

# **New Horizons in Enclosure Studies: Parliamentary Enclosure, Common Right, and ‘Open’ and ‘Close’ Parishes in Britain, 1700-1850<sup>(1)</sup>**

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The first charge on the labourers’ ten shillings was house rent. Most of the cottages belonged to small tradesmen in the market town and the weekly rents ranged from one shilling to half a crown. Some labourers in other villages worked on farms or estates where they had their cottages rent free, for ‘Stands to Reason,’ they said, ‘they’ve allus got to do just what they be told, or out they goes, neck and crop, bag and baggage.’ A shilling, or even two shillings a week, they felt, was not too much to pay for the freedom to live and vote as they liked and to go to church or chapel or neither as they preferred.<sup>(2)</sup>

## **1. INTRODUCTION: CONSENSUS AND CONTROVERSY**

If there is one consensus among economic historians of early modern England, it is about the significance of enclosure. It is generally agreed that no economic historical issues of the time can be properly discussed without understanding the nature of enclosure. The sheer volume of existing research on enclosure testifies the weight researchers have given to the subject. This is also true of parliamentary enclosure, the last phase of the enclosure movement. The historiographical extensiveness of parliamentary enclosure studies tends to produce the impression that a consensus may well have been reached on most aspects of parliamentary enclosure and that nothing much is left for a further exploration. This impression is incorrect in two ways. First, disproportionate attention has often been drawn to certain aspects of parliamentary enclosure, while others have been largely neglected. Even research into important issues such as the socio-economic impact of parliamentary enclosure

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(1) The author wishes to thank Richard Smith, Leigh Shaw-Taylor, Ann Thompson, and Tony Wrigley for useful comments on an earlier version of this paper.

(2) Thompson (1973, p. 21) (on the village of Juniper Hill of Oxfordshire in the 1880s).

is far from exhaustive. Secondly, some aspects of parliamentary enclosure have seldom, if at all, been under close examination. The relationship between enclosed and unenclosed ‘villages’ (‘parishes’ in legal terms) in view of labour mobility and social control is one of such aspects. This paper intends to explore these two deficiencies in enclosure studies.

The first deficiency, the inappropriate coverage of some subjects, is best illustrated by a brief review of the historiography of parliamentary enclosure. There have been a number of big swings in the trend of parliamentary enclosure research. Before the First World War, most research took a pessimistic stance, as exemplified by B. and J. Hammond’s monumental *The Village Labourer*, published in 1911 [Hammond and Hammond (1911)]. The authors claimed that the living standards of a large number of agricultural population underwent a considerable decrease. They also argued that parliamentary enclosure rendered the rural population more dependent on wage incomes. During the inter-war period, this social ‘catastrophe’ argument gave way to a revisionist view. Focusing mainly on landholding patterns, a body of new researches stressed continuity, rather than discontinuity, in the economic and social structure of rural communities before and after parliamentary enclosure. Enclosure was claimed to have had little significant impact on landownership, demographic conditions and employment opportunities. The immiseration thesis was unreservedly rejected. This revisionist interpretation, canonized by the publication of J.D. Chambers and G.E. Mingay’s standard textbook *The Agricultural Revolution 1750-1880*, became a new orthodoxy and prevailed well into the post-Second World War period [Chambers and Mingay (1966)]. It was only during the past two decades that novel attempts have been made to counter the revisionist argument. For example, K.D.M. Snell’s analysis of unemployment seasonality from pauper settlement documents lent strong support to the Hammonds’ argument for immiseration. More recently, J.M. Neeson’s *Commoners* proclaimed a revival of the theme of proletarianization, attributing the decline of the peasantry to parliamentary enclosure [Snell (1985), Neeson (1993)]. The counter-revisionist view has since gained some more currency but, all in all, the pendulum seems to be still on the revisionist side.

It should be noted that the disagreements between the revisionist and counter-revisionist schools can be ascribed not only to the difference in detailed research results regarding the impact of parliamentary enclosure but also to the fundamental disagreement on whether

emphasis should be on the issue of immiseration or of proletarianization. Albeit closely interrelated, the two issues should be considered separately, because they did not necessarily go hand in hand. Little research during the past half century has concentrated on the latter issue.<sup>(3)</sup> The first half of this paper is devoted to a critical reassessment of some of the most influential works of the revisionist school. The discussion will provide grounds for the suggestion that further research into enclosure should be made within the context of the counter-revisionist interpretation, with its focus on proletarianization.

The second deficiency in enclosure studies is the neglected issue of the dynamism between parishes under different socio-economic and demographic conditions. One way of approaching this issue would be to investigate the interrelationships between enclosed and unenclosed parishes neighbouring each other. As successful enclosure often involved various social and political motives as well as economic considerations, however, it was not unknown for an enclosed parish to bear no economic relationship of any significance with an adjacent unenclosed parish. This calls for an alternative approach to the issue of inter-parochial relationships.

The paper has recourse to the model of 'open' and 'close' parishes, which many contemporary commentators and later economic historians have considered a highly useful conceptual framework with which to explore the systematic exchange of human and material resources between parishes. Typically, a close parish had either one landlord or a very small number who exercised tight control over settlement business, which resulted in slow population growth and low poor rates. An open parish, by contrast, was characterized by scattered landownership, rapid population growth, and high poor relief cost [Holderness (1972), Digby (1978), Mills (1980)]. Under the laws of settlement, open and close parishes were intimately interconnected through the movements of the labour force.<sup>(4)</sup> The features of open and close parishes were most frequently reported in the mid-nineteenth century, and although some eighteenth-century writings had already mentioned much the same features, it was mainly from the early 1830s that such features began to appear in a considerable number of documents. Some economic historians, such as S. Banks, have found the sudden diffusion

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(3) An exception is the largely ignored article, Lazonick (1974).

(4) For the functions of the laws of settlement, see Taylor (1976), Landau (1988), Snell (1991), Landau (1991).

of the terms of open and close parishes so impressive that they have regarded the concept more as a politically motivated contrivance than as a mirror for reality [Banks (1988)]. The second half of this paper will reconsider this view. It will demonstrate that the issue of open and close parishes had become very real indeed by the 1830s, as the advance of parliamentary enclosure amplified the differentials in socio-economic and demographic conditions across parishes.

## 2. PARLIAMENTARY ENCLOSURE, EFFICIENCY GAINS AND LANDHOLDING STRUCTURE

Conventionally the long history of English enclosure has been periodized into two distinctive phases: Tudor enclosures in the late-fifteenth and sixteenth centuries and parliamentary enclosures in the eighteenth and nineteenth centuries. This simplification can be misleading, not least because a considerable number of enclosures occurred without recourse to parliamentary acts (often called ‘piecemeal’ enclosures) alongside parliamentary enclosures during the eighteenth and nineteenth centuries. It is therefore important to understand why some parcels of land were enclosed by parliamentary acts while others were enclosed by more traditional means (‘by agreement’), as well as why some enclosures took place later than others, and why some land remained entirely unenclosed.

Within this period, there were two distinctive waves of parliamentary enclosure movement. The first came in the early 1770s and the second at the turn of the century. According to M.E. Turner’s much-quoted estimate, there was a total of 5,265 parliamentary acts for enclosure, covering 6.8 million acres or approximately 21% of the total English acreage. About two-thirds of the enclosed land, it has been claimed, was open-field arable and the rest common waste.<sup>(5)</sup> A notable amount of scholarly energy has been devoted to the establishment of the determinants of enclosure chronology. Various economic and social factors have been underlined, which include the price of agricultural produce (with its implications for the occupier’s profit) [Chambers and Mingay (1966, pp. 82-4)], the cost of enclosure [Tate

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(5) Turner (1980, p. 62, 71). For a debate on the extent of parliamentary enclosure over time, see Wordie (1983), Chapman (1984), Wordie (1984).

(1952), Martin (1967a), Turner (1981), Turner (1990)], interest rates [McCloskey (1972, p. 26)], the availability of tenants willing to pay the rents which would justify enclosure [Thompson (1963, p. 226)], ownership structure [Martin (1967b, p. 27)], and the flow of information [Lambert (1955)]. The results have not been altogether uniform and, more importantly, some have suggested that the benefits of parliamentary enclosure were not discernibly greater than its costs.

Other researchers have claimed that efficiency gains from enclosure were in many cases far from substantial.<sup>(6)</sup> In the lowland Midlands, the heartland of parliamentary enclosure, H.L. Gray has suggested that, contrary to the then established view of open-field agriculture,<sup>(7)</sup> progressive development of open-field farming substantially increased production and thus resulted in the delay of enclosure [Gray (1910)]. M.A. Havinden has observed that parish agreements for the regulation of open fields effectively provided enough flexibility to meet changing economic circumstances. He has demonstrated that convertible husbandry, the adoption of fodder crops sown on the fallow, and the redivision of common fields, led to yield increases long before parliamentary enclosure [Havinden (1961)]. R. Allen has claimed that most of the increase in yields between the sixteenth and nineteenth centuries occurred in the open-field system. He has attributed rent rises following enclosure not to increased efficiency but to redistribution of income from farmers to landowners [Allen (1982, 1992)]. D.N. McCloskey has suggested that an important reason for the persistence of open fields was because farmers regarded scattering strips in open fields as an insurance against the risks of agricultural failure [McCloskey (1972, 1975)]. Turner has concluded that 'there was nothing inherently advantageous about enclosures, without the industry and effort of the individual farmer' [Turner (1986)]. Enclosure did not necessarily bring about agricultural improvement. At most, it provided more opportunities.

In some parishes of the south Midlands, there were increases of around 10 per cent in the yields of basic grains, when enclosed fields were compared with open ones [Walton (1976, p.

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(6) Efficiency gains have important implications for the release of workforce from the agricultural sector to the non-agricultural one. If the efficiency gains were small, the size of out-migration was also likely to be small.

(7) The alleged disadvantages of open-field farming include: restriction in crop choice; loss of time working on scatter strips; diffusion of disease amongst livestock; and incapacity for supervision of labour.

479), Turner (1980)]. For other places, the improvements in grain yields were reported to have been greater, around 25 per cent, when comparing enclosed villages with open ones [Yelling (1977, pp. 171-2, 203-4)]. The problem with these productivity studies is that they do not compare the same parishes before and after enclosure, but rather open-field and enclosed parishes coexisting at the same time. It is possible that lands with inherently more fertile soils may have been subjected to early enclosure, and that the yield increases may not have been from enclosure alone but from improved agricultural techniques which happened to accompany enclosure.<sup>(8)</sup>

Where the notion of continuity has been most prevalent is, however, in research on the impact of parliamentary enclosure on landownership structure. It is in fact this theme which has led the revisionist interpretation for decades. Based almost exclusively on the rich dataset of land tax assessments, a vast corpus of works has traced changes in landholding patterns after enclosure. Gray has argued that, contrary to the common belief, parliamentary enclosure was not the cause of engrossment. He has claimed that engrossment of small properties preceded enclosure, that the main role of parliamentary enclosure was to register a *fait accompli*, and that enclosure itself was not disastrous to small landowners and owner-occupiers. A tremendous number of works of similar kind have followed and, although their conclusions have varied, many of them have agreed that the decline of small holdings was not caused by parliamentary enclosure.<sup>(9)</sup> Later works have expanded the focus to include the turnover rates of tenants, especially small farmers. Again, continuity has been underlined: the rates either did not change significantly after enclosure or changed independently of the progress of enclosure. The introduction of leasehold in place of copyhold, an important aspect of the transformation of early modern English agrarian economy, it has been claimed, preceded enclosure in many places [Walton (1976), Taylor (1988)].

Concentration on the changes in landownership and occupational patterns as a major impact of parliamentary enclosure is relevant to one particular circumstance: the enclosures

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(8) This flawed approach is still pervasive. See, for instance, Allen (1992).

(9) Gray (1910). For some of the important works, see Chambers (1940), Grigg (1963), Mingay (1964), Turner (1975). Enclosure, engrossment and consolidation have often been confused and sometimes used interchangeably. Strictly speaking, engrossment involved legal change in the ownership of land, while consolidation was the physical laying together of land, the reorganization of scattered parcels into contiguous blocks.

had to involve predominantly open fields rather than common wastes. It is hardly surprising that most researchers in the revisionist camp have been inclined to give little weight to the extent and value of common right. Chambers has seen common right as nothing more than a 'thin and squalid curtain' hanging between the poor and even greater poverty [Chambers (1940)]. He, with Mingay, has diffused the perception that common right had already been in decline in the centuries preceding the era of parliamentary enclosure [Chambers and Mingay (1966)]. The perception was powerful enough to lead E. Hobsbawm and G. Rudé to begin their authoritative discussion of rural protest in 1830 by stating that ' [t]he agrarian changes which accompanied the passage to industrialism (say, 1760 to 1850) ..... did not turn a feudal countryside into a capitalist one, nor did it simply transform family subsistence cultivators or small market peasants into proletarians. Several centuries of English history had already done most of that.' [Hobsbawm and Rudé (1968, p. 27)]

If the English peasantry disappeared well before parliamentary enclosure, and if the trend of land engrossment and consolidation was not affected to any significant extent by parliamentary enclosure, then the question is whether it is of use to distinguish parliamentary enclosure from the more traditional form. Why did landowners bother to petition for a parliamentary enclosure act which may well have entailed costs much greater than non-parliamentary enclosure would have done? Some historians have suggested that the distinctiveness of parliamentary enclosure lay in the fact that it provided an opportunity for a small number of large landowners to overrule the opposition of a large number of small owners. Under the system where 'the suffrages were not counted but weighed', as the Hammonds have put it, agreement from the proprietors of three-quarters or four-fifths of land was enough to proceed with parliamentary enclosure [Hammond and Hammond (1911, p. 49), Neeson (1993, p. 282 n67)]. Who were the opponents of parliamentary enclosure? What did they have to lose by enclosure? These questions lead us back to the division between open fields and common wastes.

### **3. FROM OPEN-FIELD ARABLE TO COMMON WASTE**

From the discussion in the preceding section it has become clear that research into the

landownership and occupational structure has played a pivotal role in shaping and maintaining the 'continuity thesis', which has underpinned the whole set of revisionist interpretations. The research has been almost entirely based on the rich body of land tax returns. The research, however, is now facing an unparalleled challenge. D.E. Ginter's recent book, *A Measure of Wealth*, has made an exhaustive exploration into various properties of the land tax returns and has offered a most fundamental criticism on the way in which researchers have hitherto used the returns [Ginter (1992)].

The main problems in research of land tax assessments which Ginter has identified include:

1. As nominal linkage between parishes cannot be reliably attempted for people without ascribed titles, false identification of small owners who were in fact large property holders elsewhere is unavoidable;
2. Owner-occupiers recorded in land tax returns were elsewhere large landowners in many cases (probably in temporarily untenanted properties). Such cases will again lead to the false identification of small owner-occupiers;
3. Land with an annual value of under £1 was exempt from taxation. The relationship between the statutory exemption threshold of £1 and the actual rental value was consistent neither within parishes nor between parishes. The extent to which small owners and occupiers were omitted cannot be estimated from land tax returns;
4. Consistent thresholds for class intervals between parishes cannot be identified. An inter-parochial comparison between owners and occupiers with holdings of specified acreage or value is therefore impossible;
5. Revaluation of the tax was normal at enclosure. There is no way of ensuring whether the disappearance of small property bundles from land tax assessments at enclosure was the result of an actual change on the ground or merely of a change in the assessment [Ginter (1992, pp. 16-18, 34-43, p. 48, 266, 273), Shaw-Taylor (1997)].

From these problematic properties of land tax returns emerges the fact that the conventional methodology of comparing landownership and occupation before and after enclosure can no longer be regarded as reliable, not to mention any attempts at cross-sectional comparison of landholding patterns.

If Ginter's work has inflicted crucial damage to one of the most important methodological foundations of the revisionist continuity thesis, a fresh estimation of the extent of parliamentary enclosure of open-field arable and common waste has given another blow to the revisionist interpretation by suggesting a way of revaluating commons and common



rights, and the impact of parliamentary enclosure. Until recently, most economic historians have considered Turner's estimate for around two-thirds of land enclosed by parliamentary acts of open-field arable and one-third of common waste to be a highly reliable figure. Turner has argued that in almost all the counties of southern England common waste subjected to parliamentary enclosure was less than ten per cent of the county acreage, and that the figure constituted less than five per cent in much of the Midlands plain where parliamentary enclosure was most active [Turner (1980, pp. 58-62)].<sup>(10)</sup>

Unconvinced by Turner's estimation, J. Chapman has examined a ten per cent sample of all English enclosure awards. The result has been a surprise: almost 60 per cent of all parliamentary enclosure was of common waste, a stark contrast to Turner's figure [Chapman (1987)].<sup>(11)</sup> The implication of this discrepancy is enormous: if Turner's figure is a significant underestimation of the enclosure of common waste, the revisionist argument which has largely neglected the peasantry on the common can be seriously undermined.

The explanation for this disagreement is found in the way in which Turner has categorized different kinds of land to be enclosed. It should be noted that his analysis has been based on the data collected by W.E. Tate. The method which Tate used was to distinguish between enclosures that included some arable and enclosures that included only common waste. Turner's data is organized in the same fashion. What he meant by the enclosure of open-field arable was in fact the enclosure of lands which may or may not have included some common wastes alongside open-field arables. It is evident that this methodology will lead to an overestimation of the extent of arable enclosure and a corresponding underestimation of the extent of the enclosure of common waste [Tate (1978), Turner (1980), Wordie (1984)].

The significance of common waste is all the more apposite when population distribution is taken into consideration. It has been widely observed that parishes enclosed late had significantly higher population density as compared with those enclosed earlier [Allen (1992, p. 42)]. And late enclosure is more likely to have included a large amount of common waste, not least because of the opposition to enclosure by commoners and others [Turner (1990, p.

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(10) His estimate has been reproduced in many influential books such as Thirsk (ed.) (1989) and Overton (1996).

(11) On the accuracy of Chapman's estimate, see Walton (1990), Chapman (1991a), Walton (1991), Chapman (1991b).

268), Martin (1967b, pp. 22-27), Neeson (1993, pp. 187-220), Eastwood (1996)]. It follows that the population affected by parliamentary enclosure was greater than has often been thought. It is also noteworthy that much common grazing lay outside the common waste, while the 'arable' often contained considerable areas of permanent grass. Furthermore, access to common waste could be critical to the livelihood of many labouring poor even if they had no common right, for they could rent it for grazing a cow, for fuel, and for other materials which would form part of the 'jigsaw of makeshifts' by which poor families made ends meet.<sup>(12)</sup>

How great was the value of common rights? J. Humphries has argued that in the late eighteenth century keeping a cow on common land would yield slightly more than half the average male wage. Although the actual figure may have been somewhat lower than this, given that her estimate of male wages has tended to be rather low, what her estimate suggests is unmistakable: common right meant a lot to people in the lowest strata of society. P. King's evaluation of gleaning has indicated that this customary right constituted a considerable part of household earnings.<sup>(13)</sup> Estimated values of these items and some other common or customary rights are summarized in Table 1.

A considerable proportion of these rights was not fully compensated at the time of parliamentary enclosure. The channels of appropriation varied: 1. Some claims were not recognized by the enclosure commissioners; 2. Allotments given to cottagers at enclosure

<Table 1> Value of access to commons in the late eighteenth century.

Resource	Value	% of family earning
One cow	£7-£10	28-40
A squatter's cottage	£2-£5	8-20
Fuel rights	£2-£5	8-20
Free fattening for a pig	£3-£4 10s	12-18
Gleaning	£1 6s-£3 8s	5-15

Note: Total family earning is taken as £25 (£20 male earning and £5 other 'family' earning).

Source: Shaw-Taylor (1997, p. 21).

(12) King (1991, p. 474), Thompson (1991, p. 177), Shaw-Taylor (1997). In Northamptonshire, Neeson has concluded that about half of the households had common rights for grazing cows [Neeson (1993, pp. 60-64)].

(13) Humphries (1990), King (1991). See also, Neeson (1993, pp. 15-52).

were often worth less than their common rights; 3. Cost of enclosure forced small commoners to part with their allotments; 4. Those who rented common right cottages were not entitled to compensation; 5. Rights of squatters of less than twenty years standing were not recognized; 6. Fuel rights were frequently not compensated [Hammond and Hammond (1911), Shaw-Taylor (1997)]. There certainly was good reason for commoners, and others entitled to customary rights, to resist attempts to enclose. This, in turn, was the main reason why landowners needed parliamentary means for enclosure.

#### **4. FACT OR FICTION?: THE ISSUE OF ‘OPEN’ AND ‘CLOSE’ PARISHES**

It was from the 1840s that the terms ‘open’ and ‘close’ parishes began to be widely used amongst commentators on English rural society. The next two decades saw an increasing number of commentators employing the terms to describe particular situations in many places. One of the best-known pictures of the situation is given in J. Caird’s *English Agriculture in 1850-51*:

There is another evil with regard to the labourer ..... — the system of ‘open’ and ‘close’ parishes, by which the large proprietors are enabled to drive the labourer out of the parish where he works, to a distant village, where property being more divided, there is not the same combination against poverty. It is the commonest thing to find agricultural labourers lodged at such a distance from their regular place of employment, that they have to walk an hour out in the morning, and an hour home in the evening,- from forty to fifty miles a week ... Nor is this the sole evil of practice, for the labourers are crowded into villages where exorbitant cottage rents frequently oblige them to herd together in a manner destructive of morality and injurious to health [Caird (1967, p. 516)].

The quotation depicts several key features: a stark contrast in the landholding pattern in the two different types of parishes; separation of the place of work from that of residence; dismal accommodation conditions and undeservedly high rents in open parishes; and the prevention of settlement in close parishes to keep down the poor relief expenditure.

Other contemporary commentators spoke of further features. Open parishes were claimed

&lt;Table 2&gt; Characteristics of open and close parishes.

Factor	Open parish	Close parish
1. Landownership	Large number of small owners	Small number of large owners
2. Poor Relief	High poor rates	Low poor rates
3. Farming practice	Small farms Peasant families	Large estates Tenant farmers and wage labourers
4. Demographics	Flourishing rural industries High population density Rapid Population growth	Concentration on agriculture Low population density Slow population growth
5. Accommodation	Poor condition High rent Sufficient supply	Good condition Low rent Shortage in supply
6. Religious and social activities	Nonconformity widespread Strong radicalism	Strong Anglican control Deference and paternalism

to be under heavy population pressure. Compared to close parishes, they either had high population density or experienced rapid population growth. Close parishes had a small number of large tenant farmers who employed wage labourers to cultivate large estates, whereas open parishes were marked by peasant families and small farms. Rural industries and crafts flourished in open parishes, whereas close ones specialized in agriculture. It was also noted that Nonconformity and popular radicalism found its stronghold in open parishes, whilst close ones were under the strong control of Anglican establishment [Mills (1980), Banks (1988), Song (1998a)]. Table 2 summarizes the features that commentators associated with open and close parishes.

The terminology gained common currency at a remarkable speed in the period from the 1840s to the 1860s, as the reform of the laws of settlement emerged as a key political issue. The aim of the reform was twofold. One was to render irremovable those who resided for more than a certain period in a parish where they had no settlement, and eventually to extend the unit of settlement from the parish to the poor law union (a new administrative unit created by the new poor law). The other was to replace the parish with the union for the purpose of raising money for poor relief. These aims were gradually accomplished by a series of acts from 1845 onwards and eventually completed by the Union Chargeability Act of 1865. Throughout the debate, the concept of open and close parishes was used as a powerful polemic weapon against the advocates of the *status quo*.<sup>(14)</sup> Although it is unclear exactly

when the terms originated, it does not seem to have been until the 1830s that they came into general use. B.A. Holderness has claimed that the terminology may have dated from around 1830, and R. Samuel has also speculated that the terms may have been first used in the 1830s [Holderness (1972, p. 127), Samuel (1975, p. 15)]. The poor law report of 1834 demonstrated that, although the terms were not used explicitly, what the terms described was a common phenomenon in many places [P.P. (1834a, pp. 87-88), Song (1998, p. 475)].

To many economic historians of the poor laws and labour markets, open and close parishes were an integral part of English social structure. W. Apfel and P. Dunkley have pointed to the notably heavy pressure of the labouring poor in open parishes after 1834. M. Caplan has demonstrated that the main opposition to the settlement reform came from the 'territorial aristocracy' whose object was 'to keep alive the pernicious distinction between open and close parishes'. His argument has been corroborated by A. Digby, who has ascribed the pertinent parochialism in the mid-nineteenth century to a determination of the landed proprietors to maintain only the 'deserving' poor in their parish and to keep out the 'undeserving' poor. N. Landau and Snell, despite many disagreements over the role of the laws of settlement, have been united in suggesting that the concept of open and close parishes is essential for understanding the operation of the rural labour market under both the old and the new poor laws [Apfel and Dunkley (1985, p. 61), Caplan (1978, pp. 267, 284), Digby (1975, pp. 82-83), Digby (1978, p. 83, pp. 89-96, 120-121, 134-135), Landau (1990, p. 571), Snell (1992, p. 145, 147, 150)].

Others, however, have not been as enthusiastic about the parish distinction. Based on the rapidity with which the issue of open and close parishes was raised and diffused, some have expressed reservations on the value of the issue as a reliable indicator of actual situations. In this vein, B.A. Holderness has argued that '[t]he problem of "open" and "close" parishes itself became a mid-Victorian scandal'. Banks has claimed that open and close parishes could never be regarded as 'a model with predictive powers' and that historians were often 'duped by the laxity of language to turn a nineteenth-century scandal into a twentieth-century model' [Holderness (1972, p. 127), Banks (1988, p. 51, 71)]. They have stressed that there is little

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(14) 28 & 29 Victoria, c. 79. For the legislative history, see Rose (1976), Caplan (1978). Some of important documents are: P [arliamentary] P [aper] (1847), P.P. (1850), P.P. (1860).

evidence for the practice of preventing acquisition of new settlement by cottage destruction. The clearances resulted more commonly from the meagre profitability of the investment in lands and cottages than from the proprietors' intention to depopulate and thus to keep the poor rates low [Holderness (1972, p. 129). Banks (1988, pp. 66-69). Also, Taylor (1989, p. 175)].

Was the issue of open and close parishes just a 'scandal' wilfully exaggerated for political purposes in the mid-nineteenth century? This paper argues otherwise. It claims that the problem of open and close parishes was acute indeed in the mid-nineteenth century and, further, the problem had already become serious by the 1830s, due in the main to the advance of parliamentary enclosure.

First of all, it should be noted that the transitional nature of the acts passed during the period from the 1840s to 1865 could have played an important part in intensifying apprehension about the disturbing effect of the settlement practices. Take the example of the Irremovable Poor Act of 1846.<sup>(15)</sup> This act prevented removal of those who had lived for five consecutive years or more in a parish where they had no settlement. Although the act was certainly a step towards the demise of the open and close parish system to be symbolized by the Union Chargeability Act, its immediate effect was exactly the opposite: it further encouraged close parishes to prevent non-parishioners from gaining a settlement by residing within their bounds for five successive years. It is, therefore, very likely that the conflict over the existing rating system did become more acute in reality.<sup>(16)</sup>

As for the earlier period, it is worth noting that even opponents of the model of open and close parishes, including both Holderness and Banks, have admitted that in many places the demographic changes underlying the formation of different types of parishes had taken place before the nineteenth century and often in much earlier times. The issue of open and close parishes, therefore, should be seen as a long-term phenomenon. The question is what factors were in operation to consolidate or otherwise the open and close parish system. Based on the Oxfordshire cases, the following section seeks to answer this question.

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(15) 9 & 10 Victoria, c. 66.

(16) For the examples of contemporary complaints about the 1846 act, see P.P. (1847, p. 71, pp. 764-765). See also, Caplan (1978, p. 274).

## **5. A CASE STUDY: PARLIAMENTARY ENCLOSURE AND ‘OPEN’ AND ‘CLOSE’ PARISHES IN OXFORDSHIRE**

The statistical analysis of cluster analysis has enabled the investigation of 262 Oxfordshire parishes in the early 1830s. Among six factors conceptualizing open and close parishes as presented in Table 2, four factors for which reliable data are available have been selected for the analysis: landownership, poor relief expenditure, farming practices, and demographic features. The accuracy of available information for housing supply is highly questionable, and no data are available for the quality of accommodation. There was no religious census before 1850, and popular radicalism is practically impossible to quantify. For the variable of landownership, the percentage of land tax that the largest proprietor paid in 1831 was taken.<sup>(17)</sup> For poor relief expenditure, the average poor relief expenditure for 1831 and 1832 measured per pound of property value was used to avoid the problem of yearly fluctuations.<sup>(18)</sup> The percentage of families engaged in agriculture as recorded in the 1831 census was employed for the farming practice variable [P.P. (1833), pp. 490-507)]. Of the demographic features, population density is the most appropriate variable, and population density in 1831 was calculated using the parish acreage data of 1881 for reasons of accuracy.<sup>(19)</sup>

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(17) Land tax assessments, Oxfordshire County Record Office, QSD series. The demerits of the land tax assessments discussed above do not apply to the present approach, which concentrates on the largest landowner and involves no inter-parochial comparison.

(18) P.P. (1835, pp. 337-341). The property value was as assessed in 1815.

(19) Although the 1831 census contained the acreage data, their accuracy is hardly acknowledgeable. In the first attempt to compute the areas of parishes, the 1831 census data were produced by means of glass plates marked in 40-acres squares placed over available county maps, many of which were, as a census officer later admitted, ‘of a questionable character’. The 1851 census availed itself of the tithe surveys conducted during the preceding fifteen years for the purpose of implementing the Tithe Commutation Act of 1836. The surveys were, however, far from completion by 1851. The subsequent Ordnance Surveys during the 1860s and 1870s provided more accurate data of sufficiently wide coverage. The data were recorded in the 1881 census and, hence, my decision to use this census data. P.P. (1833, xxii-xxiii); P.P. (1852-3, clvii-xi); P.P. (1883), pp. 130-139. To check the possibility of parish boundary alterations, I have looked through the censuses from 1831 to 1881.

&lt;Table 3&gt; Cluster analysis of Oxfordshire parishes, c. 1831: cluster centres.

Cluster	No. of parishes	Poor relief expenditure in £	Largest land-ownership (%)	Population density	Agricultural family (%)
1	1	.69	3	1661.5	4.0
2	1	.53	6	4613.6	3.8
3	1	.42	29	316.6	2.0
4	2	.42	5	210.9	13.3
5	1	.37	18	225.8	3.7
6	30	.28	26	56.0	39.1
7	98	.18	25	22.9	71.9
8	63	.15	54	22.5	69.9
9	65	.11	88	14.0	85.4
Oxon.	262	.18	47	59.1	69.5

Source: Song (1998a, p. 477).

&lt;Table 4&gt; Final grouping of Oxfordshire parishes, c. 1831.

Group	Cluster	No. of cass	Description
A	1, 2, 3, 4, 5	6	strong open
B	6	30	weak open
C	7	98	intermediate
D	8	63	weak close
E	9	65	strong close

Through the computerized grouping procedure, the parishes were categorized into nine clusters, as shown in Table 3.<sup>(20)</sup> For analytical convenience, six parishes in the top five clusters were collectively grouped as strong open parishes. The remaining clusters six to nine were identified as weak open, intermediate, weak close, and strong close parishes respectively Table 4. The final grouping has turned out to be highly consistent with contemporary documents reporting Oxfordshire's economy and demography, thus attesting to the robustness of the analysis [Song (1998, pp. 477-479)].

What was the relationship between parliamentary enclosure and the open and close parishes? A disaggregative look at the features of open and close parishes as used in the cluster analysis throws useful light on this. How these features could affect the extent, the

(20) For the cluster-joining method, UPGMA (unweighted pair-group method using arithmetic averages) was used.



timing, and the effect of enclosure is the main concern.

The first feature defining open and close parishes is the proportion of agricultural population. Other things being equal,<sup>(21)</sup> solely agricultural parishes were more likely to be subjected to early and unopposed enclosure. Landowners' expectation of rent increases and, perhaps to a lesser extent, productivity growth could have been a strong incentive for early enclosure. Neeson, in Northamptonshire, has identified parishes resisting enclosure as mixed agricultural and manufacturing ones [Neeson (1993, pp. 281-282)]. Enclosure, in turn, could affect the percentage of families engaged in agriculture. Martin, for example, has argued that enclosure in Warwickshire turned many small tradesmen and craftsmen into agricultural labourers by reducing their holdings and by impoverishing their customers [Martin (1984, pp. 179-188)].

Secondly, consolidated landownership could facilitate early enclosure. It has been a widely accepted revisionist argument that enclosure was merely part of a long-term trend towards landownership concentration. From this viewpoint, it is of little use to distinguish parliamentary enclosures from non-parliamentary ones. When it comes to the decision-making process on enclosure, however, the distinction is crucial. As has become clear from the early discussion in this paper, parliamentary enclosure was distinctive in dispensing with need for unanimity. Where landownership was more diffuse, small owners and tradesmen could resist enclosure, as observed in many places [Martin (1967), Turner (1990), Neeson (1993), Eastwood (1996)].

The peculiarity of parliamentary enclosure appears more clearly when the vicissitudes of common rights are considered. Neeson has argued that piecemeal enclosure and other means had been ineffective in reducing common rights. Only by parliamentary enclosure were common rights exposed to serious curtailment or even extinction [Neeson (1993, pp. 221-258)]. In densely populated parishes, commoners were likely to be in a better position to resist attempts at reducing common rights. It was in these parishes that commoners could well have been more successful in opposing parliamentary enclosure. Low population density could thus be associated with early and unopposed parliamentary enclosure. Once enclosure was carried

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(21) Factors other than the four features used in the cluster analysis, such as agricultural produce prices, interest rates, and soil conditions, are beyond the scope of the present discussion.

out, diminished mid- and long-term employment opportunities often led to out-migration of the labouring poor, and hence further reduced population density.<sup>(22)</sup>

Finally, most economic historians have agreed that enclosure tended to increase poor relief expenditure.<sup>(23)</sup> The diminution of common rights and the reduction in women's employment may have rendered more people chargeable to the parish fund. Further, the consolidation of farms at enclosure may have increased the potential for cost transfer from labour-hiring farmers to other ratepayers who employed fewer labourers and, therefore, may have resulted in heavy dependence on poor relief [Boyer (1990, pp. 85-149)].

The discussion so far thus suggests that there may have been a close relationship between parliamentary enclosure and the open and close parish system. Close parishes, with a high proportion of agricultural population, consolidated landownership, low population density, and a low poor relief burden, could facilitate early and uninterrupted enclosure. Enclosure, in turn, could accentuate the features of close parishes. In contrast, parliamentary enclosure was probably more often delayed or even completely thwarted in open parishes. And this in turn could force the parishes to maintain much of their 'open' characteristics.

Does the Oxfordshire experience support the expected relationship between parliamentary enclosure and the open and close parishes? Using several criteria, a test has been conducted to see if the result of the cluster analysis is consistent with the history of parliamentary enclosure. Tate's data has been utilized for the enclosure history [Tate (1978, pp. 212-220), also Oxfordshire County Council (1975)]. Table 5 gives the results. Column (3) shows the number of parishes in each group enclosed by parliamentary acts. The number of parishes which did not undergo parliamentary enclosure is shown in column (4). Column (5) provides the proportion of parishes enclosed by parliamentary acts to the total. Column (6) gives the mean year when parliamentary enclosures were awarded.<sup>(24)</sup> The final column (7) presents the mean amount of land enclosed by 1831 as a proportion of the parish acreage subject to parliamentary enclosure.<sup>(25)</sup>

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(22) Chambers' revisionist view that enclosure increased employment opportunity may be valid to some extent in the immediate aftermath of enclosure. For a longer-term, however, evidence has indicated the contrary [Chambers (1935), Crafts (1978), Snell (1985, pp. 138-227)].

(23) As a logical consequence, Chambers' conclusion has suggested the opposite tendency.

(24) In cases where the year of award was unknown, one year was added to the year of act.

(25) The analysis used the acreages awarded, except in the cases where such data are unavailable. In

&lt;Table 5&gt; Parliamentary enclosure and open and close parishes in Oxfordshire.

(1) Group	(2) Description	(3) No. of parishes enclosed by act	(4) No. of parishes not enclosed by act	(5) % of parishes enclosed by act	(6) Year of enclosure	(7) % of land enclosed by 1831
A	strong open	2	4	33	1824.0	78.5
B	weak open	25	5	83	1809.4	87.8
C	intermediate	83	15	85	1818.0	80.2
D	weak close	44	19	70	1801.3	88.0
E	strong close	30	35	46	1800.7	97.9
Sum/Avg.		184	78	70	1810.1	86.0

Source: See text.

From column (5) it appears that, with the exception of strong open parishes, the percentage of parishes enclosed by parliamentary acts was lower in close parishes than in weak open and intermediate parishes. The low figure for strong close parishes is particularly notable. This supports my earlier argument that close parishes were more prone to enclosure by agreement. The unexpectedly low percentage in strong open parishes may be attributed to the small sample size.<sup>(26)</sup> Column (6), the mean year of parliamentary enclosure, also displays what is expected from the discussion. The delay in parliamentary enclosure appears to have corresponded more or less to the 'openness' of the parishes.<sup>(27)</sup> Similarly, column (7) shows that, amongst the parishes enclosed by parliamentary acts, close parishes appear to have had a markedly high percentage of land enclosed by 1831, again indicating that close parishes tended to be enclosed earlier than open ones. All these findings demonstrate how much the issue of open and close parishes were interrelated with the parliamentary enclosure history.

An analysis of labour mobility between parishes in Oxfordshire, based on settlement documents, lends a firm support to the present argument. By the end of the eighteenth

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the latter cases estimated acreages, as noted in Tate (1978, pp. 49-50), were used. Parish acreages are from the 1881 census.

(26) The fact that some parishes were never enclosed, either by agreement or parliamentary acts, may have been another reason.

(27) As much as 22.7% of all parliamentary enclosures of Oxfordshire occurred after 1830 [Turner (1980, p. 86)].

century, a sizeable migration took place from open to close parishes [Song (1998b)]. As open parishes were facing labour surplus and close ones labour deficit, the migration from open to close parishes may look puzzling. However, such a migration did make sense under the regulatory framework of the laws of settlement. Although some labourers commuted daily from the open parish where they resided to the close parish where work was available, there were reasons why employers should prefer migrants, particularly those who brought from their home parish a certificate which guaranteed that the labourers would not become chargeable to the parish where they were to work. Those certificated were also refused a new settlement even though they fulfilled conditions which would otherwise permit one [Burn (1831, IV, p. 663)]. By the second quarter of the nineteenth century, labour mobility from open to close parishes had become more regular in Oxfordshire and, indeed, in many other counties. It was in this context that the reform of the laws of settlement was seriously discussed in the 1834 poor law report, although a full-fledged debate on the reform had to await another decade.<sup>(28)</sup>

## 6. CONCLUSION

Throughout this paper, which has combined a critical review of the existing historiography and a case study carried out by the present researcher, it has been demonstrated that, despite the colossal corpus of existing research, there remain many moot points regarding parliamentary enclosure. First, an emphasis has been on the shortcomings of the revisionist interpretation of the impact of enclosure. Studies of landownership and occupational structure, which have formed the core focus of the revisionist school, are now facing a fundamental attack on methodological grounds, triggered by Ginter's recent research. The trend of focusing on open fields and neglecting common wastes has been similarly threatened by a fresh estimation of the extent of parliamentary enclosure on the two types of land and by a series of revaluations of common and customary rights. The relationship between parishes under different socio-economic and demographic conditions, another under-explored field, has been the subject of the latter half of this paper. Adopting the model of open and close

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(28) P.P. (1834b). Question 51 sought suggestions for an amendment of the laws of settlement laws.

parishes, it has investigated the inter-parochial relationship in Oxfordshire in the early 1830s. A comparison of the result with the county history of parliamentary enclosure has produced a solid ground for the argument about the close relationship between the progress of parliamentary enclosure and the development of the distinction between open and close parishes. The distinction between open and close parishes was not confined to the mid-nineteenth century, but it had already been acute in the early 1830s. Evidently, the market-oriented cultivation based on the strong tripartite hierarchy of landowner - tenant farmer - wage labourer (in close parishes) existed side by side with peasant farming and cottage industry associated with the common and customary rights of the labouring poor and their relative independence from people in the upper ranks (in open parishes). This distinction is one of the most crucial elements of early modern British society.

The findings of this paper thus call for a restoration of balance between open-field arable and common waste, cash-crop farming and subsistence farming, the modern tripartite system and the old-fashioned but persistent peasant economy. The subtlety of the balance can best be illustrated by the case of A. Young, a great collector of agricultural data and probably the most influential agricultural reformer of the time. Critical of open-field farming, he played an important role in promoting parliamentary enclosure in the late eighteenth century. At the turn of the century, however, he underwent a conversion as he identified the extent of loss of property and independence among the poor, and of incentives to industry and self-respect as a result of enclosure [Young (1808), also, Mingay (1975)]. Unfortunately, modern economic historians have learned little from Young's case. The present paper urges that it is time to go back to what was behind the change in his attitudes toward parliamentary enclosure.

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