

Some Problems in the Interpretation of Enclosure Awards

By JOHN CHAPMAN

THE maps and awards associated with the process of parliamentary enclosure are a major source of information about rural England, and have been widely used by both historians and historical geographers. They provide a base for studies both of the communal agricultural system which they abolished and of the more individual one which followed, and their value has been stressed on a number of occasions, notably by Tate.¹

Rather less attention has been paid to the problems encountered in their interpretation. Harley has drawn attention to the inaccuracy of some of the maps, to the occasional discrepancies between map and award, and to the fact that copies of the award do not always agree with the original, but difficulties of a more serious and more subtle nature also occur.² In particular, any attempt at comparison or amalgamation of material from a number of awards is fraught with problems. Although parliamentary enclosure is often seen as a country-wide movement, each award was essentially a local product, with clauses reflecting the peculiarities and ideas unique to the particular township or parish to a far greater extent than in a more nationally controlled source such as the tithe awards. Even the passing of the various general Enclosure Acts, though encouraging a higher degree of uniformity, failed to eliminate local variations completely. Furthermore, the process of parliamentary enclosure extended over 300 years, and both the process itself and the awards which recorded it tended to become more complex with the passing of time.³ It is therefore frequently possible to obtain in-

formation from a mid-nineteenth-century award which is completely lacking in a neighbouring mid-eighteenth-century one.

I

Any attempt to produce a comprehensive picture of, for example, a county involves the initial practical problem of discovering the whereabouts of all the awards, for no unified system exists for their preservation. Whilst copies of all awards under the General Enclosure Act of 1845 passed into the hands of the Board of Agriculture and thence to the Public Record Office, the only certainty with earlier awards is that they were once deposited locally; usually, though not invariably, this was with the parish authorities. Most should also have been enrolled with the Clerk of the Peace to the county but, as Tate has pointed out, this obligation was sometimes avoided.⁴ Both the Clerk's and the parish copies have now normally found their way to the County Record Offices, but this is by no means certain, nor is it certain that they will have survived intact. Thus, in personal searches, two of the thirteen Monmouthshire awards, for Ifton and Cwmyoy, could not be found,⁵ and of the sixty-nine in west Sussex one, Tangmere, appears to exist only in an incomplete draft form, and one, Felpham, solely in map form.⁶ A similar situation obtains in other counties, and it is doubtful whether a 100 per cent cover is possible in many of those which were substantially affected by the movement.

⁴ W. E. Tate, *The English Village Community and the Enclosure Movements*, 1967, p. 118.

⁵ The Ifton Act is in National Library of Wales (NLW), Tredegar Park 34/81. Letters referring to the Cwmyoy award are preserved at Monmouthshire Record Office (MCR), D591.81.331.

⁶ West Sussex Record Office (WSCR): Add. MSS. 5174, 6004, 6005.

¹ E.g. W. E. Tate, 'Enclosure Acts and Awards', *History*, 51, 1966, pp. 179-82.

² J. B. Harley, 'Enclosure and Tithe Maps', *Amateur Historian*, 7, 1967, pp. 265-74.

³ Radipole, Dorset (1603), and Skipwith, Yorkshire (1901-4), are generally accepted as the first and last.

II

Where the documents do exist unmutated, major omissions may still occur. A significant proportion of awards made before 1790 have no associated map, allotments being distinguished by a brief description, such as: "in part of Potto Field," followed by a list of the proprietors of bounding allotments or old enclosures.⁷ Only five out of a sample of fifteen pre-1790 awards in north-east Yorkshire were provided with a map, while in a list for Worcestershire given by West, only ten out of forty-five had one. From 1790 onwards maps of the allotments were usual, and all thirty-one of a Yorkshire sample after this date possess one, though it is worthy of note that West's Worcestershire list shows sixteen out of seventy-two post-1790 awards without maps, the last as late as 1816.⁸ Where the maps are absent, and no near-contemporary alternative source is available, the task of translating the written information into map form is often impossible, greatly diminishing its usefulness.

For an initial period after maps became common, most awards continued to provide a full written description, thus giving the maximum possible information. Unfortunately, this ideal situation did not last, for during the course of the nineteenth century the descriptions tended to become shorter, and after about 1850 they frequently degenerated into a mere list of owners and acreages, with a key number to the accompanying map. In west Sussex, of the awards enclosing more than a single common or field, only two prior to 1850 failed to name the area within which the allotments were located,⁹ whereas after 1850 eight out of eleven failed to do so. Though the names of the former fields frequently appear on the enclosure map, exact boundaries are rarely shown, and cases such as Warningcamp and Byworth, where the map subdivides the allotments and gives

areas for the subdivisions, are exceptional.¹⁰ Pre-enclosure maps providing the required information are occasionally attached to the awards, but this does not seem to have been a very common practice. In general, it is fair to say that if the descriptions in the award lack precision, it is unlikely that an exact reconstruction of the fields will be possible.

Problems such as these are immediately obvious, for the documents fail to offer any information. More serious, in many ways, is the inaccuracy, or scope for misinterpretation, of the material which is provided. This affects even such a basic matter as the total amount of land enclosed, for none of the methods available for obtaining this figure is without its drawbacks, and confusion is often caused by a failure to distinguish between the land newly enclosed by an award and the total land allotted. Although in theory the enclosure process was concerned with land which had previously been open or common, a good deal of land which had formerly been held in severalty was also re-allocated.

Firstly, anything held to be an illegal encroachment was usually simply absorbed into the common for the purposes of redistribution, and is frequently not distinguished either in the award or on the allotment map.¹¹ Such encroachments were normally of recent origin, having been taken from the common within the previous twenty years, and although they might be numerous their total area was often small. Occasionally, however, they might be of more significance, for older encroachments might be incorporated,¹² and sometimes, as at Trelleck in Monmouthshire, the total encroached area might be considerable.¹³ The significance of encroachments is further increased by evidence that they were most numerous where commons were extensive and common fields absent, so that their inclusion

¹⁰ WSCR: Add. MS. 5174.

¹¹ They are sometimes differentially shaded, e.g. Trelleck, MCR: INC AW2.

¹² E.g. up to thirty years in Woolavington and Graffham. WSCR: QDD/6/W12.

¹³ I.e. 959.32 acres, made up of 1,122 encroachments, of which 407 were over twenty years old. MCR: INC AW2.

⁷ Faceby award, P.R.O.: L210/127.

⁸ J. West, *Village Records*, 1962, pp. 140-1.

⁹ Wenham in Rogate (1825), WSCR: PAR 159/20; Bosham (1834), WSCR: PAR 25/20. Both locate some allotments, but are incomplete.

in enclosure totals may have a distorting effect on regional patterns.¹⁴

Secondly, and far more significantly, many awards involved old enclosures of undisputed legality and of any age. It was common for provision to be made for the redistribution of detached portions of a proprietor's land where these were of small size, usually under 3 acres, or where two or more owners held land within a single fence.¹⁵ Additionally, proprietors were often permitted to ask for their old enclosures to be redistributed where such clauses did not exist, or where the enclosures concerned did not fall within the specified categories. Though many awards, particularly the earlier ones, did not involve any old enclosures, lands of this type might form a considerable proportion of the total in some parishes. In west Sussex thirty-five awards re-allocated some old enclosures as against thirty-three which did not, and in two cases over 30 per cent of the total land involved was of this type.¹⁶ In addition, there was the curious case of the second Barnham award, where all the land concerned appears to have been previously enclosed and held in severalty.¹⁷ Thus, for any given parish, the figure for the total land allotted, and also the area of allotments shown on the enclosure map, may be considerably larger than the area initially available for enclosure.

Finally, it may be noted that some old enclosures became involved in the enclosure process, and appear in the enclosure awards, even though they were not technically allotted. Old enclosures which were the subject of an exchange agreement, sanctioned by the enclosure commissioners after the allotment, are listed at the end of the award, along with any allotments which changed hands. The initial purpose of including these exchanges was to allow

proprietors to trade inconveniently situated new allotments for old enclosures elsewhere, and this was frequently done from about 1805 onwards.¹⁸ In some later awards, however, the dealings were much more complex. A few exchanges were purely of old enclosures on both sides,¹⁹ presumably as a convenient means of legally recording a transfer, and some of the lands concerned might be outside the parishes or manors specified in the original Enclosure Acts.²⁰ Normally these exchanged lands represent a very small percentage of the overall total,²¹ but locally the figure might be significant, as at Wisborough Green, Sussex, where it reached 16.75 per cent.²² These exchanged lands create no problems if one's concern is solely with the initial allotments, for not only are they separately listed in the award but they are readily distinguishable on the enclosure maps, either because they appear on a separate sheet or because of a special colour or shading.²³ On the other hand, it could be argued that these lands were as much involved in the enclosure movement as those old enclosures which were formally allotted, for the power to redistribute them derived from the same parliamentary Acts, and they contributed considerably to the new patterns of ownership which emerged. It is therefore necessary to distinguish in addition to lands enclosed and lands allotted, an overall total for all lands redistributed by the enclosure process.

III

The enclosure documents may offer three types of estimate or total of the lands involved, one in the Act, one in the preamble to the award, and one at the end of the allotments. For a handful

¹⁴ J. Chapman, 'Changing Agriculture and the Moorland Edge in the North York Moors, 1750-1960', unpubl. M.A. thesis, London, 1961.

¹⁵ E.g. Tregug, Monmouthshire, MCR: INC AW1, and Broadwater, Sussex, P.R.O.: CP/911 ROT 9, respectively.

¹⁶ In Bury, 38.92 per cent: WSCR: QDD/6/W 18.

¹⁷ WSCR: QDD/6/W 32.

¹⁸ The earliest Sussex examples are Lancing, WSCR: PAR 118/20/1 (1805), and Goring, P.R.O.: KB 122/797/ROT 1188 (1805).

¹⁹ E.g. Boxgrove, WSCR: QDD/6/W 22.

²⁰ E.g. lands in Sutton and Houghton in the Bury award. WSCR: QDD/6/W 18.

²¹ A median of 1.65 per cent for those Sussex awards which had any.

²² WSCR: QDD/6/W 35.

²³ E.g. Wymering and Widley, Hampshire Record Office (HCR): ENC 90 a and b, and Trelleck, MCR: INC AW2, respectively.

of awards all three are available, but more commonly none is given. Each of these sources has its own problems. The first has the advantage of ready availability, and has been widely used for calculations of county and national totals, for example those of Gonner and Slater.²⁴ Unfortunately, Acts which do not contain any figure are sufficiently numerous to cast doubts on the accuracy of such totals, even when estimates are used to fill in the gaps.²⁵ Thus in west Sussex, according to Tate, only fifty-five of the sixty-nine Acts give an acreage for the land to be enclosed.²⁶ Where figures are given this is still no guarantee of accuracy, for they, themselves, are suspect for a variety of reasons.

Firstly, since the Acts normally preceded the enclosure process, there was often no exact survey available, and the figures given were merely rough estimates or perhaps based on local tradition as to the area's size. Such traditions might reflect local, rather than statute, measure, or an assumed relationship between a cattlegate and a specific acreage; but it is difficult to avoid the conclusion that some figures were arrived at largely by guesswork. In west Sussex the estimates in the Acts show a mean difference of only 6.28 per cent from the true amount of land enclosed, but almost a fifth of the awards differed by more than 10 per cent, and extreme values ranged as high as 52.04 per cent.²⁷ In general it seems that the degree of accuracy was much higher for field lands than for commons, but even field estimates were sometimes wildly astray.

Secondly, there is no guarantee that the lands referred to in the Act are identical to those actually enclosed. In upland areas partial enclosure was not uncommon, whereby the Act

referred to the whole of a moorland common, but at the award certain areas were left unenclosed on the grounds of their unsuitability for improvement. Thus six out of a sample of twenty-three moorland enclosures in north-east Yorkshire proved to be of this type, and in the two extreme cases of Allerston and Eskdaleside-cum-Ugglebarnby the areas actually enclosed represented only 37.4 per cent and 42.8 per cent respectively of the estimated areas.²⁸ Conversely, in Moorsholm the Act made provision for partial enclosure and the area involved was estimated at 603 acres, whereas the Commissioners actually allotted 940 acres.²⁹ Nor was this entirely restricted to the moorlands, for Naish records that at Westbourne Tarrant, Hampshire, the total enclosed was only 25.7 per cent of that authorized.³⁰ The existence of permissive enclosure, whereby land was allotted but the decision as to when or whether it was to be fenced was left to the individual proprietor, adds a further complication, for such land, though technically enclosed, might remain in open grazing and never be used in severalty.³¹ It must be accepted therefore that although many of the estimates given in the Acts are in fact reasonable approximations, others are totally untrustworthy, and no convenient method exists for determining which is which.

The figure in the preamble to the award also presents problems. In some cases it is merely a restatement of that given in the original Act, and thus shares its inaccuracy; in others it is clear that it was derived from the survey made for the award, and it may be correct to the nearest acre or even perch. A further difficulty is that it may represent either of two totals. Normally, like the Act, it appears to include only former common land, but occasionally figures derived from the survey may incorpor-

²⁴ E. C. K. Gonner, *Common Land and Enclosure*, 2nd edn, 1966, pp. 268-81. G. Slater, *The English Peasantry and the Enclosure of Common Fields*, reprint New York, 1968, pp. 267-313.

²⁵ Where figures did not exist Gonner attempted an estimate. Slater simply omitted them.

²⁶ W. E. Tate, 'Handlist of Sussex Inclosure Acts and Awards', *Sussex Arch. Collns.*, 1950, pp. 146-51.

²⁷ Produced by totalling all allotments recorded as situated on former common or field land, excluding old enclosures. Tangmere has been excluded.

²⁸ North Riding Registry of Deeds (NRRD) 30, and NRRD: AG 19.

²⁹ P.R.O.: MAF 1/975, 1/505.

³⁰ M. C. Naish, *The Agricultural Landscape of the Hampshire Chalklands, 1700-1940*, unpubl. M.A. thesis, London, 1961, pp. 313-14.

³¹ J. Chapman, 'Parliamentary Enclosure in the Uplands: the Case of the North York Moors', *Ag. Hist. Rev.*, xxiv, 1, 1976, pp. 1-17.

ate all allotted land, including old enclosures.³² In consequence, the high level of accuracy of some of the figures is not particularly helpful, for it is necessary to assume a probable error. Thus, although seven out of the twenty-four west Sussex awards which give this figure are accurate to within 1 per cent, the mean error is 5.33 per cent, and Earham records an extreme value of 26.90 per cent.³³ Two further points deserve mention. Firstly, in some counties many awards give no figure in the preamble, so that no complete picture can be gained.³⁴ Secondly, discrepancies between the estimates and the real totals do not cancel out over a large area, for overestimates are far more common than underestimates. Only five of the Sussex figures underestimate, only two by more than 0.5 per cent, and Yorkshire awards show a broadly similar pattern.

The third total provided, that at the end of the allotments, is normally by far the most accurate, and its meaning is usually perfectly clear. Apart from rare arithmetical errors, it represents correctly the sum of all land allotted, whether common or old enclosure, excluding only land brought in solely at the exchange stage. It cannot, therefore, be used to indicate the amount of land open before enclosure, and it will often differ from either of the other figures even if all are correct. Its greatest disadvantage lies in the comparatively few awards which give such a total, particularly those dating from the eighteenth and early nineteenth centuries.

IV

If the errors and omissions involved in the use of these three totals are not acceptable, the only alternative is addition of all the individual allotment totals. This has the great advantage that, where a full description is given, the researcher

can select the particular category of land required and be sure of the real meaning of his total. The major disadvantage is the time and tedium which this entails. It also depends for its accuracy on the detail of the description, which may leave something to be desired. Thus, where an allotment consists of more than one category of land, it is extremely rare for the proportions of each to be stated, and in the case of illegal encroachments the fact that they are contained within an allotment may not even be mentioned. Even totals derived in this way may not, therefore, be completely accurate.

The question of distinguishing old enclosures from common land is merely a part of the broader problem of determining the type of land enclosed. The awards can provide a useful end-point for the study of field systems, and the possibility of establishing the exact acreages of each common field and common is an attractive one. In practice, the information is again not always easy to abstract. No Act so far examined specifies the areas of the individual fields to be enclosed, and of the few awards to do so most are inaccurate to some degree, that for Houghton and South Stoke underestimating two of the fields and one of the commons by over 50 per cent.³⁵ A handful of early enclosure maps list the allotments by field in the key, and provide totals for each field which are apparently completely accurate, but in the vast majority of cases the only means of reconstruction is the information provided under each individual allotment in the award. In these circumstances the problems of incomplete description, to which attention has been drawn already, loom large. It is, unfortunately, not unusual for allotments to straddle the borders of two or more of the former fields and commons, without any indication of how much of the area is drawn from each. Where the offending allotments are few and small a reasonable level of accuracy can be obtained by arbitrarily assigning an equal proportion of each allotment to the fields mentioned, but inevitably it is the largest allotments which are most likely to suffer in this way, and arbitrary subdivision then involves an un-

³² E.g. Warningcamp, WSCR: Add. MS. 5175, and Woolavington, WSCR: QDD/6/W 12, respectively.

³³ Tate's figures taken from awards appear to include also the totals found at the end of the allotments. Tate, 1950, *loc. cit.*, pp. 146-51. Elsted and Warningcamp both agree exactly.

³⁴ In west Sussex forty-five out of sixty-nine have no figure, though in a Yorkshire sample only thirteen out of thirty-three were lacking.

³⁵ WSCR: Add. MS. 5161.

acceptable level of inaccuracy. Thus in East Ayton, Yorkshire, forty-three out of forty-four allotments are accurately assignable, but the remaining one accounted for 38.73 per cent of the total area, and incorporated unspecified areas of two common fields, six common pastures, and the High Moor.³⁶ In the Hilsea section of the Wymering enclosure, Hampshire, seven of the fifty allotments straggled across from the fields on to the neighbouring common and saltmarsh, probably in a deliberate attempt to provide a fair distribution of the poorest land, and a further three included lands from more than one of the former fields. In consequence, only half of the ten units of land in the village—two of the five fields, two of the four commons, plus the village green—can be reconstructed, and 38.78 per cent of the land cannot be definitely assigned to any particular unit.³⁷

Difficulties also occur where, although all allotments are recorded as part of a named area, the previous status of this area is not clear. Thus in Lancing some allotments are recorded by "lain,"³⁸ some by furlong, and some by names which could refer to either field or common land, or even old enclosures.³⁹ It is thus impossible to be certain either of the total area of former field land or of the area of any individual "lain." Such examples are regrettably frequent.

V

Reconstruction of the patterns of ownership and tenure is comparatively straightforward, for such information is invariably included. Care is necessary in following the sales and exchanges, especially as on rare occasions the commissioners confirmed an exchange of lands without the details being entered in the award.⁴⁰ One award, for Broadwater, even failed to give

the areas of the sale allotments, though fortunately these details can be obtained from the map.⁴¹ The principal problem, however, arises from the large number of owners who died before the awards were completed, and whose allotments are not always recorded in a consistent manner. Thus in some cases the heirs are recorded by name, while in others they are referred to merely as the heirs or devisees of the deceased owner, or the allotment may be recorded under the names of trustees or executors under the will. Since the heirs might have allotments in their own right, or be buying up allotments in their own names in anticipation of their inheritance, the true size and distribution of the new units may be obscured. An example of this occurs in the Fratton and Southsea award, where a chance reference later in the document reveals that the devisees of Charles Lowe were in fact Richard Godman Temple and Daniel Collins, both substantial allottees in their own right. Of the ultimate destination of the allotments of the other two deceased owners there is no indication.⁴² This difficulty is of considerable significance, for the size of an allotment might play a major part in determining the manner and speed of planning and development in the newly enclosed lands.⁴³

A limited number of awards also provide some information on the social status and residence of the participants. In Sussex it became usual to include this information only after about 1855, though the earliest case is the Horsham award of 1813;⁴⁴ in Yorkshire it occurs spasmodically from 1785 onwards,⁴⁵ but many awards omit it. Where it appears, some indication of the importance of absentee landowners, and of the relative size of holding of smallholders, major landowners, and non-agriculturists can be obtained, but the information is frequently incomplete and the personal descriptions somewhat arbitrary. Again, the recording of deceased owners is a principal

³⁶ NRRD: BA 13 119-35. ³⁷ HCR: ENC 90 a and b.

³⁸ The "lain" was a cultivation unit, consisting of a group of "furlongs" or "fields": P. F. Brandon, 'The Common Lands and Wastes of Sussex', unpubl. Ph.D. thesis, London, 1963, p. 258.

³⁹ WSCR: PAR 118/20/1.

⁴⁰ E.g. in Houghton and South Stoke, W3CR: Add. MS. 5161.

⁴¹ P.R.O.: CP 43/911 ROT 9 and MPL 21.

⁴² Portsmouth R.O.: G/MN 240.

⁴³ Chapman, 1976, *loc. cit.*, pp. 14-15.

⁴⁴ WSCR: QDD/6/W8. Nineteen of the awards from 1855 contain one or other, thirteen of them both.

⁴⁵ Pickering and Newton, North Riding R.O.: Enc. 9.

complication, for the information given often relates to the executors rather than either the former or new owners.

It must be stressed that information on ownership, residence, and occupation, though comparatively free from complications, is only of limited value. Very few awards even approach a complete cover of a parish, and to assume that the proportion of land allocated to an individual is closely related to the proportion which he owned in the parish as a whole is highly dangerous. Attempts to combine this information from several enclosures face even greater pitfalls where discrepancies in date occur, for there is ample evidence that newly enclosed land often changed hands within a short time, through sale, exchange, or simply the death of the owner.⁴⁶ Someone allotted land at one enclosure did not, therefore, necessarily still hold land allotted to him elsewhere a few years earlier, while he might well be in possession of lands originally allotted to another individual.

VI

In conclusion, enclosure documents usually present few problems to the parish historian,

⁴⁶ Chapman, 1976, *loc. cit.*, pp. 12-13.

whose local knowledge and familiarity with other local sources will enable him to disentangle any ambiguities. To anyone primarily concerned with the enclosure process over a wide area the difficulties are much greater. All amalgamated totals must be regarded as likely to have a significant margin of error, and it would seem essential to be highly specific as to the real meaning of terms such as "the amount of land enclosed." Parliamentary enclosure covered lands whose previous status had varied greatly, and the real nature of the process is easily obscured by misinterpretation of the evidence presented. Similarly conclusions about the status of landowners must be treated with care, for it is easy to classify a man as a small holder on the basis of the small acreage allotted to him, in ignorance of extensive holdings which were not involved in the award. A substantial landowner disposing of a small detached portion of his estate may all too readily be taken for a small holder abandoning agriculture. All this is not to suggest that valid information cannot be obtained from the enclosure awards. They are undoubtedly an extremely valuable source: nevertheless they must also be recognized as a potentially misleading one.