

Inclosure (or Enclosure) Awards

Briefing Note

Enclosure is the process by which common land, open arable or wasteland has been bounded by fences, ditches, walls or hedgerows. Whilst enclosure in England has been common place since very early times, two main periods are referred to in historical literature; Firstly, the Tudor and Hanoverian movements (15th to 17th Centuries) and secondly the 'Parliamentary' enclosures of the 18th and 19th centuries. Several methods were used to promote enclosure including informal agreements, orders from Courts of Chancery, agreements enrolled in Manorial Courts, Acts of Parliament and Awards by Commissioners under 19th century Inclosure Acts. In general the means adopted to promote enclosure follow this sequence and all have the effect of the elimination of common rights over a piece of land, with the aim of agricultural improvement.

The procedure for Parliamentary enclosure was that a scheme was promoted, usually by the landowner/Lord of the Manor, which was then submitted as a private Act of Parliament. The resultant Act was enabling legislation establishing the procedural framework for the appointment of Commissioners and Surveyors, the making of an Award, the hearing of objections and appeals and the final implementation of allotting the lands, laying out roads, etc.

The 1801 Inclosure Act prescribed in general legislation many of the provisions normally found in private Inclosure Acts, thereby making private Acts shorter and the inclosure process cheaper. Several other general Inclosure Acts followed to amend the general scheme, notably the Acts of 1836 and 1845. By 1876 views had changed and Parliament effectively called a halt to the enclosure process.

Inclosure Acts before 1801 were all 'custom made' and each Act contained unique provisions for the establishment of public highways. After the 1801 Act all public roads were to be a minimum of 30 feet wide and were to be fenced by the adjoining owners. The Commissioners were required to appoint a surveyor to form and complete the new roads and repair existing roads. Once the roads had been declared by the justices to be fully formed and repaired they became maintainable at public expense.

The use of terms in everyday use now may have had different meanings 200 years ago, and may have been used in different ways in different parts of the country. Where a public (publick) or private way is referred to in an Inclosure Award, it is not safe to assume that the words have their normal meaning today: eg a "private carriage road" may mean a public road for use only by private carriages and the use of the words "public" and "private" may be used to refer to the maintenance liability eg private ways may be public highways

maintainable by the landowners and a public way maintainable by the Parish (ie at public expense).

Enclosures in Durham

In County Durham, 44% of the land can be accounted for by documented enclosures, with 41% unaccounted for whilst 15% remains common land. It is likely that many enclosures between 1550 and 1750 have escaped detection or documentation; nonetheless at least 12% of the total County area was enclosed in this period. Whilst all the enclosures before 1750 were by agreement, most of the enclosures after this time were by Act of Parliament. Enclosures after 1750 are well documented and comprise 17% of the total area of the County. Of the 110,749 acres enclosed all but 5,573 acres were classed as common, moor, fell and waste. These Awards were predominantly in the west and northwest of the County. The single greatest enclosure was of 16,302 acres on Lanchester Fell.

During the period between 1750 and 1870 pastoral agriculture was encouraged by the growth of cattle fairs, but the major agricultural achievements lay in increased grain production. Cereal production was increasing from the early 18th century, but was accentuated between 1750 and 1815 by high cereal prices. The combination of the Napoleonic Wars and accelerating pace of population growth in the late 18th century required more substantial supplies; vast acres in upland west Durham were enclosed and then rented or leased at between four and ten times their former value for cereal production. In his 'General view of agriculture of the County Durham' (1794) J Grainger wrote we find wheat being grown on the 'more improveable' parts of Lanchester Fell that had been enclosed in 1781, with returns of 16 to 18 bushels per acre compared with 24 on 'old enclosed lands'.

References:

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