

The Inclosure of Kenn Moor, Somerset, 1810-1815: Part 2: The maps of Kenn Moor and Cleeve Hill Inclosure Award [SHC D\RA/9/6]

YATTON, CONGRESBURY, CLAVERHAM AND CLEEVE ARCHAEOLOGICAL RESEARCH TEAM (YCCCART)

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Part of the depiction of Cleeve Hill on the Inclosure map shows Brockley windmill, presumably still felt to be potentially economically important despite its depiction as a ruin in 1798

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Abstract

A major part of the Inclosure process at the Kenn Moor and Cleeve Hill was the mapping, referred to in the text below. These maps form some of the earliest, local, detailed maps of the areas, although the Inclosure process unfortunately obliterated any pre-existing features (with one or two important exceptions). Further work is planned.

Acknowledgements

As well as 'traditional' archaeological field surveying, YCCCART carries out occasional documentary study, where this is germane to the understanding of the origins and development of areas of local countryside.

Most of the documents used here are conserved, maintained and made available by the South West Heritage Trust through the Somerset Heritage Centre, Taunton, to whom obvious and deep thanks.

Introduction

Yatton, Congresbury, Claverham and Cleeve Archaeological Research Team (YCCCART) is one of a number of Community Archaeology teams across northern Somerset.

Our objective is to undertake archaeological fieldwork to enable a better understanding and management of the heritage of the area while recording and publishing the activities and locations of the research carried out.

Linked reports which should be consulted alongside this are (<http://www.ycccart.co.uk>):

YCCCART 2021/Y11

The Inclosure of Kenn Moor, Somerset, 1810-1815: Part 1: The text of Kenn Moor and Cleeve Hill Inclosure Award [SHC D\RA/9/6]

YCCCART 2021/Y13

The Inclosure of Kenn Moor, Somerset 1810-1815: Part 3: The allotments

Site location



Fig 1: Location

Kenn Moor, a formerly open Common, is centred on ST433684, some 2.5km SE of Clevedon, and 3.5km SW of Nailsea, in the parishes of Yatton and Kenn, in North Somerset. It consists of 4.3 km² of land, largely flat and supporting fields and roads of geometrical pattern.

Land use and geology

Before Inclosure, the land would have been mainly pastoral in nature (although a decoy pool was imposed on its northern edge in 1635 - report to follow); some minor uses would have been peat-digging, gathering of firewood, and so on.

Today, the land-use is almost entirely pastoral, although some small peripheral areas are sometimes ploughed.

The majority of the Moor is of deep peat deposits, although a small area (roughly defined to its east by Kenn Moor Road) lies under the post-Roman alluvium. The site can be seen from adjacent public highways, and by public footpath alongside the Kenn River.

Historical & archaeological context

Inclosure (the process, as opposed to enclosure, the physical reflection of enclosing space on the ground for agricultural purposes) is almost as ancient as the origins of the practice of agriculture itself, probably (opinions differ rabidly!) somewhere in the Middle East / Steppes for Europe, but also almost certainly arising separately and independently in various different continents, and subsequently interblending in a complex way that is still very much in the process of being worked out. Imagine a Europe without potatoes or chocolate or chilis!

The term tends to be used to refer (in Britain, at least) to post-medieval agricultural activity involving large-scale landscape change, of a scope practically unimaginable today outside of totalitarian regimes.

Definitions vary (for example, the definition of Forests in the 12th and 13th centuries as subject to different laws that prohibit much everyday activity, is not usually taken as Inclosure).

Neither is the division of the countryside into smaller agricultural units (the foggily-defined 'field systems' of OS map memory) regarded as such.

At the cost of some loss of subtlety, and no doubt the annoyance of some academic purists, the stages of Inclosure tend to be:

Inclosure by ownership. This happens early in the process (late medieval times to the Highland Clearances) where a landowner is wealthy and powerful enough to simply throw people off the land and enclose (for deer parks, for example, or to graze sheep over former open fields). In our area, this is not very common after the medieval period, but during it, the Inclosure of parks, such as those at Backwell or Congresbury are examples.

Inclosure by agreement. Where a number of land owners (or in some cases, even tenants) agree to enclose lands together, and surround them with physical boundaries, such as a hedge, fence, ditch or wall. These tend to be late medieval to early post-medieval. This is a subtle, often poorly-recorded series of changes to the landscape: well-recorded landscapes such as Marshfield in the Cotswolds give outstanding examples of this, often at the hands of the Codrington family (Russett 1985).

Inclosure by Parliamentary Act. Where a small number of powerful landowners sponsor an Act, to remove Common Rights from traditional holders, enclose the landscape, and parcel out land to compensate for the loss of Rights. The Kenn Moor and Cleeve Hill Act is one of these. They are often carried out in the name of 'Improvement' (usually a term meaning 'putting agricultural policy in the hands of wealthy people', if that is not too cynical a definition). It should not be thought that this was a simple walkover process: there was an agreed procedure which did mollify the effects to some extent, although as with all large scale social changes, there were, of course, 'losers' in the process (although we generally do not remember the 'winners' so well).

And I would add

Inclosure by military diktat. Large areas of countryside have been dedicated to the military in the 19th, but especially, the 20th centuries (Salisbury Plain and Dartmoor spring to mind, and locally, Yoxter Ranges in Priddy). These areas are not necessarily rendered agriculturally unusable, but impose limitations on what change is possible (and ironically, in preventing the profoundly destructive agricultural changes of the mid-20th century, have preserved large areas of heritage and historic landscapes for posterity).

The Act for the Inclosure of Kenn Moor, Moor Street Common and Cleeve Hill took at least five years to come to fruition, and while changes to the landscape were supposed to be made in a year, common sense tells us that the actual enclosure procedure was probably longer drawn out, especially including the necessary land transfers and sales (for example, by those who, allotted land, were unable to afford to ditch and enclose it).

The text below, abstracted from the Award itself (see YCCCART 2021/Y11) explains the process, the safeguards (such as they were) and the role of the Commissioner, Joseph Wollen, in the process.

The almost unimaginable landscape change over this 4.3km² of ancient Somerset countryside and its surroundings (in the smallest detail, imagine looking down the nearly 2km length of straight Kenn Moor Road, when used to the winding lanes of Yatton or Kenn, and enduring the wintry blasts across it before the hedges matured - and remember, this was during the little Ice Age: the last Frost Fair on the Thames was not until 1814), and its concomitant social upheavals would, despite all the attempts in the Act have been volcanic. Let John Clare express it best (after all, he was there):

John Clare: 'The Mores'

*'Far spread the moorey ground a level scene
Bespread with rush and one eternal green
That never felt the rage of blundering plough
Though century's wreathed spring's blossoms on its brow...
Unbounded freedom ruled the wandering scene
No fence of ownership crept in between
To hide the prospect of the following eye
Its only bondage was the circling sky...
Cows went and came, with evening morn and night
To the wild pasture as their common right...*

*Fence now meets fence in owners little bounds
Of field and meadow large as garden grounds
In little parcels little minds to please...
The paths are stopt - the rude philistine's thrall
Is laid upon them and destroyed them all...'*

(la.texas.edu/users/hcleaver/357k/357kClareEnclosuresTable.pdf)

Kenn Moor and Cleeve Hill Inclosure Award (SHC D\RA/9/6): original explanatory introduction:

I Joseph Wollen Do Swear 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 a Commissioner by virtue of an Act for Inclosing Lands in the Parishes of Wrington, Yatton and Kenn in the County of Somerset according to Equity and good conscience and without Favour or affection Prejudice or Partiality to any person or persons whomsoever
So help me God
Joseph Wollen

The above oath was duly administered to the said said Joseph Wollen at Cross in the in the parish of Compton Bishop in the said County of Somerset the Second day of July 1810 by me
John Yeatman one of his Majestys Justices of Peace for the County of Somerset

To all to whom these Presents shall come *I Joseph Wollen* of Wedmore in the County of Somerset Gentleman *Send Greeting Whereas* in and by an Act of Parliament made and passed in the forty first year of the Reign of his present Majesty King George the Third intituled 'An Act for consolidating in one Act certain provisions usually inserted in Acts of Inclosure and for facilitating the mode of proving the several facts usually required on the passing of such Acts'

It was Enacted That no persons should be capable of acting as a Commissioner in the execution of any of the powers to be given by an Act thereafter to be passed for dividing allotting or inclosing any lands or grounds (Except the power of signing and giving notice of the first meeting of the Commissioner or Commissioners for executing any such act and of administering the Oath or Affirmation therein after directed until he should have taken and subscribed the oath or affirmation therein mentioned and directed which oath or affirmation so to be taken and subscribed was thereby directed to be annexed to the Award of the said Commissioner or Commissioners)

And it was in and by the said recited Act further Enacted That a true account and particular Survey Admeasurement Plan and valuation of all the lands and grounds to be divided allotted and inclosed by any such Act And also of all the Messuages Cottages Orchards Gardens Homesteads ancient inclosed Lands and Grounds within any Parish or Manor in which the Lands and Grounds intended to be inclosed were situate should be made and reduced into writing by such Commissioner or Commissioners or by such other person or persons as he or they should nominate or appoint as soon as conveniently might be for the purposes of the said Acts and the number of acres and decimal parts of an acre in Statute measure contained in all the Lands and Grounds directed or authorised to be divided allotted and inclosed And also in all the ancient inclosed lands grounds and homesteads aforesaid and of each and every proprietors distinct property in the same respectively at the time of inclosing such Survey and Admeasurement should be therein set forth and specified And that the person or persons who should make such Survey

Admeasurement and Plan should verify the same upon Oath or affirmation at any Meeting to be held after the making thereof such Oath or affirmation to be administered by the said Commissioner or Commissioners

And it was in and by the said Act further *Enacted* That all bodies corporate or politic who should have or claim any Common or other right to or in any such Lands so to be inclosed should deliver or cause to be delivered to such Commissioner or Commissioners or one of them at some one of such meetings as the said Commissioner or Commissioners for such purpose an Account or Schedule in writing signed by them or their respective Husbands Guardians Trustees Committees or Agents of such their respective rights or shares and therein describe the lands and premises and the respective Messuages Lands Tenements and Heriditaments in respect whereof they should respectively claim to be entitled to any and which of such rights in or upon the same or any part thereof in manner therein prescribed and that such Claims or Accounts should at all reasonable times until after the execution of the Award to be made or thereafter enacted be open to the inspection and perusal of all parties interested or claiming to be interested in the premises their respective Agents or Attornies who might take Copies thereof or Extract therefrom respectively and if any person or persons or body politick or corporate interests or claiming to be interested in the premises should have any objection to offer to any such Account or claim the particulars of such objection should be reduced into writing and signed by them or their respective Husbands Guardians Trustees Committees or Committee or Agents at or before some other Meeting of such Commissioner or Commissioners to be by him or them appointed for that purpose And the said Commissioner or Commissioners was or were and by the said Act further authorized and required [Marginal pencil note: Public Roads] in the first place before he or they proceeded to make any divisions and allotments directed in and by any such Act to set out and appoint the public Carriage roads and Highways through and over the lands and grounds intended to be divided allotted and inclosed and to divert turn and stop up any of the roads and tracks upon over all and any part of the said Lands and Grounds as he or they should judge necessary so such roads and Highways should be and remain Thirty feet wide at the least and and so as the same should be set out in such directions as should on the whole appear to him or them most commodious to the public and he or they were thereby further required to ascertain the same by marks and bounds and to prepare a Map in which such intended roads should be accurately laid down and described and to raise the same by such Commissioner if only one of the major part of such Commissioners to be deposited with the Clerk of the said Commissioner or Commissioners for the inspection of all persons concerned and soon as might be after such carriage roads should have been so set out and such Map so deposited give notice in some Newspaper to be named in such Bill and also by affixing the same upon the Church Door of the Parish in which any of the lands so to be inclosed should be his or their having set out such roads and deposited such Map and also of the general lines of such intended Carriage roads and to appoint in and by the same Notice a Meeting to be had by the same Commissioner or Commissioners at some convenient place in or near to the same Parish or Township within which the said Inclosure is to be made and not sooner than three Weeks after the scite and publication of our Notice at which Meeting it should and might be lawful for any person who might be injured or aggrieved by the setting out such roads to attend and if any such person should object to the setting out the same Then such Commissioner or Commissioners together with any Justice or

Justices of the peace acting in and for the Division of the County in which such Inclosure should be made and not being and not being interested in the same who might attend such Meeting should hear and determine such objection and objections of any other person to any alteration that the said Commissioner or Commissioners together with such Justice or Justices might in consequence propose to make and should and he or they were thereby required according to the best of their Judgement upon the whole to order and finally direct how such Carriage Roads should be set out and either to confirm the said Map or make such alterations therein as the case should require

Provided always that in case such Commissioner or Commissioners should by such Bill be empowered to stop up any old or accustomed passing or leading through any part of the old Inclosures in such Parish Township or Place the same should in no case be done without the continuance and order of two Justices of the peace acting in and for such division and not interested in the repair of such roads and which order should be subject to an appeal to the Quarter Sessions in like manner and under the same forms and restrictions as if the same had been originally made by such Justice as aforesaid And the said Commissioner or Commissioners was or were in and by the said Act further empowered and required to set out and appoint such private roads bridleways footways ditches drains and watercourses watching places quarries bridges stiles mounds fences banks and land marked in over and upon and through or by the side of any Allotments to be made or set out in pursuance of this Act as he or they should think requisite giving such Notice and subject to [---] such examination as to any private roads or paths as are required in the face of public roads and that the same should be made and at all times thereafter supported in repair by and at the expence of the Owners and Proprietors for the time being of the lands and grounds directed to be divided and inclosed in such shares and proportions as the said Commissioner or Commissioners should in and by this or their Award order and direct And that all roads ways and paths over through and upon such lands and grounds which should not be set out as aforesaid should be forever stopped and extinguished and should be deemed as parts of the Lands and Grounds to be divided allotted and inclosed and should be divided allotted and inclosed accordingly

And it was in and by the same Act further *Enacted* that the several shares of and in any lands and grounds which should upon any division be assigned set out allotted and applied unto and for the several persons who should be entitled to the same should when so allotted be and taken to be in full bar of and satisfaction and compensation for their several lands grounds rights of common and all other rights and properties whatsoever which they respectively had or were intitled to in and over the same lands and grounds immediately before the passing of any Act for inclosing the same And that the same Allotments should be severally accepted and taken as such accordingly by the several and respective persons to whom the same should be set out and allotted as aforesaid

And Whereas in and by an Act of Parliament passed in the fiftieth year the Reign of his said Majesty intituled 'An Act for Inclosing lands in the Parishes of Wrington Yatton and Kenn in the County of Somerset *Reciting* therein that there were within the Parish of Wrington in the County of Somerset certain Commons or Waste lands called or known by the names of Wrington Hill and Broadfield Down and that there were within the Parishes of Yatton and Kenn in the said County of Somerset certain Moors Commons or Waste

Lands called Cleeve Hill Kenn Moor and Moor Street Common all together containing by estimation three thousand six hundred and fifty acres or thereabouts

And also reciting that The Right Honorable William Karry Earl of Darlington was Lord of the Manor of Wrington aforesaid and as such was entitled to the Soil of the Commons or Waste Lands called Wrington Hill and Broadfield Down

And also reciting that the Right Honorable John Earl Poulett was Lord of the Manors of Yatton and Kenn and as such was entitled to the Soil of the said Moors Commons or Waste Lands called Cleeve Hill Kenn Moor and Moor Street Common

And also reciting that the said William Karry Earl of Darlington and John Earl Poulett and several other persons in rights of Tenements commonly called Old Auster or Ancient Tenements within the said Parishes of Wrington Yatton and Kenn were or claimed to be entitled to and exercise rights of Common upon the said Commons Moors or Waste Lands called Wrington Hill Broadfield Down Cleve Hill Kenn Moor and Moor Street Common

And also reciting that it has been initially agreed by and between the said William Karry Earl of Darlington and John Earl Poulett and the several other proprietors of the Old Auster or Ancient Tenements within the said several Parishes of Wrington Yatton and Kenn that all rights of intercommonage on the lands intended to be inclosed by the reciting Act and the Act of the forty first year of his present Majesty thereinbefore recited should cease and be forever extinguished And that the whole of the said Commons or Waste Lands called Wrington Hill and Broadfield Down should on the division and inclosure thereof be allotted and awarded unto and be held exclusively by the said William Karry Earl of Darlington and the several Proprietors of the said Old Auster or Ancient Tenements within the said Parish of Wrington And then the said William Karry Earl of Darlington and the several Proprietors of the said Old Auster or Ancient Tenements within the said Parish of Wrington should have no share or allotment in the said Moors Commons or Waste Lands called Cleeve Hill Kenn Moor and Moor Street Common And that the whole of the Moors Commons or waste Lands called Cleeve Hill Kenn Moor and Moor Street Common should on the Division and Inclosure thereof be allotted and awarded unto and be held exclusively by the said John Earl Poulett and the several Proprietors of the said Old Auster or Ancient Tenements within the said Parishes of Yatton and Kenn And that the said John Earl Poulett and the several Proprietors of the said Old Austers or Ancient Tenements within the said parishes of Yatton and Kenn should have no share or allotment in the said Commons or waste Lands called Wrington Hill and Broadfield Down And also reciting that the said Commons Moors and Waste Lands were in their present state incapable of any considerable improvement and it would be very advantageous to the several persons interested therein if the same were divided and specific parts thereof allotted and awarded to each of the Proprietors thereof and persons interested therein according and in proportion to their several rights and Interest

It was in and by the said reciting Act *Enacted* That William White of Sand in the Parish of Wedmore in the County of Somerset Gentleman should be and he was thereby appointed by the Commissioner for setting out dividing and allotting and inclosing the several Commons or Waste Lands within the said Parish of Wrington and for executing all and

every the powers vested in him by the said Acts *Subject* to the Rules Orders Regulations and Directions contained in the said several Acts And that I the before named Joseph Wollen should be and I was thereby appointed the Commissioner for setting out dividing allotting and inclosing the several Moors Commons or Waste Lands called Cleve Hill Kenn Moor and Moor Street Common within the said Parishes of Yatton and Kenn and for executing all and every the powers vested in me by the said Act subject to the rules orders regulations and directions contained in the said several Acts

And it was in and by the said now reciting Act further *Enacted* that each of the said Commissioners and he was thereby required to give public Notice in each of the churches of the respective Parish and Parishes in which the lands to be divided and allotted by such Commissioner were situated upon some Sunday immediately after Divine Service And also in one or more of the Bristol Newspapers of the time and place of the first second and third attendance or meeting and should also give seven days notice in each of the Churches of such Parish and Parishes respectively upon some Sunday after Divine Service of every subsequent attendance or meeting (attendances or meetings by adjournment only excepted) And that all attendances and Meetings of the Commissioner for executing the said Act in respect of the Parishes of Yatton and Kenn should be given or holden within the Parish of Yatton or within Eight Miles thereof

And it was in and by the charges said now reciting Act further *Enacted* that in case any persons or persons should advocate any sum or funds of money for the purpose of defraying the expences of obtaining and pursuing the reciting out and of carrying the same into execution every such person should be repaid the same together with lawful Interest out of the first monies that should be raised for defraying such expences under and by virtue of the reciting Act

And it was in and by the now reciting Act further *Enacted* that it should and might be lawful for the said Commissioner for executing the recited Act within the Parish of Wrington And for the Commissioner for executing the said reciting Act within the Parishes of Yatton and Kenn to borrow and take up of Interest of any person or persons willing to advance and lend the same such sum and sums of money as should from time to time for defraying the portion of the costs charged and expences of passing and executing this the reciting and before recited Act to be paid by such Parishes respectively and that all and every sum or sums of money so to be borrowed together with lawful Interest for the same from the time of borrowing thereof should from time to time be a charge upon the Lands lying within the Parish and respective Parishes on account of which money should be borrowed until the same should be raised by the Sale of Land as in the reciting Act mentioned

And it was in and by the said now reciting Act further *Enacted* That one Moiety of all the Costs Charges and Expenses of preparing and applying for and passing the said reciting Act and the whole of the expences to be incurred in putting the same and the first recited Act into execution as far as respects the said Parishes of Yatton and Kenn and of forming and making Public roads and ways in over and upon the Commons Moors and Waste Lands in the said Parishes of Yatton and Kenn should be raised in the first place by the Sale of the whole of Cleve Hill in the manner in the reciting Act mentioned And in case of

any deficiency arising therefrom then by Sale of a sufficient part of the said Commons Moors or Waste Lands called Kenn Moor and Moor Street Common and for providing a fund for the purposes aforesaid each of the Commissioners for executing the said reciting Act should expose to sale in the manner directed by the said first recited Act such parts and parcels of the said Commons Moors and Waste Lands by the reciting Act directed to be divided and enclosed as lie within the Parish or Parishes in respect of which he was appointed a Commissioner (Except the said Common called Cleve Hill) and which was to be sold and disposed of in the manner therein after mentioned as he should judge most proper and expedient and as should be requisite for the purposes aforesaid and a Conveyance or Conveyances of the same by Lease and Release or by Grant of Bargain and Sale made and executed by the Commissioner who should direct such Land to be sold should be valid and effectual in the law to vest the same in in the Purchaser or Purchasers thereof and his her and their respective heirs and assigns absolute for ever Subject and liable to such orders directions and restrictions as should be laid down and appointed in and by the Award of the Commissioner so conveying the same by the reciting Act directed to be made

And it was in and by the said now reciting Act further *Enacted* that the said Commissioner for executing the now reciting Act within the parishes of Yatton and Kenn aforesaid should and he was thereby authorised and required to set out allot and award the residue and remainder of the said Commons Moors or Waste Lands called Kenn Moor and Moor Street Common within the said Parishes of Yatton and Kenn for and amongst the said John Earl Poulett and the several other Proprietors and persons entitle to rights of Common therein in respect of the Tenements commonly called Old Auster or Ancient Tenements situate within the Parishes of Yatton and Kenn aforesaid according to the number of Old Auster or Ancient Tenements each Proprietor should be entitled without any regards being had to the yearly or other value of such Tenements

And it was in and by the said now reciting Act further *Enacted* that the Commissioner for executing the now reciting Act within the Parishes of Yatton and Kenn aforesaid should and he was thereby required previous to his exposing any Allotment or Allotments of the said Commons Moors or Waste Lands to sale by Auction in the manner and subject to the directions and regulations mentioned and conatined in the first recited and now reciting Act to cause a Survey to be made of the said Common or Waste Lands called Cleve Hill within the Parish of Yatton aforesaid and fix or set a price or value thereon and the same having been so surveyed and valued the said Commissioner was thereby required to offer the said Common called Cleve Hill Common to sale by private contract to the said John Early Poulett or his heirs at such his valuation And in case the said John Earl Poulett should become the purchaser of the said Common called Cleve Hill Common at the valuation of the said Commissioner to convey the same to him in maner thereinbefore directed with respect to the Sale of Land by the Commissioner and the money arising from the Sale thereof should be applied by the said Commissioner towards defraying the costs charges and expences of obtaining and passing the now reciting Act and carrying the same and the first recited Act into execution which were directed to be paid by the persons entitled to the Commons Moors and Waste Lands in the parishes of Yatton and Kenn and the surplus money if any should be applied in the manner in the now reciting Act directed with respect to the surplus of other money to be raised by Sale of Land by

virtue of the reciting Act *Provided always* that in case the said John Earl Poulett should decline to purchase the said Common or Waste Land called Cleve Hill at the valuation of the said Commissioners Then and in such case the said Commissioner should expose the same to Sale by Auction in manner and subject to the directions and regulations mentioned and contained in the said first recited and now reciting Act

And it was in and by the said now reciting Act further *Enacted* that all and every person and persons to or for whom any Allotment or Allotments of the said Commons Moors or Waste lands should be set out staked out and allotted under and by virtue of the now reciting Act should respectively at his her and their expence fence in and inclose the same in such manner and within such time as the said respective Commissioners should in and by their respective Awards or by any written under their hands respectively direct or appoint

And it was in and by the said now reciting Act further *Enacted* that the said respective Commissioners should and might from time to time as they should find convenient deliver to the several persons interested in the several Divisions and Allotments to be set out under the reciting Act possession of their respective Allotments thereby directed to be made and set out and such possession so delivered should be kept and retained by the several persons entitled thereto against all persons whomsoever although the respective Awards by the said Act directed to be made should not at the time of giving or delivering such possession have been made and executed

And it was in and by the same reciting Act further *enacted* that if any person or persons has sold or should at any time his her or their right Interest and Property in or upon the said Commons Moors and Waste lands or any part thereof or in or to his her or their said Allotment of Allotments or any part thereof to any person or persons Then in every such case the said respective Commissioners should and might make an Allotment of land unto the Vendor or Purchaser Vendors or Purchasers in every such Sale Contract or Agreement or to his her or their heirs or assigns for and in respect of such right interest and property so sold as aforesaid or if such Allotment or Allotments or any part or parts thereof should then have been already made to award the same or such part or parts thereof as should sold as aforesaid to such Vendor or Purchaser Vendors or Purchasers his her and their heirs and assigns and every such Vendor or Purchaser Vendors or Purchasers his her or their heirs and assigns should and might hold and enjoy the lands do to be allotted to him her or them as aforesaid in the same manner to all intents and purposes as the Vendor or Vendors in every such sale might should or ought to have hold and enjoy as the same in case such sale had not been made or such rights interests property had remained vested in such Vendor or Vendors as aforesaid

And it was in and by the same reciting Act further *Enacted* that the said respective Commissioners should assign set out and allot unto the Surveyors of the Highways in the said Parishes of Wrington Yatton and Kenn and their tenants for the time being in such manner and under such rules and regulations as the said respective Commissioners should by their respective awards direct or appoint and not otherwise

And it was in and by the same reciting Act further *Enacted* that the said Commissioner for

executing the said Act within the Parishes of Yatton and Kenn aforesaid should and he was thereby authorized to scour and widen and change the course or direction of all and every the ancient ditches drains watercourses tunnels Banks and Bridges in the parishes of Yatton and Kenn aforesaid as he should think proper and necessary for the more effectually draining the said Moors or Commons called Kenn Moor and Moor Street Common And also should and might set out and appoint such new ditches drains watercourses tunnels watergates banks and bridges to be made of such width and depth and extent and in such situation and direction as the said Commissioner should think fit as well through and over the said Commons Moors or Waste Lands thereby intended to be divided and inclosed aforesaid as also in over and though any ancient Inclosures or other Land or Grounds within the said Parishes of Yatton and Kenn aforesaid making such satisfaction to the proprietors of such ancient Inclosures or other Lands or Grounds not thereby directed to be divided and inclosed for the damage done thereby as he should judge reasonable And the said Commissioner should or might and was thereby directed in and by the Award to order and direct by whom at whose expense at what time and in what manner the said ditches drains watercourses tunnels watergates banks and bridges should be thereafter repaired cleansed and maintained *Provided always* that nothing in this Act contained should authorise the said the said Commissioner to divert or turn any watercourse or any Stream Brook or Rivulet without the consent in writing of the respective owners of the lands from or into which the same should be diverted or turned

And it was in and by the said now reciting Act further Enacted that nothing in the reciting Act contained should extend or be constructed or adjudged to revoke make void annul or alter any Settlements Deed or Will or to prejudice any person having any right to or claims of Dower Jointure Rent Service Annuity Debt Charge or Incumbrance whatsoever in out or upon or affecting any Messuages Lands Tenements or Hereditaments which should be allotted or exchanged in pursuance of the said Acts but that the several Messuages Lands Tenements and Hereditaments and other estates so to be allotted or given in Exchange should from and after the making of such Allotments and Exchanges be remain and be held and enjoyed and the several persons to whom the same should be allotted and given in Exchange should from in thenceforth stand and be seised and possessed thereof respectively to such and the same Uses and for such and the same Estates and with such and the same powers and authorities for making Leases or otherwise and subject to the same Wills Limitations Conditions Settlements Uses Trusts Powers Provisoos Rents Debts Charges and Incumbrances as the several Lands Tenements or Heriditaments in respect or in lieu whereof such Allotments or Exchanges should be respectively made were and stood severally limited or subject and liable unto at the time of making such Allotment or Exchanges respectively

And it was in and by the now reciting Act further *Enacted* that it should and might be lawful for me the said Joseph Wollen or any other Commissioner to be elected in ant stead to set out allot and award and Messuages Lands Tenements or Heriditaments whatsoever within either of the said Parishes of Yatton or Kenn in lieu of or in Exchange for any other Messuages Lands Tenements and Hereditaments within either of the said Parishes of Yatton and Kenn or within any Parish Hamlet Township or Place adjoining to the Parish in which the Lands to be exchanged should be situated provided that all such Exchanges be ascertained specified and declared in the Award of the Commissioner by whom the same

should be made with the consent of the Owner or Owners of the Land Tenements and Hereditaments which should be so exchanged whether such Owner or Owners should be a body body politic corporate or Collegiate or a Tenant or Tenants in fee simple fee tail Tail general or special or for life or by the Courtesy of England or for xxx years determination on any life or lives or with the consent of the Guardians Trustees ffeoffees for charitable or other Uses Husbands Committees or Attornies of or acting for any such Owners as aforesaid who at the time of making such Exchange or Exchanges should be respectively Infants ffaners Coverts Lunatics or any other legal disability or who should be beyond the seas or otherwise disabled to act for themselves himself or herself under the such consent to be testified in writing under the Common Seal of the Body Politic Corporate or Collegiate and under the hands of the other consenting parties respectively and all and every Exchange and Exchanges to be made should be good value and effectual in the Law to all intents and purposes whatsoever *Provided* and that no Exchange should be made of any Lands Tenements or Hereditaments held in right of any Church Chapel or other Ecclesiastical Benefice without the consent testified and aforesaid of the Patron thereof and of the Lord Bishop of the Diocese in which such lands tenements or hereditaments so to be exchanged should be and be situated

And it was by the same reciting Act further *Enacted* that as soon as conveniently might be after the Division and Allotment of the said Commons Moors or Waste Lands should have been made and completed pursuant to the directions of the said Act each of the said Commissioners should draw up and form or cause to be drawn up and formed and Award or Instrument in writing with one or more proper plan or plans to each of the said Awards annexed in the manner prescribed by the first recited Act which said Awards or Instruments should be fairly engrossed or written on parchment and signed by the Commissioner making the same and should within Six Calendar Months after the same should have been so signed be deposited with the Clerk of the Peace of the County of Somerset who was thereby required to receive keep and deposit the same amongst the records of the said County for th depositing of which the sum of Three Guineas and no more should be demanded or paid for each Award to the end that recourse might be had thereto by all persons interested in the said Division and Inclosure and that a true Copy thereof or of any part thereof when and so often as the same should be required should be delivered to any person or persons signed by the Clerk of the Peace or his Deputy for the time being purporting the same to be a true Copy which said Copy as also the respective original Awards or Instruments and the copies therein after directed to be written on Parchment and signed by the Commissioners making the same should at all times thereafter be admitted as legal evidence in all Courts whatsoever *And* I the said Joseph Wollen or any other Commissioners acting in my stead was thoroughly directed and required to deliver a Copy of the Award fairly written in Parchment with a proper Plan or Plans annexed thereto and signed by the said Commissioner unto the Churchwardens of the Parish of Yatton aforesaid for the time being to be by them deposited in the Parish Chest of Yatton aforesaid to the end that recourse might be had to such Award by the several and respective Proprietors or parties interested therein as in and by the said two several recited Acts of Parliament relation being theunto respectively had will more fully and at large appear

And Whereas I the said Joseph Wollen having first duly qualified myself to act in the

execution of the powers and authorities by the said cited Acts of Parliament to me given by taking and subscribing the oath directed to be taken in and by the said first recited Act (which oath so taken and subscribed is hereunto annexed) *Did* take on myself the execution of the said Acts of Parliament and did nominate and appoint John Plaister Gentleman to be my Clerk to assist me in the execution of the powers of the said Act

And Whereas I the said Joseph Wollen after giving such notice thereof as is directed in and by the said last recited Act did hold my first attendance or meeting for carrying into effect the powers vested in me in and by the said Acts of Parliament at the Prince of Orange Inn in Yatton aforesaid on Tuesday the twenty first day of August in the Year of Our Lord One thousand eight hundred and ten at which Meeting the majority in value of the Proprietors who were then present did approve of and appoint Messieurs Birch, Pitt, Powell, ffrripp and Brice of the City of Bristol to be the Bankers for recieving all monies to be collected and raised under the said last recited Act And on Wednesday the twenty second Thursday the twenty third and ffriday the twenty fourth days of the same month of August being a continuation of my first meeting I the said Joseph Wollen did on the first two days mentioned did on the two first mentioned days proceed to perambulate ascertain set out determine fix and stake out the boundaries of the said Commons Moors or waste lands called Cleve Hill Kenn Moor and Moor Street Common and on ffriday the said twenty fourth day of August to receive claims and did then receive and order to be filed all such claims as were then delivered to me by the said Proprietors

And whereas I the said Joseph Wollen pursuant to the directions of the said last recited Act and in further execution of the same Did hold the second Meeting for executing the powers vested in me in and by the said Acts of Parliament at the Prince of Orange Inn in Yatton aforesaid on Tuesday the eighteenth day of September in the year of Our Lord One thousand eight hundred and ten and did then receive and order to be filed all such claims as were then delivered to me by the said Proprietors

And Whereas I the said Joseph Wollen pursuant to the directions of the said last recited Act and in further execution of the same after giving such notice as is thereinby directed did hold the third meeting for executing the powers vested in me in and by the said Acts of Parliament at the Prince of Orange Inn in Yatton aforesaid on Tuesday the sixth Wednesday the seventh Thursday the eigth and ffriday the ninth days of November in the year of Our Lord One Thousand eight hundred and ten and did then receive and order to be filed all such claims as were then delivered to me by the said Proprietors and on ffriday the said ninth day of November did attend on Cleve Hill pursuant to my notice finally to ascertain and stake out the boundary between the manors of Yatton and Brockley

And Whereas I the said Joseph Wollen pursuant to the directions of the said last recited Act and in further execution of the same did hold the fourth meeting for executing the powers vested in me in and by the said recited Acts at the Prince of Orange in Yatton aforesaid on Monday the tenth of December One thousand eight hundred and ten and heard evidence on the boundaries of the Parishes of Yatton and Kenn over through and upon Kenn Moor

And Whereas I the said Joseph Wollen pursuant to the directions of the said last recited

Act and in further execution of the same after giving such notice as is thereby directed Did duly hold me fifth meeting for executing the powers vested in me in and by the said recited Acts at the Prince of Orange Inn in Yatton aforesaid on Thursday the twentieth day of December One thousand eight hundred and ten and received such objections as were offered to me to the claims which had before been delivered at the former meeting

And whereas I the said Joseph Wollen pursuant to the directions of the said last recited Act and in further execution of the same after giving such notice as is thereby directed Did duly hold the sixth meeting for executing the powers vested in me in and by the said recited Acts at the Prince of Orange Inn in Yatton aforesaid on Tuesday the twenty ninth day of January One thousand eight hundred and eleven for the purpose of hearing evidence on the several claims of Common and other rights to and in the Commons Moors and Waste Lands to be inclosed under and by virtue of the said last recited Act within the said Parishes of Yatton and Kenn which Meeting was continued by adjournment to the thirtieth the following day and from thence by a further adjournment to the twentieth twenty first and twenty second days of February One thousand eight hundred and eleven on all of which days Evidence was heard on the special claims and objections

And whereas I the said Joseph Wollen having according to the directions of the said recited Acts set out and appointed the Public Carriage roads and Highways through and over the Commons Moors and West Lands called Cleve Hill Kenn Moor and Moor Street Common within the said Parishes of Yatton and Kenn Did in pursuance of the directions of the said recited Acts and in further execution of the same after giving such notice as is thereby directed duly held the seventh Meeting for executing the powers vested in me in and by the said recited Acts at the Prince of Orange Inn in Yatton aforesaid on Tuesday the twenty seventh day of August One thousand eight hundred and eleven in order to receive and hear objections to such Public Carriage Roads and Highways

And whereas I the said Joseph Wollen having according to the directions of the last recited Act caused a Survey to be made of the said Common or Waste lands called Cleve Hill within the Parish of Yatton aforesaid and fixed or set a price or value thereon Did offer the said Common called Cleve Hill to Sale by Private Contract to the said John Earl Poulett at such my valuation and the said John Earl Poulett having declined to purchase the same at my valuation I the said Commissioner did expose to Sale by Auction at the Prince of Orange Inn in Yatton aforesaid on Monday the fourteenth day of October One thousand eight hundred and eleven the said Common or waste Lands called Cleve Hill in the manner and subject to the directions and regulations mentioned and contained in the first recited and now reciting Act

And whereas I the said Joseph Wollen having according to the directions of the said recited Acts viewed the Moors Commons or Waste Lands called Kenn Moor and Moor Street Common within the said Parishes of Yatton and Kenn Did make a valuation thereof according to the best of my skill and Judgement and did also set out and appoint such private roads bridleways and footways in over upon and through or by the side of the Allotments made and set out in pursuance of the said Act as I thought requisite after giving such notice as was required in that behalf and did hold the eighth meeting for executing the powers vested in me in and by the said recited Acts at the Prince of Orange

Inn in Yatton aforesaid on Tuesday the eighteenth day of June One thousand eight hundred and twelve in order to receive and hear objections to such Private Roads Bridle ways and foot ways

And whereas I the said Joseph Wollen in further execution of the said recited Acts Did expose to Sale by Auction at the Prince of Orange Inn in Yatton aforesaid on Monday the twenty second day of June One thousand eight hundred and twelve a piece of open uninclosed land in Kenn Moor aforesaid part of the said Commonable lands lying at a place called Ham Corner containing by admeasurement fifteen acres in the manner and subject to the directions and regulations mentioned contained in the first and now reciting Act

And whereas I the said Joseph Wollen having found it necessary and requisite in addition to the Public Carriage Roads and ways Private roads bridleways and footpaths by me before set out and appointed to set out and appoint other private roads bridleways and footpaths and the Drains Watercourses Quarries Bridges and fences over upon and through the Commons Moors or Waste lands called Cleeve Hill and Kenn Moor within the parishes of Yatton and Kenn in pursuance of the directions of the said recited Acts and in further execution of the same after giving such notice as is thereby directed duly with Meeting for executing the Powers vested in me in and by the said recited Acts at the Prince of Orange Inn in Yatton aforesaid on Wednesday the twenty sixth day of May One Thousand Eight hundred and thirteen in order to hear and receive objections to such private roads Bridleways footways Drains Watercourses Quarries Bridges and fences.

Like many legal documents (even today, the clauses, sub-clauses, sub-sub-clauses etc of Parliamentary Acts are legendary) the breathless, compact nature of the text makes uncomfortable reading, but persevering reveals the sheer complexity and ultimately fairness (as far as early 19th century legislation could go) of the process.

No-one (except perhaps landless 'travellers') would be summarily thrown off the land without due process. By 19th century standards, this was reasonably democratic if bureaucratic: John Clare perhaps 'doth protest (a little) too much', but undoubtedly at the end of the process, there would be at least a sizeable minority who felt they had been hard done by. Such, sadly, is the nature of major social and societal change.

The maps

In some cases, Inclosure Commissioners drew up plans of the 'before and after' states of the Inclosed land.

This was not the case here: maps of Kenn Moor and Cleeve Hill are limited before the Inclosure, to a couple of local maps (of c1799 and 1821), which both show little detail in the areas to be Inclosed: knowledge of their use and appearance beforehand waits further archaeological and historical study.

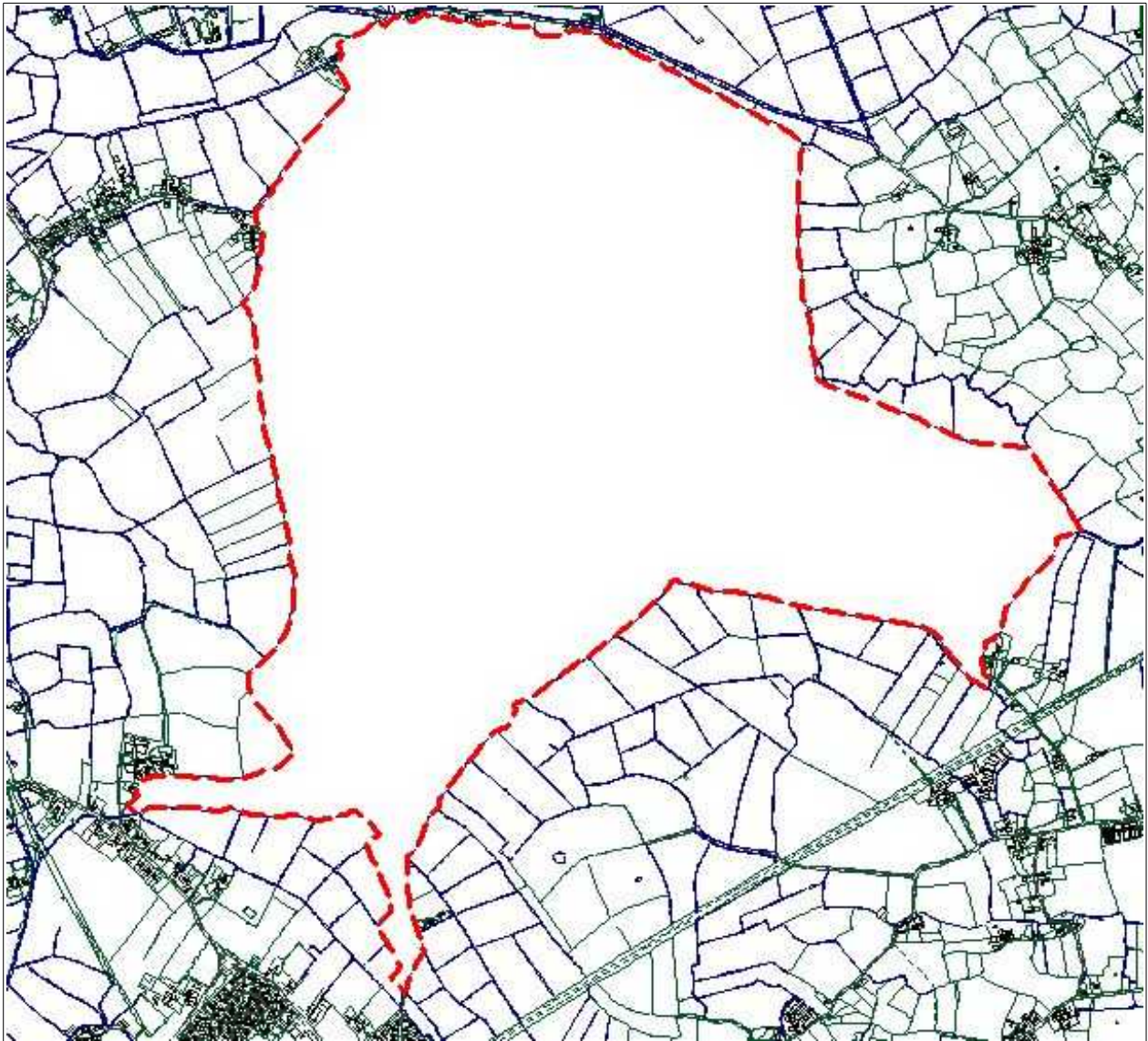


Fig 2: Outline of pre-1815 Kenn Moor

Clearly, this does not mean that there were no internal features in Kenn Moor before 1815: if nothing else, Windmill Hill and the Kenn Decoy Pool were already in place.

Windmill Hill (or Batch) was a pre-existing feature, excluded from the allotting, and remaining as a circular feature in the new field 51. The name has been interpreted as

evidence for the previous existence of a windmill in the field, but its (very) slight elevation above the surrounding area (it is an outcrop of Mercia Mudstone in an area of alluvium. and is no more than 50cm higher than the surroundings) leads me to believe this is a typically Somerset sarcastic field name.

Similarly, the Kenn Decoy Pool, off Nailsea Wall, was already in existence, being constructed (despite local opposition) by Earl Poulett in 1635. Both can be seen on the 1799 Yatton map, and the map recording the Inclosure.



Fig 3: Kenn Moor on 1810 OS 1st draft plan, before Inclosure (British Library)

The Ordnance Survey 1810 plan shows the area, too: oddly, it shows Windmill Batch as rectangular (all other maps show it as ovoid), and does not depict the Kenn Decoy Pool at all, instead referencing the very short-lived decoy at West End, Nailsea (YCCART2020/Y6).

While Cleeve Hill is not the main subject of these articles, it is depicted on the Inclosure maps: it appeared as below on the Yatton map of c1799.



Fig 4: Cleeve Hill c1799, before Inclosure (north at top)

This map shows several features already in place before the Inclosure: Cleeve Hill Road already exists as an unfenced track, despite technically originating at the time of Inclosure: enclosures for dwellings at the bottom of Goblin Combe (such as Thomas Coxe's house - see YCCART2012/Y10), and others in Cleeve Combe and above Cleeve village.

The bizarre image in the upper centre between Goblin Combe and Cleeve Combe appears to mark the site of a known lime kiln, while the Brockley Windmill is depicted in the upper left corner.

Clearly (apart from the odd purpresture), both areas were entirely rural, agricultural and largely pastoral in nature, thus considered largely worthless by surveyors as far apart in time as Domesday in the 11th century and the 'Improving Landlords' of the late 18th.

Cleeve Hill was depicted in the Inclosure Award (Fig 5 below).

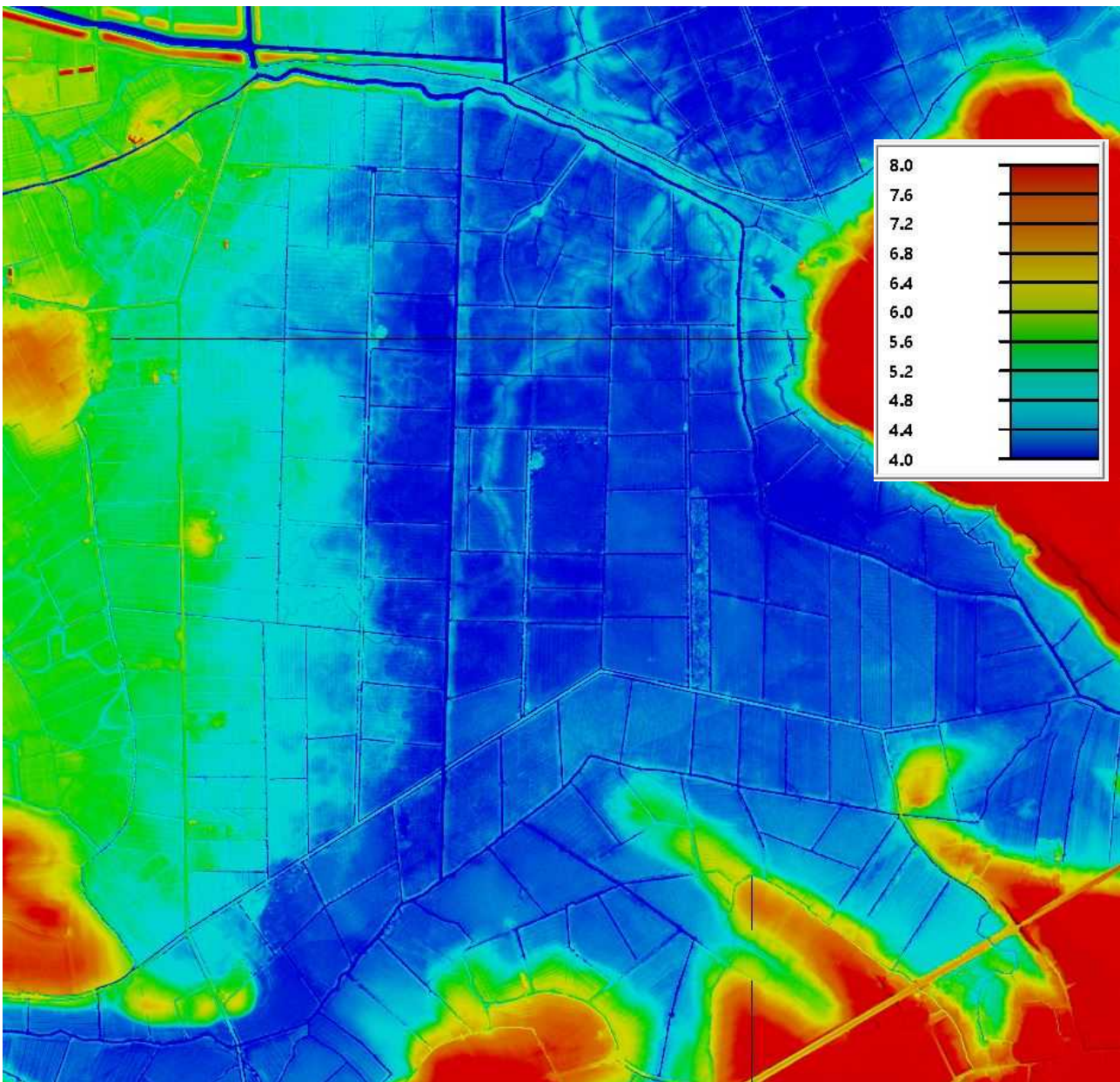


Fig 6: Lidar image of Kenn Moor (scale in m AOD)

This '19th century' perception of the Northmarsh (and especially peat areas like Kenn Moor) as a flat and dull landscape with little archaeological potential is slow to change despite the work of Keith Gardner (e.g. Gardner 1998) and Stephen Rippon (e.g. Rippon 2000).

Lidar imagery tells a different story (Fig 7 below: note the narrow range of heights above OD used): this is a complex historic landscape, with its own scale of highs and lows. From the former Kenn Decoy Pool (YCCART, forthcoming b), to the raised palaeochannels of the drainage rivers, to the multiple smaller channels both natural and engineered, to smaller features yet to be investigated, the sheer variety of the pre-Inclosure landscape indicates prolonged and heavy usage, as does the (admittedly, thin) historic evidence.

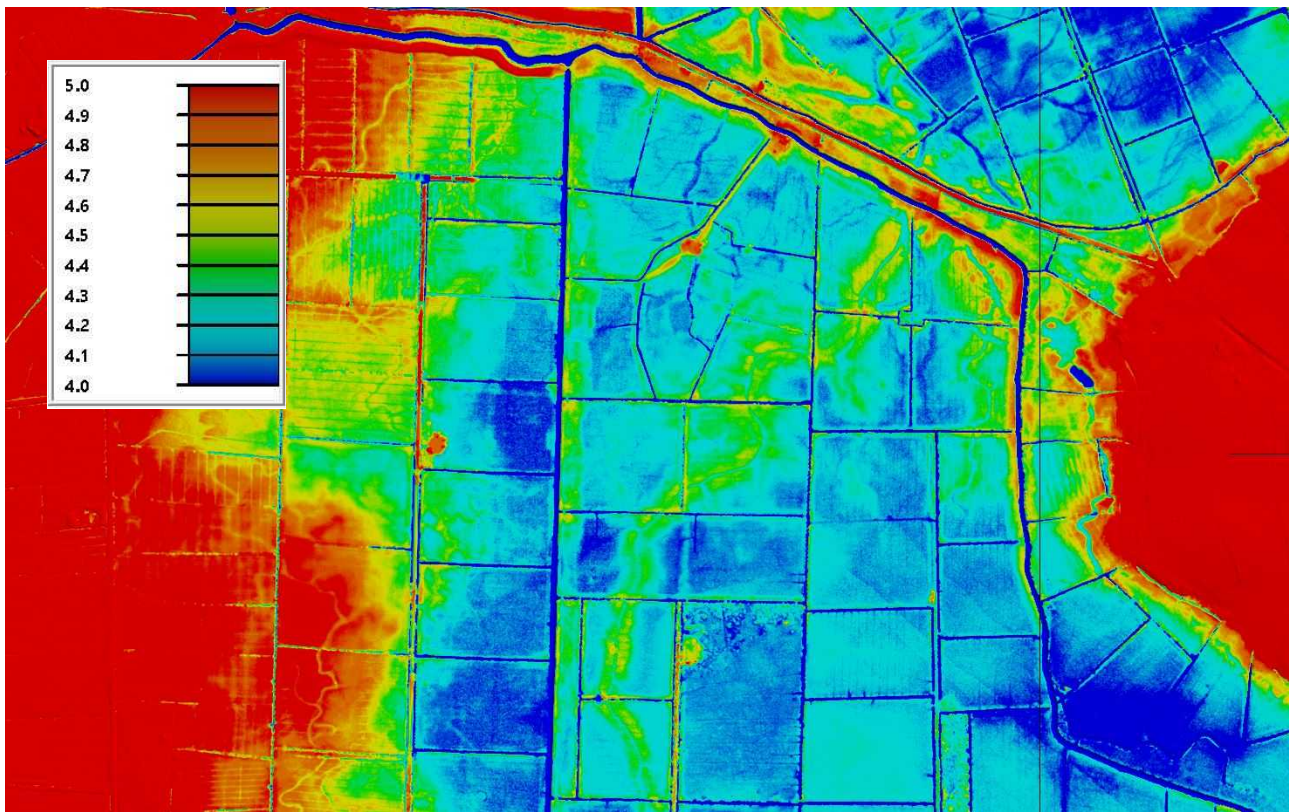


Fig 7: Lidar image, northern end of Kenn Moor (scale in m AOD)

While some Inclosure maps represent aspirations that never quite materialised (the 1787 Blagdon and 1801 Cheddar maps are cases in point, where many field divisions (especially intended new roads) seem to have never been built), the Kenn Moor Inclosure map is by and large a faithful representation of what eventually emerged on the ground.

Today, some 9.5km of roads and accommodation roads, some with associated drainage rhynes, 6.1km of major rhynes not associated with roads, and tens of km of ditches still exist, along with the bridges, gouts, major footpaths and so on, all of which had to be dug, stoned or built, to say nothing of grypes dug and hedges planted.

This was engineering on a colossal scale, which due to the stated time frame for the works, must temporarily have soaked up all spare labouring capacity in the neighbourhood, probably along with at least some degree of peripatetic labour - this was the era of canal-building, for example, so the labour for this, and for the upland Inclosures happening at around the same time, would have been available.

This would also have caused temporary boosts to local economies, as large labouring gangs need to be fed, watered, found accommodation and provided with other needs, as has happened throughout history.

The Kenn Moor Inclosure map (Fig 8 below) is unfortunately very difficult to copy cleanly, being discoloured and having 'bubbles' where the map has separated from its back material over two centuries.

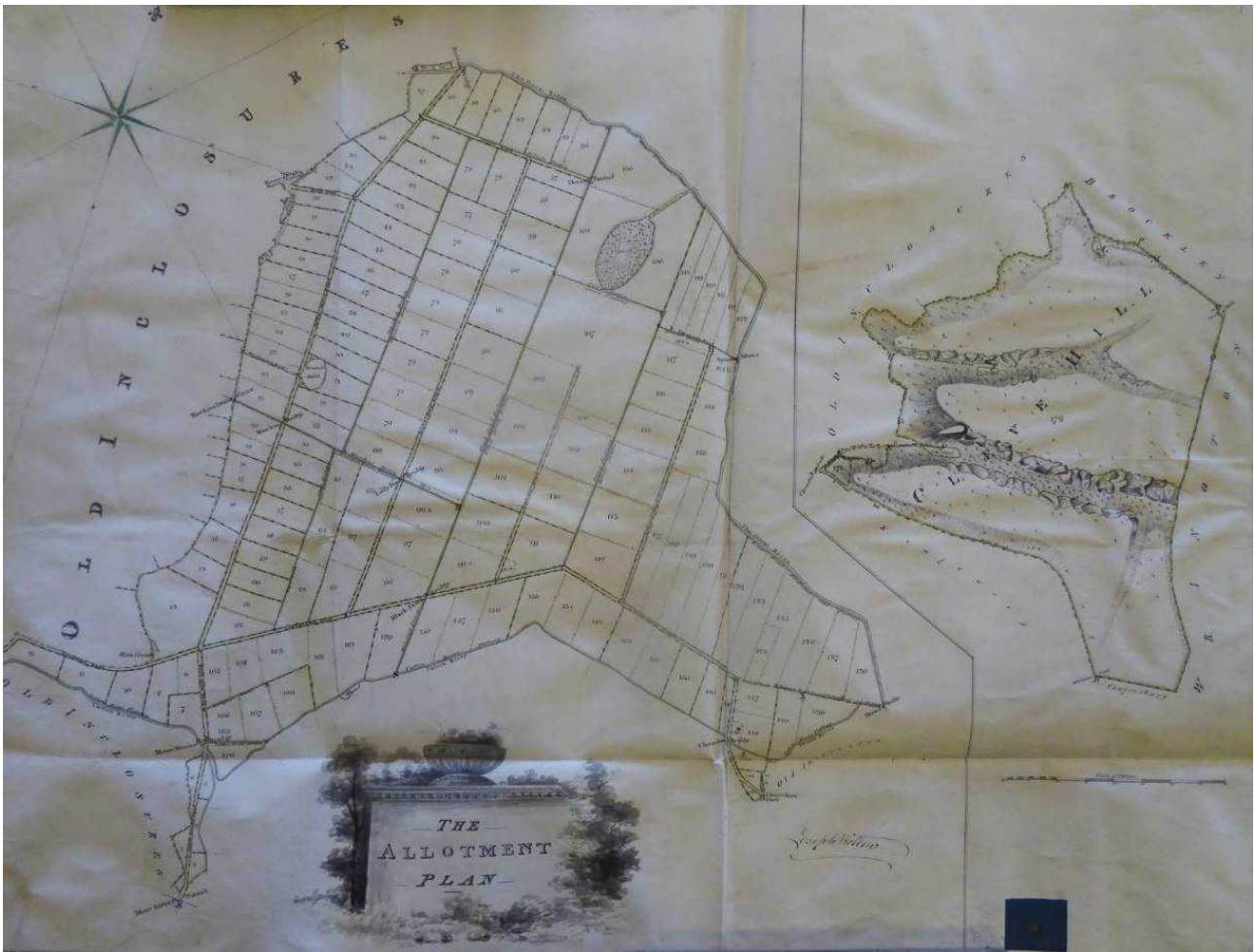


Fig 8: Kenn Moor (and Cleeve Hill) as Inclosed, c1815

Sections of the map were published in YCCART2021/Y13. These and others are reproduced below.



Fig 9: Map cartouche and signature of Joseph Wollen, Commissioner

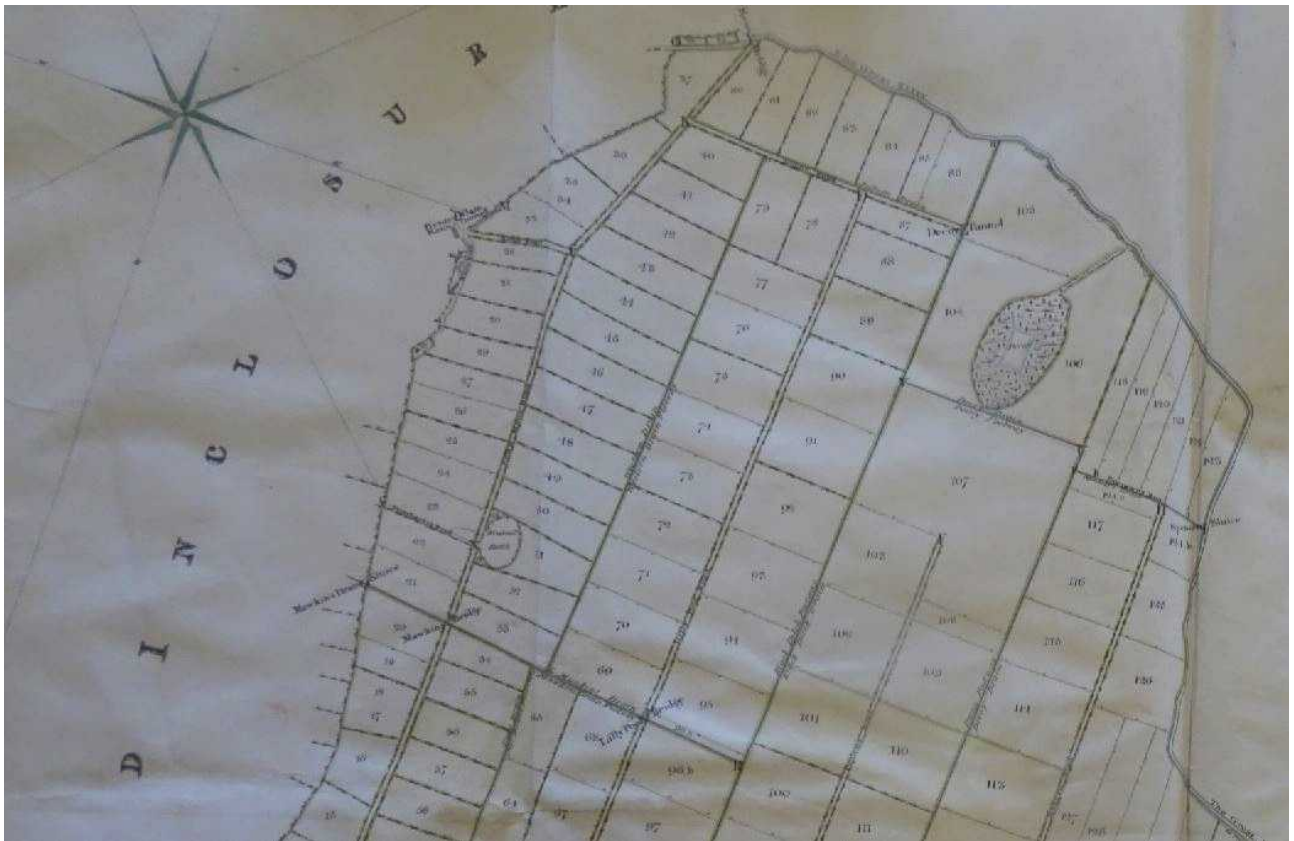


Fig 10: Kenn Moor North and South c1815



Fig 11: Hamlet now known as Kenn Moor Gate (ST44566764), at SE corner of Kenn Moor map



Fig 12: Duck Lane, Kenn ('Halls Road') and adjacent enclosures, at NW side of Kenn Moor (ST42196900)

Both Figs 11 and 12 show settlements named for their points of entry to Kenn Moor, pre-Inclosure.

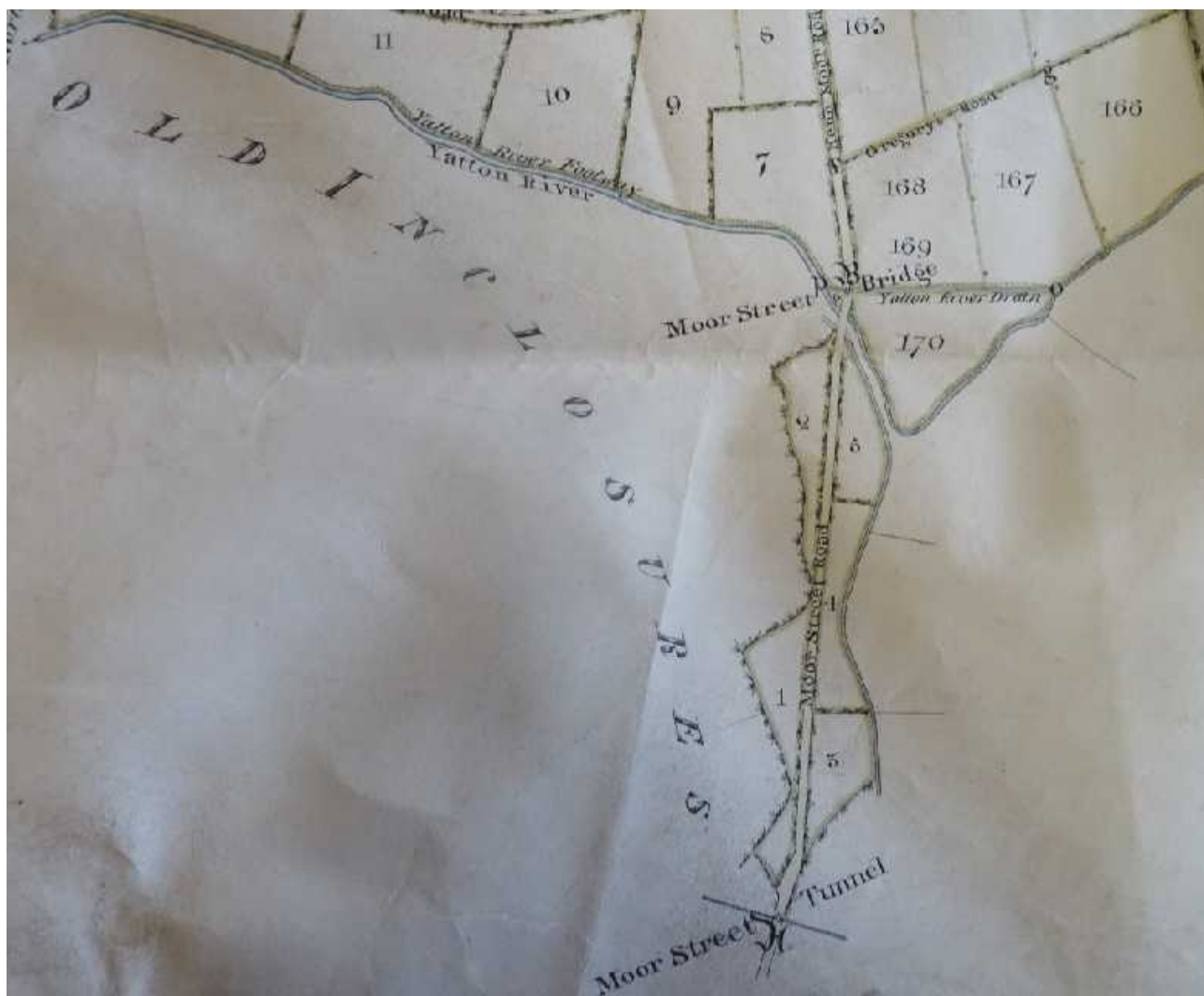


Fig 13: Moor Street Common and Little River ('Yatton River'), southern point of Kenn Moor map (ST42716679)



Fig 14: Windmill Batch (or 'Hill') off Kenn Moor Road (ST42516849)

Windmill Batch is a pre-Inclosure feature (see Fig 15 below), and it is notable that in the Inclosure, it is surrounded by, but not included in, field no. 51.



Fig 15: Wind Mill Hill from book of maps, c1780

Note that on the 1780 record, the field is depicted as a round hedged enclosure, with what appears to be a formal gate. The description for No. 94 is 'Wind Mill Close, als. Mill Hay' of just under two acres (0.7Ha). Regardless of whether a mill once stood there (although it is not recorded in any map), this enclosure in the middle of an otherwise unenclosed moor is an anomaly.

Most Commons were primarily used for grazing, whether cattle, sheep, or occasionally, goats. One vital product of these animals is milk, made into clotted cream or butter (which will both keep for months if air is carefully excluded) or cheese (which will keep for, and improves with, years). Modern products like yoghurt, or fermented products like kefir or kvarg do not generally have the keeping qualities necessary for a food to last overwinter.

Cattle, at least (for which I can speak from personal experience; I have no experience with milking or managing sheep or goats) are eminently trainable with patience, and can be taught to assemble at a pre-arranged point for milking, to everyone's convenience (including their own!). Harold Fox (Fox 2012, for example) drew attention to the importance of place-names involving 'butter', *OE* 'el' (oil), or 'smer-' as marking traditional milking places.

I suggest that Windmill Batch / Hill / Hay was one of these, probably serving beasts from Kenn (although there was as late as 1811 a sizeable village green at Kenn which would be similarly usable, especially at times of high flood - SHC DD\SAS/C212/MAP/80). This can be complemented by the practice of 'howing' cattle, where the farmer (each has his own call) makes a low, loud repetitive call which the cattle associate with milking, and the animals then assemble of their own volition (especially if encouraged with a small bribe of sweet hay, or more recently, cattle concentrate!). Clare's couplet obviously refers to this:

*Cows went and came, with evening morn and night
To the wild pasture as their common right..*

Other similar places may survive as 'Stonehurst Batch', another shallow eminence north of Kenn Moor Gate at ST44506788, and possibly as the otherwise inexplicable ditched enclosure (YCCCART2017/Y4) off Moor Lane, Yatton. These would conveniently serve for Claverham and Yatton respectively. Further work on traditional milking places is planned for 2023. Summering ('transhumance'), especially in northern Somerset, has received little or no academic attention: similar use of lowland Commons has received none.



Fig 16: Kenn decoy pool, off Nailsea Wall (ST43426923)

The Inclosure map also features Kenn decoy Pool (Fig 16).

This decoy, whose remains are visible on lidar images (see Fig 7) is early 17th century in date, constructed by Lord Poulett to public concern (which culminated in sabotage and a Quarter Sessions Record). These ponds were constructed to raise waterfowl for winter protein (and in some cases, handsome profit from sales).

Details about how these worked can be seen in YCCART2010/Y19 (also see Dennison and Russett 1989; MacDonnell 1984).

In this case, the decoy pool layout has been simplified for mapping purposes: earlier plans are less geometric (see YCCART forthcoming, b).

Some of the new place-names on the Inclosure map hint at pre-existing landscapes: Lily Pool Road and Bridge presumably hint at a formerly notable pool: Black Ditch and Decoy names also provide clues: the two rivers ('Great River', now known as the Kenn River, and Yatton River, now the Little River) change of names may be no more than impositions by William White, the surveyor and ?cartographer; most other names ('Mawkins', 'Jolleffs', 'Spencer's' etc) seem to reflect those of allotment holders. Moor Street Bridge is today locally known as 'Moor Street Bow'.

This is a very initial look at the Inclosure maps: further work on the allotment patterns and the pre-Inclosure landscape will no doubt cast further light.

Recommendations for further work

Ongoing work is planned to look at traditional (lowland) milking places; further work on Cleeve Hill and on the context of the Kenn Moor and Cleeve Hill Inclosures in the general scheme of Parliamentary Inclosure is also planned.

More detailed lidar studies could be useful in looking at pre-Inclosure features: work on integrating known postmedieval drainage records into the study is ongoing.

Results from the studies and ongoing archaeological recording on the new high-voltage electricity lines in the area will no doubt illuminate some earlier features of Kenn Moor.

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YCCCART 2022/Y10	Who made the Kenn River? (Part 2: Nailsea Wall to Sutte Pill) <i>ycccart.co.uk/index_htm_files/Multiple%20parishes %20Docuementary%20&%20photographic%20Kenn %20River%20Part %202%202022%20Y10%20v1%20.pdf</i>
YCCCART forthcoming	<i>The Little River: cutting through the Yatton barrier</i>
YCCCART forthcoming, b	<i>For the good of the countrie: Kenn decoy Pool</i>

Authors

Vince Russett

Date

Old Years Night and New Years Day, 2022-3