

## Enclosure Awards

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#### 1. Introduction

Enclosure is a term used to describe various means of consolidating or extending land-holdings into larger units. This can include the partition of large areas of land communally farmed under the open field system into small fields farmed by individuals, the conversion of arable land to pasture and the occupation of commons by large landowners, excluding other users. Enclosure awards are legal documents recording the ownership and distribution of the lands enclosed.

W E Tate's *The English Village Community and the Enclosure Movements* (1976) is a useful introduction. Tate's *Enclosure Awards and Acts* in the Historical Association's *Short Guide to Readers* series is also useful and estimates that enclosure awards covered about half of English parishes. Tate's *Domesday of English Enclosure Acts and Awards* (1978) is an essential guide to the location (many are held only locally and date of English enclosure awards and maps; only after 1845 are the enclosure awards held at The National Archives comprehensive). The equivalent guide for Wales is J Chapman's *Guide to Parliamentary Enclosures in Wales* (1992). Both the latter two books are available on open access at The National Archives, Kew.

Besides land ownership, enclosure awards and maps also record the landed endowments of churches, schools and charities, the existence of roads, rights of way, drainage, the ownership of boundaries, different types of land tenure, and liability to tithe.

#### 2. Private Enclosures

Many early enclosures of common lands, pastures and manorial wastes, whether made by popular agreement or by compulsion, have left no formal record. There may be references in private estate or manorial records, most of which are held outside The National Archives. Controversial enclosures, particularly those which were resisted by force, may have resulted in legal proceedings before local or central law courts, such as the Court of Requests or Star Chamber. For example, [STAC 3/6/32](#) relates to the enclosure of commons at Shebbear in Devon in the mid 16th century. The Exchequer Court's jurisdiction over tithe disputes could bring enclosures that involved the commutation of tithe before it - see [Equity Proceedings in the Court of Exchequer](#) for guidance on tracing Exchequer cases.

Special commissions of enquiry relating to enclosures and rural depopulation are found in [C 47](#), most being printed in I S Leadam's *Domesday of Enclosures 1517-18* (1897); [C 205](#) ; [E 178](#) (e.g. [E 178/3749](#) concerns the enclosure of Gainsford moor in 1608); and [DL 44](#) . Aggrieved parties might also petition the Privy Council for redress - see [Privy Council Registers 1540 onwards](#) and [Privy Council Correspondence, from c 1481](#). Some licenses to enclose, and pardons for having illegally done so, are enrolled on the Patent Rolls in [C 66](#) .

#### 3. Enclosures by Enrolled Decree/Agreement

From the mid-16th century, enclosures were commonly enrolled by decree of one of the equity courts, especially Chancery and Exchequer. They are described in M W Beresford's 'Habitation versus Improvement: the debate on enclosure by agreement' in *Essays in the Economic and Social History of Tudor and Stuart England in Honour of R H Tawney*, ed. F J Fisher (1961). Some took the form of fictitious quarrels to bring the case before the court, but most took place by agreement.

Chancery Decrees are enrolled on the Decree Rolls in [C 78](#) and most, but not all ([C 78/1](#) to [C 78/130](#) only) before 1610 are listed in detail. [C 78/1](#) to [C 78/85](#) are also indexed by place-name and personal name. M W Beresford's 'The Decree Rolls of Chancery as a Source for Economic History, 1547-c.1700', *Economic History Review*, 2nd series, XXXII (1979) gives further information about them as a source for enclosures. Exchequer Decrees were not separately enrolled but might be enrolled on the Remembrancers' Rolls in [E 159](#) or [E 368](#) . Some decrees are recorded in the Entry Books in [E 123](#) to [E 131](#) . Enrolled decrees concerning Duchy of Lancaster properties (throughout England) are in [DL 5](#) .

#### 4. Enclosure maps

For a recent guide to enclosure maps see the following publication: Roger J P Kain, John Chapman and Richard Oliver, *The Enclosure Maps of England and Wales, 1595-1918* (Cambridge University Press,

2004) and associated database which gives current location and document references available at <http://hds.essex.ac.uk/em/index.html>.

Enclosure maps are not common before 1770 and most held in The National Archives are dated after 1800. Some enclosure maps are described in the catalogue Maps and Plans in the Public Record Office - British Isles c. 1410-1860 (HMSO, 1967) and in the online Catalogue. As tithes were normally commuted as part of the enclosure process, areas covered by enclosure maps often lack tithe maps and vice versa. See Tithe Records for more information.

## 5. Other Sources in The National Archives

Enclosure awards might also be enrolled for record purposes in one of the law courts of record. A place index of those enrolled enclosure awards that have been so far identified in The National Archives is to be found after the [CP 43](#) series list in the reading rooms and also gives the separate references to any associated enclosure maps held here.

Extracts of some awards which were not enrolled are in [CRES 6](#) , the Constat Books of the Crown Estate Commissioners. [CRES 2](#) also contains material relating to enclosure commissions. Reports on the enclosure of land under the Dean and New Forests Act of 1808 are in [J 124](#) . The Enclosure Award for Exmoor is in [E 141/1](#) .

## 6. Enclosure by Private Act of Parliament

The few private enclosure acts in the 16th century were largely concerned with the drainage and enclosure of marshes, although acts confirming enclosures by decree are sometimes found from the 17th century. Private Enclosure Acts for waste, common land and open fields became more frequent after 1750 and became so numerous that public general acts were passed, from 1801, to reduce the need for them. In general, private acts after 1593 are held at [Parliamentary Archives](#), Houses of Parliament, London, SW1A 0PW. Printed private acts and *Journals of the House of Commons* (which may record debates on them) held by The National Archives Library are described in [Parliament Records of, after 1500](#) and [Printed Parliamentary Papers](#). The acts did not divide up the lands to be enclosed but named commissioners who were to do so, within a specified time period and over a specified area. They may also detail certain reserved rights, e.g. of the lord of the manor. The acts also indicate where awards made under the act were to be deposited or enrolled - often with the clerks of the peace for the appropriate county (and therefore now in the local county record office), or with one of the courts of record (see above). The records of commissioners, which may include minutes, accounts and correspondence draft bills, claims submitted, surveys and valuations are described in W E Tate's 'Some Unexplored Records of the Enclosure Movement', *English Historical Review*, Vol. LVII (1942). Not all enclosure acts that were passed were necessarily implemented.

## 7. Enclosure by Public Act of Parliament

From 1801 public general enclosure acts were passed. These acts normally specified where awards under the acts were to be deposited or enrolled, either by one of the courts of record or with the local clerk of the peace. The General Enclosure Act of 1845 (8 & 9 Vict. c.118) appointed permanent enclosure Commissioners who were authorised to issue Enclosure Awards without submitting them to Parliament for approval. Manorial wastes and lands subject to indefinite rights of common were excluded from this act, but included in later general acts that were passed annually. After 1899, the Board of Agriculture, which later became the Ministry of Agriculture and Fisheries, inherited the powers of the Enclosure Commissioners and their records of enclosure awards after 1845 are now in [MAF 1](#) . Copies of these awards were also deposited with the local clerk of the peace and churchwardens of the parish and are normally now available at the appropriate county record office. [MAF 1](#) is arranged by county and then in alphabetical order by place-name. The series list also notes map references (most awards do not include maps), which have to be ordered separately. Related series are [MAF 2](#) , [MAF 4](#) , [MAF 11](#) , [MAF 17](#) , [MAF 18](#) , [MAF 21](#) , [MAF 24](#) , [MAF 25](#) , [MAF 39](#) , [MAF 48](#) , [MAF 49](#) and [MAF 66](#) and, for Wales, [BD 1](#) and [BD 3](#) .

*The Return of all Acts passed for Inclosure of Commons or Waste Lands in England and Wales* is on open access at The National Archives, Kew. It is a Parliamentary Return of Enclosure published as a House of Commons Sessional Paper.

## 8. How to find Enclosure Records: an example

First, check the existence of an award or map by using W E Tate's *Domesday of English Enclosure Acts and Awards* (1978) which gives the location (many are held only locally) and date of English enclosure awards and maps. The equivalent guide for Wales is J Chapman's *Guide to Parliamentary Enclosures in Wales* (1992). Both are available on open access in the Map and Large Document Reading Room at Kew.

Using the example of the enclosure of Anstey, Hertfordshire, we find that there was an Award of 28

October 1829 under the Private Act for inclosing lands in the Parish of Anstey in the County of Hertford (and Geo. IV c.12).

The entry in Tate's *Domesday of English Enclosure Acts and Awards* reads -

date of act	places	estimated area in acres	awarded	date of award	award enrol/depos	notes
1826	Anstey	1,200	1,143	1829	CP 1832*	Parish copy map and extract in CRO

The entry shows that the award was enrolled in CP, i.e. Common Pleas, in 1832 and that a copy will be found in Hertfordshire County Record Office. The asterisk indicates that the enrolment is accompanied by a map. CP 1832 is not sufficient to identify the document ordering reference which can be found in the topographical index of enrolled awards that follows the [CP 43](#) class list and also gives the separate map reference. The award is enrolled on the Recovery Roll of the Court of Common Pleas for Michaelmas Term 1832, a very bulky and unwieldy document held under the reference [CP 43/998](#), rot. 2 and seen, with the map, which has the reference MR 123 and has to be ordered separately, in the Map and Large Document Room. A section of the map is reproduced full size below.

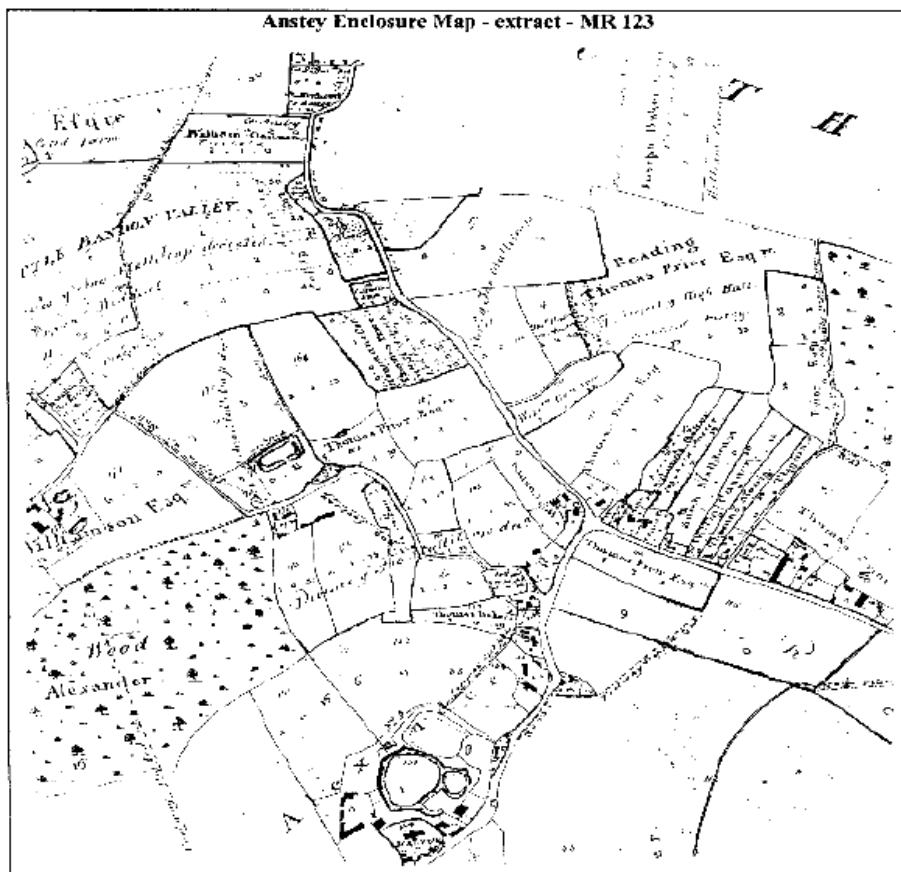
## 9. The Enrolled Award

The enrolled award includes two later Certificates of Redemption of Corn Rents - one dated 25 October 1920, for the plots of land numbered 128 and 117 (an annual payment of 5s 2d redeemed for the sum of £5 5s 10d) and one dated 10 December 1942, for plots of land 187 and 55 (6s 2d redeemed for £6 17s 2d). Corn rents were allotted to the rector in lieu of tithe when the parish was enclosed. Anthony Jackson was the commissioner appointed under the Act to oversee the enclosure and the enrolment begins with the oath he took to faithfully carry out his duties. It then recites the Act authorising the enclosure and gives a written survey of the boundaries of the lands to be enclosed. There follows a written description of the roads in the parish - public roads, turnpike roads and then private roads, followed by public footpaths and then private footpaths. A list of 'ancient footways' that were to be stopped up (marked in red on the enclosure map) is then given. Public drains and liability for their repair are then described and the allotment of gravel pit sites for road maintenance. Next comes the allotment of land to the lord of the manor for 'rights of the soil' (common and waste) and to the rector of the parish for glebe land. 'Ancient enclosures' are then described (coloured in green on the map) and then detailed allotments of land, distinguishing between freehold and copyhold, and exchanges of land are recorded. Directions for maintenance of fences and water courses are given. Tithes, valued by the commissioner as worth £468 9s 6d p.a. were commuted for corn rents.

Then follows a detailed schedule listing the ownership of each plot of land numbered or described on the enclosure map, its extent in acres, roods and perches (even in 1800, these measurements varied between counties - see Zupko's *Dictionary of English Weights and Measures*) and the rentcharge payable on it.

In the centre of the map below can be seen two plots of land belonging to Thomas Prior, listed in the schedule as -

Tenures	No's of Ancient Enclosures	Lands and Tenements	Quantity	Yearly Rents or sums charged	Quantities of wheat in bushels
		Prior Thomas			
Copyhold	21	Ravens	6.1.11	1 17 10	5.1302
of Anstey	22	Cottage and garden	0.1.10	. 1 10	.2486



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