

The Parliamentary Enclosure
of 1802
or
The complete redesign
of the village of Weedon.

by Ralph A Followell
in October 2023

Parliamentary Enclosure or the complete re-design of Weedon!

Parliament passed an Act in 1802 to enclose the open fields of Weedon. There were arguments for and against enclosure. You can see for yourselves that Enclosure did go ahead. I hope to take you through the arguments for and against, together with the parliamentary proceedings and the administration of the major re-organisation that took place.

First a few facts on the landownership and occupancy in Weedon at this time, some 1700 acres. The Dillon Lee Manor, based at the Lilies, leased five or six farms for periods of between six and twelve years. They let approximately eleven cottages for an annual rent of about £1, some with a small amount of land in the open fields with rights of pasture for two cows and six sheep. The occupiers of another ten cottages, built on the manorial waste beside the roads, paid a few shillings rent each year to the Lee family.

The early history of Weedon shows that a manorial feudal system prevailed but a significant change occurred in 1236 when James Newmarch, the Lord of the Manor, died with no male heir. He owned most of the land at that time which then passed to his two daughters. 1385 saw Ralph Russell, a descendant of James Newmarch; sell half the land to the Bishop of Winchester who gave it to New College Oxford. This second manor, owned by the College, had its base at Weedon Lodge (or the site of) which they let with just under 300 acres, for twenty-year leases. Their other properties consisted of copyholds for three lives, whereby the tenant received a copy of the entry made in the court rolls recording their admittance to the property. The tenant named two others who would succeed to the premises in turn. This style of tenure was almost as secure as freehold as long as the tenant could afford the entry payments or fines, required to add each name.

Now, picture the Weedon of old. Three large 'open' fields surrounded the village, and these were divided into named areas called furlongs which were subdivided into 'strips'. This field - system could be found all over the midlands and other parts of the country. The majority of the strips were divided between the tenants of the two manors, with about 138 acres belonging to non-manorial freeholders. The only hedges surrounded the few old Enclosures which dated probably from mediaeval times. New Road didn't exist

and the High Street followed a different route out of the village from that of today. It lay closer to Lilies. Instead of the Aston Abbots Road, two tracks, one called Woodway (Northcroft) joined together as Great Mare Way and led you to Aston Abbots. The way to Aylesbury was down Stockaway and it came out just about where the Fields Farm is nowadays at what the locals called 'white posts' just before Quarrendon Lane on the other side of the road.

The ridge and furrow, the result of the ploughing method little changed from mediaeval times has been preserved in many of the modern fields by the swap to pastoral farming after Enclosure. Each year one field lay fallow, one grew wheat, and one beans, it was therefore necessary to hold strips in each field. As pasture was in short supply, the number of animals that could be kept was carefully regulated. Fallow and the stubble left after harvest was used for pasture. Most meadows would be kept free of animals until after the hay was taken from the individual strips, then communal grazing would be allowed. The management of the open field system, certainly since the 1700s, was probably by Parish meeting but in earlier years it would have formed one of the roles of the manorial courts. Common rights were determined by the custom of the Manor and generally included collecting firewood and gleaning after the harvest, both very important to the poor. The rights of grazing that went with some of the cottages belonged to the owner of the cottage and not the tenant who was making use of them. Almost half of the holdings were of less than twenty acres and not considered large enough to subsist on. Another ten ranged from twenty to fifty-nine acres. By the 1790s, nineteen copyholds were held by only thirteen tenants, showing that some amalgamation had taken place. College Farm (Weedon Lodge) was sub-let to five tenants.

Enclosure, what is meant by it? Enclosure means the division of the large open fields into smaller areas, enclosed by fences or a hedge and ditch, for the sole use of one person. Just imagine the change to the landscape, let alone the financial and social impact. Enclosure had been going on since the 15th century, either by force or by agreement of the leading landowners, usually to increase grazing for sheep. Burston was imparked in the early 1500s for the Lees. But for the last forty years or so prior to 1800, Parliamentary Enclosure was the predominate method. It was quicker and more efficient.

What happened to the surrounding villages? E.g., Quarrendon, an old Enclosure by 1636, Aylesbury and Whitchurch by Acts of 1771, Hardwick by Act of 1778, Bierton by Act of 1779 and Aston Abbotts by Act of 1795.

So why did some see Enclosure as the way forward? They argued that there was a need to provide more food, not only to counteract the blockades caused by the war with the French but to feed the rising population. There had been an increase in numbers living in Hardwick and Weedon. Secondly the shortage of food was pushing up prices, so if you grow more and sell it, you can reap the benefit! There are so many new techniques, implements, breeds and seeds which had been tested on the grand estates, that you could employ. You could swap to pastoral farming and grow artificial grasses, clover and root crops such as turnips to increase grazing. You might find it cost effective to buy food for animals rather than grow it yourself and buy your fertilisers. You could improve the drainage and build modern farm buildings. So many new things to try.

Farmers hated the petty restrictions imposed by this ancient method of farming and the local officials. And tithes! No one liked paying the irritating tithes to the Rector. They give away one tenth of their produce, that is, of corn, oats, wood as well lambs, pigs, and eggs. Many questioned the time spent by owners and tenants walking from one scattered strip to another? They argued how much better it would be, to have a block of land enclosed by a hedge or ditch, for their own use? Nobody would be able to walk over it to pinch firewood or glean, without their permission. The slogans emphasised 'wanting to join the modern world of the nineteenth century' or asked 'whether they would wish to be content to stay in the eighteenth century like your ancestors'?

Pressure to support enclosure emphasised that the farming community would be able to decide what to grow, whether to convert to pastoral or stay with arable farming. You will be able to increase your market opportunities, they were told. And those of you, who let land, will see your rents double or treble after Enclosure. Why wouldn't you want that? they were asked. There will be some costs involved of course, probably only about £3 per acre, but they were told that it will be worth it in the long run when they are enjoying their higher income. If they are concerned about the poorer inhabitants who will lose their common rights, a small piece of land somewhere on the outskirts of the village could always be set aside,

the income from which to go to their relief.

Many saw Enclosure as the only way! Many of the houses, cottages and outbuildings of the village and fields were in a poor condition and those against reckoned it was alright for those with money as they always found ways of making more. They already paid land tax, poor rates and rent. Some already swapped strips to make up a block for convenience and were ready to agree to try some different crops. There was concern for those who let land as to whether their tenants would be able to afford the predicted higher rents. Many were without land and relied on collecting firewood and gleaning. If this was no longer allowed, they would need to rely on parish handouts. Those who rented cottages with pasture rights for their cows and sheep did not always realize that the owner of the cottage would be compensated for the loss of grazing not them. What about the copyholders, some of them were elderly or single parents with young children, how were they going to raise the money to cover costs?

They questioned how long it would take to see the promised increase in income? They would have to cover the public costs i.e., legal, surveyors, banks, commissioners and clerks and the roads, as well as pay for fencing the boundary of their allotment and their share of the tithe holder's fencing. This is before they subdivided their allotments and built new farmhouses and out-buildings and make the suggested improvements. Many thought it would cost at least £5.00 per acre not the £3.00 they were being told. There might be more jobs such as hedging, ditching etc, but these will be given to gangs of hedgers who travel around the countryside, not local people. What if farming changes from arable to pasture with fewer labourers required, what will they do then. Were they prepared to move to an industrial town in the north to get work, if so, did they think the parish would pay their fare! Landless labourers would increase in number. Poverty and unemployment would rise. People would be forced to move away to find work. Yes, there would be increased prosperity for some, maybe improved productivity but who they asked would benefit locally. Many of them won't be able to afford to keep their land and it will be the bankers or the like, from Aylesbury buying land as an investment. The Weedon landscape would be transformed, and the community destroyed! The main point was no matter how many opposed Enclosure, as long as the owners of $\frac{3}{4}$ or $\frac{4}{5}$ of the acreages agreed, it would go ahead. The only people who could have voted were the

freeholders, the copyholders, and the squatters i.e., those who had lived for twenty-one years or more in a property they had built on the waste. Leaseholders and those that rented cottages had no say.

The parliamentary Enclosure of Weedon did go ahead. So lets consider some of the individuals involved.

Firstly, Mr. Scrope Bernard from Nether Winchendon who was the permanent private secretary to the Marquis of Buckingham and left an explanation of the parliamentary proceedings of what was done to obtain the Act. You had to draw up a petition 'to enclose the open fields of Weedon', which you needed to present to Parliament asking for leave to present a bill. To summarize, your petition needed to state, 'that the lands and grounds of the owners and proprietors in the open and common fields, common meadows and pasture are intermixed and inconveniently dispersed in small parcels and in their present situation incapable of any considerable improvement and if the same were divided and enclosed and allotted to the interested parties according to their estate and rights it would be very advantageous and beneficial to them'. In fact, such a petition was drawn up and presented to parliament on the 18th February 1801. No counter-petition from those who might have objected was made but maybe they couldn't afford to bring one or perhaps they all supported the idea! The House of Commons ordered that leave be given to bring in a bill and the Earl Temple, Sir William Young and Mr. Scrope Bernard prepared and brought in the same.

The bill was presented and read for the first time on the 20th February and for the second time on the 25th, when it was resolved that it be considered by the committee that I have just named. They were all leading landowners with a strong interest in securing Enclosure but of course they considered all parties. On the 11th March, Mr. Bernard reported that the committee found that the parties concerned had given their consent, except owners of 45 acres who refused to sign the bill. Nobody appeared before the committee to oppose it. In total 1797 acres and 1 perch were to be enclosed. I don't know who it was who refused to sign but the committee argued that he had had his chance to appear before the committee but didn't take it. After being read for the third time on the 13th March, the bill was carried to the Lords who agreed to it, with minor amendments. Their main concern was to protect the interests of the Church of course. Royal Assent was given on the 2nd April 1801.

Very efficient as the procedure could drag on for years when there was strong opposition. The interested parties were shown as New College who were entitled to the perpetual benefit, right of patronage and presentation to the St Mary's Hardwick and to lands in the open and common fields, part of which are leased or granted by copy of court roll to different tenants. The Rector Washbourne Cook is entitled to all the Great and Small Tithes. The Right Hon Charles Dillon Lee, Lord Viscount Dillon in the Kingdom of Ireland. The Warden and Scholars of New College. John Tirel-Morin and others, as owners and proprietors of the open and common fields and meadows.

The Enclosure and the administration of agriculture during the process were supervised by three Commissioners. John Fellowes of Foscote, Bucks who represented Lord Dillon. John Davis of Bloxham, Oxon, Gentleman, for New College. Watson Harman for John Tirel- Morin and others. They valued, assessed the quality of the land, and divided and allotted the open and common fields. All power was invested in these Commissioners; decisions could be taken by any two, as long as John Davis was one of them. The solicitors were James and Rose of Aylesbury.

So, what of John Davies who had to be present? He pinned a notice to the church door as required by the Act. He admitted that he was involved in twenty-six Enclosures concurrently. They therefore needed to get a move on and the fewer obstacles that were put in their way the cheaper it would be. He received two guineas per day to cover his expenses. He said that they had to value and appraise the land, orchards, gardens, homesteads, home closes and old enclosed lands which are to be exchanged and exonerated from tithes. For this task they appointed two surveyors, William Collison, and Michael Russel of Brackley, Northamptonshire. They were able ride over the land without hindrance or molestation. These commissioners made all the decisions about the course of husbandry. No one could plough up or use in tillage any of the meadow and pastureland nor fell any trees, hedges, or bushes without their consent.

Leases were void and they could tell anyone to vacate but the respective tenants and landlords could claim allowance or rent as decided by them. Claims to land or common rights had to be presented in writing during the first three meetings. They made decisions in case of disputes but if anyone felt aggrieved, they could take their case to law. Witnesses to sort out any disagreement must

come to the meeting; otherwise, they levied a fine of £10 or took goods from them to that value.

Some costs had to be met as they arose and to meet these, they levied rates. The costs only had to be shared between those entitled to land in the open fields so those without any didn't have to worry. Tithes – a percentage of everyone's holding was given to the Rector in lieu of tithes, that is $1/5^{\text{th}}$ of all arable or tillage land and $1/8^{\text{th}}$ of the remainder which were subject to the payment of tithes but as some of them didn't have enough land to give their appropriate share, others had to give more. Those with just a messuage or house had to pay a sum of money equivalent to the full value of tithes, but this was put towards the expense of obtaining and passing the Act. Those with old Enclosures were able to donate a portion of the old Enclosure equal to the value of tithes. Until the said division and allotments are made, Rev. Washbourne Cook was still entitled to Great and Small Tithes. When they finally drew up the Award, all rights of common ceased.

Swapping properties; they could swap houses, land, or garden in lieu of others with the consent of owners and proprietors, all exchanges were valid in law, without any deeds other than the Act. Fencing, Stone, gravel pits and allotments made to the Rector had to be enclosed with Quickset hedges and ditches and substantial post and rails on each side, to be maintained for seven years, or until hedge provided a sufficient fence, at the expense of all other proprietors allotted land. All the other allotments had to be enclosed, hedged, ditched, and fenced within six months of sealing the Award. If anyone failed to do so, their neighbour could complain to the JP. Gaps were to be left in all fences for six months to allow for the passage of carts, cattle, and carriages unless they gave permission to close it sooner.. They were allowed to fence their allotment as soon as it was set out and before the Award.

So what of Watson Harman? With regard to Mortgages; many wondered how they were going to pay for the costs involved. They were allowed to borrow, no more than £4 per acre, for land held, off New College, no more than £3 per acre for land in all other cases and 10 shillings for old Enclosures exonerated from tithes or exchange. New College tenants taking a mortgage had to

repay a 1/20th part of the principal each year so that no tenant succeeding him would pay more than his fair share. Anyone advancing money would be paid 5% interest. Charity estates were permitted to deduct land from their allotment rather than take a mortgage. Once the Award was drawn up, it was to be read at a Special General Meeting of which ten days notice was given in the Jackson's Oxford Journal. Twelve months after the Award was executed, it was enrolled with the Clerk of the Peace. The original was kept in the Church Box. Two plans were made of all land describing every estate, name of owner and quantity in acres, roods, and perches. There was a three-month time limit after execution of the Award for accepting an allotment. Anyone refusing to accept or neglecting the allotment was excluded from having interest in the land. Anyone damaging a fence was taken before a JP on confession or proof of offence on oath of one or more creditable witnesses. The offender had to pay up to £10 for every offence and no less than 40 shillings. As it happened, they needed to raise two rates; the first in March 1802 was to be paid at the George Inn, Aylesbury and the second was in May 1802. All the figures are not available but here are two examples. Six fortunate copyholders and Bridles Charity were able to obtain mortgages from New College and were charged as follows-

Bridles Charity for 38 acres. 1st Rate £59 12s 2nd Rate £27 2s 10d
6 Copyholders in total 1st Rate £370 5s 3d 2nd Rate £150 12s 1d

In December 1802 the Award was drawn up. The parties to it were The most Honourable George Grenville Nugent Temple, Marquis of Buckingham. (He replaced Dillon Lee), Sir John William Rose, knight, of London. William Hayton of Stocks House in the county of Hertfordshire (trustees of the leasehold property of John Tirel-Morin of Weedon Lodge in the parish of Wingrave), John Tirel-Morin, William Hayward of Aylesbury, surgeon, James James of Aylesbury, Gentleman, George West of Winslow, Carrier, Hannah Turpin of Weedon, Widow, Provis Thorn of Weedon, Yeoman, Barnard Bone of Weedon, Yeoman, William Ray of Weedon, Blacksmith, John Ray of Weedon, Blacksmith.

They appointed John Barker of Aylesbury, Surveyor of the Public Roads. In October 1802 he presented a certificate to the Court of Quarter Sessions confirming that all the public carriage roads were

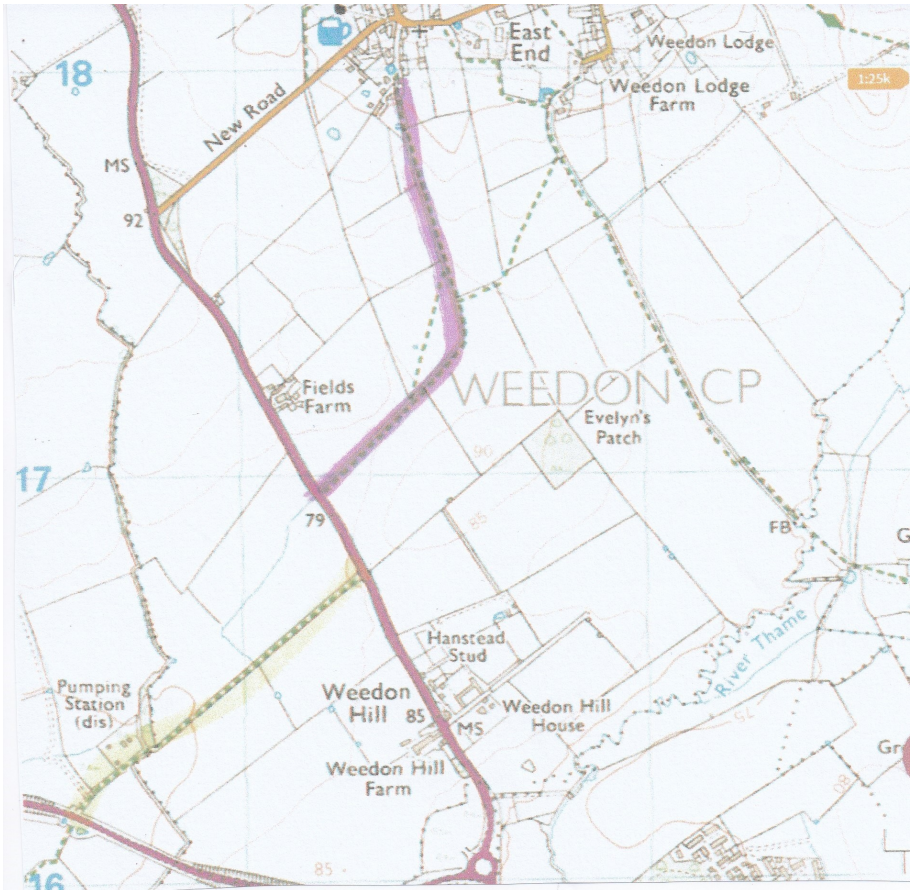
set out and completed for the Passage of Travellers as required by the Act. The Award stipulated the width of the roads and described the route they took. For example, the Turnpike Road from Holman's Bridge extended in exactly the same track or direction as immediately before the passing of the Act and had to be 60 feet wide. The Aylesbury Road (or New Road) leading from Edmund Seamons Lane in Weedon and extending SW into the Turnpike Road had to be 40 feet wide as did the Aston Abbots Road which leads out of the Town Street of Weedon and over the old Enclosure called Hill Close and continues in a straight North East direction to Little Field Gate and into Enclosed lands called Burston Grounds in the Parish of Aston Abbots. Hardwick Road, a public carriage way and public church path to the township of Hardwick also had to be 40 feet. It leads from the North end of the Hamlet of Weedon into and over part of an Old Enclosure and Kirkyard belonging to the Marquis of Buckingham and extending West into Turnpike Road. Private roads and bridle ways may be 20 or 30 feet and footpaths 4 or 6 feet wide. Modern Weedon had been created; the new layout can be seen on the Enclosure Map.

The Marquis of Buckingham purchased the Dillon Lee manor (the Weedon part only) during the enclosure. He was keen to purchase land in and around Aylesbury to increase his election chances. Using his other title of Earl Temple, you may remember he served on the parliamentary committee, with Scrope Bernard to consider whether the enclosure of Weedon should go ahead. It was in his interest that it did precede. Scrope Bernard was Temple's personal secretary and intimate friend on whom the Earl spent £1000 in 1790 securing a seat in the Aylesbury Borough election.

What chance did anyone have of opposing the enclosure?

By 1805, only 9 of the original 18 'owners' (including copyholders) prior to 1801 survived but the majority of these changes were due to the death of a parent. The turnover rate was much lower for Weedon than in many other Buckinghamshire parishes where about 40% of original owners disappeared during the first year or two after enclosure. For 6 copyholders the loans from New College helped their survival.

The footpath from Stockaway leading to the A413 which is thought to be the 'old' walking way to Aylesbury. It emerges onto the A413 by a small 'bridge' over the ditch taking water under the A413 and marked by white posts.



This footpath, known as the Quarrendon Lane leads to the old village of Quarrendon, these days it crosses Martin Dalby Way before continuing to the ruins of St. Peter's Church.

