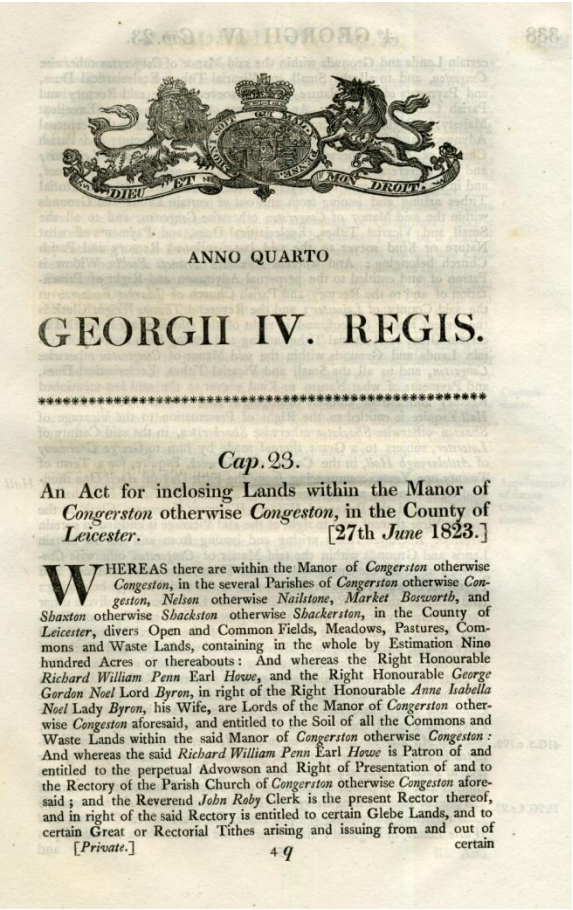
Inclosure

The “enclosure” of lands making up the Congerston manor
was the result of an Act passed in 1823.



ANNO QUARTO

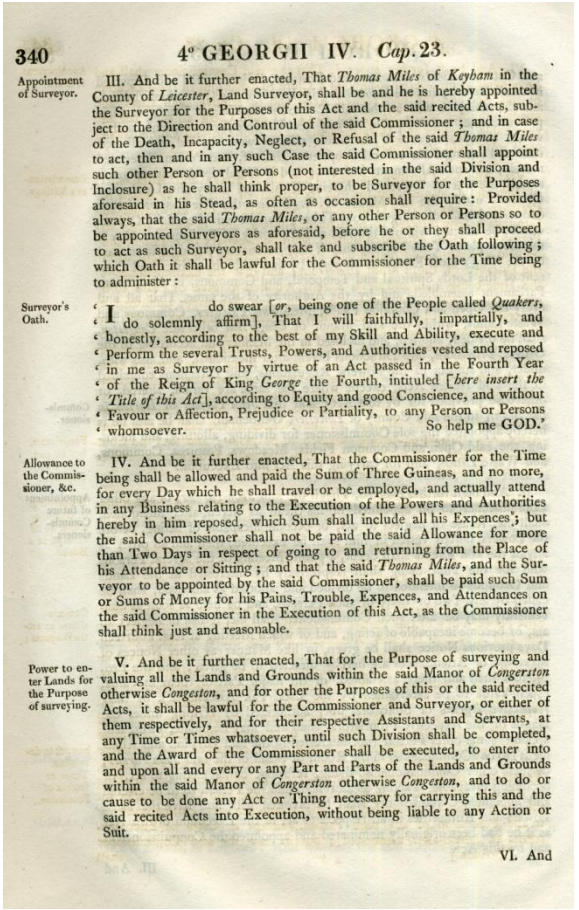
GEORGII IV. REGIS.

Cap. 23.

An Act for inclosing Lands within the Manor of *Congerston* otherwise *Congeston*, in the County of *Leicester*. [27th *June* 1823.]

WHEREAS there are within the Manor of *Congerston* otherwise *Congeston*, in the several Parishes of *Congerston* otherwise *Congeston*, *Nelson* otherwise *Nailstone*, *Market Bosworth*, and *Shaxton* otherwise *Shackston* otherwise *Shackerston*, in the County of *Leicester*, divers Open and Common Fields, Meadows, Pastures, Commons and Waste Lands, containing in the whole by Estimation Nine hundred Acres or thereabouts: And whereas the Right Honourable *Richard William Penn* Earl *Howe*, and the Right Honourable *George Gordon Noel* Lord *Byron*, in right of the Right Honourable *Anne Isabella Noel* Lady *Byron*, his Wife, are Lords of the Manor of *Congerston* otherwise *Congeston* aforesaid, and entitled to the Soil of all the Commons and Waste Lands within the said Manor of *Congerston* otherwise *Congeston*: And whereas the said *Richard William Penn* Earl *Howe* is Patron of and entitled to the perpetual Advowson and Right of Presentation of and to the Rectory of the Parish Church of *Congerston* otherwise *Congeston* aforesaid; and the Reverend *John Roby* Clerk is the present Rector thereof, and in right of the said Rectory is entitled to certain Glebe Lands, and to certain Great or Rectorial Tithes arising and issuing from and out of certain

[*Private.*] 4 *q*



340 4° GEORGII IV. *Cap.* 23.

Appointment of Surveyor. III. And be it further enacted, That *Thomas Miles* of *Keyham* in the County of *Leicester*, Land Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this Act and the said recited Acts, subject to the Direction and Controul of the said Commissioner; and in case of the Death, Incapacity, Neglect, or Refusal of the said *Thomas Miles* to act, then and in any such Case the said Commissioner shall appoint such other Person or Persons (not interested in the said Division and Inclosure) as he shall think proper, to be Surveyor for the Purposes aforesaid in his Stead, as often as occasion shall require: Provided always, that the said *Thomas Miles*, or any other Person or Persons so to be appointed Surveyors as aforesaid, before he or they shall proceed to act as such Surveyor, shall take and subscribe the Oath following; which Oath it shall be lawful for the Commissioner for the Time being to administer:

Surveyor's Oath. ‘I do swear [*or*, being one of the People called *Quakers*, do solemnly affirm], That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and Perform the several Trusts, Powers, and Authorities vested and reposed in me as Surveyor by virtue of an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.’

Allowance to the Commissioner, &c. IV. And be it further enacted, That the Commissioner for the Time being shall be allowed and paid the Sum of Three Guineas, and no more, for every Day which he shall travel or be employed, and actually attend in any Business relating to the Execution of the Powers and Authorities hereby in him reposed, which Sum shall include all his Expences; but the said Commissioner shall not be paid the said Allowance for more than Two Days in respect of going to and returning from the Place of his Attendance or Sitting; and that the said *Thomas Miles*, and the Surveyor to be appointed by the said Commissioner, shall be paid such Sum or Sums of Money for his Pains, Trouble, Expences, and Attendances on the said Commissioner in the Execution of this Act, as the Commissioner shall think just and reasonable.

Power to enter Lands for the Purpose of surveying. V. And be it further enacted, That for the Purpose of surveying and valuing all the Lands and Grounds within the said Manor of *Congerston* otherwise *Congeston*, and for other the Purposes of this or the said recited Acts, it shall be lawful for the Commissioner and Surveyor, or either of them respectively, and for their respective Assistants and Servants, at any Time or Times whatsoever, until such Division shall be completed, and the Award of the Commissioner shall be executed, to enter into and upon all and every or any Part and Parts of the Lands and Grounds within the said Manor of *Congerston* otherwise *Congeston*, and to do or cause to be done any Act or Thing necessary for carrying this and the said recited Acts into Execution, without being liable to any Action or Suit.

VI. And

The Inclosure Acts use an old or formal spelling of the word now more usually spelt "enclosure". They cover enclosure of open fields and common land in England and Wales, creating legal property rights to land that was previously held in common. Between 1604 and 1914, over 5,200 individual enclosure acts were passed, affecting 6.8 million acres (2,800,000 ha; 28,000 km).

Prior to the enclosures in England, a portion of the land was categorized as "common" or "waste" or not in use. Common land was under the control of the lord of the manor, but a number of rights on the land (such as pasture or collection of wood) were variously held by some or all tenants within the manor. Waste was land without value as a farm strip – often very narrow areas (often less than a yard wide) in awkward locations (eg. cliff edges or inconveniently shaped manorial borders). Although was not officially used by anyone, Waste was often cultivated by landless peasants.

The remainder of the land was organised into a large number of narrow strips, with each tenant possessing a number of disparate strips throughout the manor, as would the manorial lord. Called the open-field system, it was administered by manorial courts, which exercised some kind of collective control. Thus, what might now be considered a single field would, under this system, have been divided among the lord and his tenants; poorer peasants (serfs or **copyholders**, depending on the era) would be allowed to live on the strips owned by the lord, in return for cultivating his land. This system facilitated common grazing and **crop rotation**.

Any particular individual might possess several strips of land within the manor, often at some distance from one another. In search of better financial returns, landowners looked for more efficient farming techniques. Inclosure Acts for small areas had been passed sporadically since the 12th century, but with the rise of new agricultural knowledge and technology in the 18th century, they became more commonplace.

Because tenants had legal rights on the land, substantial compensation was provided so that many tenants were active supporters of enclosure, but the acts enabled landlords to force reluctant tenants to comply with the process.

With legal control of the land, landlords utilised innovations in methods of crop production, increasing profits and supporting the **Agricultural Revolution**; the higher productivity also enabled landowners to justify higher rents for the people working the land. In 1801, the Inclosure (Consolidation) Act was passed to tidy up previous acts. In 1845, another General Inclosure Act allowed for the appointment of Inclosure Commissioners, who could enclose land without submitting a request to Parliament.

The tenants displaced by the process often left the countryside to work in the towns. This contributed to the industrial revolution - at the very moment new technological advances required large numbers of workers, a concentration of large numbers of people in need of work had emerged; the former country tenants and their descendants became workers in industrial factories within cities.

This text has been modified from:

https://en.wikipedia.org/wiki/Inclosure_Acts