Chapman, 1987), and that individual counties showed tendencies to follow their own particular peculiarities in their use of Parliamentary enclosure, there is nothing inherently impossible in the idea that similar processes may have been at work for the whole enclosure process. It is clearly possible that the choice of method may have been strongly influenced by local custom, the favoured method being passed on by contact within a small social circle of local landowners. Equally, it is possible that the method chosen might reflect the attitudes of the owners of particular estates. There is certainly some suggestion that the very late and piecemeal nature of so much of the Sussex enclosures might be due to the dominance in the area of a small number of very powerful estates. The detailed spatial patterns of the various methods of enclosure are currently undergoing further analysis, together with a search for any relationships between particular landowners and favoured types of enclosure.

While it might be postulated that informal enclosures or, indeed, formal agreements might involve very substantially smaller acreages than Parliamentary ones, and that mere total numbers of enclosures would therefore tend to grossly inflate the importance of the former, the results so far processed do not appear to support this. Though the mean amount per formal enclosure does appear to be smaller, the discrepancy is not enormous, and the informal enclosures seem to have involved an almost identical mix of whole systems and remnant scraps (using 1700 as the base-line) to the Parliamentary ones. Once again,

however, attempts at generalisation are complicated by the undoubted spatial variations. It is quite clear that, at a crude level, there are substantial differences between Wiltshire and Sussex: what is not so clear at the moment is whether more complex geographical patterns can be detected. Further investigations of the spatial variations are currently under way, and it is hoped that it will be possible to offer more definite answers in the near future.

The implications of this research are considerable. The amount of non-Parliamentary enclosure discovered to be of eighteenth and nineteenth century date very greatly exceeds the amounts allowed for these centuries in the standard calculations of the temporal patterns of enclosure. While it would clearly be unwise to project to the whole of the country from a restricted area on the south coast, especially in view of the internal variation discovered within the area under investigation, the findings obviously present a serious challenge to the existing orthodoxy. At the very least, it would seem extremely doubtful that Parliamentary enclosure was as overwhelmingly dominant nationally during these centuries as is normally assumed, and should the findings for this area indeed prove to be representative of the country as a whole then much of the focus of the enclosure movement would have to be shifted once more to this period, rather than to the seventeenth century.

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Footnotes

1. ESRC-funded project *The Extent and Nature of Parliamentary Enclosure 1977-1982*
2. Catalogues of church property, largely of seventeenth and early eighteenth century date in these counties
3. West Sussex Record Office [WSRO] Add. Ms. 29,569
4. Hampshire Record Office [HRO] 105M88/3
5. HRO 38M48/159
6. HRO 53M67/1
7. HRO 15M84/MP20-21, [eighteenth century and 1822] and 141M83/68 [undated]
8. HRO 11M68/61
9. HRO 11M68/11 and 11M68/224
10. East Sussex Record Office [ESRO] Add. Ms. 1208 circa 1734