

Members of Parliament and Enclosure: A Reconsideration

By J. M. MARTIN

THERE can remain little doubt that enclosure by Private Act, whatever its merits, laid a heavy burden of expense on the owners of common-field land.¹ In addition, we have had the recent demonstration that in Buckinghamshire the Act was accompanied by a decline in original owners amounting to nearly 40 per cent for parishes enclosed between 1780 and 1825.² Such conclusions prompt a reassessment of the personalities who nevertheless successfully carried through this type of legislation.

The view of W. E. Tate, which has successfully held the field for many years, was that the evidence served "to forbid the conclusion that Members of Parliament in general used their position as legislators in order to safeguard their personal interests or those of their constituents." The figures who engaged in this work were seen as successfully resisting the temptation "to sink the legislator in the landowner."³ The purpose of this present piece is to reconsider that verdict in the light of an examination of the Warwickshire evidence on this topic.

I

The first matter worth looking at is the actual pattern of Commons procedure. As Tate showed, the practice was for the House to nominate two or three Members to oversee and introduce a draft Bill. After a Second Reading this was duly submitted to a Commons Com-

mittee for detailed scrutiny; one of the Members described above then made the Report back to the House. A final Reading quickly followed. It is significant that a substantial sample of those Warwickshire Bills where the draft details encountered no opposition was found to take on average no more than twenty-one days in their progress through the House, from First Reading to Engrossment. The third quarter of the century found a large number of such proposals making their way through the House at the same time, in addition to a swelling in the tide of other types of legislation. In 1780 this tendency attracted the attention of the Lord Chancellor. During the course of a broad attack on the whole machinery of enclosure by Private Act he observed that he could "point out with certainty one source of the evil . . . [which was] the rapidity with which private bills were hurried through the committees of the other House. . ."⁴

In a recent examination of these procedures Miss Lambert noted that most of the criticism derives less from the eighteenth century than from the evidence of Select Committees of the years 1824-37.⁵ This is no doubt true. Nevertheless, she herself goes on to quote at length from the 1775 Committee to the effect that "many Members of your Committee cannot but remember the great Inconveniences which were felt, and much complained of . . . [that] Persons residing at a Distance . . . were put to great Expences for an Inclosure . . . too late to have an opportunity of . . . laying their Observations upon such Bills before Parliament with Effect."⁶

¹ For the most recent study of costs see M. R. Turner, 'The Cost of Parliamentary Enclosure in Buckinghamshire', *Ag. Hist. Rev.*, xxi, 1973, pp. 35-46.

² M. E. Turner, 'Parliamentary Enclosure and Landownership in Buckinghamshire', *Econ. Hist. Rev.*, 2nd ser., xxviii, 1975, pp. 569-75; J. M. Martin, 'The Small Landowner and Parliamentary Enclosure in Warwickshire', *Econ. Hist. Rev.*, 2nd ser., xxxii, 3, 1979.

³ W. E. Tate, 'Members of Parliament and their Personal Relations to Enclosure', *Ag. Hist.*, xxiii, 1949, pp. 118-20.

⁴ 'Commutation of Tithes for Land in Bills of Enclosure', *Parliamentary History*, xxii, 30 March 1781, pp. 59-61.

⁵ S. Lambert, *Bills and Acts: Legislative Procedure in Eighteenth Century England*, 1971, pp. 101-2, 129, 136.

⁶ *Ibid.*, pp. 135-6.

A further matter of some interest is the make-up of the important Commons Committee (omitted altogether from Tate's discussion). Before 1760 the Members were listed in the Journal, and included between fifty and sixty-five names. In the Lords, where the Committee bore a similar unwieldy appearance, a provisory clause permitted any five peers to act as a quorum, and it is clear from Miss Lambert's study that a similar procedure was followed in the Commons.⁷ There then arises the question of how far Members nominated actually attended such Committees. The example quoted at length by Miss Lambert is hardly reassuring on this score. A Committee which attracted much general interest held twenty meetings in all, but of forty-two Members only six attended more than twice, while of thirty-five additional nominations only five ever actually served.⁸

In the light of such revelations Miss Lambert concedes that uncertainty must remain over whether parliamentary scrutiny of enclosure Bills could be regarded as adequate. She stresses, nevertheless, that the recognized procedure of the two Houses did offer some protection; here the House of Lords Committee Books yield evidence that some care was taken with technical difficulties which arose, and also with ensuring that the rules of procedure were followed. With all this, however, it must be said that in the illustrations which she puts forward the main benefit was in protecting and clarifying the interests of the substantial landowner and the rector. Whether the framework offered by the parliamentary process was able to extend protection to the rights of the larger community and humbler common-field owners remains the nub of the issue. And here several additional causes of doubt exist.

To begin with, where this larger community challenged a petition the occasion is not always recorded in the Journals, so that its relationship with Parliament is partly obscured. To cite examples: the Journal has no record of the 1731 petition relating to Atherstone, although this document survives in the Compton-Brace-

bridge collection; similarly the attempt in 1778 to foist an enclosure on the cottagers of Sutton Coldfield and their counter-moves finds no reference in the parliamentary record.⁹

A further point is that the belief referred to by Miss Lambert that an enclosure ought to secure the support of three-quarters of the interested parties is not wholly borne out by the Warwickshire evidence. The Commons Journal sets out the details of support found in fourteen agricultural townships, all successfully enclosed during the years 1730-60.¹⁰ This shows that 85 (27.4 per cent) of the 312 interested parties had failed to sign the appropriate draft Bill. In half the cases less than three-quarters of the owners' signatures were appended. The size of common-field holdings can also be gauged for thirteen of the townships, and this shows that the owners of 73½ (11.5 per cent) of 627½ yardlands had not signed their approval of the draft schemes. This sample relates, furthermore, to the early decades of the movement, characterized by Miss Lambert as an era in which Parliament "conceived its function to be to authorize agreements arrived at, rather than to arbitrate between parties."¹¹ Nevertheless, only nine of twenty-seven Warwickshire Bills initiated in the Commons before 1760 were endorsed by the signatures of all the interested parties.

There remains a further area of doubt. Miss Lambert rightly draws attention to the safeguard apparently offered by certain established practices, notably the requirement that all individuals with a claim to land affected by a Bill

⁹ For the draft and final copies of the Atherstone petition, together with the cottagers' counter-objections, all dating from the 1730's, see: Warwicks. R.O.: Compton-Bracebridge MS., box H.R./35; for a similar pattern of events at Sutton Coldfield in 1778 see: Birmingham Central Reference Library, Sutton Coldfield Miscellaneous Collection, no. 424509; fols. 19, 27 (1778, 1824).

¹⁰ The Journal also records nine other Bills where no dissenting names appear; four other Bills included are: Bishops Tachbrook (tithe settlement only); Wilnecote (owners of 84 of 700 acres refused to sign); Kenilworth (forest, urban; 12 of 69 owners refused); Flecknoe (Bill in Committee from 11 March 1730 to 2 March 1731; 9 of 33 owners refused; ultimately failed).

¹¹ Lambert, *op. cit.*, pp. 133, 136.

⁷ Lambert, *op. cit.*, pp. 100-1.

⁸ *Ibid.*, p. 100.

should be approached personally to give their consents; secondly that the Committee should be informed in writing whether each individual was for or against the proposed change. Nevertheless, such a safeguard relied, if it was to be effective, on accurate and disinterested reporting. That this was not forthcoming on every occasion can be demonstrated from the example of Bills which gave rise to counter-petitions on behalf of the smaller proprietors. Thus at Flecknoe Mr Digby and Sir J. Isham were given leave on 20 March 1730 to bring in a Bill. This followed their report on the petition that "the Parties concerned have agreed and consented that the same should be inclosed."¹² But a counter-petition received by the House on 11 April from "several freeholders and proprietors on behalf of themselves and others . . ." proves this statement to be false. The solicitor's statement of the case earlier in the same year had also referred to the fact that a quarter of the thirty-three interested proprietors opposed the enclosure.¹³ Other similar cases exist.¹⁴

In such instances it seems that the actual course of events owed more to the personalities of M.P.s than to the framework of established procedure. This makes it worth looking again at these figures, and in particular at their relationship to the petitioners.

II

When we turn from these general considerations to look more closely at the Warwickshire evidence we find that the Leigh family estate records contribute some interesting information with a bearing on this question. It proved possible to turn up, for example, a day-by-day description of the task of steering a draft Bill

through the Commons.¹⁵ This brought to light the suggestion that the principal landowner (in this instance J. H. Leigh) was at some pains to secure the attendance of particular Members for the crucial Committee stage of enclosure Bills in which he had an interest. On 15 February 1794 we find his town solicitor "writing to Mr Leigh as to the Petition and the Opposition, and attending the Opposers' solicitor several times, explaining the Business, and he recommending the Parties to give it up." The petition in question was for an enclosure of the parish of Longborough over the Gloucestershire border. On 12 March the preparation of the Bill was placed in the hands of Mr Berkeley, a fellow landowner and relative by marriage of the Leighs. On the 20th the solicitor is found "attending the Commons for a list of the Committee." On the same day he notes that "a messenger and letter were sent [by himself] to Mr Major and six other Members requesting their attendance on the Commons Committee on the 25th instance." Finally, on the eve of the meeting of the committee, the same gentleman is found "attending Mr Beman [J. H. Leigh's nominee as commissioner] this Day as to the Opposition and advising him thereon." The Committee duly met, and the Bill ultimately passed up to the Lords, where the same procedure was acted out. On 3 April there were dispatched "a letter and messenger to the Earl of Guilford to attend the Lords Committee on Tuesday next, and the like to Lord Hawke and the Bishop of Gloucester."

The actual pattern of involvement in enclosure, as in other areas of economic activity in Warwickshire, suggests that the initial step was dictated largely by personal considerations. The career of Sir Charles Mordaunt illustrates this point. Representing his county for forty years in the Commons, he presented the Committee Report on twenty-two of thirty-eight

¹² On the testimony of Mr N. Masters and Useby Holms; *H.C.J.*, XXI, 20 March 1730, p. 507. A second petition was received by the Committee, 2 March 1731: *ibid.*, p. 654.

¹³ "A True State of the Case . . ." copy in Warwicks. R.O., ref. Z./12/1-2.

¹⁴ Initiation in the Lords probably concealed the opposition of the body of cottagers at Nuneaton (1730), referred to in Compton-Bracebridge MS., box H.R./35. For petition see: *H.L.J.*, XXIII, p. 616; Report, p. 637.

¹⁵ The Leigh MS. relates to Warwickshire's most extensive landed estate: Birthplace Library, Stratford-on-Avon; Longborough Papers, ser. B, box 2, bundle 4: headed "Expenses Account, As to Obt. Act, 23 November 1793, J. H. Leigh, and Others"; notes dated 15 Feb. 1793; 20 March 1793; 2 April 1793.

Warwickshire Bills passing through the House between 1736 and 1769. But as lord of the manor of Wellesbourne Mountford his was the very first Warwickshire petition to be recorded in the Commons Journal in 1730.¹⁶ He was the principal figure also in the petition three years later to re-allot the common fields of Wellesbourne Hastings. Finally, in 1736 Mordaunt presented his first Commons Committee Report which was on behalf of the neighbouring parish of Alderminster. Here two of his Wellesbourne tenants, Thomas Aylesworth and Thomas Venors, were also employed as local award commissioners (Aylesworth's first appearance had been as commissioner at Wellesbourne Hastings, but neither figured again after the Alderminster award). These details illuminate a pattern which was to be repeated in later legislation, as the career of Sir Roger Newdigate illustrates. Making his first appearance during the years 1742-7, Newdigate went on to represent Oxford University from 1751 to 1780 without a break. According to Namier he took his parliamentary duties exceptionally seriously, which makes it the more astonishing that his first active participation in Warwickshire enclosure legislation was as principal petitioner in the Chilvers Coton Bill of 1764.¹⁷ He assisted after that in the preparation of a number of Warwickshire Bills, culminating in that of Bedworth (1769), where his father had developed the family coal-mines; Sir Roger took the lead in handling the draft legislation, presenting the Report from the Commons Committee himself. However, he appears to have lent his assistance on only two further occasions, both in the years 1770-1.¹⁸

A similar spectacle is offered by the conduct of the Isham family of Northamptonshire who represented their county without interruption throughout the years 1698-1772. They assisted in the preparation and reported on only two Warwickshire Bills: those for Flecknoe (1730) and Wolfhamcote (1757), where Hester Rayns-

ford, daughter of Sir Justinian Isham, was in both instances the principal beneficiary.¹⁹

Other Warwickshire personalities whose initiation into parliamentary enclosure activity took on a distinctly personal colouring included William Throckmorton Bromley, heir of an ancient family with Jacobite connections, and Thomas Skipwith. The latter was promoted into his own former county seat in 1770 by his kinsman William, Earl Craven. From that time Skipwith became as important in carrying through local enclosure Bills, including several on behalf of his own family, as Mordaunt had been earlier in the century.²⁰ It is noteworthy that his father, Sir Francis, and other relatives were amongst the county's foremost enclosing landowners in those years.

In the use of friends and relatives to advance territorial and personal ambition a further notable local figure was the first Viscount Beauchamp, later first Earl (1750) and Marquis (1793) of Hertford. According to Horace Walpole his principal aim in life was to secure a marquise, and in fact the evidence shows that he had hopes of grasping a dukedom.²¹ Though during his long life he held lucrative political office, the road to the latter prize lay also through the amassment of a landed income which would serve to recommend his elevation.

The return on the Marquis's Warwickshire property rose between 1776 and 1797 from £2,376 to £5,906,²² an increase which reflected an attempt to round out and consolidate his seat at Ragley. Much of this rent-rise can be traced to large-scale pre-enclosure land purchase and post-enclosure improvement within the adjoining parishes of Binton and Old Stratford. To assist in the task of consolidating his influence in the Commons, Hertford found places for no less than six sons in the lower

¹⁶ *H.C.J.*, xxi, p. 441.

¹⁷ L. Namier and J. Brookes, *The House of Commons, 1754-90*, 1964, III, pp. 196-7.

¹⁸ 1771 was the year of the Bedworth award.

¹⁹ *H.C.J.*, xxi, pp. 507, 654, 827. *Ibid.*, xxvii, pp. 676, 743.

²⁰ His first act on arrival was to present the Committee Report for Stretton-on-Fosse, where his father was principal owner: *H.C.J.*, xxxi, 20 March 1771, p. 271.

²¹ Namier and Brookes, *op. cit.*, II, p. 424; Warwicks. R.O.: Seymour Ragley Collection, C.R. 114, A/345.

²² *Ibid.*, Rentals 1776-97, C.R. 114, A/192-3; 208.

House (leaving out of account his able brother, General Conway). "... What with sons and daughters, and boroughs, and employments of all kinds I have never," exclaimed one unkind observer, "heard of such a trading voyage as his Lordship has proved."²³

Given this background it is no surprise to find that the preparation of the Binton Bill was placed in the hands of General Conway and the brother of the Earl of Warwick. The son of Lord North and Sir R. Lawley were nominated to draft that of Shotton (Old Stratford). The appearance of North, his first in connection with a Warwickshire enclosure, was separated by only three Bills from his own petition to enclose the Warwickshire parish of Shotteswell (1793). Here we find that through the good offices of Lawley he received compensation for 29½ yardlands in the face of substantial opposition from the owners of 9 of the remaining 21.²⁴ Hertford and Lawley were linked by local politics. The former's power base in Coventry was used to challenge the political dominance of Warwickshire by the Old Tory gentry, while Lawley represented a similar challenge from the commercial interests of Birmingham.²⁵

At Warwick castle Paul Methuen, the Earl's close friend and client in the borough seat, was involved with only two Bills (Alcester Heath and Warwick).²⁶ The Earl had an interest in both Bills, and both encountered notable local opposition, leading in the case of Warwick to the presentation of a counter-petition.

Several case studies demonstrate that this use of relatives and friends was not confined to great county landowners; the lesser gentry pursued the same practice whenever opportunity offered. The example of Sanderson Miller, a gentleman of quite small estate, offers perhaps the most vivid illustration of the political connections which a man of even modest fortune

could succeed in establishing. The enclosure of the tiny parish of Radway, which contained the whole of his estate, found him with a quite extraordinary fund of social and political goodwill to call upon. Of help in this respect was an amateur interest in architectural design which he shared with Thomas Prowse, Member for Somerset (1740-67). The two had accomplished the plan of Hagley Hall for Sir G. Lyttelton, described as the closest political intimate of the Grenvilles and of Pitt.²⁷ In a fascinating note to Miller, Lyttelton states that "as his mote towards the expense of inclosure he encloses a note to enable him to wait with less inconvenience for the good effects of Mr. Pitt's more powerful friendship."²⁸ An entry in Miller's yearly accounts duly describes receiving the note, which was for £50, from Lyttelton.²⁹ When in time his Bill came before the House the list of Members appointed to the Committee is found to commence with the names of Mordaunt and Prowse, and goes on to record two Grenvilles and Pitt, along with a host of local personalities.³⁰ Not surprisingly the relationship between landowner and legislator is often difficult to disentangle. This is particularly true of political connections. Such an instance is afforded by the Foleshill Bill which Lord Guernsey helped to prepare. The leading beneficiary was Richard Hopkins, and the link with Guernsey appears to be through William Northey, a friend of the Earl of Aylesford, the former's father. Northey sat for Maidstone in the Earl's interest, and was also married to the sister of Richard Hopkins, whose inheritance came to the Northeys in 1799.³¹ This example highlights the risk in making assertions about the absence of connections between petitioner and legislator.

²⁷ *Ibid.*, p. 336.

²⁸ A. C. Wood (ed.), *Sanderson Miller Diaries, 1749-50, 1756-7, 1775*, Warwicks. R.O.: C.R. 1382/1; 1382/32; L. Dickens and M. Stanton (eds), *An Eighteenth Century Correspondence*, 1910, p. 348.

²⁹ A. C. Wood (ed.), *Accounts of S. Miller, 1742-59*, Warwicks. R.O.: C.R. 125/B/5, Dec. 1756. I am indebted to Mr Wood for additional information on Miller.

³⁰ *H.C.J.*, xxvii, pp. 404, 429.

³¹ Namier and Brookes, *op. cit.*, III, p. 213; Namier, *op. cit.*, p. 114.

²³ Quoted in L. Namier, *The Structure of Politics at the Accession of George III*, 1960, p. 400.

²⁴ *H.C.J.*, XLVIII, Petition, p. 221; Report, p. 728.

²⁵ Namier and Brookes, *op. cit.*, I, pp. 399-403; II, pp. 24-5; Namier, *op. cit.*, p. 103; W. B. Stephens (ed.), *V.C.H. Warwickshire*, VIII, 1969, 'Coventry Politics' by K. J. Allison, pp. 248-55.

²⁶ He had hopes of a peerage, but died still a commoner; Namier and Brookes, *op. cit.*, III, p. 134.

In practice we find that a very substantial proportion of leading beneficiaries under Warwickshire awards, regardless of rank, had access to the Commons through relatives and friends.³² Furthermore, some appear to have acquired a seat themselves merely in order to see such legislation through the House. One such figure, John Spencer of Althorp, over the Northamptonshire border, sat in the Commons (in the interest of the Earl of Warwick) for only just over four years, between 1756 and 1761. Significantly his short legislative career is found to coincide with the introduction of the only Warwickshire Bills (Priors Hardwick and Marston 1757-8) in which he had a personal interest as principal landowner.

One reason why this feature of enclosure legislation has been missed in the past lies in the fact that after 1760 the Journal neglects to provide the names of Members nominated to constitute the Committee. Fortunately, in Warwickshire the movement began unusually early, so that the pattern described above stands out more clearly than elsewhere. The results of an inquiry into the personalities who proposed or reported on draft Bills in Warwickshire over the period 1730-79 show that a total of seventy-one such draft Bills were successfully initiated in the Commons between these dates. In over half a specific personal connection existed between the principal petitioner and at least one of the M.P.s who took a hand in the way described above. The claim made in Tate's pioneering study that such a connection did not exist on a large scale should perhaps be treated therefore with some caution.

If one asks a further question, namely in what number of instances the leading petitioner had a relative or friend sitting in one of the two Houses, then the answer is in at least sixty out of eighty cases (this includes nine Bills initiated in the Lords between 1720 and 1742).

Another point arises out of this discussion. The conventional practice appears to have

favoured the nomination of a local M.P. with a considerable fund of experience in overseeing this type of draft Bill in the House and in Committee. At the same time it appears customary to appoint a friend, relative, or client to watch over the interests of the principal petitioner. Tate's figures for Oxfordshire enclosures lend themselves to such an interpretation: he records 156 Members taking part in enclosure proceedings on 756 "occasions" over the whole period 1757-1843; but the significant point is that a small group of eleven M.P.s participated on more than ten "occasions".³³ This special group we should see as the experienced local Members, like Mordaunt and Skipwith in Warwickshire. Since Tate's table is an enumeration not of Bills, but of the three "occasions" when M.P.s were nominated to "prepare and bring in," to present, and finally to report on a Bill, the appearance of 145 of his Members on ten "occasions" or less meant each was involved with at most three or four separate Bills.

III

One can take issue with Tate on other matters. The Mordaunts, Cravens, Willoughbys, Throckmortons, Bromleys, and Skipwiths formed part of a closely knit association of country gentlemen linked by marriage alliance and political obligation. Both Mordaunt and Newdigate were recognized leaders of the old country Tories, bound to those figures at the centre of local politics whose names had in 1721 been dispatched to the Pretender as likely supporters. Claims like those of Tate which seem to endow such personalities with a sense of responsibility "to the community at large" are not wholly accurate, given the social climate of that age.

It is true that amongst a handful of county M.P.s self-interest transcended the ownership of a particular landed estate. This was true for example of Sir Thomas Skipwith, found shouldering the main burden of parliamentary work on Mordaunt's retirement. His estates were spread widely throughout the county,

³² Namier noted that "In . . . old aristocratic houses or . . . the aftermath of great men . . . the predestination of Parliament extended even to younger sons," *op. cit.*, p. 3.

³³ Tate, *loc. cit.*, table 2, p. 219.

extending from Monk's Kirby in the north to Bidford-on-Avon in the far south.³⁴ His grandfather, Sir Fulwar, and other relatives were active in launching the earliest Warwickshire turnpike schemes, while the enclosure Acts often also included the construction of feeder village roads in the remoter parts.³⁵ From the swelling traffic in food and other commodities which arose from these diverse activities, Skipwith was himself one of the first to gain.

Such promotion schemes held out other attractions. One was the build-up of goodwill with powerfully placed figures in the City and in Parliament. So in 1774 we find Skipwith reporting on the Bill to raise £5,000 for the important turnpike running the length of the county from Birmingham down to the Oxfordshire border at Warmington.³⁶ This came within three years of his Bill to enclose Burton Dassett, adjoining the road at Warmington, where the petitioners consisted of two of the powerful Grenville brothers and Sir R. Ladbroke, the distiller and Member for the City of London.³⁷

Figures like Skipwith do nothing to weaken the suggestion that many legislators were acting to serve personal interests of one kind or another. Doubts then arise as to how far such men would be open to the just claims of the larger community. During the course of a debate in 1780 on the Ilmington, Warwickshire, Bill, Lord Chancellor Thurlow voiced such feeling. We are told that he "turned his attention to . . . the mode in which Private [enclosure] Bills were permitted to make their way through both Houses . . . to the great injury of many, if not the total ruin of some private families. He then proceeded to examine every provision of the [Ilmington] Bill pointing out some act of injustice, impartiality,

obscurity, or cause of confusion in each."³⁸

It is true of course that the practice of requiring to know the names of all proprietors, and whether or not they agreed to an enclosure, continued to offer some safeguard to the humbler class of owner. To set against this is the progressive reticence of the official record on opposition of one sort or another. Miss Lambert notes that after 1741 the practice of submitting enclosure petitions to the detailed scrutiny of a parliamentary Committee, and the subsequent publication of its report in the *Journal*, were abruptly ended.³⁹ Also abandoned from 1760 was the practice of listing in the published account of the Report on the Bill the actual names of individuals refusing, or otherwise not signing, and their share of the common-field yardlands. After that time dissent was recorded merely in terms of the aggregate value of the "interest", one-sixth of which was made up not of land but of tithe (converted into land only after enclosure).

It might be fitting at this juncture to turn back to the broader framework of the enclosure process. What gives final point to the discussion is local information showing that opposition to enclosure Bills from one quarter or another was by no means a rare event. A description of the protracted nature of the legislative business is recorded in the Stockton register. The entry notes that "an enclosure of Stockton parish was attempted in the year 1778 and [again in the year] 1786, but without Success. In the year 1791 the Inclosure business was resumed, and after many Meetings and Debates the Bill was at last signed in the Presence of Sir T. Biddulph. . ."⁴⁰ In an examination of 170 Nottinghamshire petitions covering the whole period 1743-1826, W. E. Tate found only twenty-nine instances of delay of a year or more, while in no more than fifteen of these cases was there even the possibility of

³⁴ J. M. Martin, *Warwickshire and the Parliamentary Enclosure Movement*, unpubl. Ph.D. thesis, Birmingham, 1965, II, App. xxiv.

³⁵ See the 'Act for Repairing the Road leading from Dunchurch to . . . Meriden-Hill . . .', 10 Geo. I, and a similar Act of 3 Geo. II, for the road from Stratford-on-Avon to the " . . . top of long Compton Hill."

³⁶ *H.C.J.*, xxxiv, p. 599.

³⁷ *Ibid.*, xxxiii, p. 133; Report, p. 271.

³⁸ Debate: 'Commutation of Tithes for Land . . .', *loc. cit.*, pp. 59-61.

³⁹ Lambert, *op. cit.*, pp. 131-3.

⁴⁰ Warwicks. R.O.: Stockton Parish Register, 1777-1809, D.R.58.

opposition.⁴¹ In Warwickshire the years 1730-99 saw 121 petitions originating from 102 townships. No less than twenty-two of these failed, leading in all instances to a delay of at least a year before the presentation of any further petition. There were, in addition, nine cases where Bills were successfully pushed through at the first attempt, but where, nevertheless, evidence of opposition exists. This took the form in almost all instances of either a counter-petition or the use of the procedure that all-comers should "have voice" in the Committee. Of the total of thirty-one cases described, all but five certainly arose out of opposition from one quarter or another. Altogether it appears that twenty-five of the 102 townships saw the failure of at least one petition, the lodging of a counter-petition, or the opening of the Commons Committee in order to swamp opposition.

Parliamentary opposition was thus not uncommon. As to its origin there must remain doubt. Probably it arose in many cases less from the smaller proprietors than from within the ranks of the gentry class, or from the Church aggrieved at some technical detail or the choice of commissioners. Thus of the fifteen counter-petitions only five (those for Flecknoe, Atherstone, Priors Marston, Harbury, and Sutton Coldfield) originated with the less substantial proprietors. For this class parliamentary obstruction was too expensive a venture, and the hope of success too slender.⁴² In general their antipathy found expression only in a refusal to sign the Bill. Even this degree of resistance was glossed over after 1770 by the

employment of the lawyers' expression "neuter" to distinguish those proprietors who, while refusing to sign, declared they would not positively oppose the Bill.⁴³

That opposition should be encountered from one quarter or another is hardly a matter for surprise. It was appreciated that once the Bill had become law there remained no possibility of reversing the process, and only the details of the survey remained to be agreed. In the words of one Warwickshire gentleman, "If anyone should find Fault and object against anything in the Act . . . as hard upon him. To be answered there is nothing in it but what everyone approved under his Hand, and now it is 'stablished by an Act must be submitted to and observed, therefore to no purpose to talk against it."⁴⁴

Given this background of uncertain success, the appointment of relative or friend to introduce and report on a Bill was a move which might crucially affect the chance of succeeding. He could influence the proposals so that the "interest" of the outright opponents was reduced to a minimum, and could fashion the details to the satisfaction of the more powerful parties. Failure on one or other score clearly caused a number of Warwickshire Bills to be lost, a very expensive penalty.

IV

To conclude: the purpose of this discussion has been to take a fresh look at the personalities who successfully carried through enclosure by Act of Parliament during the eighteenth century. The idea that Members saw themselves as acting to fulfil an obligation towards their constituents as a whole within the rural community seems a little doubtful.

Within the county community enclosure commissioners were customarily nominated by the interested parties; this pattern has been recognized for some time. We have put forward the suggestion that a similar tendency can

⁴¹ W. E. Tate, 'Opposition to Parliamentary Enclosure in Eighteenth Century England', *Ag. Hist.*, xix, 1945, p. 141.

⁴² At Priors Marston (1757), where a faction of opposing freeholders went so far as to present a counter-petition, the well-known surveyor G. Salmon noted the "strong opposition to this Inclosure . . . the Bill being litigated in the House which increased the Expense prodigiously." It was also a factor in the high cost of other enclosures. See expenses of the enclosures at Loxley, Gaydon, Sawbridge, and Priors Marston in volume compiled by G. Salmon; photostat of original in Warwicks. R.O., Z.496 (U). I am indebted to R. Chamberlain-Brothers for this reference. For initial concealment of opposition: *H.C. J.*, xxvii, p. 674.

⁴³ Close examination of the changing terminology allows of no other interpretation.

⁴⁴ W. Bromley, in a letter relating to the enclosure of Bubbenhall, 1726-33: Warwicks. R.O.: Z.413(S.M.).

be traced within Parliament: watching over the interests of the leading petitioner was one at least of the two or three M.P.s nominated to bring in and report on each draft Bill. It proved possible to trace a link between landowner and M.P. in over half of seventy-one Bills coming before the House in the years 1730-79. Reflecting this practice was the fact that no more than a handful of Members acted on more than half a dozen occasions.

The details contained in the estate papers of two Warwickshire landowners, J. H. Leigh and Sanderson Miller, confirm this evidence and demonstrate that the principal petitioner took more than a casual interest in the make-up of the Commons Committee: the available evi-

dence hints at the likelihood that in practice its business was conducted by a tiny handful of interested M.P.s, as in the Lords.

The service of parliamentary friends was a matter of no small importance, since local information shows that actual opposition, and the consequent risk of a Bill failing, was quite substantial in a number of instances.

Finally, the intimacy outlined above between landowner and M.P. has a significance beyond the limits of the present discussion. It offers a key to an understanding of contemporary criticism of the enclosure process, to which reference was made in the course of this article.

NOTES AND COMMENTS

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The meeting concluded with a vote of thanks to the retiring President, Miss Edith Whetham.

WINTER CONFERENCE, 1979

The Winter Conference will be held on Saturday, 1 December 1979 jointly with the Historical Geography Research Group of the Institute of British Geographers. The venue is the Polytechnic of Central London, New Cavendish Street, and the theme will be 'Distress and unrest in the countryside'. All inquiries should be addressed to Dr A. D. M. Phillips, Department of Geography, University of Keele, Keele, Staffordshire ST5 5BG.

SPRING CONFERENCE, 1980

The Spring Conference will be held at the University College of Wales, Aberystwyth, on 14-16 April 1980; inquiries should be addressed to the Secretary. Programme and booking forms will appear in the February issue of the *Review*.

HISTORY TODAY

Michael Crowder, newly appointed editor of *History Today*, plans to include in the magazine a new regular feature on historical monuments which are being restored and opened to the public or are not well known. The term "monuments" is taken broadly to include, for example, the Laxton open fields, and members of this Society concerned with ones likely to be of interest to readers of *History Today* are asked to get in touch with the feature editor, Dr David Starkey, of the London School of Economics.

SOUTHERN HISTORY

Southern History is the title of a new addition to the journals concerned with regional and local history. The editor is J. R. Lowerson, Centre for Continuing Education, University of Sussex, and the annual subscription is £10. Volume I is to be published in October 1979 (subsequent annual issues in May) and includes, among others, articles on the decline of Canterbury in the late Middle Ages, the Courtenay Earls of Devon, the south-western rebellion of 1549, the market towns of southern England 1500-1700, and social crime in the rural south.