

Enclosure: Winners and Losers

The law locks up the man or woman
Who steals the goose from off the common
But lets the greater felon loose
Who steals the common from the goose

Anon

The landscape we live in is the result of constant change, but the most radical upheavals came in the 18th and 19th centuries. Before then, Hook Norton village was surrounded by large unhedged and unfenced fields. Within these open common fields, villagers — freemen or villeins — farmed individual strips of land; often their holdings were widely separated. Repeated passages with a medieval plough drawn by oxen created ridges between the strips, a pattern that can occasionally be glimpsed today in fields that were never re-ploughed but put to pasture. Though the concept of many people working odd scattered strips may seem inefficient to us, the fields were run as a cooperative effort, largely by the villagers themselves. Freemen paid rent to the lord of the manor; villeins owed him service — they would be expected to plough his fields and harvest his crops, often at the very time they most needed to be working their own strips of land.

For centuries this traditional system of shared fields persisted. People expected to grow enough food to feed their families, and to barter the surplus in exchange for money or other goods they could not make for themselves. Many villagers also had "rights of common", that is the right to graze their livestock on common land, the right to collect furze or wood for firing, and so on: these rights were hugely important to the poor and were passed on with land in inheritance or sales transactions.

The traditional organization of the common lands seems to have worked well under the system of annual covenants and agreements. Rules and deadlines were set at vestry meetings by a committee of village landholders; there were fines for transgressors. Boundary disputes, crop rotation and arrangements for pasturing animals on fallow land (their manure would enrich the soil for the next year's crops)

were determined by the committee. They would have organised the change from the three field system to a two field system, though it is not known precisely when this happened.

But there was an overlord, the Lord of the Manor, who owned everything else (subject only to the King). It was common practice for the wealthy to make gifts of land or goods to religious houses: good deeds like this were an investment, to speed the passage of their souls through Purgatory.

In Hook Norton's case, Robert II d'Oilly founded the Austin Canons' house at Osney just outside Oxford's city wall in 1129, endowing it with land and churches from many of his Oxfordshire manors.¹ Successive generations of the family and wealthier villagers added to the Abbey's holdings. Seigneurial rights were granted: in effect the Abbey owned a second manor here. At the Dissolution of the Monasteries under Henry VIII, most of the Abbey's wealth passed to the King, but some of its lands including those in Hook Norton were given to the newly founded See of Oxford. The last Abbot, Robert King, was the first Bishop of Oxford and this potential upheaval made very little difference to Hook Norton life.

The common field system had developed before the Norman Conquest, and would last for another two centuries after the Dissolution of the Monasteries. There were gradual changes. Serfdom had died out. There were crises when plague decimated the labour force or the crops failed. Some families prospered and acquired land that became vacant.

Yet in the late 18th century, a proposal to reorganise the time-honoured common fields system was put forward: it would change the pattern of land ownership and rights for ever. The rich were for it; the poor against it. But, where there was resistance, Enclosure could be achieved by Act of Parliament.

¹ See the essays on "The Secular Lords of the Manor " and "The Ecclesiastical Manor" in [The Middle Ages](#) on this site

The Proposal for Enclosure

An Act for dividing and enclosing the Open and Common Fields, Common Meadows, Common pastures, Common Grounds, and Commonable Lands, within the Parish and Liberties of Hook-norton and Southrop in the County of Oxford

Enclosure was not new. The "park inclosed" of the manor of Hogenorton is first mentioned as belonging to Hugh de Plesset who died in 1301. According to Margaret Dickins's village history:² "In the 16th century ... it contained a Coppice of forty acres, besides "lands, meadows, leasures, and pastures". Dickins enumerates the Shearing Close, the Round Close, Marsh Farm, Combes Close, and farther away from the village, Cats Ash Close, Ridgeway Close, and Berryfields as old enclosures. Lodge Farmhouse was built in 1646 well out of the village, which may indicate enclosure for pasture. In 1672 Cowberry field and meadows were enclosed. Grounds Farmhouse was built in 1706. So Enclosure could be achieved by consent.

By the 18th century the principal landowners wanted to consolidate their holdings: less scattered land was more efficient, and more valuable. Dairy or sheep farming required more land and fewer labourers. There were advances in technology: Jethro Tull had introduced his seed drill in 1704, and other labour-saving machinery was to follow. No doubt the poor looked on these developments with distrust.

A proposal for Enclosure was submitted to Parliament in 1773 sponsored by the Bishop of Oxford and his Lessee, John Chetwynd Talbot; the Duke of Buccleuch, the Lord of the Manor; and other principal landowners - Francis Travell of Swerford, Nathaniel Austin Apletree (formerly of Deddington) and the Reverend Lionel Lampett of Great Barford.

Enclosure, they said, would increase productivity and put an end to the inconvenience and inefficiency of small scattered plots of land, the difficulties of

² Margaret Dickins, *History of Hook Norton* (Banbury, 1928)

transporting sufficient quantities of manure and compost and the frequent trespasses and disputes among the proprietors and their tenants. The Bishop, his Lessee and the Curate, Mr Jones, were to be compensated for loss of tithes of corn and grain and for the small and privy tithes from the common fields as well as for income from old enclosures, homes and home-closes. [A tithe is a tenth; so ten per cent (in kind, corn, livestock, milk, etc) of all the produce of land went to the church. Parliamentary enclosure effectively put an end to this form of taxation by allotting extra land in compensation for tithes.] The Duke of Buccleuch would additionally be given land from the common fields for two fairs for horses and cattle. The Act defined the establishment and maintenance of roads and water-courses, hedges and ditches and the important matter of how the costs of the Award were to be covered.

The smaller landholders in the North Side Field held almost half the land and argued that enclosure would be unfair to them. The Bishop's compensation, they said, was inequitable and they wanted to retain the old taxes which were to be abolished under the Act. The Bishop's agent reported early in 1773 that the principal signatories had retracted "as they did not know what they had signed". Perhaps they had simply given way to pressure.

However, protesters were given leave under the Act to try their case at the assizes in Oxford. Their spokesman there was Nathaniel Austin Apletree, who, though a "fieldsman" was also one of the proposers of the Act and certainly one of the largest landowners with a clear interest in consolidating his holdings. Margaret Dickins refers to the case as a "friendly suit" which suggests that it was simply an appeal for judicial clarification, but the poor probably felt they had been cheated.

In the end there was no alternative to enclosure.

The Award

The Award was passed on 28 October 1774. Surveyors were employed to draw up detailed plans; unfortunately, the Enclosure map for Hooky no longer exists. An original copy of the Award is at the Oxfordshire History Centre in Cowley.



Hook Norton Draft Enclosure Map

There is no complete Enclosure Map, but there are a few draft sheets there. They are of poor quality. This section shows the Sibford Road as it joins the main road at the Triangle. Individual numbered plots of land and houses can be made out.

Commissioners from outside the parish supervised the exchange of land. Rules and regulations were inexorably defined.

For example:

All roads were to be 60 feet broad, except bridle and foot-ways. Afterwards, it would be unlawful to use any other roads over the new inclosures.

Where ground was allotted to a new proprietor, the old owner might cut, and carry away any trees, underwoods, thorns, hedges, bushes, and shrubs, within twelve months of the Award.

The owners might erect gates across the highway to protect their new hedges from sheep or cattle, provided the gate swung both ways.

The commissioners might turn any streams or springs to water the new allotments (allocations of land).

The new allotments were to be "in bar" of the old common rights and tithes.

No lambs were to be kept in any of the new inclosures for five years.

Until the allotments were made all pasture, tillage, and other lands should be stocked with such cattle, and cropped or sowed, or left fallow, as the commissioners directed, but no fresh ground should be ploughed, broken up, or converted into tillage. The Commissioners might extinguish, or suspend right of common, and might order ground to be sown with grass seeds.

Any waste land was to be allotted to the Lord of the Manor.

And, of course:

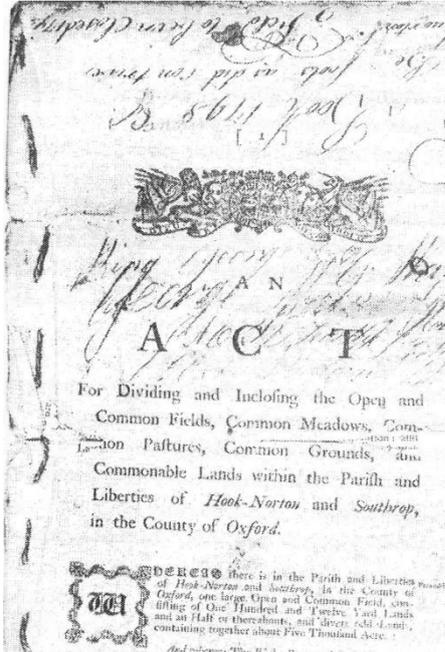
Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of any Lord or Lords of any Manor or Manors, or reputed Manor or Manors, Lordship or Lordships, within the Jurisdictions of Limits whereof the said Open and Common Field and Common Grounds hereby directed to be inclosed, or any Part thereof, are situate, lying and being...

The area cited as former common land in the Award is 4,092 acres 1 rood 17 perches. (A rood is a quarter of an acre; a perch is one fortieth of a rood.) The cost of the Award was £2,387 11s 10d and this cost was recouped proportionately from the landholders and those exonerated from tithes. The list of contributors gives a clear indication of the relative status of landowners. The Bishop was allotted about 835 acres but had paid his contribution in kind by giving up some land. Other holdings such as cottages and copyhold plots brought his total to about a third of the parish's total acreage. His Lessee paid £293 11s 7p and the Reverend Lionel Lampett £135 6s. Nathaniel Austin Apletree, in possession of 217 acres, paid £145 16s 4p, which included the additional land he was buying from Earl Talbot; Francis Travell received 116 acres and acquired more: he paid £86 17s 8p. In 1773 seven members of the Goffe family held land; Sarah Goffe, widow, was the most important of them holding freehold, copyhold and jointure land: she paid £69 on 132 acres. The Lord of the Manor paid £27 18s 3d. Other significant landowners were six members of the Lampett family, three Walfords and five Warmingtons.

At the other end of the scale Abraham Hiron had no ground in the Open Field but had one cow common, as compensation for which he received 3 roods and 5

perches of land (just over three quarters of an acre). John Jones the Elder had only a furze plot and T. Warmington only a ridge of land.

No wonder that there was discontent.



A copy of the Act held in the Diocese papers lodged at the Bodleian Library has a scrawled comment “The Be fools as did contrive Hooknorton field to be enclosed” and the Reverend Lionel Lampett wrote to the Bishop in 1778: “I endeavoured to dissuade them, but find that Obstinacy has no ears”.

The Consequences

Before Enclosure there had been a lot of manoeuvring as people traded land. Court leet records are full of land transactions at this time. Sarah Goffe and Nathaniel Austin Apletree both traded land with the Bishop in order to get allotments bordering their homestalls (their houses, plots of land and outbuildings for livestock within the village).

The largest landowners continued to prosper; they had consolidated their holdings and were able to build new farmhouses on their own land outside the village. Nathaniel Austin Apletree built Belle Isle farmhouse north of the Gate hangs High, presumably moving out of the imposing 17th century house (now known as Hook Norton Manor) he had inherited from his cousin Mary Austin in 1734, along

with seven yardlands of arable, meadow and pasture in the open and common fields and three closes.

For the poor, the upheaval and expense of enclosure could be devastating. With little or no land and the loss of their common rights, some would find it hard to manage. Land rent was certain to increase. They were required to pay a proportion of the direct cost incurred by the work commissioned for compiling the Award itself: the surveys, the checking and listing of individual land-holdings and the proportionate re-allocation of land by independent assessors, the drawing up of documents and the proposal for Enclosure submitted to Parliament; the collection of fees and the supervision of the new system. For those who were allotted any plot of land, however small, there was also the cost of enclosing it by quickset (hawthorn) hedges or ditches. Failure to comply would incur penalties.

So the poor bartered their holdings or sold land to meet these obligations. Some became landless labourers and lost their rights of common. Significantly more people needed poor relief than before enclosure. The workhouse which had fallen into disuse had to be restored. The trustees of the poor did receive an allotment of 40 acres of heathland for the poor to gather furze: later it was turned into allotments in the modern sense.

Pauline Ashbridge in *Children of Dissent*³ tells the story of the decline of the Phipps family. Three Phippses were listed as landholders in the South Side Field Annual Covenant in 1769; in 1773 George Modesty Phipps was 81st on the list of expenses payers of the Award; his brother Thomas was 85th; their cousin William was 55th. William seems to have managed to mortgage one plot of land before the Award became effective, then sold land to enclose his 14 acres of copyhold heathland. Though Modesty Phipps had received five allotments of land, his son George became an illiterate labourer. His grandson emigrated to America.

Straight rows of hawthorn hedges indicate field boundaries imposed in 1774; and roads with wide grass verges are another legacy. Parish boundaries are evident

³ Pauline Ashbridge, *Children of Dissent*, Kershaw Publishing, 2008

where the width of the road changes, for example, on the road into Swerford from Hook Norton. Little corners of ridge and furrow indicate that arable strips were used as grazing land and never re-ploughed. Enclosure changed lives and the landscape for ever.



Ridge and furrow, from the footpath south of the stream at the bottom of South Hill.
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Further Reading

Margaret Dickins: *A History of Hook Norton* (Banbury, 1928)

Kate Tiller, "Hook Norton, An Open Village" in *Rural England An Illustrated History of the Landscape* edited by Joan Thirsk (Oxford, 2000)

Pauline Ashbridge, *Children of Dissent*, Kershaw Publishing, 2008