

Ladies and Gentlemen

I don't know what your Committee had in mind when they made over this meeting to the Archivist, but I know what it left me with - an empty mind, insofar as what I should do.

I gave a resume, or shall I say a sketchy outline of the history of Willoughby at our Annual Meeting and all or most of you have seen the collection of cuttings, papers and photographs etc., so I thought that perhaps you would be interested in a happening; in the village which took place nearly 200 years ago.

I refer to what is called the Inclosing And Dividing the Common Fields, Common Pastures, Common Meadows and Common Grounds within the manor and Parish of Willoughby.

This was done by a certain Act of Parliament Passed in the Thirty Second year of the reign of King George III, 1759.

Did you note that I said a "certain Act of Parliament " Separate Acts for the enclosing of land were passed as and when applied for.

The General Inclosure Act was not passed until 1821!. but from 1700 - 1760, two hundred separate Acts , were passed enclosing 250,000 acres, and from 1762 - 1824, 3,160,000 acres were enclosed by 2,000 Acts, and under the General Act enclosing; continued until the middle of the 19th century.

Until the enclosure, the method of agriculture was the open field method, known to exist since the VII century, being practised by the Anglo-Saxons.

There were two systems, the two field and the three field, the two field being more widely used on the flat lands like .:Warwickshire, the three field in the more fertile valleys, so that it is likely that in Willoughby the two field method was used.

These fields, or allotments were parcelled out in sizes from about; half to one acre, being, roughly the area a plough could cover in a day, and each year a portion was temporarily fenced and lay fallow, on which beasts were turned. When the crops from the remaining-allotments were cleared, the fencing was moved around the entire allotment and beasts roamed, feeding on what was left of the crops until next ploughing time.

This kind of agriculture meant, of course, that there was very little pasture, and with the expansion of the wool trade, farmers whose land was scattered in these small plots anywhere on the common lands desired to bring them together to make larger pastures, and hence bigger flocks. Also there were disputes amongst villagers over trespass, encroachments and moving of land marks •

This was the situation in Willoughby at the time which I have already mentioned. Consequently, because of the agitation over these complaints and the desire to bring together the scattered allotments, four men were commissioned under the Act to, here I quote "to divide and enclose those pieces of land which did be intermixed and dispersed in small parcels in and over the Common Fields, and were most of them inconveniently situated with respect to the several houses in Willoughby aforesaid and by reason whereof a sufficient Quantity of manure and compost could not without great difficulty and expense be conveyed to the same nor frequent trespassers and disputes amongst the several proprietors be prevented which by experience had been found very detrimental and inconvenient to the occupiers thereof, and that so long as the said Common Fields and Common Grounds lay open and commonable and unenclosed they were incapable of improvement.

By comparison, Willoughby Parish is not a large one, being; at that time 1,704 acres (today it is 1759) consisting of 36 yard lands. the Lords of the Manor, the President and Scholars of Saint Mary Magdalene College in the university of Oxford who had the perpetual advowson and patronage of the vicarage; the minister, parson or curate was in right of his Vicarage entitled to Glebe land (possibly about 12 acres) and other pieces of land plus vicarial small tithes, the land being free from land tax, but if such a tax to aid his majesty was, 'by Act of Parliament, imposed on it, it had to be discharged by the other owners and tenants. The Lords of the Manor who with their respective Lessees and Copyhold tenants and trustees for the poor of Willoughby, and as the Commissioners put it "diverse other persons who owned the freehold and property lying in the Common and open fields.

Now the four men who were commissioned were fairly local. Two were from Priors Marston, Thomas Baseley And Job Basely the younger, Thomas Grace of Shawell and John Newcombe of Brincklow, and it was their job to bring about, as they put it "a more just and regular division and distribution of the lands and grounds," so the first thing they declared was that the land should be valued. I suppose we should call it valued, and the Act made provision for the proprietors, if they so desired, to know what the quality was; also that the land should be surveyed, this survey to be made before, or as conveniently after the 1st September 1759, written up and laid before the Commissioners. They in turn were required to set out, divide and allot the Common Fields, Pastures And meadows before, or as soon as conveniently after the 20th March, 1760. 1

Another provision in the Act was that no undue preference to be given to any of the parties concerned in the division and enclosure.

So their first job, after outlining their their own duties, was the calling of a meeting on the 6th April, 1759, to choose the Surveyors. This meeting was held at the dwelling house of one Sarah Kennard, a Widow, and the house called or known by the name or sign of the Red Rose, and here they nominated and appointed George Salmon and James Collingridge, both Land Surveyors. George Salmon subsequently resigned at a later meeting at the house of William Berry, being under the sign of the Dun Cow at Dunchurch a William Freeman. being appointed in his place.

So you see that these two men had only six months to survey, value, measure and stake 1,700 acres of land, and the Commissioners the same length of time to re-allocate the land.

It would appear that as they made their decisions on certain areas of land, meetings were called to acquaint the people concerned that they, the Commissioners, were exercising their powers under the Act.

Notice had to be given in the Church immediately after Divine Service, six days before the meeting.

Now the Lords of the Manor and the Reverend H. Homer the vicar, were entitled to and received small tithes from certain lands they owned. As I have already mentioned the Lords of the Manor had right of patronage and presentation of the vicarage. They were also entitled to the impropriate tithes. These were of corn and grain, "arising, renewing, or increasing, within the common fields" and the Vicar was entitled to the vicarial on small tithes, which were in the form of corn, grain, hay, wool, lamb, milk, calves and also produce from orchards and gardens.

However, this practice ceased when the land was enclosed, and in lieu, the Lord of the Manor and the Reverend Henry Homer, who was the parson at the time, were allotted plots of land from the Common Fields to the same value as the tithes they had hitherto received. This transaction, as far the parson was concerned, did not prejudice his right to any offerings, Oblations, Mortuaries, Marriages, Churching, Burial or other surplice fees.

They were also absolved from paying the costs of digging ditches and planting: quickthorn hedges around their land. The cost being borne, including maintenance, by those whose plots were contiguous.

Another proviso was that the parson. and the Lords of the Manor and their lessees were exempt from providing and keeping any bull or boar for the use of the inhabitants of the village.

Having outlined their intentions how the Inclosure would be carried out, and the land having been qualified, surveyed and staked, the Commissioners were required to make proper orders and directions

regarding fencing: and for the making of roads and passages, as they called them. This to be done soon after the Commissioners had made the partitions and allotment of the Common Land to prevent disputes.

The Instrument, that is the terms for the enclosure, fencing, and roads then had to be written on parchment and signed and sealed by the Commissioners, and within six months of their signing and sealing, had to be enrolled either in His Majesty's High Court of Chancery or in the Court of the King's Bench or Common Pleas at Westminster or the Clerk of the Peace for Warwickshire. A copy also had to be available to all those who were interested in the enclosure. If used in the courts, it was legal evidence that the enclosure and attendant fencing and road making were binding and conclusive upon every person interested and entitled to awards under the enclosure. The Instrument was so binding and so powerful a document that, when produced, it immediately quashed any plaintiffs action (Full Bar).

Wills, Will Settlements, and Settlements made while the land was unenclosed were not affected, now were debt, rent, Incumbrances and any other demands. These all being: transferred to the land allotted in lieu of that which was allocated to other persons.

Today, if we were interested and able to buy a piece of land, or to get detailed information about areas or districts, we would most probably turn to that useful chart the Ordnance Survey Map. these Commissioners and Surveyors had no such luxury. Instead, in awarding; an allotment, they had to refer to titles, people and names by which plots of land were locally known; there being quite a number of these, some of which are used today, e.g. March, Mick Meadow, and Broadymoor.

In allotting a piece of land to the Lords of the Manor and William Smith they write thus - "all that plot, piece or Parcel of land in a certain place called the Mill Field, which said lot , piece or parcel of land is bounded on the East by the Said Turnpike Road, on the South .West by the allotment to the said Patrons and Scholars the said Mary Haynes and the said John Haynes, on the west by the said Jonathon Jephcot, on part of the north by the said Thomas Smith and copyhold. Homeclose and the remainig part of the North by a homestead of old Enclosure of the said William Caldecott in the possession of Robert Hemming" and they go on to order and direct that the dlitches, mounds and fences were to be repaired and maintained by Thomas Smith, and others forever.

**Fences:** With regard to fences, the Commissioners directed that the hedges, ditches and fencing for enclosing and separating the Common Lands etc., were to be made within 12 Calendar months after the signing and sealing of the Instrument. This fencing etc.,

was the only fencing for which they could make an order, but under the Act, permission was given to the respective owners to set down or place, in the term of ten years after 25th March 1760, post and rails or any other fence on the outside of ditches, not exceeding 2ft from the ditches for the better conservation of their young hedges.

The Act also provides that the proprietors had full power to erect gates across the new roads, if by this means it was more convenient to sub-divide their allotments. **See map for gates.** No gates were, however, placed across the Great Turnpike Road.

Roads: The new roads had to be 40'-0" at least between ditches, excepting Bridle roads, which were to be 10'-0". Foot roads 4'-0" and Private Roads 20'-0" some twelve, ten and five. Private Foot Roads 4'-0" and 5'-0". One Private Road 12'-0" across to Sawbridge Mill (map) (Mounds) (Planks). Private Roads were for access only to the public roads, for horses, cattle, carriages and the narrower ones for pedestrian traffic. only (bridle gates size 5'-0" by permission).

The Great Turnpike Road had to be 54'-0" wide between ditches. J

Direction was also made that on footroads awarded for the convenience of travellers passing along these roads, that owners or tenants should set up and forever keep up and maintain proper stiles, gates or planks. They decreed that the freehold and property of the soil on the roads should be vested and remain in the Lords of the Manor, but the Grass and Herbage growing and renewing; on any of the roads and ways ... "shall at all times hereafter be and remain for the use, benefit and advantage to such person or persons the Commissioners in that behalf Award."

Under the Act, the Commissioners directed that "that the Said Public roads shall at all times be repaired and kept in repair for all times thereafter, by the Inhabitants of Willoughby in the same manner as the other roads and ways within the said manor and parish were or ought to have been repaired and kept in repair before the passing of the Act and in accordance to the Laws and Statutes ... provided for the repair of highways in the Kingdom

Also it was made unlawful for other than new roads or ways to be used on foot or with horses and cattle or carriage. The Act did not empower the Commissioners to divert, alter or change the Great Turnpike Road leading from Daventry to the City of Coventry, and must remain 54'-0" broad.

The total area of land awarded to proprietors was 1670 acres 2 roods 35 perches. Land awarded for roads was 33 acres 3 roods 2 perches.

**Costs:** The charges and expenses of obtaining and passing the Act, costs And charges of surveying, admeasuring, dividing, and allotting the Common Lands etc., preparing and enrolling the instrument or Award and all other the charges and expenses of the Commissioners and all other necessary charges had to be borne by the respective Lessees And copyholders tenants of the Lord of the Manor and other proprietors end owners, and others interested in the Common Lands etc., (Lords of the Manor and the Parson excepted)by a pound rate according to the number and value of acres allotted. •should any refuse or neglect to pay their share, provision was allowed in the Act for the commissioners to levy in the manner provided.

The gross sum of the whole of the charges amounted to £889. 19.7.

William Caldecott of Rugby and .William .Freeman were empowered to collect and receive the charges levied and dispose of it in the manner the commissioners had set out.

1. William Caldecott, Commission Solicitor, for his own use £457.16.8. for soliciting, procuring; and obtaining the Act of Parliament, for paying his agents for attendance and for travelling expenses and copying the instrument.

2. To the victuallers and those whose house s were used for meetings £113.12.5.

2. To the Surveyor s £162.6.2. for their measuring etc., and to pay the labourers assisting them.

To the valuers employed by the Commissioners £18.18. 0.

5. To several other labourers, servants and Parish Clerk £13.18.4.

6. To the Commissioners themselves £123.18.0.

Award for the poor of Willoughby: Eighty three acres two roods three perches (Upper and Middle Fields) vested in ten Trustees for Willoughby Charity Lands, the profits, rents, issues to be used towards the repair of the Church and of the causeways and highways in the Town of Willoughby to benefit the poor of Willoughby, and so much of a bridge called Sawbridge bridge within the Parish of Willoughby, and such other charitatble uses as were the donors' intentions •

The bridge mentioned may be what we call the Ford Bridge. Reference to place called Sawbridge Ford being terminal of road from Willoughby to Sawbridge.

Town Close and Gaol Yard - so called because digging for gravel there unearthed the foundations of an old prison.

Both Woolscott and Barbv Lanes start from Guide Post

at top of Shaw Lane.

. Moor Lane - Road to Sawbridge: Started from Willoughby Town at Gaol Yard corner by Moor gutter sides as far as Moat Leys and then up Long moor furlong to the N.E. corner of old Brook Furlong and then to a place called Sawbridge Ford.

Bridle Road to Braunston started at N.E. corner of Brook Furlong Comes out on Turnpike Road N.E. corner of Bury Field.

Bridle Road to Sawbridge via (Mill) 10'-0" wide. Note hedge by waterfall.

Foot road to Woolscott: This road leading to Fox Covert although described a foot road is 40'-0" wide until it reaches Woolscott Parish.

Bridle road to Hillmorton: Started at Guide Post (Woolscot to Barby Ponds) was measured out 10'-0" wide and Came out into the Turnpike and from there along Leicester Lane which part it was measured out at 40'-0" wide but became a footroad before it reached the lane now called Onley Lane from Barby to Rugby.

Gates: By Hobleys until the late 1930's when hedge was planted. Three more between Willoughby and Woolscott. Top of Big Ground. one just past Tansers. One each side of Ford bridge.

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