



UNIVERSITY OF OXFORD

**Discussion Papers in  
Economic and Social History**

**Number 26, Nov. 1998**

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***AN ARDUOUS AND UNPROFITABLE UNDERTAKING: THE  
ENCLOSURE OF STANTON HARCOURT, OXFORDSHIRE<sup>1</sup>***

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<sup>1</sup> I owe much to criticism and suggestion from Simon Board, Tracy Dennison, Charles Feinstein, Michael Havinden, Avner Offer, and Leigh Shaw-Taylor. The paper also benefited from comments at the Economic and Social History Graduate Workshop, Oxford University, and my thanks to the participants. None of these good people are implicated in the views expressed here. For efficient assistance with archival enquiries, I am grateful to the staff at the Bodleian Library, Oxford University (hereafter Bodl.), Oxfordshire Archives (OA), the House of Lords Record Office (HLRO), West Sussex Record Office (WSRO), and the Department of Archives and Manuscripts, Reading University. I thank Michael Havinden, John Walton, and the Warden and Fellows of All Souls College for permitting citation of material. Financial assistance from the Economic and Social Research Council is gratefully acknowledged.

# **Discussion Papers in Economic and Social History**

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### **Abstract**

This paper provides a case study of the parliamentary enclosure of Stanton Harcourt, Oxfordshire. A collection of nearly eighty letters reveals the often-acrimonious negotiations over the draft clauses of the enclosure bill, and the extent of the concessions needed to overcome opposition to enclosure. Rents on the manorial lord's property in Stanton Harcourt after enclosure are adjusted to obtain the income actually derived from the land. These time-series are compared with three counterfactual paths for income had the land remained open. At best enclosure raised "net" rents received by an immediate and persistent 7%. At worst income would have been slightly higher had the land remained open. Under the conventional method of project appraisal, for the manorial lord the enclosure was 100% unprofitable in both the short and long run. Perhaps Stanton Harcourt is best seen as an example of enclosure driven by motives other than purely agricultural profits.

# *An Arduous and Unprofitable Undertaking: The Enclosure of Stanton Harcourt, Oxfordshire*

## 1. Introduction

Introducing the Board of Agriculture's 1808 *General report on enclosures*, the President, Sir John Sinclair, noted that, "respecting the advantage of [enclosure], a variety of opinions have been entertained".<sup>2</sup> Considering the extent of academic conversations on enclosures, Sir John's observation seems just. An important recent contribution to the historiography is Robert Allen's *Enclosure and the yeoman*. Allen argues that the main economic effect of parliamentary enclosures was not to generate higher agricultural productivity, but to redistribute income from tenants to landlords. In the south midlands the rent increases upon enclosure usually outstripped any rise in Ricardian surplus (farm revenue less labour and capital costs). Rents on enclosed land were roughly double those on open land because, in Allen's view, open-field land was under-rented and landlords used enclosure to raise rents towards their equilibrium level. Reluctance or incapacity to charge tenants the full commercial or rack rent meant that landlords used conventional rules of thumb to set rents on open and enclosed land.<sup>3</sup>

Examples of tenants lobbying for enclosure suggest that higher rents were not always the dominant cause of enclosure; nevertheless they must have been an important factor in a landlord's decision to enclose.<sup>4</sup> Yet according to Boyer, "Allen's discussion of how rents were set... raises as many questions as it answers".<sup>5</sup> McCloskey instead emphasises the re-negotiation of long-term rack rent leases. The absence of frequent rent reassessments meant that real rents fell if prices rose by more than expected. Enclosure gave landlords the opportunity to re-negotiate existing long-term tenures in order to 'catch-up' upon unanticipated inflation, and perhaps to convert them to annual leases to avoid being caught out again.<sup>6</sup>

Other parts of Allen's arguments have come under critical scrutiny. The evidence relating to under-renting on unenclosed land is fragmentary and not always supportive of the Allen thesis. John Underwood of West Haddon, Northamptonshire, rented 144 open-field acres "at a low price".<sup>7</sup> Conversely Clark finds no evidence in the Charity Commission records of a tendency to let unenclosed land in particular at artificially low rents.<sup>8</sup> Clark also employs this data set to reassess the extent of rent increases induced by parliamentary enclosure. A traditional stylised fact, supported by Allen's figures, is that rents doubled upon parliamentary enclosure. Clark demurs, arguing that after adjusting for general rent inflation and the higher value of the land due to tithe commutation, enclosure raised rents by 40% or less. Thus "the rich gains

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<sup>2</sup> [Young], *General report*, p. iv.

<sup>3</sup> Allen, 'Efficiency'; *Enclosure*, esp. chs. 7-9.

<sup>4</sup> Mingay, *Landed society*, pp. 181-2. For other examples of tenant-led enclosures see Robins, *Townhill*, p. 10; Searle, 'Enclosure'.

<sup>5</sup> Boyer, 'Revolutions', pp. 919-20.

<sup>6</sup> McCloskey, 'Economics', pp. 157-8.

<sup>7</sup> Neeson, *Commoners*, p. 204.

<sup>8</sup> Clark, 'Commons sense', p. 98.

from enclosure existed only in the imagination of wild-eyed eighteenth century agrarian reformers”.<sup>9</sup>

This quote raises an important methodological point. While it is necessary to assess what actually happened to rents, enclosure decisions were based on *predicted* rent increases. There is little explicit consideration in the literatures of the potential for divergences between expectations and reality. Landlords made prediction errors for sure but were these a random variable? The contemporary poet John Clare wrote that: “dreams of plunder in such rebel schemes/Have found too truly that they were but dreams”.<sup>10</sup> Unfortunately Clare’s frequent use of hyperbole creates a problem with interpretation because it is difficult to distinguish accurate depiction from deliberate exaggeration, and he was undoubtedly biased against enclosure.

Clark’s misperceptions involve a failure by contemporaries to deflate the rent increases following enclosure for general rent inflation and tithe commutation. On Clark’s own evidence this ‘rent illusion’ did not seriously affect those making the decisions to enclose, for he shows the time-path of enclosures to be consistent with that suggested by economic cost-benefit analysis. The implication is that misperceptions over the future path of rents did not systematically drive unprofitable enclosures. Elsewhere Clark finds that the return on land that donors to charities expected is “close” to his calculated actual yield, suggesting that contemporaries made accurate predictions.<sup>11</sup> Rent illusion and other misperceptions appear to be restricted to Clark’s wide-eyed reformers and subsequent historians.

This paper is a modest contribution to these debates through a case study of the parliamentary enclosure of Stanton Harcourt, Oxfordshire. The sample or example size is the smallest possible, and by necessity the selection of the area studied was driven by the atypical survival of primary sources. Nevertheless the excellence of the archival evidence makes Stanton Harcourt an informative example. Two sets of good quality rentals survive relating to land in the parish. These allow a comparison of income derived from the land before and after its enclosure. The availability of details of expenditure on the enclosure makes it possible to calculate the rate of return on the investment.

In addition to these documents, nearly eighty letters between the main personalities of the enclosure survive. These mostly relate to the time before the enclosure petition, the first official record of the intention to enclose, was presented to parliament. The correspondence reveals the often-acrimonious negotiations over the draft clauses of the enclosure bill and the size of the bribes needed to obtain the consent necessary to enclose. This is an invaluable source since the unofficial enclosure proceedings are usually hidden to historians because the relevant private papers do not survive, and so bears relating in detail.<sup>12</sup>

## 2. Background

The manor and parish of Stanton Harcourt comprised of c.3,740 acres lying six miles west of Oxford between the rivers Thames and Windrush. Its principal topographical features include the village of Sutton and c.234 acres of woodland at Tar wood,

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<sup>9</sup> *Ibid.*, p. 73. Clark’s Charity Commission data set has been criticised by Turner et al, *Rent*, p. 57n.

<sup>10</sup> Clare, ‘The Mores’, in Robinson and Powell, *John Clare*.

<sup>11</sup> Clark, ‘Land hunger’, pp. 69-71.

<sup>12</sup> Exceptions include Coney, ‘Aughton’; Chapman, ‘Horsham’.

located in one of the three detached sections of the parish. Stanton Harcourt is in the geologically heterogeneous Vale of Oxford.<sup>13</sup> Much of the parish lies on river gravels, and the soil contains extensive alluvium deposits, although in places the underlying Oxford clay reaches the surface. The eastern half of the parish is flat and low-lying. Until drained in the mid-nineteenth century, this land often flooded and was used mostly as pasture and meadow.<sup>14</sup> The Oxfordshire climate is “in general cold”.<sup>15</sup> In 1759 the population was 412, living in 92 houses. Nine years later the minister of the parish reported “about” 100 houses, falling to 80 in 1771 and 60 in 1774, a scale of activity possibly too large for the estimate to be regarded as completely reliable. The 1801 census recorded 88 houses and 504 people.<sup>16</sup>

It is impossible from the surviving evidence to date or calculate the total acreage of all the old enclosures at Stanton Harcourt, although Johnson’s Grounds was enclosed sometime between 1697 and 1702, Tar Leys before 1696, and five acres of meadow and pasture in Sutton called Cote between 1709 and 1714.<sup>17</sup> Enclosure of Stanton Harcourt common was mooted in the mid-1730s, and an attempt to enclose the parish in the 1750s was frustrated because of local opposition.<sup>18</sup> Six open fields were listed in 1773, each following a four-course rotation.<sup>19</sup> In 1735 tenants in the parish were criticised for staid management and antiquated methods, but at least one farmer was growing turnips by 1774.<sup>20</sup>

Parliament passed an act to enclose Stanton Harcourt in May 1773, and the enclosure award was completed in July 1774. The enclosure falls into the first of Turner’s two “waves” of parliamentary enclosures, and is relatively early for Oxfordshire, where the median act date was 1794.<sup>21</sup> Almost exactly 2,893 acres were allotted, including c.243 acres in the neighbouring parish of South Leigh.<sup>22</sup> The manorial lord of Stanton Harcourt from 1727 was the second Lord and first Earl Harcourt, Simon, who had a highly distinguished career at court and whose family had held Stanton Harcourt almost continuously from the twelfth century.<sup>23</sup> According to Bateman’s reworking of the 1873 land returns, the Harcourts owned 7,520 acres in Oxfordshire, with a further 685 acres elsewhere.<sup>24</sup> Harcourt was awarded c.1,161 acres upon the enclosure, but did not live to witness its long-term effects because in 1777, a few months into his retirement, he drowned attempting to rescue his dog. Horace Warpole, who thought Harcourt “a marvel of pomposity and propriety”, reported that he “was found standing on his head in a well... an odd exit for the Governor of a King, an Ambassador and Viceroy”.<sup>25</sup>

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<sup>13</sup> Havinden, ‘Rural economy’, pp. 20, 290.

<sup>14</sup> Young, *General view*, p. 14; *V.C.H.*, XII, pp. 267-8.

<sup>15</sup> Davis, *General view*, pp. 9-10.

<sup>16</sup> *V.C.H.*, XII, p. 271; OA, MSS.Oxf.Dioc d.560/ff81, d.563/ff81, d.565/ff81.

<sup>17</sup> Enclosure dates from statements in leases, respectively: Bodl. MSS.d.d.Harcourt c.276/sh18/2, 16/1; *ibid.*, c.270/sh18/7; *ibid.*, c.274/sh16/25, 18/24.

<sup>18</sup> *Ibid.*, b.34; c.279, Bosvile to Harcourt, 11 Dec. 1772.

<sup>19</sup> HLRO, 13.Geo.III.185; Bodl. MSS.d.d.All Souls c.192/60.

<sup>20</sup> Bodl. MSS.d.d.Harcourt b.34; c.151/4, p. 11.

<sup>21</sup> Turner, *Enclosure*, p. 66. Median calculated from Tate, *Domesday*, pp. 212-7.

<sup>22</sup> OA, F22.Vol.III.1841. Acreage is best estimated by summing the area of individual allotments awarded (Chapman, ‘Problems’, pp. 110-2; Chapman and Harris, ‘Accuracy’). The figure includes roads but not exchanges.

<sup>23</sup> *V.C.H.*, XII, p. 274. For short biographies of Harcourt see Gardiner, *Life*, pp. 7-8; Harcourt-Bath, *History*, pp. 30-1; obituary in *General Evening Post*, 18-20 Sept. 1777.

<sup>24</sup> Bateman, *Landowners*, p. 206.

<sup>25</sup> Quoted in Batey, *Nuneham Courtney*, p. 6.

### 3. Consent

The first record of Lord Harcourt's moves towards enclosure is a letter to him from one Lady Delamer, dated 10 November 1772. She wrote: "I am only Tenant for Life on the Oxfordshire Estate, so must beg to decline making any alteration in it".<sup>26</sup> Unperturbed, Harcourt wrote to Francis Burton of Aynho, Northamptonshire, in early December 1772, asking his advice on the mooted enclosure. Burton was probably the most active commissioner in the early wave of parliamentary enclosures, acting in at least 64 before his death in 1777.<sup>27</sup> He was to become the commissioner serving Harcourt's interest at Stanton Harcourt. Burton thought "an Enclosure is by all means advisable", but advised Harcourt to get his estate surveyed before making a firm decision.<sup>28</sup> Harcourt wanted the enclosure bill passed by the end of the parliamentary session so that he could complete the affair before leaving England.<sup>29</sup> Speed was therefore of importance, and most of his correspondents pledge to make "no unnecessary delays". Possibly the proceedings moved too hastily, for some participants complained that they were not informed of the plans.<sup>30</sup>

A joint enclosure with the neighbouring parish of South Leigh was proposed, if only to lessen costs through economies of scale. What made a combined enclosure particularly desirable was that proprietors of the two parishes held land strips intermixed in fields to the west of Stanton Harcourt where the parish boundaries were unclear. There was also inter-pasturing of cattle in the common lands of the two parishes.<sup>31</sup> Francis Burton believed that, "it will be difficult business to enclose Stanton Harcourt without Southlye".<sup>32</sup> It proved, however, to be difficult business to achieve a joint enclosure.

John Gore was the manorial lord of South Leigh. He preferred hunting to business, delegating the latter to his agent, Mr Wickham, in whom he had the "only confidence". Gore's brother Edward leased and managed his South Leigh estate. Approached in January 1773, Edward Gore seemed inclined to enclose, but warned Harcourt that he needed his brother's permission, which would not be easily forthcoming.<sup>33</sup> John Gore had previously vowed not to "ride three Times into Oxfordshire to receive any advantage" by enclosure. Edward also feared that if "any Injury" should arise to any of the South Leigh tenants for lives, "my Brother has that delicacy of Honor, that he would immediately desist".<sup>34</sup> In the event, hopes of a joint enclosure failed because Wickham wanted the application delayed to give it "a very serious deliberation". South Leigh would not be enclosed until 1793, after two changes of manorial lord.

As a second-best option the parties decided to exchange the intermixed lands in Stanton Harcourt and South Leigh to obtain a more convenient landholding

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<sup>26</sup> Bodl. MSS.d.d.Harcourt c.279, Lady Delamer to Harcourt.

<sup>27</sup> Turner, 'Commissioners', p. 122.

<sup>28</sup> Bodl. MSS.d.d.Harcourt c.279, Burton to Harcourt, 11, 15 Dec. 1772.

<sup>29</sup> Ibid., Jones to Harcourt, 18 Jan. 1773.

<sup>30</sup> Ibid., Richard Bishop to Harcourt, 2, 4, 11 Feb. 1773.

<sup>31</sup> Ibid., letters of Bowly, Taunton, both 14 Jan. 1773; *V.C.H.*, XII, pp. 240, 244; HLRO, 13.Geo.III.185, p. 21.

<sup>32</sup> Bodl. MSS.d.d.Harcourt c.279, Burton to Harcourt, 15 Jan. 1773.

<sup>33</sup> Ibid., Taunton to Lady Harcourt, 14 Jan. 1773.

<sup>34</sup> Ibid., Gore to Harcourt, 31 Jan. 1773.

distribution.<sup>35</sup> These arrangements were not settled without acrimony. Edward Gore had an incentive to be obstinate, for his brother's displeasure if the estate suffered from the agreements "may be exceedingly Injurious to my Family".<sup>36</sup> Gore also had a relatively strong bargaining hand: friends in Westminster who had promised to stop the enclosure bill in its Committee stages if he had not given his consent.<sup>37</sup> After the exchanges had been initially set out, Gore, probably encouraged by his tenants, wrote angrily to Harcourt's attorney William Taunton, pledging to "dispute every Inch of Ground".<sup>38</sup> The enclosure commissioners thought the existing allocation fair, but for the "sake of peace" inquired if Harcourt would accept the allotment in Tar field near the wood, the chief point of contention.<sup>39</sup>

Two months later Gore initiated a second dispute. He demanded that South Leigh Down be excluded from the proposed exchanges because it was "the only common in a Wet Season healthy for Sheep; & that it could not be exchanged without a great inconvenience & disadvantage to the [South Leigh] Estates".<sup>40</sup> The commissioners initially altered the clause in the draft enclosure bill to his satisfaction, but when the surveyor, Robert Weston of Brackley, Northamptonshire, inspected the land, Burton discovered the situation was:

very different in the field from their appearances upon paper... Mr Gores proposal is inadmissible... it will be better to leave Southleigh totally out of the question than to accept their concurrence with the proposed Restraint.

Burton sent Weston and John Watts of Sulgrave, Northamptonshire (who was to become a commissioner) to ascertain if Gore would relax his terms.<sup>41</sup> Gore would not, and a few days later Harcourt's steward William Bowly attempted to visit him, but Gore was in London and sent three of his tenants.<sup>42</sup> In mid April, Bowly again went to see Gore, taking Harcourt's attorney Taunton with him. They came to a written agreement, ending Gore's opposition to the proceedings. Bowly and Taunton both reported that the negotiations had gone as well as they could have hoped.<sup>43</sup> The settlement allowed the proprietors to petition the House of Commons for the exchange of the intermixed lands in the enclosure, and this request was successfully incorporated into the enclosure act.<sup>44</sup>

If the intention to enclose South Leigh failed, and the land exchanges were not easily arranged, how difficult was it to build a consensus to enclose Stanton Harcourt itself? At an early stage in the proceedings, Burton warned that if the lessee of the Vicarial tithes was the bishop of Oxford:

there will be more Trouble with him than everyone else as the Bishop is himself ignorant in these things but implicitly depends upon a man [his attorney]... that is as totally ignorant and as eminently conceited as I ever knew any one in my life, and

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<sup>35</sup> *Ibid.*, c.279, Burton to Harcourt, 2 Feb. 1773.

<sup>36</sup> *Ibid.*, Gore to Taunton, 24 Jan. 1773.

<sup>37</sup> *Ibid.*, Bowly to Lady Harcourt, 10 Apr. 1773.

<sup>38</sup> *Ibid.*, Gore to Taunton, 18 Jan. 1773.

<sup>39</sup> *Ibid.*, letters of 20 Jan. 1773.

<sup>40</sup> *Ibid.*, Gore to Harcourt, 21 Mar. 1773.

<sup>41</sup> *Ibid.*, Burton to Harcourt, 22, 25 Mar. 1773.

<sup>42</sup> *Ibid.*, Bowly to Lady Harcourt, 30 Mar. 1773.

<sup>43</sup> *Ibid.*, letters of Bowly 10 Apr. 1773; Taunton, 16 Apr. 1773.

<sup>44</sup> *Commons journal*, pp. 282, 294.

therefore I am in great hopes that the Vicarial Tithes are not held under Lease from the Bishop of Oxford.<sup>45</sup>

Unfortunately they were. As Burton had predicted, the bishop did not easily acquiesce to enclosure. The minister of Stanton Harcourt, Thomas Barrett, publicly declared the bishop's opposition one Sunday; Edward Gore believed it might stem from an earlier altercation between them.<sup>46</sup> Harcourt saw the bishop personally in January 1773, but his intervention must have failed because in February William Taunton warned Lady Harcourt: "we shall have some trouble in settling the clauses in the Bill relating to his allotments".<sup>47</sup> Table 1 lists the bishop's stated objections to the proposed enclosure.

### **Table 1. Bishop of Oxford's objections to the enclosure of Stanton Harcourt**

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- It will deprive the poor of, among other things, fuel from the commons
  - It will convert arable land to pasture, making employment "scarce"
  - "several proprietors of considerable property look upon the intended Inclosure as a step that in it's Effects will be prejudicial to their Rights & hurtful to the place"
  - "it will be hurtful to the small but industrious Farmers"
  - The bishop's tenant Hugh Bosvile was "at first was much against the Inclosure, but now, for some reason not known to the Bishop, Consents thereto"
  - Uncertain what compensation (if any) is to be made for commutation of the tithes
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*Source:* Bodl. MSS.d.d.Harcourt c.279, bishop's objections, n.d., but c. 1773.

The bishop's first objection, regarding the poor's loss of common rights, is the subject of an ongoing debate over the value and socio-economic distribution of those common rights left uncompensated on enclosure.<sup>48</sup> The early literatures are often an example of Carr's subjective scholars writing to support ideological priors, for historians of enclosures were recruited to directly participate in the early twentieth century political debates over the preservation of open spaces.<sup>49</sup> The latest research suggests that only a minority of agricultural labourers owned or rented dwellings giving valuable common pasture rights. A much larger number of users may have been affected by the loss of rights to gather fuel and squat, and possibly unlawful customary common rights, but these rights were of insufficient value to provide significant independence of the labour market.<sup>50</sup>

Unfortunately only fragmentary evidence survives relating to the use and ownership of common rights at Stanton Harcourt. The House of Commons Committee examining the enclosure reported that there were 138 horse commons and 499 cow commons in the parish. It is difficult to have much confidence in these figures because the Committee underestimated the total acreage to be enclosed by nearly a third.<sup>51</sup> What is certain is that there was inter-commoning between South Leigh and

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<sup>45</sup> Bodl. MSS.d.d.Harcourt c.279, Burton to Harcourt, 15 Dec. 1773.

<sup>46</sup> Ibid., Gore to Harcourt, 'Wednesday night'.

<sup>47</sup> Ibid., Taunton to Lady Harcourt, 22, 28 Jan. 1773.

<sup>48</sup> E.g. Hammond and Hammond, *Village labourer*; Chambers, 'Enclosure'; Humphries, 'Proletarianization'; Neeson, *Commoners*, esp. pt. 1.

<sup>49</sup> Carr, *History*, chs. 1-2; Offer, *Property*, p. 339.

<sup>50</sup> Shaw-Taylor, 'Hammond-Neeson thesis'.

<sup>51</sup> *Commons journal*, p. 294.

Stanton Harcourt, and in 1772 a Mr Blake rented three horse commons from Lord Harcourt for £1 12s.<sup>52</sup>

Occasionally leases state the landed and cottage common pasture rights that the tenant was entitled to, although such records date from well before the enclosure. Edward Jarvis leased Johnson's Grounds from 1679, and had rights of pasture for 2 "beasts" and 30 sheep on Lies Moor and common land in South Leigh. Eighteen years later the common rights on this land were identical.<sup>53</sup> Dr William Gibbons' 1711 lease of a messuage and one and three-quarter yardlands in Stanton Harcourt entitled him right to pasture 2 horses and 9 beasts in the parish, and to cut and carry away furze from South Leigh Heath.<sup>54</sup> In 1716 a one acre ham of meadow came with common right for 2 cows, unchanged from 1660.<sup>55</sup> The leases describe these tenants as "yeomen", apart from Gibbons who was a "gent".

The bishop was not alone in his second fear that enclosure would lead to a decline in the arable acreage.<sup>56</sup> Tithe owners had particular reason for concern because an increase in pasture land would diminish the value of the tithes.<sup>57</sup> The lessee of one of the tithe holders, William Jones, requested that if enclosed land remained subject to tithes, a clause be inserted in the enclosure bill forbidding conversion of arable land to pasture.<sup>58</sup> In the event these fears proved incorrect because the proportion of arable probably slightly increased after enclosure.<sup>59</sup>

On the bishop's third objection, both William Taunton and the Reverend Barfoot Colton (a landowner at Stanton Harcourt) thought the proprietors of Stanton Harcourt almost unanimously in favour of enclosure.<sup>60</sup> Opposition appears to have been limited to a few recalcitrants. One such was William Mynn. The Reverend Joseph Hoare, principal of Jesus College, Oxford, spoke to "that odd man", reporting back to Harcourt:

He appeared more reasonable than I expected to find him. His only objection was the inconvenience which the Cottagers and inferior set of farmers might suffer from it. I endeavoured to convince him of the humanity of your Lordship's design in that respect and intention of providing effectually against the hardships to be apprehended; and recommended to him to inquire as well into the general disposition of the Parish, as into the advantage that probably would accrue to himself. This he said he would do; and left me civilly, tho without a promise of consent. I flatter myself however, that he will not readily join in an opposition, unless he should be spirited up to it by that odder Person who is supposed to have the direction of him.<sup>61</sup>

Hoare did flatter himself, for despite Taunton vowing to use "every method in my power to prevail upon him to join in the Inclosure", Mynn was "unalterably resolved" not to consent.<sup>62</sup> Mynn was the only person the Commons Committee

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<sup>52</sup> Bodl. MSS.d.d.Harcourt c.149/10, p. 11.

<sup>53</sup> *Ibid.*, c.276/sh18/1-2.

<sup>54</sup> *Ibid.*, c.275/sh/18/31.

<sup>55</sup> *Ibid.*, c.270, 1670 lease; c.274/sh/22/4.

<sup>56</sup> Bodl. MSS.d.d.Harcourt c.279, letters of Colton, 29 Nov. 1772; Jones, 18 Jan. 1773.

<sup>57</sup> Evans, *Tithe*, p. 96.

<sup>58</sup> Bodl. MSS.d.d.Harcourt c.279, Jones to Harcourt, 18 Jan. 1773.

<sup>59</sup> *V.C.H.*, XII, p. 285.

<sup>60</sup> Bodl. MSS.d.d.Harcourt c.279, letters of Colton, 29 Nov. 1772; Taunton, 14 Jan. 1773.

<sup>61</sup> *Ibid.*, Hoare to Harcourt, 12 Dec. 1772.

<sup>62</sup> *Ibid.*, Taunton to Lady Harcourt, 29 Dec. 1772; 5 Jan 1773.

examining the enclosure reported to be against it, although possibly he had relented by the time the House of Lords Committee reported 10 days later because they did not note his opposition.<sup>63</sup>

Another small farmer opposed to enclosure was the Reverend John Boyce.<sup>64</sup> Contacted in November 1772, Boyce refused to sign the enclosure petition: while large estates have “reaped great advantages” from enclosure, he thought “the Proprietors of small Estates have got nothing but care and trouble”. Initially Boyce was reluctantly ready to sell his land to Harcourt, but less than a fortnight later the thoughts of selling and enclosing had become “equally disagreeable” to him. Recognising that Harcourt would “doubtless” obtain an enclosure act, Boyce sought a bargain “to prevent any trouble” over the valuation of his estate. Recalling how he had assisted the Harcourt family in a tightly contested past Oxford election, probably that of 1768, Boyce asked for at least £100 a year for one of any sons: “any such favours w<sup>d</sup> make us both of the same opinion in regard to the value of [my] land. I rely on your candour to excuse this boldness”. Harcourt’s reply does not survive, but he probably acquiesced at least partially because in February 1773 Boyce was “persuaded to take the Change of the Inclosure” and, at Harcourt’s insistence, arranging to sign the enclosure bill.

Another of the bishop’s concerns regards Hugh Bosvile, to whom he rented out land on a lease of three lives.<sup>65</sup> Bosvile was possibly a crucial player in the enclosure. Without his consent, Burton thought that in the event of serious opposition Harcourt could not obtain the required majority of land in favour of enclosure, although Taunton later reckoned that with Lady Delamer’s consent “we shall... make a respectable figure in the House without either Mr Bosvile or Mr Minn”.<sup>66</sup> The survival of correspondence between Bosvile and Harcourt explains the change of mind that so puzzled the bishop.<sup>67</sup> Bosvile related to Harcourt how some twenty-two or three years earlier he had attempted to enclose, but failed because of strong local opposition. He remained in favour of enclosure in principle, but claimed to lack sufficient funds to engage in it because of the money he was spending on his children:

I can be in no condition, tho’ the advantage in future, may be great, to engage in the vast expence of inclosing. you see, my Lord, how inclined I was, when I was able; and how unable I am at present tho’ willing

Harcourt persisted, for around a fortnight later Bosvile wrote again emphasising his inability to engage in the “expensive undertaking”. Bosvile was reluctant to go into debt to finance the enclosure because of a previous adverse experience in repaying the creditors of his father whom had died heavily indebted. At the same time Bosvile hinted at how Harcourt could resolve the conundrum: “I must add Y<sup>t</sup> I have no Friend alive. I beg leave to say that I know who has a Father who is very Rich and undoubtedly his Friend.”

Harcourt almost immediately replied: “you complain that you have not a friend alive – you shall (if you chose it) find one in me”. He offered to loan Bosvile the capital required for enclosing his estate, to be repaid at £100 a year. Bosvile would

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<sup>63</sup> *Commons journal*, p. 294; *Lords journal*, p. 644.

<sup>64</sup> Bodl. MSS.d.d.Harcourt c.279, letters of Boyce.

<sup>65</sup> *Ibid.*, Richard Bishop to Harcourt, 23 Dec. 1772.

<sup>66</sup> *Ibid.*, letters of Burton, 26 Dec. 1772; Taunton, 5 Jan 1773.

<sup>67</sup> *Ibid.*, letters of Hugh Bosvile; Harcourt to Bosvile, 30 Dec. 1772.

also be consulted in the choice of commissioners. Burton believed Harcourt's offer of an interest free loan was excessively generous: Bosvile's opposition "looks vastly like a well laid scheme to tempt your Lordship to buy the Estate at a good Price, and perhaps it may deserve your attention".<sup>68</sup> In fact Bosvile "thankfully" accepted Harcourt's terms, although there were subsequently some minor changes in the arrangements because in a later letter Bosvile mentions how "a L-y-r contrivd' to bring in a Scruple about Security".

The last of the bishop's objections concerns the tithes. Burton thought it "not a good method of enclosing to have the Lands subject to Tythes".<sup>69</sup> No relevant correspondence survives, but they clearly reached an agreement because the enclosure act contains a clause for tithe commutation. The allotments in lieu of tithes were left wholly at the discretion of the enclosure commissioners. Richard Bishop, one of Harcourt's tenants, wrote twice objecting to this "almost unprecedented" arrangement.<sup>70</sup>

This was not the end of difficulties with the bishop, for he had several objections to the draft enclosure bill.<sup>71</sup> First, he requested, and was given, assurance that the other proprietors would pay his expenses of enclosure. Second, if any of the named commissioners died, the bishop requested a veto over the selection of their replacements. William Taunton replied that this "is too great a power to be lodged in an Individual where the Rights of so many are concerned", for the bishop could "put a Negative" on proceedings by refusing to accept any nominations. Third, the bishop asked to let the tithes of old enclosures stand if the owners of these were not assigned any land to be exchanged in lieu of them. He refused to accept payment in cash as an alternative. Taunton believed this arrangement would be inconvenient, but more to the bishop than the affected proprietors. At this stage he was confident that the bishop would withdraw his objections, otherwise "there cannot be a doubt but they will be overruled before the [parliamentary] Committee".<sup>72</sup>

In reply, the bishop refused to relinquish the request for only accepting land in lieu of the tithes on the old enclosures.<sup>73</sup> This did not affect the Harcourts' land, but "to prevent the Inconvenience to the Proprietors whom it may affect", Taunton pledged "to prevail upon his Lordship to give up that Requisition". The bishop also made a new demand to have the moduses extinguished.<sup>74</sup> By this time a modus of 2d a cow and 1s a calf for milk tithes had been established in the parish.<sup>75</sup> In an attempt to resolve matters, Taunton meet with the bishop's attorney. Taunton "almost convinced" him to withdraw the bishop's desire to extinguish the moduses, yet could not persuade him to take money for the tithes on the old enclosures.<sup>76</sup> In the event the bishop succeeded in having both these demands met because appropriate clauses were entered in the enclosure act.<sup>77</sup>

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<sup>68</sup> *Ibid.*, Burton to Harcourt, 3 Jan. 1773.

<sup>69</sup> *Idem.*, 20 Jan. 1773.

<sup>70</sup> *Ibid.*, Bishop to Harcourt, 11, 20 Feb. 1773.

<sup>71</sup> *Ibid.*, Taunton to the bishop, n.d., but between 7 and 12 Mar. 1773.

<sup>72</sup> *Ibid.*, Taunton to Lady Harcourt, 9 Mar. 1773.

<sup>73</sup> *Ibid.*, bishop's attorney to Taunton, 12 Mar. 1773.

<sup>74</sup> *Ibid.*, Taunton to Lady Harcourt, 14 Mar. 1773. A modus was a customary payment made in lieu of the full tithe.

<sup>75</sup> *V.C.H.*, XII, p. 281.

<sup>76</sup> *Bodl. MSS.d.d.Harcourt c.279*, Taunton to Lady Harcourt, n.d, c..Mar. 1773.

<sup>77</sup> *13.Geo.III.185*, pp. 8, 12-3.

Harcourt also experienced opposition from the other tithe holder, William Jones, who sub-leased land from Sir Edward Ernle, the tenant of All Souls College.<sup>78</sup> Jones thought that tithe holders “never” received sufficient compensation for the commutation of tithes, and emphasised how even if the College as impropiator thought the terms acceptable, he had to be satisfied with the arrangements. In a similar situation in a previous enclosure, Jones had refused to submit to what Christ Church College thought were acceptable terms, and the enclosed land remained subject to tithes. Initially Jones asked Harcourt to delay the enclosure so that he had time to adjust his affairs. A few days later, on 18 January, Jones wrote again. He now saw the enclosure as almost inevitable, and asked for time to consult with his tenant and newly appointed steward, who had been clerk and commissioner to a “great number” of enclosures. Jones was still wary of commuting the tithes, but did not want to leave them as at present because he feared the proprietors would convert land to pasture, if not immediately, then in a few years after the enclosure. He asked for a clause in the enclosure bill to prevent any such conversions.

Burton saw Jones’s reluctance as “petulance”. Because the proportion of land given for the tithes was “often” inadequate, the Stanton Harcourt enclosure commissioners had proposed a greater amount than that usually given. “We have”, he wrote, “carefully avoided giving the least room for objection”.<sup>79</sup> On 22 January, William Taunton reported to Lady Harcourt that Dr John Tracy, the Warden of All Souls College, seemed inclined to enclose despite Jones’s sentiments.<sup>80</sup> Three days later Taunton related how he met Jones’s attorney, Mr Stephens, who thought the proposals “very reasonable” and would recommend them to Jones. In any event, the College’s support meant that Jones could not obstruct the passing of the bill.<sup>81</sup>

The pressure on Jones told. In his third letter to Harcourt, dated 27 January, Jones reported that, having consulted with his tenant and steward, he would accede to enclosure. His conditions were that All Souls College sold land to defray the expenses of enclosure, including new buildings, and that the future tenant be abated six-month’s rent. Jones also demanded a commissioner to represent his interests, in addition to the man appointed to represent All Souls. He wanted Thomas Browne of Cowley, Gloucestershire, or, if Browne was chosen by the proprietors of Stanton Harcourt, Thomas Harrison of Stony Stratford, Buckinghamshire. This request “much surprised” Burton, for “it will aggravate the Expences, and it is quite unusual for a Lessee of a College who always take upon themselves that privilege and which cannot belong to both for one Estate”.<sup>82</sup> Jones later claimed that he wanted a fourth commissioner “to adjust the different Interests” of the landlords and tenants, possibly supporting Allen’s view of the divergent concerns of these two groups over post-enclosure rents.<sup>83</sup>

The difficulties of obtaining the consent of the tithe holders were not unique to Stanton Harcourt, because according to Evans probably only c.60% of English enclosure acts contained a clause commuting tithes.<sup>84</sup> Professor John Sibthorp, the manorial lord of South Leigh, came across strong opposition from the lessee of the tithe holder when arranging to enclose the parish. His terms were so “extravagant”

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<sup>78</sup> Bodl. MSS.d.d.Harcourt c.279, letters of Jones.

<sup>79</sup> *Ibid.*, Burton to Harcourt, 20 Jan. 1773.

<sup>80</sup> *Ibid.*, Taunton to Lady Harcourt, 22 Jan. 1773.

<sup>81</sup> *Idem.*, 25 Jan. 1773.

<sup>82</sup> *Ibid.*, Burton to Harcourt, 4 Feb. 1772.

<sup>83</sup> *Ibid.*, Jones to Harcourt, 3 Feb. 1773.

<sup>84</sup> Evans, *Tithe*, pp. 95, 111.

that the tithes were left uncommuted upon enclosure. To escape the “heavy hand of the Tithing man”, Sibthrop vowed to “lay down with grass seed every Acre that I can”. By October 1793 he had done so for 10 acres, with 20 more to follow.<sup>85</sup>

From the limited surviving evidence, the parliamentary progress of the Stanton Harcourt enclosure bill appears to have proceeded relatively smoothly from the reading of the petition to enclose on 1 February 1773 to the granting of royal assent on 28 May. According to its Journal, the House of Commons made “several amendments” to the bill, including incorporating the subsequent request to exchange the intermixed lands in Stanton Harcourt and South Leigh.<sup>86</sup> Unfortunately it is impossible to be more precise about the alterations made because the minutes of the Commons Committees were largely lost in the fire of 1834.<sup>87</sup> The House of Lords passed the bill without amendment.<sup>88</sup> There were no counter-petitions against the bill in either house. The bishop of Oxford signified his consent to enclosure before “the Committee”, although he apparently refused to sign the bill. Due to “a Disappointment”, Weston the surveyor was unable to give evidence to a Committee at the appointed time, but this only delayed matters by a day or two.<sup>89</sup>

#### 4. Execution

##### *Selection of the enclosure commissioners*

Once parliament had passed an enclosure act, the appointed commissioners were legally responsible for executing the enclosure by valuing land and legally demonstrable common rights, and re-allocating the existing landholding distribution. Arthur Young likened the commissioners to “a sort of despotic monarch into whose hands the property of the parish is invested, to recast and distribute it at their pleasure”. Despite their wide powers, in practice commissioners were constrained by the enclosure act, the views of the proprietors, and the need for economy.<sup>90</sup>

Francis Burton thought the remaining proprietors at Stanton Harcourt should choose Henry Homer as their commissioner, for he was “a very judicious, candid, and respectable Clergyman much experienced, & well known both by his publick writings and his frequent Employment upon Enclosures”. William Bowly believed the proprietors would not choose a clergyman but Thomas Browne of Cowley, Gloucestershire, whom Burton viewed as “much experienced and totally unexceptional”.<sup>91</sup> William Jones also suspected the proprietors might select Browne, but in fact they chose a local man, Mr Brown from Eynsham, who Burton thought “had not had the experience we could wish he had”. He complained to Harcourt: “I am much concerned for the improper choice the Proprietors have made; but cannot see how that can be remedied... he is far from being a fit person for the Business”.<sup>92</sup>

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<sup>85</sup> WSRO, Hawkins papers II/1/192, 217; II/2/244. Batey, ‘Oxfordshire enclosure’, cites Sibthrop’s letters more fully.

<sup>86</sup> *Commons journal*, pp. 85, 212-3, 233, 282, 294, 299, 319, 345.

<sup>87</sup> Lambert, *Sessional papers*, pp. 1, 4.

<sup>88</sup> *Lords journal*, pp. 634, 640, 644-5.

<sup>89</sup> Bodl. MSS.d.d.Harcourt c.279, Taunton to Lady Harcourt, “July evening”; idem., “Wed, 2 o'clock”.

<sup>90</sup> [Young], *General report*, p. 6; Yelling, *Common field*, p. 135.

<sup>91</sup> Bodl. MSS.d.d.Harcourt c.279, Burton to Harcourt, 15 Jan. 1772.

<sup>92</sup> Idem., 2, 4 Feb. 1772.

At this stage of the enclosure proceedings in early February 1772, the situation regarding the commissioners was problematic. The Stanton Harcourt landowners had chosen an inexperienced commissioner, and William Jones wanted an additional man to represent the tenants. For him, “there will be too much Business I shou’d think for 3 Commissioners to take proper care of”.<sup>93</sup> If it was impossible to dissuade Jones, Burton decided Harcourt would be entitled to a second commissioner, and advised selecting Homer. It seemed that five commissioners would conduct the enclosure, exacerbating the expenses.<sup>94</sup>

William Taunton retrieved the situation. In late February he arranged with Jones’s attorney Stephens that if Thomas Browne was named a commissioner, Jones would not wish to have another.<sup>95</sup> The next stage was convincing the Stanton Harcourt proprietors to alter their nomination. Taunton saw one or two of the principal landowners personally, and Edward Gore promised to speak to the others. Taunton thought Gore “has little or no doubt of succeeding”,<sup>96</sup> and his optimism was justified because Browne was named with Burton and Watts in the enclosure act. No evidence survives relating to how Taunton and Gore managed to change the proprietors’ minds, but the cost of the fees and expenses of two extra commissioners was possibly a convincing argument or even threat.

The proceedings at Stanton Harcourt reflect the more general issue of how or why the various enclosure interests selected enclosure commissioners. According to Mingay a good commissioner was a reliable man of standing and probity, who possessed an understanding of land tenure, farming, and the relevant legal matters.<sup>97</sup> Burton believed:

It will be of consequence to all the proprietors that the Comm<sup>s</sup> be not only men of integrity and sensible, but also well experienced; for it is always costs the proprietors money to teach new men the hand of Knowledge required<sup>98</sup>

Taunton noted the “advanced age” of the Stanton Harcourt commissioners, suggesting that proprietors also valued age, and hence experience and wisdom.<sup>99</sup> Yet the selection of relatively old men increases the risk of the commissioner dying before the enclosure was completed. This generated costs in choosing a replacement and acquainting him with the particulars of the enclosure. Because of their “ill state of health” Taunton thought it “not very unlikely” that at least one of the commissioners would die before the enclosure was finished, although this prediction turned out to be incorrect. But in the enclosure of Bosham and Funtingdon, West Sussex, all three commissioners named in the act died, and a new team completed the enclosure.<sup>100</sup>

Such commissioner mortality was probably not completely critical because, as the Stanton Harcourt evidence suggests, often the commissioners must have settled the most contentious issues in the unofficial enclosure proceedings. With the crucial negotiations completed, conducting the post-act proceedings was not so difficult,

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<sup>93</sup> *Ibid.*, Jones to Harcourt, 3 Feb. 1773.

<sup>94</sup> *Ibid.*, Burton to Harcourt, 15 Jan, 4 Feb. 1773.

<sup>95</sup> *Ibid.*, Taunton to Lady Harcourt, 28 Feb. 1773.

<sup>96</sup> *Idem.*, n.d., probably Mar. 1773.

<sup>97</sup> Mingay, *Enclosure*, p. 70.

<sup>98</sup> Bodl. MSS.d.d.Harcourt c.279, Burton to Harcourt, 15 Jan. 1772. See also, Beresford, ‘Commissioners’, p. 132.

<sup>99</sup> Bodl. MSS.d.d.Harcourt c.279, Taunton to Lady Harcourt, 7 Mar. 1773.

<sup>100</sup> WSRO, Acc.939/8/3, commissioners’ minute book.

particularly since any replacement commissioner had a detailed legal remit to follow. William Jones knew that it was important to make the draft enclosure bill watertight because the House of Commons officers “are apt to be too much in a hurry, & don’t sufficiently guard the Clauses so as to prevent future disputes about the meaning of them”.<sup>101</sup>

At Stanton Harcourt the commissioners actively advertised the abilities of their colleagues. Burton “always” recommended Robert Weston as a surveyor, and “there can be no better a quality man than Mr Watts”.<sup>102</sup> He asked William Bowly to “promote the nomination” of Homer as commissioner for the remaining proprietors of Stanton Harcourt because “his Sentiments in these things coincide with mine and those of Mr Watts with whom he hath often acted”.<sup>103</sup> Even if teams of commissioners did not go as far as offering their services *en bloc* to enclosure promoters, commissioners must have had associates they preferred to work with and, at least at Stanton Harcourt, were not shy of communicating this. It was not always purely by chance through the large number of commissions that some undertook that certain commissioners kept appearing together.<sup>104</sup> Burton, Weston, and Watts worked together in 13 Oxfordshire enclosures, Burton and Watts together in a further 10.<sup>105</sup>

As table 2 indicates, a veteran team of commissioners acted at Stanton Harcourt. Burton served on at least 64 commissioners before his death in 1777, and was probably the most active commissioner in England during this period. Watts and Weston both undertook nearly 30 enclosures in Oxfordshire alone, and were also active in Buckinghamshire and Berkshire.<sup>106</sup> None of the team lived in Oxfordshire. Those administrating at Stanton Harcourt were almost certainly early examples of Chapman’s “small elite” professional enclosure commissioners.<sup>107</sup> This was probably why the allotments in lieu of tithes were left at their discretion. The team completed the enclosure speedily: the award was completed 14 months after parliament passed the enclosure act, an achievement matched in only two of Beresford’s list of 53 enclosures.<sup>108</sup> The choices of the various enclosure interests at Stanton Harcourt were probably efficient even if they not always made first time, and Burton guided their decisions.

**Table 2. Enclosure administrators at Stanton Harcourt**

Name	Residence	Role	Total Oxon enclosures
Francis Burton	Aynho, Northants	Commissioner for the manorial lord	29
Thomas Browne	Cowley, Gloucs	Commissioner for the remaining proprietors	5
John Watts	Sulgrave, Northants	Commissioner for the tithe owners	28
John Brickwell	Heythrop, Bucks	Quality man	3
Henry Wright	Eastington, Bucks	Quality man	2
Robert Weston	Brackely, Northants	Surveyor	29

Sources: OA, F22 Vol.III.1841; Oxfordshire CC, *Handlist*.

Note: The initial choice of the remaining proprietors of Stanton Harcourt was Mr Brown of Eynsham, Oxfordshire.

<sup>101</sup> Bodl. MSS.d.d.Harcourt c.279, Jones to Harcourt, 27 Jan. 1773.

<sup>102</sup> *Ibid.*, Burton to Harcourt, 11 Dec. 1772.

<sup>103</sup> *Idem.*, 15 Jan. 1772.

<sup>104</sup> As mooted by Turner, ‘Commissioners’, pp. 125-6.

<sup>105</sup> Oxfordshire CC, *Handlist*.

<sup>106</sup> *Idem.*; Turner, ‘Commissioners’, pp. 121-3.

<sup>107</sup> Chapman, ‘Commissioners’, p. 52.

<sup>108</sup> Beresford, ‘Commissioners’, table 3.

### *Making the enclosures*

The enclosure award was not the end of the Stanton Harcourt enclosure proceedings, for the allocated allotments had to be fenced. Allen contends that many of the construction projects following enclosure were undertaken by non-resident specialised work crews who shifted between enclosures. Employment of outsiders meant that the temporary positive effect of enclosure on local labour demand was insignificant.<sup>109</sup> The indirect and fragmentary evidence at Stanton Harcourt suggests that here the enclosure gave a substantial short-term boost to local employment. William Bowly advised engaging “som good hand’s” to make the Harcourts’ enclosures, because he feared that “the hand’s in that neighbourhood that are good at that work, & fit to be Intrusted with it, will be taken up by the Proprietors on the spot”.<sup>110</sup> All Souls College employed James Long and William Webb, both carpenters from Witney, Oxfordshire, to make and maintain the fences on their allotments, at a cost of £691 4s 3d.<sup>111</sup>

Making the enclosures was not always straightforward. Webb and Long successfully claimed an extra £4 after having “extraordinary and unforeseen Trouble” hedging the allotments of All Souls College, although this was a trivial proportion of the £687 the work had been originally contracted for. One important problem was protecting the quick hedges in their early years when they were vulnerable to weather and cattle. Harcourt attempted to prevent floods reaching the young hedges by building barricades by the river and by fencing low lying areas with posts and rails. Despite these precautions floods in the spring of 1774 and 1775 damaged hedges and ditches in the former common and Sutton Leys, and in March 1776 the hedges needed repairing due to snow damage. A month later the lands were flooded once again.<sup>112</sup>

The experience of John Sibthrop in the neighbouring parish of South Leigh indicates the potential trials of directing enclosures. Sibthrop complained that, “the Cares of South Leigh are yet so heavy, that they require all my strength of mind”. In October 1793 he was employing 54 workmen, and his other troubles included a tithe holder who was antagonising his tenants and the need to challenge cottagers’ claims to common rights. The enclosure forced him to abandon plans to travel to Germany. Sibthrop eventually left England in April 1794, but in a fever. Plagued by continued ill health, he died in 1796.<sup>113</sup>

Given the difficulties of obtaining the consent to enclose, and supervising the actual enclosures, it is little wonder that the Reverend Joseph Hoare wished the Harcourts well in their “arduous undertaking”.<sup>114</sup> But parliamentary enclosures provided landlords with benefits as well as costs, and these usually came from higher rents.

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<sup>109</sup> Allen, *Enclosure*, pp. 163-7.

<sup>110</sup> Bodl. MSS.d.d.Harcourt c.279, Bowly to Lady Harcourt, 4 Feb. 1773.

<sup>111</sup> Bodl. MSS.d.d.All Souls c.192/62.

<sup>112</sup> Bodl. MSS.d.d.Harcourt c.279, enclosure account.

<sup>113</sup> WSRO, Hawkins papers, II/1/237, II/2/237, 239-42, 244.

<sup>114</sup> Bodl. MSS.d.d.Harcourt c.279, Hoare to Harcourt, 12 Dec. 1772.

## 5. Rent

### *Under-renting on open-field land*

The economics of letting land is complicated, if only because there was probably some “positional premium” attached to land over and above its economic value, at least in the nineteenth century.<sup>115</sup> Allen believes that large landowners were often reluctant or incapable of charging tenants the full rack rent for reasons of social responsibility, popularity, politics, or bounded rationality. Thus at least some open-field land was under-rented.<sup>116</sup>

What evidence exists at Stanton Harcourt relates to beneficial leases not rack rents which was Allen’s chief concern, and gives no clear indication of any under-renting of open-field land. John Sutton rented a farm from Hugh Bosvile on a lease for lives, paying an annual rent of £16 although Bosvile valued the land at £40 per year.<sup>117</sup> The rent may still have covered the economic value of the land once account is taken of the entry fines and herriots that Sutton presumably paid, but unfortunately details of these amounts do not survive. William Jones reported that Lady Delamer leased an estate for life at the same rent as had been charged a century earlier. Once her lease fell in, he reckoned that if the rent was raised by as “much as [the land] may be really worth”, then the payment would rise by a third.<sup>118</sup> This suggests that Delamer’s rents were low relative to the value of her estate but, again, in the absence of details of any other payments she might have made it is impossible to be sure.

### *Rent illusion*

Clark’s work suggests that most contemporaries did not suffer from rent illusion, defined as a failure to adjust the rent gains following enclosure for those rises that would have followed anyway from tithe commutation and general rent inflation. It is unknown what magnitude of predicted rent increases caused the tenants of large and especially small estates in West Haddon, Northamptonshire, to oppose enclosure.<sup>119</sup> Two of the Stanton Harcourt enclosure participants did estimate the rent increases they thought would follow enclosure, allowing a direct test for the existence of rent illusion.

Commissioner Burton thought rents on Harcourt property “might improve about a third from the present”, but it is not clear what factors (if any) he is taking account of.<sup>120</sup> William Jones predicted that once the lease of Lady Delamer’s estate fell in, rents would rise by a third to as “much as [the land] may be really worth, tho’ no Inclosure took place”. After enclosure the rents should improve “a third more”, but he may or may not be including a factor for tithe commutation in this figure.<sup>121</sup> This fragmentary evidence suggests that at least some personalities involved in the enclosure decision making process were aware of the need to deflate rent increases for inflation and tithes. But did these expectations of rent gains turn out to be correct?

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<sup>115</sup> Beckett, *Aristocracy*, pp. 43-9; Allen, ‘Price’; Offer, ‘Tenure’; Clark, ‘Land hunger’.

<sup>116</sup> Allen, *Enclosure*, pp. 182-6; also, Mingay, *Landed society*, pp. 52-4, 60-1, 186-8.

<sup>117</sup> Bodl. MSS.d.d.Harcourt c.279, Bosvile to Harcourt, 13 Aug. 1773.

<sup>118</sup> *Ibid.*, letters from Jones, 11 Jan. 1773; Lady Delamer, 11 Nov. 1772.

<sup>119</sup> Neeson, *Commoners*, p. 204.

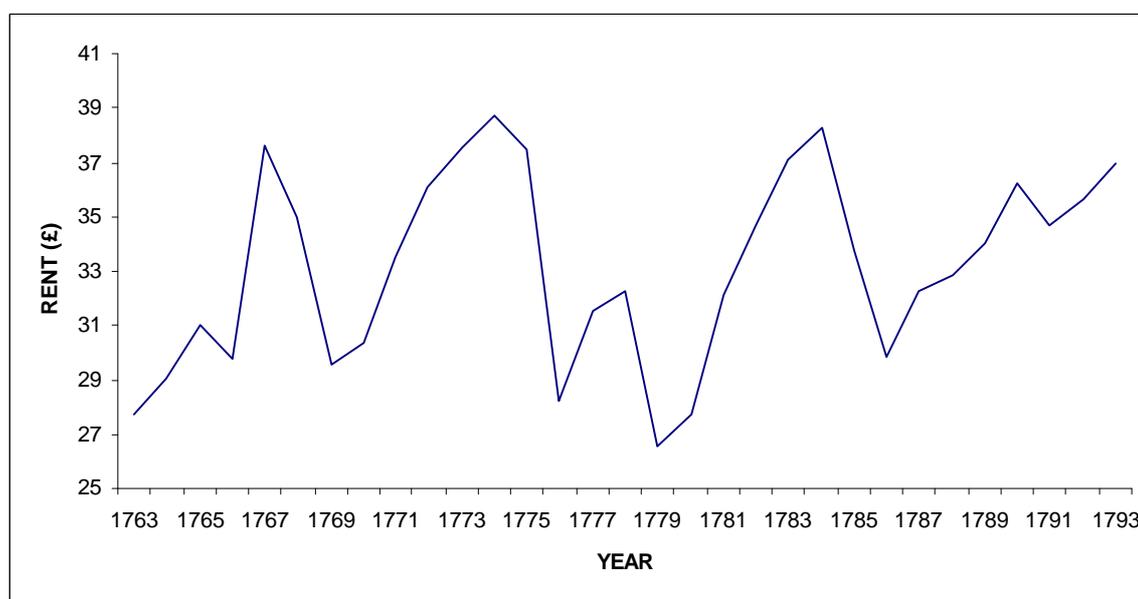
<sup>120</sup> Bodl. MSS.d.d.Harcourt c.279, Bowly to Lady Harcourt, 14 Jan. 1773.

<sup>121</sup> *Ibid.*, Jones to Harcourt, 11 Jan. 1773.

### *Rents at Stanton Harcourt before and after enclosure*

The survival of two separate time-series of rentals relating to property in Stanton Harcourt makes it possible to trace movements in rents before and after the 1773 enclosure. Figure 1 shows the income All Souls College obtained from leasing out land in Stanton Harcourt ten years before and twenty years after enclosure. The College rented land to two tenants. In 1799 its main estate probably comprised of c.364 acres, two-thirds of which was arable land with the remainder meadow or pasture. Nearly ten acres were old enclosures, all meadow land. The College also leased 6 acres called Parson's Wood.<sup>122</sup> It is not clear if the rents recorded are those assessed or received. The latter is a superior indicator of the perception of the value of agricultural land because it reflects the tenants' ability to pay rather than prior agreements between landlord and lessee over the sums due and payable.<sup>123</sup>

**Figure 1. Rent on All Souls College Property at Stanton Harcourt, 1763-93.**



Sources: Bodl. MSS.d.d.All Souls a.31-62 (all p. 20), All Souls College rentals.

Whatever the uncertainties attached to what precisely is covered, figure 1 indicates that there was no clear rent rise in two decades following enclosure. The annual fluctuations are due to the nature of the College's leases. Over this period the annual rent consisted of a fixed payment and a variable payment dependent upon agricultural prices. The tenant of the main College estate paid an annual sum of £6 13s 6d and a delivery of 4 quarters and 12 bushels of wheat and 6 quarters of malt, or payment of the equivalent at market prices. Making part of the rent charge dependent upon prices gave the College protection against unanticipated inflation, but it was no

<sup>122</sup> Bodl. MSS.d.d.All Souls c.192/63-4; c.194/22.

<sup>123</sup> Turner et al, *Rent*, pp. 151-2.

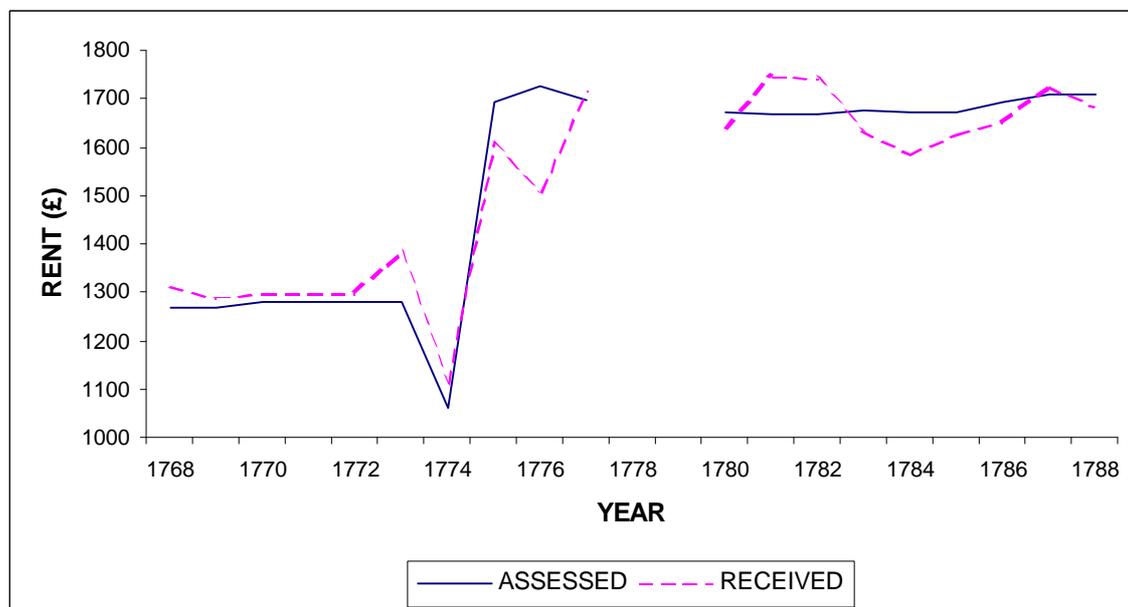
innovation of the 1770s: a 1727 lease for College lands in Stanton Harcourt contains an analogous arrangement.<sup>124</sup>

All Souls College rented out both estates on the same terms throughout this period, and so the enclosure did not alter the tenurial arrangements they set. For the bursary of the College, parliamentary enclosure was not an opportunity to catch-up upon unanticipated inflation because it had already learned how to protect real rents while giving tenants long-term security. By leaving post-enclosure leases unchanged the College handed all the productivity gains and risks from enclosure to its tenants.

A second set of information on rents comes from a set of estate account books for land in the parish belonging to the Harcourt family. Each of the rent books is legible and well ordered into a common format. The entries list the annual rent of each tenant down to the last ¼d, with the amount paid and still due, occasionally naming the property leased. Figures for arrears make it possible to calculate both rents assessed and received. In three cases arrears went ‘missing’ between consecutive years because they were not recorded as being dropped or paid. It was assumed that the arrears was dropped, but the largest amount lost was under £5.

Harcourt leased out c.1,868 acres in Stanton Harcourt. Roughly a third of this land was arable, a third old enclosures, a quarter commons, a tenth meadows, and the remainder gardens and orchards. Most tenants rented a mixture of at least two categories.<sup>125</sup> Rents from cottages were included in the Harcourt agricultural rent series because it is only justifiable to deduct these rents when the cottages are leased separately from agricultural land and/or to non-agricultural workers.<sup>126</sup> Figure 2 presents the time-path of Harcourt rents at Stanton Harcourt 5 years before and 15 years after the 1773 enclosure. The break in the series is because no comparable account books survive for 1778-9.

**Figure 2. Rent on Harcourt property at Stanton Harcourt, 1768-88.**



Sources: Bodl. MSS.d.d.Harcourt c.146/6, pp. 2-9, 12; c.147/6, pp. 2-9, 12; c.148/6, pp. 2-9, 12; c.149/4, pp. 2-9, 12; c.149/10, pp. 2-9, 12; c.150/5, pp. 2-9, 12; c.151/4, pp. 2-9, 11; c.151/11, pp. 2-7, 9; c.152/7, pp. 2-7; c.153/7, pp. 2-7; b.10, pp. 7-8, 35-6, 39, 103-4, 131-2, 156-7, 180-1, 204-5, 229-30.

<sup>124</sup> Bodl. MSS.d.d.All Souls c.194/21.

<sup>125</sup> Bodl. MSS.d.d.Harcourt c.277, 1774 rental.

<sup>126</sup> Turner et al, *Rent*, pp. 79-80.

Rents fell in 1774 because Harcourt allowed his tenants the rent for three-quarters of their three crop arable land, as required by a compensation clause in the enclosure act.<sup>127</sup> Figure 2 indicates that the main increase in rents after enclosure was a one-off increase immediately after it, as also happened on Purdum's Nottinghamshire manors.<sup>128</sup> There was much individual variation on the extent of this rise. Rents assessed on Place farm increased 77% over 1773-5, while William Warner's rent for Johnson's Grounds, Tar Grounds, and Syndrey rose by just 10%. The post-enclosure quit rents of Harcourt's tenants holding customary leases for lives were unchanged from their pre-enclosure levels (on such leases the tenant paid a large entry 'fine' and a peppercorn annual quit rent). Over the Harcourt estates as a whole rents grew at a higher trend rate before enclosure than after 1775, for both rents assessed (0.16% p.a. versus 0.08%) and received (1.04% p.a. vs. 0.36%).

Following Clark, the 'gross' rent statistics in figures 1 and 2 do not fully reflect income actually gained from the land.<sup>129</sup> The 'net' rent received by the landlord is:

$$\text{NET RENT} = \text{RENT PAYMENT} + \text{TIMBER INCOME} - \text{REPAIR COSTS} - \text{TAXES SPECIFIC TO LAND PAID BY LANDLORD} - \text{TITHES PAID BY LANDLORD} \quad (1)$$

Previous contributions to the literature do not make all these modifications, presumably because of a lack of data.<sup>130</sup> There is no information on the elements of equation (1) for the property of All Souls College, but the Harcourt estate account books do give the relevant figures. Using data for 1773 and 1776-7, Walton found a "considerable" rise in income on Harcourt land after the enclosure.<sup>131</sup> But for a completely accurate picture it is necessary to extend the time-period under investigation, and also to take account of post-enclosure changes in the expenditure parts of equation (1).

Harcourt paid his tenants' taxes but not their tithes. Annual income from timber sales averaged 7.7% of post-enclosure gross rent received, with the equivalent figure for taxes 9.6%. Sometimes the relevant figures for expenditure on buildings and repairs were not included under the sub-heading of "buildings and repairs" but entered under other categories such as "paid to labourers". There may be occasional errors in the re-allocation of such spending, but because the individual items are at most usually only a few pounds, the magnitude of these is unlikely to be enormous. Adjusted expenditure on buildings and repairs increased substantially after 1773. According to Walton this rise was "undoubtedly" due to the enclosure.<sup>132</sup> It was assumed that enclosure did not significantly increase underlying maintenance costs on existing buildings. All of the observed increase was deemed as being induced by enclosure – for example from the construction of new buildings – and treated as an enclosure cost. The annual deduction for underlying repairs expenditure in equation (1) after 1773 was taken as the unweighted mean of the level of spending during the five years before enclosure, equivalent to 3% of average post-enclosure gross rent received.

<sup>127</sup> Bodl. MSS.d.d.Harcourt c.151/4, p. 2; 13.Geo.III.185, p. 27.

<sup>128</sup> Purdum, 'Enclosures', p. 318.

<sup>129</sup> Clark, 'Land hunger', p. 65.

<sup>130</sup> Listed in idem, 'Commons sense', fig. 2.

<sup>131</sup> Walton, 'Farmers', p. 241.

<sup>132</sup> Idem, 'Aspects', p. 59.

Post-enclosure gross rents also need to be adjusted for the increased value of the enclosed land due to tithe commutation. The Stanton Harcourt tithe holders together received about a seventh of the total land enclosed in lieu of most tithes, in line with the national average at this time. These allotments probably do not reflect the true worth of the tithes: because of their relatively strong bargaining position, tithe holders were often overcompensated for the loss of tithes.<sup>133</sup> The annual value of tithes on Harcourt's land was therefore proxied by one-tenth of gross rent assessed in 1773, rather than the one-seventh implied by the commissioners' allocation of land. To capture the effect of tithe commutation, this sum was deducted from gross rents assessed and received for all years from 1774. Where data was missing on the variables in equation (1) over 1778-9, the unweighted mean of the post-1773 values was employed.

To estimate the extent of the income gains due solely to the enclosure, this series of actual net rents needs to be deflated by their time-path had Stanton Harcourt not been enclosed in 1773. This requires making assumptions over the values of the elements of equation (1) had Harcourt's land remained open. Two counterfactuals for the path of unenclosed gross rents assessed and received were derived from the actual rent data. The first open-field counterfactual assumes that there was no difference in the annual growth rates of open and enclosed land. The hypothetical growth rate of gross rents assessed and received in the absence of enclosure was taken to be identical to those rates actually experienced after enclosure (ignoring the initial increase in post-enclosure rents). In the second open-field counterfactual, it was assumed that a difference between growth rates in open and enclosed land did exist. The growth rate of rents had the land stayed open was taken to be those rates experienced over the five years before enclosure.<sup>134</sup> Growth rates for rents assessed and received from the national rack rent index constructed by Turner et al were employed as a third – albeit probably unrealistic – counterfactual path for open-field rents at Stanton Harcourt.<sup>135</sup>

In all three counterfactuals it was assumed that the level of taxes was identical to those experienced after enclosure (repairs expenditure is already set at unenclosed levels). The construction of new hedges upon enclosure would generate more wood resources and thus potential sales than would have been the case on open-field land, but this effect probably only becomes significant in the long-run once the hedges were fully grown. Moreover some wood which might otherwise have been sold may have been used in making the fences. For these reasons the level of wood sales in the open-field counterfactuals was taken to be identical to their actual path after enclosure. Because the tithes would not have been commuted, the deduction of one-tenth of gross rent assessed in 1773 was not made. Tables 3 and 4 give the total actual gain in net rent assessed and received 2, 10, and 15 years after enclosure. Deducting the open-field counterfactual gains from this figure gives the rise in net rents due solely to enclosure.

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<sup>133</sup> Evans, *Tithe*, pp. 98-9.

<sup>134</sup> Cf. Purdum, 'Enclosures', pp. 315-7. Purdum's procedure of estimating hypothetical rents in counterfactual 2 from the relationship between pre-enclosure rents and grain prices was avoided because it appeared difficult to construct a regression equation in which omitted variable bias was trivial.

<sup>135</sup> Turner et al, *Rent*. See the criticisms of this index by Broad, 'Review'; Clark, 'Renting', and the response by Turner et al, 'Reply'.

**Table 3. Post-enclosure total gain in net rent assessed on Harcourt property at Stanton Harcourt (%)**

	1773-5	1773-83	1773-88
Gross Stanton Harcourt	32.3	30.8	33.7
Net enclosed Stanton Harcourt	35.1	27.7	37.5
Gain on top of open-field counterfactual 1	25.2	22.6	25.5
Gain on top of open-field counterfactual 2	25.0	21.7	24.1
Gain on top of open-field counterfactual 3	21.1	7.9	- 1.5

*Sources:* Bodl. MSS.d.d.Harcourt c.146/6; c.147/6; c.148/6; c.149/4, 10; c.150/5; c.151/4, 11; c.152/7; c.153/7; b.10, Lord Harcourt's Stanton Harcourt estate account books. In open-field counterfactual 1 the assumed average annual growth rate of rents had the land stayed open was 0.08% p.a., calculated from the actual movements in gross rents assessed over 1775-88 (after the initial increase in rents after enclosure had occurred). In open field counterfactual 2 the assumed average annual growth was 0.16% p.a., calculated from the actual movements in gross rents over 1768-73. In counterfactual 3 the assumed growth rates were 1.86% p.a. over 1773-5, 1.3% p.a. over 1773-83, and 1.5% p.a. over 1773-88 (from Turner et al, *Rent*, table A2.2).

**Table 4. Post-enclosure total gain in net rent received on Harcourt property at Stanton Harcourt (%)**

	1773-5	1773-83	1773-88
Gross Stanton Harcourt	16.2	18.3	21.8
Net enclosed Stanton Harcourt	16.7	14.0	23.9
Gain on top of open-field counterfactual 1	7.0	6.1	7.9
Gain on top of open-field counterfactual 2	5.4	- 2.0	- 4.7
Gain on top of open-field counterfactual 3	- 1.9	- 7.8	- 2.6

*Sources:* As table 3. In open-field counterfactual 1 the growth rate of rents was 0.36% p.a. (from actual gross rents over 1775-88); in counterfactual 2 it was 1.04% p.a. (from actual rents received over 1768-73). In counterfactual 3 the assumed growth rates were 4.23% p.a. over 1773-5, 1.5% p.a. over 1773-83, and 0.93% p.a. over 1773-88 (from Turner et al, *Rent*, table A2.1).

The tables suggest that the enclosure did not generate substantial net rent gains. Indeed under some counterfactuals, enclosure *lowered* the income Harcourt attained from his land. Table 3 indicates that immediately after enclosure net rents assessed were approximately 25% higher than their level had the land remained open. In counterfactuals 1 and 2 this differential persisted over time. Under counterfactual 3 the extent of the initial post-enclosure rental increase was gradually eroded, and 15 years after enclosure rents would have been marginally higher had the enclosure not taken place.

On the superior indicator of net rent received, table 4 shows that the income gains following enclosure were always marginal or even negative. The precise scenario depends on the open-field counterfactual employed. At best, compared to rents under open-field counterfactual 1, the percentage gain due solely to enclosure was an immediate and persistent 7%. At worst, compared to counterfactual 3 net rents would always have been higher in the absence of enclosure. Under counterfactual 2, enclosure immediately increased rents by 5%, but after 15 years the differential in favour of enclosure had been reversed: rents would have been 5% greater had the land remained open.

In short the actual post-enclosure rise on Harcourt property at Stanton Harcourt were much lower than that usually asserted. Indeed under some scenarios enclosure reduced the amount of income attained from the land. Unfortunately no relevant farm accounts for the parish survive, making it impossible to compare trends in rents with those in agricultural productivity.

### *Leases*

The quit rents of Harcourt's customary tenants were unchanged after the enclosure, suggesting that Harcourt did not use the enclosure to annul and re-negotiate his existing customary leases. This was not unusual: 90% of Buckinghamshire enclosure acts contained a clause permitting re-negotiation of rack rents and another clause specifically protecting other tenurial arrangements.<sup>136</sup> Yet in the eighteenth century landlords began to stop renewing customary leases, instead allowing them to 'run out' after the death of the last named tenant to gain control of the land.<sup>137</sup> So why did landlords not use parliamentary enclosure to accelerate this process?

A partial explanation is that English property law gave customary lessees significant proprietary interests in the land. Such tenants "were treated as owners in enclosure proceedings".<sup>138</sup> Legal constraints on breaking customary leases is one reason for the coexistence of clauses in enclosure acts protecting such leases with others annulling rack rent agreements. In addition the marginal returns from attempting to challenge any legal right to customary leases were probably relatively low. This was because of the characteristics of those leases that proprietors had not already run in: many of these were only for a small number of lives, and were held by old tenants. Such contracts would soon become void through the deaths of the remaining lifeholders. Moreover those leases surviving related mainly to cottages and not to farmland. In the late 1870s 6,833 Oxfordshire cottagers accounted for just 876 acres.<sup>139</sup> As little land was being under-rented the scale of potential rent gains from re-negotiating these leases was fairly limited.

It is not completely clear precisely what property Harcourt's customary leases relate to, but the post-1780 estate rentals list many under the heading of "cottage rents". The ages and year of death of his customary tenants can be obtained from nominal linkage of names with baptism and burial entries in the Stanton Harcourt parish registers. Seven of the 17 tenants were matched in this way, and two additional deaths were recorded in the estate account books. The age range spanned 31-71 years, with two men in their forties and two others in their sixties. Two of the tenants had died by 1777, with four more by 1787 and three others by 1813. The accuracy of these findings cannot be guaranteed, however, because of uncertainties over the successful nominal linkage of names.

No surviving documentation gives any indication of the number of lives remaining on these leases. On only one occasion is it possible to follow what happened to the rent levels on customary leases once they fell in. Richard Bedwell leased Harcourt land in Sutton and Blackditch for his life, paying an annual rent of £1. After his death the property was leased to John Hall, who paid £10 rent in 1774, a

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<sup>136</sup> Turner, 'Enclosures re-opened', p. 3.

<sup>137</sup> Allen, *Enclosure*, pp. 97-101.

<sup>138</sup> *Ibid.*, p. 72.

<sup>139</sup> Bateman, *Landowners*, p. 580.

year when Harcourt did not require full rents to be paid. This gain is of negligible overall importance given that the total rent roll in 1774 was over £1,110.<sup>140</sup>

Superior evidence is available for the copyholders on Lord Dillon's estate at Spelsbury, Oxfordshire, enclosed in 1802. Dillon's rent rolls indicate that those copyholders surviving until the 1810s held their land on the same quit rents as before enclosure. Table 5 reproduces a list of Dillon's lifeholders that record the number of remaining lives in the agreements and the ages of the current and future tenants

**Table 5. Copyholders on Lord Dillon's estate at Spelsbury, Oxfordshire, c.1810**

Lifemaker in 1797	Property	Remaining lives	Ages of current and future lifeholders	Year of first lifemaker's death
Widow Atkins	Close, c.4 acres	2	50 & 20	
Widow Dennett	Ham, houses, 2 half yardlands	[Not listed]		Probably by 1813
Chadlington parish	The late Widow Rolliston's			
Martha Coulling	Cottage and garden	3	86 & 54 & 30	Lease fell in 1821
John Cross	Cottage	1	63	By 1813
W Evans	Dean Mill			
Widow Harris	1 yardland	2	"old" & 50	
Edward Hounslow	Cottage	2	70 & 48	
John Hunslow*	Cottage, garden, pigsty	2	58 & 48	By 1813
Mary Hunslow	Cottage, stable, garden	1	50	
Henry Iszard	House and 2 yardlands	1	60	
William Iszard	Cottage and ½ yardland	1	50	Lease fell in 1820
William Mace#	2 cottages and orchard	2	61 & 30	1812
William Mace	Cottage	1	61	1812
Anthony Mobley	Cottage	3	61 & 60 & 36	
James Pantin	Cottage	2	Unknown & 40	1815; lease fell in
Thomas Perkins	2 cottages and garden	1	75	By 1813
Ambrose Rook	2 yardlands	1	"old"	By 1813
Widow Walker	7 cottages and 7 half yardlands		55	Took annuity

Sources: OA, Dil. II/b/27-30, Spelsbury rent rolls, respectively 1790-7, 1813, 1814-23, n.d. (but for one year 1800-12).

Notes: \* indicates property leased in 1813 by Hunslow's widow after his death; # indicates property leased in 1813 by Mace's daughter Sarah Saunders after his death. A yardland was as much land that would keep a pair of oxen busy through the year. On average the area was c.30 acres (Tate, *Village community*, p. 192).

. Over half of the surviving leases were for one life, and most of the tenants were "aged old". Ten years after enclosure, nearly half of the leases had fallen in due to the deaths of the remaining lifeholders. Of those copyholds that would take more than a generation to run out, the amount of land being under-rented was relatively small because most of the surviving tenants were cottagers, not farmers. A clause in the enclosure bill that allowed copyholders who wished to avoid "the Trouble and Expence of inclosing" to take annuities instead of allotments eliminated the lease of the largest single lifemaker, Widow Walker.<sup>141</sup>

Even if the marginal cost of attempting to break customary leases exceeded the marginal benefit of doing so, this can only explain why landlords did not seek to

<sup>140</sup> Bodl. MSS.d.d.Harcourt c.151/4.

<sup>141</sup> OA, Dil.II/c/4a, p. 14.

annul these tenurial arrangements upon enclosure. The model cannot explain the existence of clauses in enclosure acts specifically *protecting* customary leases. Landlords may well have decided against challenging these leases, but why would they concur with the insertion of a protection clause in the enclosure act? Possibly this was a concession made in order to attain the consent necessary to enclose, but in the absence of any evidence this can only be a speculation.

What further complicates this puzzle is that, in addition to the survival and protection of existing customary leases, some proprietors continued to grant new customary or long-term leases at fixed rents well after enclosure. At Stanton Harcourt, for example, in 1790 the bishop of Oxford granted a lease for three lives for the Stanton Harcourt church and rectory, South Leigh chapel, and 10 acres called Parsons breach.<sup>142</sup> Widow Sarah Black leased land in Sutton from John Bunce of Berkshire for a term of 12 years from 1783 for £90 annual rent. The arrangements could be annulled after four or eight years if either party desired, as long as 12 months written notice was given.<sup>143</sup> The second Earl Harcourt, George, renewed leases with his nine of his current tenants on similar conditions in 1803.<sup>144</sup> In total the leases covered 14 cottages, a public house, and over 1,250 acres of land. Each was for 21 years on a fixed annual rent but, with appropriate notice, the lease could be annulled after seven or 14 years.

## 6. Return

It is possible to estimate the economic rate of return on the enclosure of Harcourt property because their steward William Bowly kept an account. This document details parliamentary fees, the expenses and wages of the commissioners, and the costs of making the enclosures. Receipts from selling chips of wood offset a small amount of this expenditure. In addition it was assumed that any spending on buildings and repairs above the assumed underlying maintenance level was induced by enclosure, and treated as an enclosure cost.

Harcourt's yearly expenditure on and income from enclosure were discounted to their present values in 1773 using a 5% annual discount rate. The use of this figure elsewhere in the estate account books indicates that Harcourt was aware of the need to discount future costs and benefits in this way, although whether this conventional method of project appraisal is appropriate for enclosures is a subject requiring further research.<sup>145</sup> Assuming the procedure is valid, then the total cost of the enclosure was over £3,440 in 1773 prices, or nearly £3 per acre. This figure may understate the actual cost of the enclosure because Bowly's account and indeed most secondary estimates are based on a narrow conception of enclosure costs. Items omitted include the impact of any over-cropping between the decision to enclose and the actual enclosure.<sup>146</sup>

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<sup>142</sup> OA, Misc. Berks. II/1.

<sup>143</sup> Ibid., XVII/7.

<sup>144</sup> Bodl. MSS.d.d.Harcourt c.276/sh22/10-8.

<sup>145</sup> Ibid., c.153/1,p. 35, account book for Hinksey (etc.).

<sup>146</sup> McCloskey, 'Economics', p. 141; Snell, *Annals*, p. 224.

Table 6 gives Harcourt’s average rate of return to enclosure under the first two open-field counterfactuals 2, 10, and 15 years after the enclosure.<sup>147</sup>

**Table 6. Lord Harcourt’s average economic rate of return on enclosure (%)**

	1773-5	1773-83	1773-88
Versus counterfactual 1	- 116.6	- 90.8	- 86.2
Versus counterfactual 2	- 118.0	- 103.6	- 107.6

*Source:* Costs of obtaining the enclosure act and fencing from Bodl. MSS.d.d.Harcourt c.279, enclosure account book; *ibid.*, c.153/7, estate account book for 1777, p. 18. Costs of buildings and repairs and rents taken from Harcourt estate account books 1773-88. The buildings and repairs figure assumes that the underlying maintenance cost was £47.4 per annum (the pre-enclosure unweighted mean), and so any excess was deemed an enclosure cost. Annual cost and income figures were discounted to their present value in 1773 using a 5% interest rate.

Under the assumed discounting profile, economically the enclosure was 100% unprofitable in both the short and long run, although the rate of return did tend to improve over time. Because under some scenarios discounted income received would have been higher had the land remained open, the cost of the enclosure exceeded actual expenditure on it. Even fifteen years after enclosure, Harcourt’s rate of return remained massively negative. Commissioner Burton conjectured that “the field will pay very well for enclosing”, but this belief proved over-optimistic.<sup>148</sup> To pay for the enclosure Harcourt probably had to divert capital from his other Oxfordshire estates which together were making a mean annual profit of over £1,120 during 1770-5.<sup>149</sup>

This result is unusual because most published cost-benefit estimates of enclosures indicate that those enclosing often made substantial profits from the investment. For example, Thompson and Purdum estimated average rates of return on enclosure ranging from three to thirty per cent in the estates and manors they examined.<sup>150</sup> From his Charity Commission data set, Clark calculates that the gross return on enclosing a 50-acre plot never fell below 4% over 1600-1839.<sup>151</sup> The precise figures are not directly comparable with those for Stanton Harcourt because the methodologies slightly differ in all cases, but the divergence is clear.

Yet Stanton Harcourt is not the sole example of an unprofitable enclosure. Large legal costs and the peacetime reduction in cereal prices from their high levels during the Napoleonic wars combined to make the enclosure of Ardington, Buckinghamshire, “a great disappointment” to its owner William Clark. Eventually Clark’s heir sold the estate, citing the costs of the enclosure as a factor forcing this decision.<sup>152</sup> Unprofitable enclosure also caused the three sons of the manorial lord of Willen, Buckinghamshire, “to sell up and get out”.<sup>153</sup> McCloskey cites three other instances where “enclosure was not such a good idea”.<sup>154</sup>

<sup>147</sup> Investment theory usually emphasises the marginal return on capital rather than average return because most textbook models assume that it is possible to increase the amount invested in incremental stages. In the case of parliamentary enclosure the average rate of return becomes more important because such enclosure was usually an all-or-nothing act, that is a discrete rather than a continuous variable.

<sup>148</sup> Bodl. MSS.d.d.Harcourt c.279, Burton to Harcourt, 15 Jan. 1773.

<sup>149</sup> From *ibid.*, c.148/1; c.149/1, 6; c.150/1; c.151/1, 7.

<sup>150</sup> Thompson, *Landed society*, pp. 223-5; Purdum, ‘Enclosures’, table 1.

<sup>151</sup> Clark, ‘Commons sense’, table 11.

<sup>152</sup> Havinden, *Villages*, pp. 48-9.

<sup>153</sup> Reed, ‘Enclosure’, p. 139.

<sup>154</sup> McCloskey, ‘Rent’, pp. 17-8.

Harcourt's rate of return might have been negative because he either overestimated the improved rents or underestimated the required expenditure. It is not possible to tell from the enclosure account whether cost overruns meant that Harcourt incurred significant unanticipated spending, although this was certainly plausible: the experienced enclosure commissioner William Collisson seriously underestimated the costs of enclosing Princes Risborough, Buckinghamshire, although he slightly overestimated those at Amersham.<sup>155</sup> Misperceptions on the income side do not need to be driven by rent illusion, but could come from landlords overestimating the extent of the likely (deflated) increases in net rents. The discrepancy between rents assessed and received shown in tables 3 and 4 suggests that Harcourt may have been too optimistic in his assessment of the improved value of the land. Yet the magnitude of the Harcourts' loss from enclosure is so large that it seems unlikely that misperceptions can provide a sufficient explanation.

An alternative candidate reason for enclosing Stanton Harcourt emphasises the role of risk. McCloskey argues that holdings in the open-fields were scattered because risk averse farmers wanted to hold a diverse land portfolio, thereby insuring themselves against complete crop failure. Enclosure occurred as superior forms of insurance developed and possibly also because of an early modern willingness to assume more risk.<sup>156</sup> A problem with this explanation at Stanton Harcourt comes from McCloskey's point that "it was peasants, not lords, who were achieving insurance by scattering their plots".<sup>157</sup> If the enclosure was undertaken because farmers wanted to move out of the open-field form of insurance, then why was Harcourt willing to play such a prominent role in achieving the enclosure, and also lose so much money on it? Harcourt appears to have been a "Good Landlord" (at least to his tenants at Nuneham Courtney, Oxfordshire),<sup>158</sup> but why would he contribute nearly £3,500 towards the costs of his tenants switching their insurance policies?<sup>159</sup>

Another explanation for the unprofitable enclosure is simply that Harcourt did not intend it to be profitable. Such a motivation was probably uncommon, but it was not unique. Some enclosures in the Cannock Chase, Staffordshire, were driven by non-economic considerations such as emparkment, although most possessed an economic cause.<sup>160</sup> Depopulation in three north Buckinghamshire villages enclosing by agreement was "the consequence of aristocratic taste in landscape gardening rather than any desire to replace arable by pastoral husbandry".<sup>161</sup> Earl Grosvenor, the dominant landowner of St Mary's-on-the-Hill, Chester, enclosed to raise rents and to create a new landscape environment for his expanding Eaton Hall estate.<sup>162</sup>

Harcourt, an amateur architect, is famous for the pulling down and rebuilding of the village of Nuneham Courtney to construct a Palladian mansion and classical temple-church on the original site, so he valued social position and an aesthetic landscape highly.<sup>163</sup> There is, however, no record of analogous undertakings at

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<sup>155</sup> Turner, 'Cost', pp. 41-2.

<sup>156</sup> Esp. McCloskey, 'Risk'; 'New findings'. For a sample of the debates over her model see e.g. Fenoaltea, 'Risk'; McCloskey, 'Comment'; Fenoaltea, 'Reply'.

<sup>157</sup> McCloskey, 'Risk', p. 132.

<sup>158</sup> *V.C.H.*, V, p. 244.

<sup>159</sup> A similar question is raised by Fenoaltea, 'Reply', p. 409n.

<sup>160</sup> Brown, 'Variety'.

<sup>161</sup> Reed, 'Enclosure', p. 143.

<sup>162</sup> Higson, 'Control', esp. pp. 106-12.

<sup>163</sup> Emery, *Oxfordshire*, pp. 128-30; plates 15-6.

Stanton Harcourt, and indeed the area of parkland fell after enclosure.<sup>164</sup> One speculation is that Harcourt did not have sufficient opportunity, for he died three years after the award was completed and spent most of the intervening period in Ireland. His heir might not have valued the project and so did not implement it. Certainly the second Earl Harcourt disliked the formality of Palladian design, and after his father's death had 'Capability' Brown remodel Nuneham Courtney.<sup>165</sup> But landlords could not have completely neglected economics in any decision to enclose because relative prices affect the costs of expressing tastes and preferences.<sup>166</sup> Perhaps Harcourt decided to enclose in 1772 because it was only then that his other estates were generating sufficient surpluses for him to feel able to afford the losses from enclosing Stanton Harcourt.

## 7. Conclusion

In the parliamentary enclosure of Stanton Harcourt most of the critical negotiations were conducted before parliament passed the enclosure bill. The acrimony of some of these debates indicates why Joseph Hoare wished the Harcourts well in their "arduous undertaking". Those personalities possessing relatively strong bargaining positions were able to wring concessions out of Lord Harcourt, and only one man actually registered his opposition to enclosure before parliament. An experienced team of professional enclosure Commissioners oversaw these bargains, and then executed the enclosure relatively speedily. The making of the enclosures possibly gave a substantial short-term boost to labour demand in the parish, although the evidence is indirect and fragmentary.

According to Allen and McCloskey, parliamentary enclosure gave landlords the opportunity to renegotiate many long-term leases to 'catch-up' upon unanticipated inflation. A partial explanation for the coexistence of clauses in enclosure acts annulling rack rent leases but not customary ones is that the likely marginal returns to any attempt to challenge a tenant's legal right to the latter were low. Evidence from Stanton Harcourt and Spelsbury suggests that most of those customary leases that had not already been run in would soon become void through the death of the lifeholders. Moreover most leases related to cottages and so relatively little land was being under-rented. But even if the marginal cost of attempting to annul customary leases exceeded the marginal benefit of doing so, it is not obvious why landlords concurred with the insertion of clauses in enclosure acts specifically protecting these leases.

At Stanton Harcourt the rent gains generated purely by enclosure were well below the magnitude usually asserted. All Souls College was renting out lands on leases giving the College protection for inflation sixty years before the enclosure, while other proprietors were continuing to let out land on long-term fixed rent tenures well after it. The enclosure did not affect the leases on which All Souls College rented out its property in the parish, and so the College handed all the productivity benefits and risks from enclosure to its tenants.

After making the appropriate adjustments to obtain rent actually gained from the land, net rents received on Harcourt property at Stanton Harcourt were at best an immediate and persistent 7% higher than their level had the land remained open. At

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<sup>164</sup> Harcourt, *Account*; Monk, *Stanton Harcourt*; Jefferys, *Oxford*; Davis, *Map*.

<sup>165</sup> Batey, *Nuneham Courtney*, pp. 5, 11, 23.

<sup>166</sup> North, *Institutions*, pp. 84-6.

worst enclosure slightly lowered the income Harcourt received on his estate. The conventional method of project appraisal reveals that for Harcourt the enclosure was nearly 100% unprofitable, in both the short and long run. It seems unlikely that misperceptions over rent gains or enclosure costs could have been solely responsible for the size of this loss. Any attempt to invoke a McCloskite desire to switch out of the open-field system of insurance against crop failure needs to explain why Harcourt contributed nearly £3,500 towards the costs of his tenants changing their insurance policies. Stanton Harcourt is perhaps best seen as an example of enclosure driven by motives other than purely agricultural profits.

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