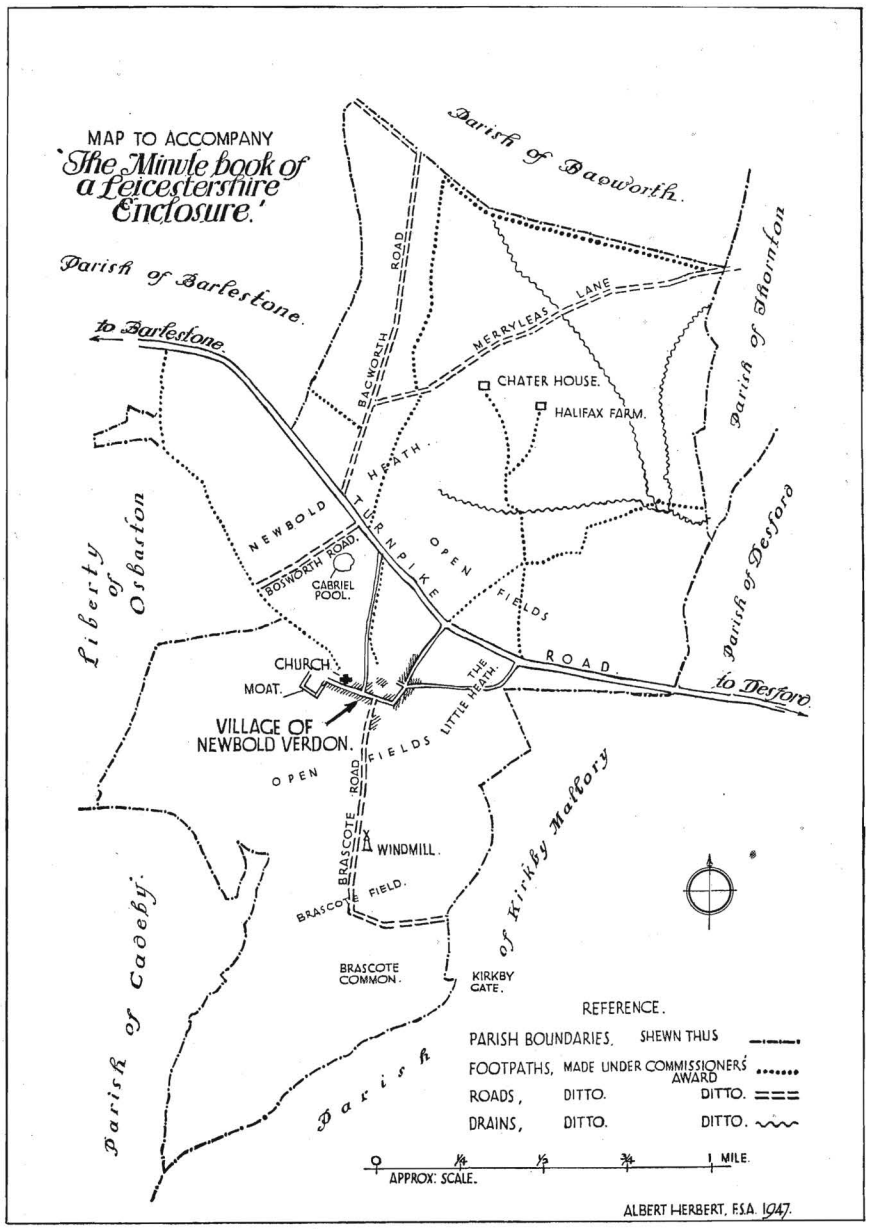
THE MINUTE BOOK OF A LEICESTERSHIRE ENCLOSURE

by

M. W. BERESFORD, M.A.


MAP TO ACCOMPANY
'The Minute book of a Leicestershire Enclosure.'
Parish of Barlestone.
to Barlestone.
Parish of Bagworth.
BAGWORTH ROAD
MERRYLEAS LANE
CHATER HOUSE.
HALIFAX FARM.
Parish of Thornton
BAGWORTH HEATH.
TURNPIKE ROAD.
NEWBOLD
BOSWORTH ROAD.
CABRIEL POOL.
OPEN FIELDS
Liberty of Osbaston
Parish of Desford
CHURCH
MOAT.
THE HEATH.
to Desford
VILLAGE OF NEWBOLD VERDON.
OPEN FIELDS
LITTLE
BRASCOTE ROAD
WINDMILL.
BRASCOTE FIELD.
Parish of Kirkby Mallory
Parish of Cadeby.
BRASCOTE COMMON.
KIRKBY GATE.
REFERENCE.
PARISH BOUNDARIES. SHEWN THUS
FOOTPATHS, MADE UNDER COMMISSIONERS' AWARD
ROADS, DITTO. DITTO.
DRAINS, DITTO. DITTO.
0 ¼ ½ ¾ 1 MILE.
APPROX: SCALE.
ALBERT HERBERT, F.S.A. 1947.

The Minute Book of a Leicestershire Enclosure

by M. W. Beresford, M.A.

THIS is the first enclosure minute-book to be transcribed in full.[1] It is for the enclosure of Newbold Verdon and Newbold Heath, carried out between July, 1810 and August, 1811, and it records the work done at the meetings of the three Enclosure Commissioners, John Burcham, Samuel Stone and John Smith. An Act of Parliament (50 Geo. III) gave authority to these three men to enclose and re-allocate the open fields and commons of the parish, and a copy of the Act was bound for reference with the Minutes.

The Acts of Parliament for enclosing Leicestershire parishes are numerous, but few Minute books have survived. Besides Newbold Verdon, there are two in the City Archives at the Museum, and one in the County Records. The position is similar in most counties, and the great national collections of manuscripts are even more bare of such Minutes. While the Act of Parliament ordered the keeping of a written record or "Award" of the decisions of the Commission, sometimes with a map, there was no obligation to take, let alone to keep Minutes, and their survival has mainly been due to their preservation in solicitors' offices, where probably some still lie.[2]

The business of obtaining first the consent of the majority of the landowners, and then the consent of Parliament to an enclosure has been often described and often criticised. The work of Dr. Chambers and Mr. Tate[3] makes it difficult to assume that the conclusions of the Hammonds are as universally applicable or as judicially determined as one would have liked. But the main criticisms have been directed towards the social effects of the enclosure or the economic morals of the enclosers. Such a discussion by-passes the Commissioners. Their actions were limited by Act of Parliament and their Oath enjoined impartiality. The Reports of Parliamentary Committees[4] account them as men uncriticised for partiality, even if shied at for their expensiveness! Many of them were experienced in the professions of surveying, valuing and estate management; their Clerks had legal training, and this legalism pervades the working of the Commission. The Act enjoined no standard routine, but there is surprising similarity between one Minute book in Leicestershire

[1] Minute-books for Drayton Parslow, Bucks. and East Drayton, Notts., have been printed in summarised form.

[2] An up-to-date list of all known Enclosure Commissions' Minutes compiled by the present author will be found in Bulletin of the Institute of Historical Research, 1947, pp. 59-69.

[3] J. D. Chambers: *Enclosure and the small landowner, Economic History Review*, x, 118.
W. E. Tate, *ibid.*, xii, 68, and *Agricultural History*, xix, 137.

[4] *Reports of the House of Commons Committees*, 1844, Vol. 5.

and another in (say) Oxfordshire. This is partly because in each the same task had to be done; but we know that some enclosures were modelled on the Minute books of others,[5] and that some commissioners were engaged in very many enclosures. Commissioners rarely acted alone,[6] and their younger colleagues in one enclosure would carry away their memory and their routine to another parish.[7] Many Commissioners may have read the handbook which one of the most experienced of them, a Warwickshire clergyman, wrote for their guidance.[8]

The Minutes will show them as careful workers, publicising their meetings and displaying none of that surreptitious plotting which has given many enclosure projects the atmosphere of a melodrama. As a contemporary account of the enclosures of Charnwood Forest put it:[9]

"They executed their very onerous duties with fairness and fidelity... The reader may satisfy himself as to the general impartiality of the Commissioners by studying the list of claims with reasons for their rejection. The claims of the most influential persons were disallowed: while those possessed of no influence whatever were admitted."

The cost of a Commission was met by the proprietors concerned, sharing the cost in proportion to the value of their holdings. The Newbold Verdon enclosure appears to have cost a little over £4,000, of which nearly £1,000 fell upon the principal proprietor.

The Commissioners were named in the Act, and, as was commonly provided, the Rector was to have the nomination of a successor if Burcham died; the major part of the proprietors in value if Smith; the major part of the proprietors of Barleston if Stone.

Barleston comes into the picture since its freeholders had common rights on Newbold Heath, and it will be seen that Newbold and Barleston boundaries came at one time into dispute. The Act provided for the appointment of an Umpire in such disputes, should the Commission not agree. Such decisions could be challenged at Quarter Sessions, just as a final Award could be challenged within three months at Leicester Assizes.

[5]The minute-book for Chesterton (Cambs.) was used *mutatis mutandis* for Willingham, eight years later. (*Univ. Lib. Add. MSS.* 6028).

[6]The earliest Commissions, before about 1760, were large, but the later practice was to have two or three men. Since each might cost the proprietors well over £300 there was a good argument for a small Commission.

[7]The study of any large number of Enclosure Acts for a county will show the same names recurring in Act after Act. George Maxwell of Spalding was over a hundred times a Commissioner. In Cambridgeshire he took part in three enclosures and his colleagues were the same men in two of these three parishes. These colleagues then took part in 19 other enclosures in that county, only one of these in partnership. It is easy to see how the Commissioners worked out and passed on for two generations a common procedure, wherever the enclosure.

[8]Henry Homer: *An Essay on the Nature and Method (of) Inclosing Common Fields.* Oxford, 1766. Homer was a Commissioner at least twenty times.

[9]T. R. Potter, *Charnwood Forest,* 1842, p. 30. The Leicester City Museum has MS. minutes of a proprietors' meeting for here: 4D31/242.

The work which lay in front of the Commission when it first met was two-fold. In the first place there was common land on Newbold Heath, where owners of lands in Newbold or Barleston had right of common. This right was to be extinguished, and the owners were to receive portions of the Heath. The Act also speaks of about 300 acres of "Open Fields meadow and pasture." This phrase is a formula in all Private Acts, and does not necessarily mean that this area of strips in the Open Fields was awaiting re-allocation and fencing. It may refer to an area wholly under strip; or to an area which was fenced, but where certain common rights lingered and needed statutory authority for their extinction. Between these extremes there are many possibilities, which can only be decided by other evidence. We know, for example, that the glebe land of Newbold was already enclosed by 1674, as was that of Barleston church.[10]

The Commissioners had certain general rules of procedure laid down both in the particular Act for Newbold and in the General Act of 1801.[11] Some Acts name particular plots of land and direct what shall happen to them, leaving the remainder open to the Commissioners' judgment. Other Acts leave all to the Commission. The Newbold Act mentions only Great Gabriel Pool: this is to be excluded from the enclosure and to belong to the Lord of the Manor. Various standard allocations are ordered. These are in lieu of the Lord's Right (1/16th of the area); and in commutation of tithe: 1/5th of the open field area is to go to the Rector of Newbold, and 1/9th of the waste land. This disproportion probably reflects the value of the common and arable land. 1/9th of the common is to go to the Rector of Market Bosworth (as incumbent of the chapelry of Barleston) for tithe of that part of the waste which was in that parish. Parishioners who had old enclosures (land brought in from the open fields and hedged before this date) could rid themselves of tithe by an allocation to the rector of 1/5th of the area if under the plough; or 1/10th if under wood; or 2/17th of the rest. An alternative cash payment was also permitted.

Beyond this, the Commissioners made their own way through the problems of the enclosure. Their first duty was to give public notice of their intention to meet, and at their meeting to take the oath prescribed by the Act..."I do swear that I will faithfully and honestly and impartially according to the best of my skill and ability...execute the Act... according to Equity and good Conscience and without Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever. So help me God." The Commissioners then moved to the appointment of a Clerk, the keeper of these Minutes. In the case of Newbold the office was shared by two men. A Surveyor was also appointed, and the pro-

[10]Newbold Verdon glebe terrier; Barleston glebe terrier: Leicester City Museum archive Room. I think that H. L. Gray *English Field Systems*, p. 111, was the first to notice the ambiguity of language in Enclosure Act preambles.

[11]41 Geo. III, cap. cix, a copy of which was bound with the Minutes by the Clerk.

prietors themselves chose a Banker to hold the monies involved in the enclosure.

The meetings of the Commissioners were all at inns. These were natural meeting places, centrally situated, neutral in disputes and well-placed for housing and dining visiting Commissioners. For a parish in Warwickshire there has survived the personal account book of a Commissioner running up his expenses account;[12] for Leicestershire several wine-bills can be found among Commission papers.

The inns used in this enclosure were the Bull's Head at Market Bosworth, The George and Dragon in Newbold, The Anchor at Loughborough, The Saracen's Head and The Three Crowns at Leicester. There is also a mention of The Bull's Head "near Loughborough", but this may be a slip of the pencil for Market Bosworth.

The core of the Commission's task was the calculation and verification of existing rights claimed by proprietors: either rights of common in the Heath, or titles to unenclosed lands. 53 such claims were delivered, and 14 of these were contested, mainly by the Lord of the Manor.

When these calculations were made, the area of enclosed land to be given to each proprietor was known. As far as possible the Commission paid attention to the proprietors' wishes when the geographical situation of the new enclosures was decided upon.

The re-planning of the fields and Heath involved the making of new roads and the widening of others. Six of these were defined, and (after objections heard before a J.P.) one of them was re-drawn in its pre-enclosure line. Ditches were made at the side of the new roads and drains made across the Heath lands. The parish then bore roughly the appearance preserved in the first Edition of the 6" Ordnance Survey Map.[13]

The Commission held 25 meetings, beginning in July, 1810 and ending in August of the next year.[14] The gap between meetings is not regular, and this is true of Commissions in other counties also. The Newbold enclosure was carried out in fewer meetings than the other Leicestershire enclosures; Whitwick, for example, had 145 meetings and Rothley 30. The Rothley meetings, although more in number than Newbold, were carried through in five months; but the Whitwick meetings were spread over four and a half years.[15] Even so, this is speedy compared with the

[12]Warwickshire County Record Office: HR/5. Bickenhill enclosure.

[13]The sheets of the six-inch map relevant to the area of the enclosure are Leics. 29NE, 29SE, and 30NW, 30SW.

[14]The fullest accounts of the process of enclosures of this kind will be found in E. C. K. Gonner: *Common Land and Inclosure,* 1912 and W. E. Tate, *Parliamentary Land Enclosure in the County of Nottingham,* 1935. Mr. Tate's article in *English Historical Review,* lvii, 250-63 is a useful list of enclosure papers in MS. and their locations.
The question of the duration of this enclosure at Newbold is amplified in footnote 27 below.

[15]Whitwick: Leicester City Museum, Archive Room, 13D40. Rothley *ibid.*, 44, 28/995. Thrussington Minutes, *ibid.*, 3D42. Mowsley *ibid.*, 3D42.

40 years spent on the Rhyddlan enclosure[16] while for 53 enclosures whose Minutes I have examined, nearly half occupied five years or more.[17]

All three Commissioners attended at meetings—except twice when Burcham was absent; and once when he redeemed his reputation by being the only Commissioner present. For the later meetings no signatures appear and we cannot deduce attendances at these.

This degeneration in the quality of the Minutes as the Commission drew to an end is quite common. It will be remembered that there was no statutory obligation to take, let alone to preserve Minutes; probably, as the enclosure seemed to be nearly over and the contentious business of disputed claims past, the Clerk became less careful. From ink he passes to pencil, later over-written in ink; and finally to pencil alone. The Commission is not formally wound up (I have nowhere found a record of such a step). The Minutes record an adjournment...but the subsequent pages are blank. The enclosure ends "not with a bang, but a whimper".

There is another reason why Minutes should have been treated carelessly, apart from the fact that they were not expected to be preserved. The decisions of the Commissioners and the details of the new enclosed allotments of land were recorded, not in the Minutes but in the Award.[18] In the Award the full dignity of legal penmanship was preserved; the making of the Award in duplicate or triplicate was common, and it was here that the attention of the Commission and the Clerk was concentrated. The Minutes trace the stages of the journey; the Award describes in detail the land to which that journey had led.

It is probably significant that while every county archivist has dozens of Awards in his custody, few can boast of the Surveyors' maps which delineated the pre-enclosure holdings, and fewer the Minutes which record the transition from the pre-enclosure to the modern field-pattern.

The Minutes which follow are one such record. They have been transcribed without abbreviation, but the lay-out of the pages of the Minute Book has not been preserved. The pagination of the original is indicated by "fo." in the margin: the obverse side of a numbered folio is given as , e.g., "fo. 4a".

The spelling "Inclosure" is the original of the text, the modern "enclosure" came into fashion later.

I am indebted to the Director of the Museum for permission to print the Minutes, and to the Archivist, Mrs. Cottrill, for much help and encouragement in the work.

[16]Parliamentary Papers, 1844, v, Q2248.

[17]A fuller discussion of the matters in this paragraph and of the duties of the Commission will be found in my: *Commissioners of Enclosure, Economic History Review*. Vol. 16, No. 2, 1946, pp. 130-140.

[18]The Award for Newbold Verdon may be seen among the County Records, where the Minutes for Ibstock are also located. (Box 50).

THE MINUTES

fo. 1) At the Bull's Head Inn, in Market Bosworth, Saturday the 14th of July 1810.

The Commissioners appointed by an Act passed in the last session of Parliament for inclosing the open Fields of Newbold Verdon and Newbold Heath in the County of Leicester met at their time and place pursuant to public Notices in the *Leicester Journal* and each of them duly took and subscribed the Oath prescribed by the Statute of 41st Geo 3rd cap 109.

Orderd (*sic*) that Mr Samuel Miles and Mr William Owen be, and they are hereby appointed Clerks to the Commissioners. Orderd that Mr William Henry Smith of Packington be, and he is hereby appointed Surveyor for the purposes of the said Act. Messrs. Pares Paget and Co. of Leicester, being approved by a majority in value of the Proprietors attending at their Meeting by themselves or by their agents or Proxies, were appointed Bankers.

The Commissioners signed a notice that they shall meet at the
fo. 1a) George and Dragon in the Parish of Newbold Verdon on Monday the 25th day of August next at 9 o'clock in the forenoon for the
interlined) purpose of receiving claims which notice is ordered to be published in the *Leicester Journal* and also to be affixed on the Church Door of Newbold Verdon and Chapel Door of Barlaston.

Jno Burcham
John Smith[19]
rest of page blank) Samuel Stone

fo. 2) At the Bull's Head Inn, in Market Bosworth Sat the 14th of July 1810

At this first meeting of the Commissioners in the notice of which meeting was expressed the intention of now appointing such Banker or such other Person or Persons as shall be approved by a majority in value of the Proprietors attending at this meeting by themselves or by their respective Agents or Proxies into whose hands all monies to be raised under and by virtue of the Powers contained in the Act of Inclosure shall from time to time as often as the same shall amount to the sum of £50 be paid and deposited agreeably (*sic*) to the directions of the Act of 41st Geo 3rd cap 109—Messrs Pares Paget and Co of Leicester being pro-

[19]John Smith died before the formal enrolment of the Award, wherein it is stated that Thomas Miles of Leicester was elected as his successor. The election took place on 28 February, 1820, and seven proprietors with three Agents were present at the election. The Act had made for provision for such a vacancy to be filled by the vote of a majority of the proprietors in value, i.e., with votes proportionate to the value of their property. Stone came from Knighton, Leics; Burcham from Connisby, Lincs.; and Smith from Sheepshead, Leics.

posed by Mr Hood and unanimously approved they were, and are hereby appointed Bankers accordingly

(signatures)

George Hood	Wm Wildman for my uncle	
Wm King	Geo Greenway	
Robert Brooks	Wm Miles	for the Earl of Stamford
John Gardner		
Jos Sharp	Saml Miles for Sir J. O. Hartopp and Wm. J. Pares	

). 2a) Newbold Heath Inclosure

1 pencil) notices of meeting on 20th of Augt. to be copied here

1 ink) We the undersigned Commissioners appointed by an Act of Parliament passed in the last Session entitled An Act for inclosing the Open Fields of Newbold Verdon and Newbold Heath in the County of Leicester do hereby give notice that we shall meet in the George and Dragon in the parish of Newbold Verdon on Monday the 20th day of August next at Nine o'clock in the forenoon for the purpose of proceeding in the execution of the Powers given by the said Act at which Meeting all Persons and Bodies corporate or Politic who have or claim any common or any other right to or in the lands to be inclosed are required to deliver or cause to be delivered to us an account or schedule in writing signed by them or their respective Husbands Guardians or Trustees Committees or Agents of such their respective rights or claims and therein describing the lands and grounds and their respective Messuages Lands Tenements and Hereditaments in respect whereof they shall respectively claim to be entitled to any and which of such rights in and upon the same or any part thereof with the name or names of the Person or Persons in the actual Possession thereof and the particular computed Quantities of the same respectively and of what nature and extent such right is and also to what rights and for what estates and interests they claim the same respectively distinguishing the Freehold from the Copyhold or Leasehold or on noncompliance herewith every of them making default therein shall as far as respects any claim do neglect to be delivered be totally barred and excluded of and from all right and title in or upon the Lands to be divided and of and from all benefit and advantage in or to any share or allotment thereof unless we the said Commissioners shall for some special reason think proper to allow any further time for such purpose
Dated the 14th day of July 1810.

Jno Burcham
John Smith
Samuel Stone

fo. 3) At the George & Dragon in Newbold Verdon

in pencil) Minutes of Meeting on 20th August to be entered here

in ink) The Commissioners met for the purpose of receiving claims pursuant to Notice duly given in the *Leicester Journal.*

Claims or accounts were delivered by or on behalf of the following persons viz.

Revd Giles Prickett Rector of Newbold Verdon	Anne Trotter & Elizth Trotter
Revd Thos Wright Rector of Market Bosworth	James Strickland
Sir Edmd Cradock Hartopp Bart & John Pares Esqe	Simon Oakden Thomas Wrask
The Earl of Stamford and Warrington	Clay Hestall
John Power Gent (manorial)	Daniel Baker
Lord Visct. Wentworth	John Baker
Josias Cockshutt Twistleton Esqe	John Barwell
Mary Sneap Widow	Edward Bracebridge
William Barrs	Thomas Brooks
Revd Mr Holmer	Robert Brooks
George Hood	John Clark
William Wildman	John Gardner
John Wildman	John Gardner (Miller)
William Wrask	William Greasley
Trustees of the Town Land	Joseph Almond Cropper
Thomas Hargrave	Richard Flamden
Dorothy Chapman Spinster	William King
Nathaniel Bull	Robert Kirkman & Thos Kirkman
fo. 3a) Sarah Phipps	Thomas Sills & Hannah Sly
John Power	
Joseph Sharp	

The Commissioners adjourned until Thursday next the 23rd instant, then to meet at the Anchor Inn Loughborough

Anchor Inn Loughborough 23rd August 1810

Ordered that the several claims should be fairly copied in a Book and that such book shod (*sic*) be lodged at the George and Dragon in Newbold Verdon for public inspection; and the Commr appointed to meet at the George and Dragon in Newbold Verdon on Monday the 24th day of September next for the purpose of receiving objections to claims & further proceeding in the Business of the Inclosure

It was resolved by the Commissioners that Mr Balgay should be requested to accept the appointment of Umpire for settling any

Difference as to Manorial or Parochial Boundaries and to sit with the Commissioners for the purpose of hearing Evidence relating to such Boundaries

Jno Burcham
John Smith
Samuel Stone

o. 4) Newbold Heath &c Inclosure

n pencil) Notice of Meeting on 24th September

n ink) We the undersigned Commissioners appointed by an Act of Parliament passed in the last Session entitled "An Act for inclosing the open Fields of Newbold Verdon and Newbold Heath in the County of Leicester" do hereby give notice that we intend to meet at the George and Dragon in the parish of Newbold Verdon on Monday the twenty fourth day of September next at ten o'clock in the forenoon for the purpose of proceeding in the execution of the Powers given by the said Act and by the Statute 41st Geo 3rd cap 109

And we further give Notice that a Book containing Copies of all the Claims or Accounts which have been delivered to us the said Commissioners by or on behalf of the persons having or claiming any Common or other right in or to the lands to be inclosed is lodged at the George and Dragon in Newbold Verdon aforesaid for the inspection and perusal of all parties interested their Agents or Attornies who may take copies or abstracts therefrom and if any Person or Persons shall have any objection to offer to any such Account or Claim the Particulars of such objection must be reduced into writing and signed by them or their respective Husbands Guardians Trustees Committees or Agents and be so delivered to us the said Commissioners at or before our said meeting which is appointed for that purpose and no such objection will afterwards be received unless for some legal disability or special cause to be allowed by us the said Commissioners Dated the 23rd day of August 1810

Jno Burcham
John Smith
Samuel Stone

o. 4a) At the George & Dragon in Newbold Verdon
Monday the 24th Sep 1810

The Commissioners met pursuant to Notice by advertisement in the *Leicester Journal* for the purpose of receiving Objections to Claims and for proceeding in the Business of the Inclosure

Personal Objections hereunder mentioned were made and delivered at this Meeting viz.

Objection by the Earl of Stamford and Warrington to the (manorial) claim of John Power Gent
Objection by Mr J Power to the claim of the Earl of Stamford and Warrington
Objection by George Wood on behalf of Himself & the other Newbold Commoners to the Claims of the Barleston Commoners as far as any claim is set up to Commonage on any other lands than the large Tract known by the name of Newbold Heath.
Objection by Robert Kirkman to the Claim of Thos. Sills of Two Common Rights in respect of two Messuages in Barleston in the possession of Edwd Kendrick & of (blank) Fletcher Wd & John Fletcher her son
At this Meeting the following Claims were delivered viz.

fo. 5) By Wm Wrask, as Churchwarden of Newbold Verdon, to several Cottages and Gardens...and

By George Bolt	Wm Cooper	
Chas Eames	John Abell	to several Cottages & Intakes
Chas Brown	James Bevans	in their respective occupations
Richd Carter	Wm Thornelow	
James Crosher	Nathl Bevans	(in pencil) to be alloted

and Objections were made and delivered to such claims on behalf of Sir Edmund Cradock Hartopp Bart & John Power Esre as Lords of the Manor of Newbold Verdon.
The Commissioners viewed the open Fields & Heath in order to setting (*sic*) out the Roads

(pencil) Wednesday

Adjourned until Saturday the 29th inst then to meet at the Saracen's Head Inn, Leicester

John Smith
Samuel Stone

fo. 5a) At the Saracen's Head Inn Leicester Saturday 29th Sep: 1810
The Commissioners met pursuant to their last Adjournment and fixed the proposed Course of the Roads over the lands to be inclosed which they ordered to be staked, and appointed to meet at the Three Crowns Inn in Leicester on Saturday the 27th day of October next for the purpose of hearing and determining Objections to the setting out of the Roads. The Commissioners also appointed to perambulate the lands to be inclosed on Friday the 26th October next in order to the ascertaining of Parochial and Manorial Boundaries upon the same; and to meet together with Mr Balgay the Umpire at the Three Crowns Inn Leicester on Monday the 29th October for the purpose of hearing Evidence relative to such Boundaries.

Adjourned until Wednesday the 24th Octr next at the Three Crown's (*sic*) Leicester

John Smith
Samuel Stone

o. 6) Newbold Heath &c Inclosure

We the undersigned Commissioners appointed by an Act passed in the last Session of Parliament entitled "An Act for inclosing the open Fields of Newbold Verdon and Newbold Heath in the County of Leicester" do hereby give public Notice that in order to ascertain set out determine and fix the Boundaries of Parishes Manors Hamlets or Districts upon the Lands and Grounds to be divided and inclosed and of Parishes Manors Hamlets and Districts adjoining thereto we the said Commissioners intend to perambulate such Lands and Grounds on Friday the 26th day of October next, and we the said Commissioners together with John Balgay Esqr Barrister at Law the Umpire appointed pursuant to the directions of the said Act intend to meet at the Three Crowns Inn in Leicester on Monday the 29th day of October next at 9 o'clock in the forenoon for the purpose of hearing Evidence relative to the Boundaries of such several Parishes Manors Hamlets or Districts and all Persons concerned in the ascertainment and setting out of such boundaries are hereby required to attend and produce their Evidence accordingly. Dated the 29th day of September 1810

Jno Burcham
John Smith
Samuel Stone

ɔ. 6a) Newbold Heath &c inclosure

We the undersigned being the Commissioners appointed by an Act passed in the last Session of Parliament entitled "An Act for inclosing the open Fields of Newbold Verdon and Newbold Heath in the County of Leicester" do hereby give notice that in conformity to the Statute of 41st Geo 3rd cap 109 that we have set out and appointed the following Public Carriage Roads and Highways through and over the Lands and Grounds intended to be divided allotted and inclosed in addition to the Turnpike Road leading over such Lands and Grounds which is not intended to be diverted or altered *videlicet*

A Public Carriage Road and Highway called the Desford Road from the Village of Newbold Verdon over the Westward End of a Tract of Land called the Little Heath to the Turnpike Road passing over the same tract of Land. Another Public Carriage Road and Highway (called the Brascote Road) from the Southward End of a Lane leading into one of the open Fields of Newbold Verdon called

the Little Field in a straight direction over the same Field to the northward End of another Lane near Brascote. Another Public Carriage Road and Highway (called the Kirkby Road) from the Westward End of a Lane called Brascote Lane over a parcel of land called Brascote Common to a Public Gate leading to Kirkby Mallory

fo. 7) On Newbold Heath

A Public Carriage Road and Highway (called the Bosworth Road) leading from the Turnpike Road over Newbold Heath in a straight direction to the Public Gate entering from the said Heath into the Liberty of Osbaston. Another Public Carriage Road and Highway (called the Bagworth Road) leading from the said Turnpike Road (opposite to the lastly described Road) in a northward direction over Newbold Heath to the Fence of Bagworth Inclosures and by the side of such Fence in a northwardly direction to a Lane called Carnall's Lane. Another Public Carriage Road and Highway (called the Merry-Leys Road) branching out of the lastly described Road to ancient Inclosures belonging to the said Ann Trotter and Elizabeth Trotter and to Sir Edmund Cradock Hartopp Bart and John Pares Esq respectively to the North Eastward Corner of such Inclosures and from thence in a straight direction to the Public Gate leading from the said Heath towards Thornton and Merry Leys. Which said several Roads and Highways are to be and remain thirty three feet wide and have been previous to the Publication of this (interlined) Notice ascertained by Marks and Bounds and the same are accurately laid down and described in a Map which we have caused to be prepared and to be

fo. 7a) deposited at the Law Offices of Messrs Pares Miles Aliton and Miles in Leicester for inspection of all Persons concerned.

And we the said Commissioners hereby further give notice that we shall meet at the Three Crowns Inn in Leicester on Saturday the 27th day of October 1810 at which Meeting any person who may be injured or aggrieved by the setting out of such roads or by the omission to set out any other Public Carriage Road or Roads over the Lands to be inclosed may attend and all objections (if any) will then and there be determined agreeable to the directions of the said Statute of the 41st Geo 3rd. Dated the 29th September 1810.

Jno Burcham
John Smith
Samuel Stone

fo. 8) Newbold Heath &c Inclosures

At a Meeting held at the Three Crowns Inn in Leicester on Saturday the twenty seventh day of October 1810 by the Commissioners appointed by an Act passed in the last Session of Parliament intituled "An Act for inclosing the open Fields of Newbold Verdon

and Newbold Heath in the County of Leicester" pursuant to a Notice duly given by advertisement in the *Leicester Journal* for the purpose of hearing and determining objections to the setting out of the Public Carriage Roads and Highways through and over the lands and grounds to be inclosed; at which Meeting The Reverend Thomas Noel Clerk one of the Justices of the Peace (acting in and for the Hundred of Sparkenhoe) in which the lands to be inclosed are situate & not being interested) attended. It was after hearing and duly weighing and considering all such objections as were made to the setting out of the said Roads Ordered and finally Directed that the Public Carriage Road and Highway (called the Bosworth Road) leading from the Turnpike Road over Newbold Heath to the Public Gate entering from the said Heath into the Liberty of Osbaston shall be set out of the width of thirty three
. 8a) feet in the same track or direction of such Road as heretofore gone instead of the direction in which the same was staked out by the said Commissioners. And in all other respects the Map wherein the intended Carriage Roads are laid down and described was and is hereby confirmed As witness the hands of the said Justice and Commissioners[20]

Thos Noel
Jno Burcham
John Smith
Samuel Stone

. 9) Newbold Heath &c Inclosure

We the undersigned being the Commissioners appointed by an Act passed in the last Session of Parliament intitled "An Act for inclosing the open Fields of Newbold Verdon and Newbold Heath in the County of Leicester" Having in conformity to the directions of the said Act and of an Act passed in the 41st year of the Reign of this present Majesty intitled "An Act for consolidating in one Act certain provisions usually inserted in Acts of Inclosure and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts" duly enquired into the Boundaries of Parishes Manors Townships Hamlets Districts or

[20]The Award describes seven other roads which are to be private carriage roads giving access to farms or fields. Such new roads were a necessity after most enclosures, when new farms were built away from the centre of the village in the midst of the newly-fenced fields. The names of many of them hint at their date: Waterloo; New York; or Trafalgar. The inconveniences which the lay-out of these roads causes to farmers to-day can be seen from the Oxfordshire maps in C. S. Orwin, ed., *Country Planning*, Oxford, 1946. The problems which enclosed fields create in law for bicyclists who run into straying cattle can be studied in the judgment of Viscount Maugham in Searle v. Wallbank 63 *Times Law Reports*, p. 24-27. This case from Atherstone in 1946 shows problems of enclosure history being considered from the Woolsack.

Places upon the Lands and Grounds to be divided and inclosed by virtue of the said Act of the last Session Have ascertained and determined and Do hereby ascertain and determine that no part of such Lands and Grounds are situate within the Manor Hamlet or Chapelry of Barleston but that all the said Lands and Grounds are situate within the Manor and Parish of Newbold Verdon aforesaid except the following Freeboards or Screeds of Land that is to say A Freeboard or Screed of Land lying on the outside of the

fo. 9a) Fence of the Hamlet or Liberty of Osbaston adjoining to the south side of a Tract of land called Newbold Heath and a Freeboard or Screed of land lying on the outside of the Fence of the Parish of Kirkby Mallory adjoining to a small Tract of wasteland called the Little Heath and which said Freeboards are in pursuance of certain directions contained in the said Act of the last Session hereafter to be deemed to be situated within the said Manor and Parish of Newbold Verdon on equivalent Allotments being set out in lieu thereof respectively and it appears to us that the Boundaries of Parishes Manors Hamlets or Districts adjoining to the Lands to be inclosed are in all other respects sufficiently ascertained and distinguished.

Given under our hands this 30th day of October 1810

Jno Burcham
John Smith
Samuel Stone

fo. 10) Three Crowns Inn Leicester 30th Octr 1810

The Commissioners met here on the 24th instant pursuant to their last Adjournment and proceeded in the valuation of the Lands to be inclosed and also the ancient Inclosures.

On Friday the 26th Octr they perambulated the Lands to be inclosed in order to the ascertainment of Manorial & Parochial Boundaries pursuant to Public Notice duly given.

On Saturday the 27th Octr they held a Meeting for hearing objections relative to the setting out of the Carriage Roads and Highways at which Meeting the Revd. Thomas Noel a Justice attended together with whom the said Commissioners made an alteration in one of the proposed Roads and confirmed the remainder as appears by an Order in a preceding Leaf of the Minutes Book[21]

On Monday the 29th the Commissioners sat together with Mr Balgay the Umpire appointed agreeably to the directions of the Inclosure Act & heard evidence relative to Manorial and Parochial Boundaries concerning which their determination is entered and signed on a foregoing leaf of this Book

[21]The Award details eight footpaths and dedicates them perpetually to public use. The footpaths, public and private roads and drains laid out by the Commissioners are shown on the accompanying sketch map.

Ordered that Mr Smith be requested to immediately cause Ditches to be cut on each side of the public Roads 1 foot bottom 3 foot per-
o. 10a) pendicular & a 5 feet top, the soil to be laid within 1 foot of the ridge of the Ditch and the sterile earth at least 3 feet distance within the intended Allotments

Ordered that a Drain be cut upon the Heath beginning on that side near Bagworth and continuing along by the side of the old Inclosures by Halifax Farm till it enters the drain dividing Whisslow Field and the Heath with 6 Feet top and 3½ Feet deep. Also that the Drain beginning at or near Kunto Lane along the Boundy of Whisslow Field across the said Field and over old Inclosures to the Heath of the same width 6 Feet top 3 Feet and ½ deep—the Soil
Word has of both to be laid at least 3 feet [deep] (*sic*) from the edge of the
been crossed said Drain
out in the MS.] Also ordered that Mr. Smith be requested to take the Level for the low Lands upon the Little Heath and to convey the Water down Whisslow Field if practicable by a Drain 6 Feet top and of a proper depth.

Adjourned until Thursday the 23rd Novr next then to meet at the George and Dragon Inn Newbold Verdon

Jno Burcham
John Smith
Samuel Stone

o. 11 pencil) George and Dragon Newbold Verdon 25th Novr 1810

The Commissioners met pursuant to their adjournment on the 23rd instant & continued their sitting to this day

Evidence was produced relative to the Claims to which objections were delivered at their Meeting on 24th September as well as on behalf of the Claimants as in support of their objections

Adjourned until Monday the 3rd day of Decr. next then to meet at the Bull's Head Inn at Market Bosworth

Mr. Smith &
Mr. Stone

fo. 11a)
pen with pencil text underneath)

Bull's Head Inn Market Bosworth 3d Decr. 1810

Mr. Burcham the only Commissioner attending adjourned the Meeting to Wednesday next the 5th instant

Jno Burcham[22]

[22]Such absenteeism is rare: I have come across about 6 cases in several thousand meetings in the Midlands. It is just after the last occasion when Smith's name appears, so it may be related to his illness and eventual death. But Stone also disappears from the Minutes and we know that he was alive to seal the Award ten years later.

(pencil) Bull's Head Inn, Market Bosworth 5th Decr 1810

The Commissioners met agreeably to the above adjournment and proceeded further in the business of the Inclosure.
They appointed to meet at the George & Dragon at Newbold Verdon on Tuesday the 8th day of Jany next for the purpose of receiving Requests from the Proprietors for the situation of their allotments & Proposals for ring fencing the Tythe allotments & ordered Notice of such Meeting to be given by advertisement in the *Leicester Journal*

(no signatures)

fo. 12 ink) Newbold Heath &c Inclosure

We the undersigned Commissioners[23] appointed by an Act of Parliament passed in the last Session of Parliament intitled "An Act for inclosing the Open Fields of Newbold Verdon and Newbold Heath in the County of Leicester" do hereby give Notice that we shall meet at the George and Dragon in the Parish of Newbold Verdon on Tuesday the eighth day of January next at ten o'clock in the Forenoon for the purpose of proceeding in the execution of the Powers given by the said Act at which Meeting in order that the general Convenience of the proprietors may be attended to as far as possible in laying out the Allotments the proprietors are desired to make their Requests for situation in Writing And any Proprietors who may be desirous of having Land deducted from their Allotments for Expenses pursuant to the Provisions of the said Act are required to signify such desire to us in Writing

And we further give Notice

That we shall be ready at the above mentioned Meeting to receive Proposals from Persons who may be desirous of contracting for the Ring Fencing of the Tythe Allotment

Dated the 26th day of November 1819

Jno Burcham

fo. 12a pencil) George & Dragon, Newbold Verdon 8th Jany 1811

The Commissioners pursuant to Notice given in the *Leicester Journal* & received Requests for situation, but no proposals for taking the Tythe-fencing were made to them.
They appointed to meet at the Bulls Head Inn at Market Bosworth on Monday the 28th instant & ordered Notice to be given in the *Leicester Journal* requiring all Persons desirous of making Exchanges or Partitions to deliver statements in writing at such meeting.

(no signatures)

[23]Only one signature.

, 13 ink) Newbold Inclosure

We the undersigned being the Commissioners appointed by an Act passed in the Last Session of Parliament intitled "An Act for inclosing the Open Fields of Newbold Verdon and Newbold Heath in the County of Leicester" Do hereby give notice that we intend to meet at the Bull's Head Inn in Market Bosworth on Monday the 28th day of January instant for the purpose of proceeding in the execution of the said Act.

And we do hereby require

All persons who may be desirous of making any Exchanges of Partitions under the Powers of the said Act to deliver to us at our said Meeting a statement in Writing under the hands of the Parties whose consent may be requisite.[24]

And we further give Notice

That at our said Meeting we shall be ready to treat with any persons willing to contract for the ring fencing of the Tithe Allotments.

Dated the 8th Day of January 1811

Jno Burcham

13a pencil) Bulles Head Inn Market Bosworth

: & pencil) 28th Jany 1811

ıcil) All the Commissioners[25] met pursuant to the Notice

Evidence was produced on the part of the Rector of Newbold Verdon & also of Sir Edmd Hartopp & Mr Pares relative to an Exemption claimed by Sir Edmd Hartopp and Mr. Pares in respect of part of their old Inclosures occupied by Thos Kirby from the payment of all Tithes to the Rector except a yearly Modus of $1^{s}/4^{d}$. Further evidence was also heard on behalf of Mr Thos Sills in support of the part of his claim objected to by Mr Robt Kirkman

ink over the first three lines of the above:)

The Commissioners nominated and appointed Mr Smith Surveyor for the forming and completing the Carriage Roads & Drains

nk and pencil)

Adjourned till tomorrow (the 29th inst)

)encil) at the Bulls Head Inn near Loughborough

Jno Burcham

[24]The last page of the Award lists and confirms many such exchanges.
[25]Again only one signature at the foot of the entry.

fo. 14 pencil) Bulls Head Inn Loughborough

29th Jany 1811

The Commissioners met according to their adjournment.
They took into consideration the Request for situation delivered by the Proprietors and schemed the Allotments.
The Commissioners having continued their Meeting to this 2d day of February, they adjourned the same to Tuesday the 12th day of February instant at the Saracen's Head Inn Leicester.

fo. 14a) Saracen's Head Inn Leicester

18th Feby 1811

The Commissioners met pursuant to their last Adjournment & continued their Sitting to this day.
They arranged & finally settled the Allotments and ordered the same to be marked or staked out by the Surveyor, & declared that it shall be lawful for the several Proprietors to enter upon their respective Allotments so soon as the same shall be staked out, & to ditch fence & enclose the same, so as the Quicksets be planted at least (blank) feet within the line of the stakes.

Adjourned to (blank) the (blank) day of (blank) at this place

fo. 15) The Commissioners met pursuant to their last Adjournment.

The Commissioners laid a Rate upon the Proprietors agreeably to the directions of the Act for raising the sum of £4264-1-6p; and it is ordered that the Clerks do give Notice to the Proprietors to pay their respective Quotas of such Rate to the Commissioners at the George and Dragon in Newbold Verdon on Monday the 29th day of April next.
The Commissioners directed that all Rights of Common shall forthwith cease determine & be forever extinguished in over & upon all the Lands to be inclosed, & ordered Notice thereof to be affixed on the Church Door at Newbold Verdon & the Chapel Door at Barleston. Adjourned to Monday the 29th day of April next at the George & Dragon Newbold Verdon.

. 15a ink)

Names Proprietors	A rate on accot. of general expenses & making Ditches for sundries	A rate to exonerate the old Inclosures from Tythe	Total to be paid[26]
Sir Edmd. C. Hartopp & John Pares Esq	979 1 6½		979 1 6½
Jno Pares Esq	351 19 7		351 19 7
Ball Nathaniel			3 14 1
Barrs William			136 6 11
Chapman Dorothy			72 11 9½
Hood George			361 9 2½
Hargrave Thomas			86 11 1½
Hickman John Esq			180 11 9½
Powers Mrs			13 10
Sneap Mrs Mary			421 19 1½
Trustees of Town Land			45 16 4
Wildman William			168 1 5
Wildman John			131 4 8½
Wrask William			75 8 10½
Flamson Richard			53 4 6
Oakden Simon			54 7 5
Trotters E & Anne			108 1 6
Thornelow William			37 6 0
Wrask Thomas			5 3 0½
Bevins James			17 19 6
Everard John			92 0 1
Brooks Thomas			44 1 7
Brooks Robert			48 19 4
Clarke John			43 16 7
Gardener John (Farmer)			43 10 4
King William			176 18 6

16)

Kirkman Robt. & Thomas			95 5 0
Sharp Joseph			44 7 10
Sills Thomas			100 12 2
Sly Hannah			44 17 0
Wall James			97 13 4
Lord Wentworth			2 17 3
Archer John	2 0½	14 5	16 5½
Bunnay Josh.	2 3 10½	26 6 5½	28 10 4

[26]The relation between the costs here and the actual area obtained by the Award is (for a few selected cases):
George Hood obtained 91 acres and bore 360. 0. 0 of the cost
Simon Oakden ,, 10 ,, ,, ,, 54. 0. 0. ,, ,,
Thomas Wraske ,, ¾ ,, ,, ,, 5. 0. 0. ,, ,,
The first thirty-two of these names are listed in the Award, and the other are the names of those who took the opportunity of exonerating their already-enclosed lands from tithe.

Bounds Thomas	1	3			8	11		10	2
Briggs Thomas	2	6			17	7½	1	0	1½
Caurah Thomas	2	1			14	10		16	11
Greasley George	2	3			15	11		18	2
Hestall Clay	4	11		1	14	6	1	19	5
Mason John	10	2		3	11	7	4	1	9
Priesland William	17	8		6	4	6	7	2	2
Phipps Sarah	1	11			13	4		15	3
Smith Richard	4	11		1	14	6	1	19	5
Siddons Thomas	6	4	7	51	11	6	57	16	1
	10	18	2	95	8	1	4233	6	6½

Miss Trotters not having sufficient Common Rights to exonerate their Estates from Tithes to pay... 30 15 0

4264 1 6½

fo. 16a) pencil

George and Dragon Newbold Verdon

29th April 1811

The Commissioners met pursuant to their last Adjournment & received the Quotas of most of the Proprietors towards the Rate. Ordered that the Surveyor do forthwith deliver to the Proprietors a Ticket of the Boundary Fences to be made by them respectively.

Adjourned to Thursday the 9th day of May next at this place

10th May 1811

The Commissioners met yesterday pursuant to their adjournment & continued their sitting to this day.

They examined & settled the accounts relative to the fencing of the Tythe Allotments & Inspected the Roads & Drains

Adjourned to (blank) the (blank) day of June next at the Bull's Head Inn Loughborough

fo. 17) blank

fo. 17a) blank

fo. 18 ink)

30th June 1811

All the Commissioners met on the 26th instant & continued their Meeting till this day.

Ordered that the Brook be scoured out through the Rector's allotment & Halifax Farm, & also by the side of Mr. Hood's

Allotment from the lower end of Sower Brook Hollow to where the same enters the Parish of Thornton.
Ordered that the Surveyor make a valuation of the old Boundary Fences
The Commissioners examined the fencing Rate but postponed their determination as to the proportion of each Proprietor to a future Meeting.[27]
The Commissioners took Two Hundred Guineas apiece on account of their fees for attendance & paid the Surveyor Two Hundred Pounds on account of the Survey, & Mr Miles Five Hundred Pounds on account of the Parliamentary expenses.
Adjourned to Thursday the 22nd day of August next at the Bull's Head Inn at Market Bosworth.

Jno Burcham
John Smith

fo. 18a and subsequent pages (54 in number) are blank

Bound with the Minutes are

(a) An Act for inclosing the open Fields of Newbold Verdon and Newbold Heath, in the County of Leicester (pp 34, 50 Geo III, 1810.

(*b*) An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure. (41 Geo III, cap cix)

(*c*) Newspaper cuttings, being notices of Meetings of the Commissioners dated, 26 December 1810 and 8 January 1811 presumably from *The Leicester Journal.*

(*d*) A receipt, stamped, for 4. 10. 0 for money paid by the Commissioners to J. Mason for work done on the Survey.

[27]This last entry presents a problem. It is clear from the text that this meeting was held on 30th June, 1811. The evidence of a text deteriorating from ink to pencil; the payment of Commissioners; the levying of the rate; all this points to the approaching end of the enclosure. But when we look at the date of the Award (County Records) we see that a MSS note signed by the Clerk of the Peace runs "Award enrolled 12 April 1820". This would indicate a lapse of nine years between the end of the Commission's minutes and the enrolment of the Award. Such a gap is paralleled elsewhere, but cannot be explained at Newbold Verdon. The issue is not clarified by the dating of the election of the Commission to replace the deceased John Smith. This is on the last day of February, 1820, and it seems as if the hasty appointment was made in order to validate the Award by three signatures. What is not explained is why the Oath taken by the new Commissioner and embodied in the text of the Award (*not* a hasty addendum) is dated 28 June 1820... two months after the Clerk of the Peace has enrolled the document. I can only conclude that it is a clerk's error for 28 February.