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Common Right and Enclosure
in Eighteenth-Century Northamptonshire

J. M. Neeson

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Centre for the Study of Social History
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Abstract

All occupiers of open field land, and some occupiers of cottages, enjoyed common right of pasture over the open fields and commonable places of a parish; even those with very small holdings could use common pasture; and in royal forest, fenland parishes, and others with sizeable wastes, landless commoners collected fuel wood, furze, browse and much more. Common of pasture was a critical support of the small occupiers' economy. Its value was maintained by a comprehensive communal regulation of the use of the right, and by apparently effective enforcement of field orders. At enclosure common rights were extinguished - although some part of the old economy survived in newly enclosed forest and fen parishes lying near unenclosed common pastures. In many parishes two thirds of all commoners sold some or all of their land, or left their rented holdings; only half as many left their lands in adjacent open field parishes at the same time. Small owners sold their lands in greater numbers than any other group.

Thus opposition to enclosure arose for two reasons: the loss of common right and the loss of land. Opposition in Parliament was voiced in counter-petitions and at the report stage in a majority of successful enclosure Bills. Unlawful opposition in the form of riotous destruction of posts and rails, and more clandestine activity, was more widespread in Northamptonshire than has been thought hitherto; but existing records cannot reveal its full extent. Finally, the enclosure of open fields, and the loss of common rights over waste, woods and permanent commons, closed up

the countryside to all but individual owners of land. And for the landless it replaced an economy partially based on rights over all the land with one more dependant on privileges and benevolence.

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Abbreviations

HCJ House of Commons: Journals

HLJ House of Lords: Journals

LTA Land Tax Assessment

NPL Northampton Public Library

NRO Northamptonshire Record Office

NRS Northamptonshire Record Society

PRO Public Record Office

QS Quarter Sessions records

Whellan, 1849 William Whellan and Co.,
History, Gazetteer, and Directory
of Northamptonshire, 1849

WRO Warwickshire Record Office

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NORTHAMPTONSHIRE

HUNDREDS & PARISHES

SCALE
0 1 2 MILES

Chapter 1

The Common Right Economy

No Shire within this Land hath so little waste grounds, for theare is not in manner anie parte thereof but is turned to some profitable use.

- John Norden, Speculi Britanniae pars altera, or a delineation of Northamptonshire; being a brief historical and choriographical description of that County... By the travayle of J. Norden, in the year 1610, 1720, p.20.

...there are in most countries a Sort of Cottages, that have Custom and Right of Commoning, tho' they Rent nothing but their Houses: And if it were a meer Hovel built upon the Waste, who would hinder a poor Man from keeping an Ewe and Lamb, or if he can compass one, a little Heifer?...and by this Advantage in some Places divers poor Families are in good Part sustained.

- "Apuleius", Northampton Mercury October 17th 1726.

Despite a close common experience, eighteenth century town and country, north and south, often accused one another of ignorance, occasionally with some accuracy. A Lincolnshire clergyman made the point with respect to common rights and enclosure:

The nature of modern inclosing is greatly misapprehended by the inhabitants of the southern counties; many of whom, like Claudian's old man of Verona, have never surpassed the confines of their native place. They have not the least idea of arable land lying dispersedly in open fields. They see only a common of grass, of a few acres, which they think feeds nothing more than a few geese, or perhaps sheep.¹

As an example, Timothy Nourse set a high standard of defamation, but one sometimes matched by others who charged under-employed commoners living on barren land with many sins:

They seem to be a Brood of Terrae-Filii, or lawless Rogues, engendring upon one another as from the beginning, so on to the end of the World, and preserving themselves frequently from starving, by stealing of Wood, Sheep, and Cattle, and by breaking of Houses, to the great Annoyance of all honest Husbandmen who have the misfortune to live near them.

And as the Men, so are the Cattle, which are bred upon such Commons, being a starv'd, scabby and rascally Race.²

1. Anon., Reflections on the Cruelty of Inclosing Common-Field Lands, particularly as it affects the Church and Poor; in a letter to the Lord Bishop of Lincoln by a Clergyman of that Diocese..., 1796, p. 16.

2. Timothy Nourse, Campania Foelix, 1700, p. 98.

Even Reporters to the Board of Agriculture, who travelled in their counties and spent time interviewing farmers in both open and closed parishes, concentrated their description of commoners and the open fields on the lawless and wretched state of the poorest inhabitants, leaving their readers with no understanding of the agricultural regulation that operated in even the most unpromising districts on the least fertile of soils.¹ For instance, the author of the Shropshire report advised any who doubted the necessity of enclosing the wastes to "go round the commons now open, and view the miserable huts and poor, ill-cultivated, impoverished spots erected or rather thrown together and inclosed" by the poor commoners who paid only sixpence or a shilling for their tenure each year. And despite this allegedly inadequate source of income, they acquired an independence and a habit of indolence which made them unfit for honest employment!² On the strength of such observations commons became synonymous with uncultivated heaths, and very often "commoners" were believed to be no better than the highwaymen

1. For example, Thomas Scrutton in Commons and common fields, 1887, pp. 138-40, refers to the Reports from Hertfordshire, Gloucestershire, Shropshire, Essex and Buckinghamshire, in each of which the poverty and consequent criminality of the commoners was described.

2. The Report, published in 1794, is quoted at length by Dudley Stamp and W.G. Hoskins, in The Common Lands of England and Wales, 1963, p. 55.

who robbed as a profession on the unprotected roads running through Hounslow Heath outside London.

Without doubt there were commons where the reporters' descriptions fit both agriculture and inhabitants. But - as the Lincolnshire clergyman remarked - commons in the midland and eastern counties were very different, and supported ways of life that were quite possibly far superior to any that replaced them after enclosure. Even forest and fen parishes in Northamptonshire regulated the use of their uncultivated commons, and were as watchful as most others in ordering the use of pasture in the open fields.¹ "Commons", far from being a few virgin acres, were spread throughout a parish and included not only the unploughed rough pasture but the very best meadow land and the fallow and harvested fields. Equally, the status of "commoner" described the most substantially landed, the richest tenants and the largest yeomen in a parish; as well as all those who held arable land, many who lived in common right cottages, and a fair number of those who could claim no more than the status of inhabitants. And common rights bound such men together at times when their common interest was threatened - a fact of which the Duke of Montagu was reminded in the early eighteenth century when a correspondent recalled an earlier attempt

1. See below, Ch. 2 and 3.

at the enclosure of Benefield in Rockingham forest:

to which both yrs and our poor family were very great enemies, above an hundred and sixty years agoe, yrs by staving it off by ye prudent, but chargeable methods of Law, ours by heading ye Gentry that level'd their trenches when they attempted illegal inclosures.¹

Commons, then, far from being only uncultivated land, encompassed all the open land of a parish; and all occupiers were commoners to a greater or lesser extent. Furthermore, the landless users of common right were not necessarily a vagabond poor scratching a meagre living as best they could. In Northamptonshire's champion lands they were generally the respectable working class who could make up for lack of property with the independence of a variety of sources of employment and income. In the forest and fen such families were more easily joined by the migrant poor, but these too, despite greater poverty, could enjoy a valuable independence based on access to common land.

The common lands: open fields and uncultivated commons

Because pasture was provided, at different times, by all kinds of land except that which was permanently enclosed, the right to graze cattle on the "commonable places" of a manor opened up all of it to each of its

1. NRO Boughton Stewards Papers, Mont.B. Box W28, Barton to Montagu, November 26th 171-.

landholders, as well as allowing them varieties of access to permanent cow pastures, cottage pastures and uncultivated waste. In the tilled common fields pasture lay on the baulks; the carriageways or "joynts"; the headlands on which the plough was turned in the autumn; on "sikes" or strips of meadow lying on the banks of streams bounding the fields; in the fallow field; early in the sowing season of the corn fields; and on the stubble when the harvest and gleaning were over.¹ Meadows were jealously guarded because grass was richest there. They were thrown open at the critical time between the end of the hay harvest and the end of the corn harvest, and early on in the season of their sowing. Generally, pasture on the fields was thrown open to cattle after harvest and gleaning until October on the field to be sown with winter corn; and all year on the old spring corn field if it was to be left fallow. The new spring corn field (sometimes known

1. For a discussion of changes in pasture on the fallow fields see below, Ch. 2, "The land: fodder crops and quality of pasture". Baulk grazing and tether-grazing were not permitted in every parish; where they were, they were regulated. For example, Maxey baulks were stocked with cattle at Old May Day "according to Antient Custom", NRO Fitzwilliam Miscellaneous Vol. 747 April 8th 1796, p.162; and see below, Ch. 3 "Common herds, cow keepers and tether-grazing". "Staking grass" was valuable; the vicar of Riseley, Bedfordshire, took three shillings from George Porter, a miller, in 1734 "for the Tyth of staking grass hired of Mrs Mary Marlin widow at one pound ten shillings". All horses "staked in the field" entitled him to two shillings in the pound rent, with the exception of plough horses. Bedfordshire Record Office, R45, Riseley Registers, Vol. 2, memoranda on flyleaf at end.

as the Lammas pasture) was open at different times for cattle, followed by sheep, from August 1st or so for six months - until it was ploughed for the spring sowing. In the autumn pasture was good. Of course there was much less pasture available in the winter, a time when the permanent cow or sheep common might be stocked, and when cattle were penned in the homesteads and old enclosures behind village streets.

An increase in the use of fallow land for fodder crops by individual farmers had the effect of diminishing the area of common in the eighteenth century but also of increasing the value of post-crop grazing and the total amount of animal food in the parish.¹ Increasingly tight stinting agreements sought to preserve the value of the pasture, and careful manuring and sheep folding were used to keep it in good heart.² Proportions of untilled grassland in open fields varied with time and place. William Pitt gave Rothwell as an example of an open parish with field pastures which amounted to a quarter of each field in 1806, adding that "the crops of this parish are, the present year, 1806, extremely respectable. The wheat generally heavy and bent under its own weight, or laid by the rain, three to four quarters per acre, and other

1. See below, Ch. 2 "The land: fodder crops and quality of pasture".

2. See below, Chs. 2 and 3 passim.

crops in proportion".¹

Clearly all this land belonged to individual landholders, and the value of common rights over it and on permanent horse and cow pastures is discussed at length below.² In both predominantly arable parishes, and in those with a more mixed agriculture, it provided some of the best grazing. But the rest of the pasture was to be found on the uncultivated "waste" belonging to the lord of the manor. Common waste - as Norden emphasised - was a singularly inappropriate description of the value and variety of pasture it covered, which included the grass verges of the roads running through the parish; the town green or greens; the slades near streams and rivers; and the uncultivated common itself.³

About 9,000 of the 200,000 acres enclosed by Act of

1. William Pitt, General view of the county of Northampton, 1809, pp. 65-69; hereafter Pitt.

2. See Chs. 2 and 3.

3. Highway, road or land pastures were all valuable grazing places, rights over which were usually extinguished in enclosure Acts as surely as other commonable places. They too were stinted: for example, Grafton orders made in 1732 limited the number of horses kept in "ye streets of Grafton and lanes" to one horse per person on penalty of five shillings fine (whether a "person" was an occupier or an inhabitant is not clear), NRO G3432i. See also Alderton orders made in April 1732 which declared that "no Highways be flitt nor Cattle Kept on them till ye feild be cleared" upon penalty of 5 shillings: G3557a. In Guilsborough and Nortoft at enclosure in 1764 the commons included the "Heath-Way...Broad Common and other Commonable Pieces of Ground in the Lanes, with the Lane Commons of Nortoft": HCJ January 25th 1764.

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Parliament in Northamptonshire between 1760 and 1800 were waste land, not open common field.¹ Such proportions emphasise the high level of cultivation in the county before enclosure, and the absence of large, empty wastes and rough heaths outside the towns. Some omissions of the Board raise the proportion of waste: for instance, the Board's estimates did not include West Haddon which was enclosed in 1765 together with a waste of 800 acres; or the 700-acre waste in Denton, enclosed in 1770; or any parishes enclosed with less than 100 acres of waste. And it seriously underestimated the size of Wilbarston's waste by giving a figure of 200 instead of 800 acres. The Board's figure of 9,000 acres would rise to between 10,000 and 11,000 if these corrected acreages were included. Other parishes, enclosed before and after this period also contained sizeable wastes.² But if we use the Board's estimates

1. The figures are approximate and based on Slater's calculations in The English peasantry and the enclosure of common fields, 1907, reprinted, New York, 1968, Appendix B, pp. 290-94; and also on estimates of wastes enclosed by county given in the Board of Agriculture's General report on inclosures, 1808, "Wastes enclosed in the first 40 years of his present Majesty", p. 194. According to Slater the exact total acreage enclosed was 198,329 acres. W.E. Tate added another two enclosures to Slater's list for this period - Stoke Albany and Slapton; see NRO "Tate's List of Enclosure Acts, 1727-1903".

2. The majority of fen parishes abutting Lincolnshire and Cambridgeshire were enclosed after 1800; so too were the forest parishes. One example of an early enclosure of waste is that of Welton, enclosed with a waste of 195 acres in 1754; see below Ch. 6. Burton Latimer (800 acres of waste) was enclosed after the period, in 1803; see below Ch. 5.

in order to compare the midland counties, it appears that as a proportion of land enclosed before the turn of the eighteenth century, the Northamptonshire wastes were smaller in extent than those of any other midland county.¹

But even in as intensely cultivated a county as the part of Northamptonshire undergoing enclosure in this period the existence of common waste was crucial to the economies of at least 26 parishes where the uncultivated waste amounted to more than 100 acres; and to many more where road and lane commons and small greens and sub-100 acre commons augmented open field pasture itself. Overall, only 4% of the land enclosed between 1760 and 1800 was waste land (Board of Agriculture figures), but as a proportion of all but one of the following parishes it was more:

1. Calculations were based on Slater's figures for acreages of land enclosed before 1802 and the Board of Agriculture's General report on inclosure's tables of waste land by county. Waste, expressed as a percentage of total land enclosed, amounted to 3.8% in Northamptonshire, 5.5% in Warwickshire, 6.3% in Leicestershire, 8.4% in Buckinghamshire, 10.2% in Bedfordshire, 10.4% in Rutland, 13% in Oxfordshire, 13.2% in Huntingdonshire, and 23.6% in Berkshire. Eighteenth century enclosure aside, Northamptonshire's open waste land covered 7.1% of the county in 1800, in comparison to Leicestershire's 3.9% and Buckinghamshire's 1.3%. Figures for Oxfordshire (8.1%) and Huntingdonshire (9.0%) are closer. See Michael Williams, "The enclosure and reclamation of waste land in England and Wales in the eighteenth and nineteenth centuries". Transactions and Papers of the Institute of British Geographers 51 (1970) pp. 57-9.

Table 1.1 Wastes over 100 acres in parishes enclosed between
1760 and 1800

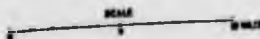
Date of Act	Parish	Waste (acres)	% of total land enclosed
1798	Wilbarston	800	68
1795	Ravensthorpe	920	66
1778	Harpole	930	52
1770	Denton	700	50
1764	West Haddon	800	48
1797	Whittlebury	277	45
1799	Green's Norton	595	43
1795	Stamford	234	39
1772	Charlton	312	31
1764	Coton	420	31
1772	Astrop	800	30
1772	Clipston	800	28
1767	Cosgrove	500	27
1774	Warmington	762	25
1766	Harlestone	180	18
1767	Gt. Oxendon	200	15
1773	East Haddon	200	15
1776	Desborough	231	12
1776	Duston	160	11
1761	Moreton Pinkney	250	10
1778	Isham	140	10
1786	Broughton	180	10
1782	Piddington	140	9
1765	Long Buckby	300	8
1778	Bulwick	100	7
1776	Crick	100 -	3
<hr/>			
Totals	26 parishes	10,431 acres	Average 26%

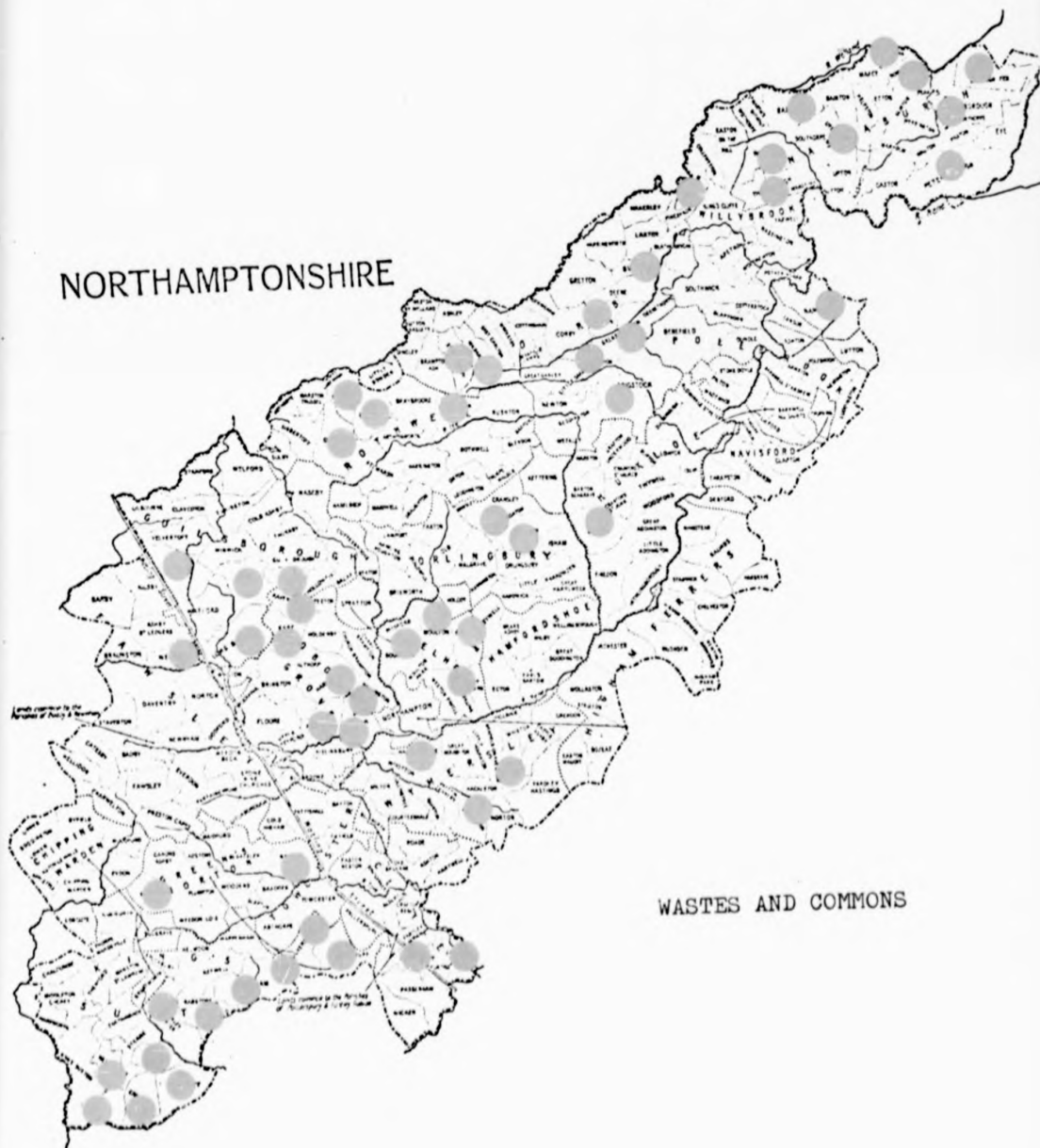
Source: Board of Agriculture, (Sir John Sinclair, ed.,) General report on inclosures..., 1808, p.194. (A figure of 10,687 acres is given here, it included the Leicestershire parish of Great Catworth (756a) and erroneously added 1000 acres of waste to the parish of Harlestone.) NRO Abstracts of Enclosure awards made by J.W. Anscomb, Vol. 1, West Haddon, Denton.

Map 1.1 Wastes and commons in 18th-century Northamptonshire

WASTES AND COMMONS

Source: J.Morton, Natural history...
1712; General report on inclosures,
1808.





Source: J. Morton, Natural history...,
1712; General report on inclosures,
1808.

SCALE
0 1 2 MILES

The size of wastes enclosed in these parishes was substantial, never less than 100 acres and usually more than 250. Ten of the 26 parishes lay close together crossing the western scarp from Crick to the centre of the county and to the parishes west of Northampton. They were Crick, West Haddon, Coton in Guilsborough, Ravensthorpe, East Haddon, Long Buckby, Harlestone, Harpole, Duston, and Denton. Some 4,700 acres of waste land were enclosed in this area, which stretched no more than ten or twelve miles from north-west to south-east, and was five to six miles wide. Undoubtedly there were many smaller wastes of less than a hundred acres within the same area. The other major cluster of wastes lay further north along the scarp a few miles east of the Leicestershire border: Clipston, Great Oxendon, Desborough and Wilbarston covered 1,431 acres of waste between them, most of it enclosed by the late 1770's.

But these acreages are those of wastes on the point of enclosure: some may have been larger as the century opened. Writing of the county in 1712, John Morton distinguished three major "Heaths" in the upland of the county. The first rose in the flat fen country and included Wittering Heath which was four miles long, Easton, St. Martin's, Barnack, Helpston, Thornhaw and Ufford. The second was more centrally placed and covered Halston Heathe (Harlestone Heath), Duston, Dallington, and Church Brampton, all of which were to the west of Kingsthorpe Brook (part

of the Nene). To the east of the Brook lay more heath in Northampton, Kingsthorpe, Boughton, Pisford, Moulton, Sywel and Overston Lings. Not far away lay Guilsborough, Rainsthorpe (Ravensthorpe), West Haddon, and Long Buckby. The third tract of heath was

in the farthest western Part of the County beyond Brackly, by some call'd Bayard's Green, a heathy Ground of perhaps several Hundred Acres within the Lordships of Croughton, Imley, and Hinton; which yet is only a Side of a much larger Heath extending into Oxfordshire.

Norton's description enlarges the number of parishes with wastes overall, and increases the density of wastes on the scarp, in the centre, and in the south on the border with Oxfordshire. Encroachments during the century must have bitten into the size of wastes, reducing them to the Board's figures at the time of enclosure. But Morton's respect for the value of wastes encouraged him to detail deliberately the broad heathen areas and the small wastes in each adjoining parish, even though, taken singly, they were quite small. Such lands were often overlooked by "the Writers of General Descriptions of the Counties of England". In Northamptonshire only Wittering heath was noted by them because it was so much bigger than all the others. But, said Morton, although wastes might be "the barrenest Part of the County" they were "not without their

1. John Morton, The natural history of Northamptonshire, 1712, p. 9.

Commodities and Use...". Their value lay in the fuel they provided "the poorer Sort of People", furze for firing bakehouses, warrens, fine hares, and good herbage for their very hardy sheep.¹ Even a small common was valuable; and access to forest or fen commons provided "the poorer sort" with a kind of property they could not find elsewhere. Morton's reminder that heaths could be found throughout the county, with concentrations in three major areas, alerts us to the part that they played in a whole range of agricultures. Waste or heath was part of the forest and fen economies as one would expect, but even in intensely cultivated Northamptonshire it was part of open field arable farming too.

Forest and fen pastures were very extensive indeed.² In Morton's time the Royal forests of Rockingham, Whittlewood and Salcey were no longer thickly wooded. The coppices of young oak, birch and maple were surrounded and isolated by grassy open plains and ridings, and broken by lawns enclosed and sown for hay and the bite of deer. Royal chases and parks had been alienated, sold, and paied in the previous century and were now farmed for profit. Nearer the villages old assarts of converted woodland and

1. John Morton, The natural history of Northamptonshire, 1712, pp. 9-10.

2. Their economies are discussed here only tangentially, each requiring far greater treatment than space allows.

the open fields themselves bore witness to the length of time forest had been cultivated. Oaks grew mainly in enclosed coppices and the deer wintered on the lawns and summered mounded or fenced within woods and forest plains.¹ The forest was pastoral, settled, sown and grazed, and neither isolated nor remote although its economy depended on forest commons to a greater extent than did others. Such commons included the remaining demesne woods and coppices, the enclosed lawns, the parks and the open plains - as well as the parish commons lying outside this royal nucleus of forest. In any year rights were enjoyed between April and November.²

Rockingham was by far the biggest of the three Northamptonshire forests, but a larger proportion of its land was held privately - though still within the forest. At its furthest extent the forest stretched 14 miles from north-east to south-west and five miles from north to south. Inside the irregular perambulation of its three bailiwicks

1. P.A.J. Pettit, The royal forests of Northamptonshire. A study in their economy, 1558-1714, Publications of the Northamptonshire Record Society, 1968, vol. xxiii, Ch. 1 and passim. John Morton, The natural history of Northamptonshire, 1712, pp. 12-13.

2. Pettit, op.cit., p. 153, dates varied from forest to forest: Rockingham, April 29th to November 11th; Salcey, Old May Day to November 22nd; Whittlewood, April 5th to November 11th (the six villages discussed above were the "In-towns" which enjoyed pasture in this period, another eight "Out-towns" put their cattle into the forest later on May 4th and took them out earlier on September 25th).

lay 26 forest villages.¹ Because most of it was held in disafforested parks and as proper farmland it is difficult to estimate the size of commons in any year. Common right was also a matter of dispute throughout the century, so the extent of commons varied with the claims of commoners and grantees: Brigstock commoners sued Weldon commoners, Lords Hatton, Rockingham and Cardigan allied or opposed each other, and the Lord Gowran, grantee of Farming Woods Walk, spent much of the mid-century locked in battle with one interest or another.² Of the land still controlled by the crown in the north-western Rockingham bailiwick the following was common:

Table 1.2 Commonable land in Rockingham Bailiwick

<u>Open plains and ridings</u>		<u>Acres</u>
	Rockinghamshire	<u>600</u>
	Driffield	125
	Blow's Plain	90
	Dale's Plain	75
	Snatch Hill Plain	100
	Total	990
<u>Coppices</u>		<u>5000</u>
	<u>Grand total</u>	<u>5990</u>

Source: Pettit, op. cit., Map 1, Ch.1. All figures are approximate.

1. Morton, The natural history of Northamptonshire, 1712, pp. 10-11.

2. The Northamptonshire Record Office houses collections from each of these families. For the earlier period see Pettit, op. cit.. See also Joan Wake and D.C. Webster, The letters of Daniel Eaton, Publications of the Northamptonshire Record Society, Vol. xxiv, 1971.

Brigstock bailiwick provided less in the way of plains but offered substantial woodland pasture in the form of Geddington and Farming Woods. The only plain there was Langley Plain, adjoining Geddington Chase and Brigstock Great Park, but the Chase alone provided 941 acres of common every year.¹ Much of the same was true of King's Cliffe bailiwick where there were several wooded crown coppices surrounded by parks (not always stocked with deer) and several lawns, but no extensive plains. Parks and purlieu woods accounted for half of Brigstock and King's Cliffe bailiwicks. Alone of the three, Rockingham bailiwick remained predominantly crown owned and administered.

In the south of the county Whittlewood forest's 6,000 acres stretched nine miles by three or four and covered sixteen forest villages from Grafton Regis to Whitfield and Paulerspury to Wicken, including the two Buckinghamshire villages of Lillingstone Lovell and Lillingstone Dayrell. The villages shared up to 4,782 acres of common every year. Again, this common consisted of a mixture of nearly 4,000 acres of coppices, (not all of which would be open), and 887 acres of unenclosed plains and ridings. The meadows and pastures of the Lord Warden, the Lieutenant and the Keepers were not open to the commoners, nor was one of the five

1. NRO Mont.(B) X350, Box 10, No.25, "Estimate of proportion of Chase...to the Commoners if coppices cut at 18 years growth"; the whole Chase covered 1,412 acres but 470-1-36 was always enclosed.

walks, Shrob Walk.¹

Whittlewood was more than three times as big as its neighbour to the north east - Salcey forest. The six forest villages there were Ashton, Quinton, Hartwell, Piddington, Hackelton, and Hanslope beyond the border. Cattle in Salcey were pastured over as much as five-sixths of the forest. By far the largest commons lay within the coppices, although the quality of common among the young trees and thorny undergrowth here, as elsewhere, was not of the best.² Coppices in Salcey, Rockingham and Whittlewood were fenced against the cattle for nine years out of every 21 to allow the young saplings time to establish themselves; deer were admitted after seven years. In Salcey the six villages shared common over anything up to 1,593 acres in the forest every year. In other words they enjoyed common rights on easily as much more land as the total acreage of each parish's open field.³

1. Victoria County History of Northamptonshire, 1902, reprinted 1970, vol.1 "Whittlewood forest", pp.348-9. The land reserved to the deer or the Warden and Keepers consisted of 313 acres of meadow and pasture, and 295 acres in Shrob Walk.

2. Brooke of Great Oakley estimated that open forest common on plains and ridings was worth five times as much as the pasture in the woods. The estimate was made while he calculated the cost of compensating the commoners for the loss of forest commons and may be an underestimate as a consequence, NRO B67 (n.d. probably late eighteenth century).

3. VCH, 1902, reprinted 1970, vol.1, "Salcey forest". Pettit, op.cit., p.13. Open plains and ridings covered 471 acres; coppices covered 1,122 acres. 180 acres of lawn and 74 acres of inclosures around the lodges were reserved to the use of the deer or to the Keepers and Warden.

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The addition of some 12,500 acres of forest common (governed in a different way though it was) increases the total amount of waste in the county on the eve of Parliamentary enclosure to 11%; and the inclusion of Wittering heath, the Great Peterborough Fen, and other smaller northern fens, raises the proportion even higher. Only half of this common land was enclosed before the late 1790's and the nineteenth century. But the smaller wastes lying in highly cultivated open-field parishes were an important communal asset too, and a critical part of the economy of small occupiers and the landless. Less typically waste-like than the forest and fenland commons, they were nonetheless part of the common right economy.¹

Number of commoners

At the end of the eighteenth century the proportion of landed commoners - defined as those holding land on which they paid Land Tax - in fifteen open Northamptonshire parishes ranged from one third to three quarters of the population. Highest proportions were found in two fenland parishes - Maxey and Helpstone.² Elsewhere proportions varied not according to agricultural or geographical region but as much within regions as between them. Thus two thirds of the populations of the Nene valley parishes of Hargrave and Raunds were landed commoners although only half of nearby Newton Bromshold and one third of nearby Chelveston and Wollaston were so. The proportion of landed commoners in the forest parishes of Greens Norton, Whitfield and Whittlebury was

1. See below, Chapter 7 for a comparison of opposition to enclosure and the existence of parish wastes.

2. The parish of Eye remained open until 1820, nine years longer than Helpstone and Maxey, but it too had a proportion of landed commoners above the average of the rest of county: two thirds of the parish paid tax on land in 1804, NRO LTA Eye, 1804.

one-third, or a proportion equal to that of Sutton Bassett in the Welland valley, and Islip on the Nene. And another Welland parish, Weston by Welland, had the same proportion of landed commoners, one half, as Hannington in the centre of the county. Wadenhoe, a parish in the northern Nene valley, had the smallest proportion of landed commoners of all fifteen parishes, at one sixth.¹ Comparison of the fifteen pre-enclosure parishes with a small sample of five parishes which remained open until after 1810 shows little difference between the two, although the proportion of landed commoners in the later-enclosed parishes tended to cluster around the top end of the range of the other parishes (one half to two thirds) rather than at the lower end (one quarter to one third).²

1. Based on a comparison of the number of individuals living in parishes enclosed between 1788 and 1810 who were listed in Land Tax records as owning or occupying land. Only fifteen of the 46 parishes enclosed in this period are adequately listed on Land Tax assessments. All fifteen were examined and the number of individuals found to be taxed in one year (falling approximately five years before enclosure) was compared with the number of people counted in each parish on the Census of 1801. Proportions were as follows: Helpstone, 93%; Maxey, 75%; Hargrave, 71%; Raunds, 66%; Hannington, 53%; Newton Bromshold, 52%; Weston by Welland, 49%; Chelveston, 41%; Whitfield, 39%; Sutton Bassett, 34%; Islip, 32%; Greens Norton, 31%; Whittlebury, 30%; Wollaston, 28%; Wadenhoe, 17%. In the absence of adequate Land Tax records for parishes enclosed earlier it has been impossible to include figures for the scarpland parishes in the west of the county. Other evidence suggests no real difference between these parishes and those in other regions: see below Chapter 5, "West Haddon", and Chapter 6, "Parliamentary counter petitions", where the landholding population of Welton on the eve of its enclosure is discussed. West Haddon's landholders amounted to 50% of the parish in the early 1760's.

2. The parishes were Roade, 52% (enclosed in 1816); Abthorpe, 62% (enclosed in 1823); Eye, 66% (enclosed in 1820); Stanwick, 57% (enclosed in 1834); Luton, 57% (enclosed in 1867). See G. Slater, The English peasantry and the enclosure of common fields, [1907], reprinted, N.Y., 1968, Appendix B., for list of Northamptonshire enclosure Acts. The Land Tax assessments of all twenty parishes (and three others) form the basis of an investigation of landholding in the enclosure period; see Chapter 4, below.

Despite the similarity of proportions of landed commoners from region to region, some distinctions did exist. For the purpose of discussing the common right economy the most important may have been, firstly, that the value of common right to landed commoners was greater in some regions than in others, so raising the overall prosperity of landed commoners. Occupiers of smallholdings in the forests, the scarp and the fens may have been better off than those in the south of the county, or in the parishes lying between the scarp and the Nene, because common waste was so much more extensive there. Their prosperity may be described in terms of their more certain independence of wage labour (which in turn induced an independence of mind) rather than in terms of their standard of living which may not have differed much from that of commoners elsewhere. In these regions unstinted, uncultivated waste, and abundant browse wood, supplemented landed commoners' economy to a greater extent than they did elsewhere.¹

The size of common waste brings us to a second distinction between the regions. Landless inhabitants of some regions are more accurately called landless commoners - and thus in a sense a part of the landed community. If we talk of the proportion of parish populations with access to land, rather than those who occupied or owned land on

1. One result was greater resistance to enclosure. Less extensive common right plus rural weaving and shoemaking gave a similar independence on the scarp and in the Nene valley. For the argument see below, Chapter 7.

which they paid Land Tax, differences between county regions begin to appear. Thus landless forest populations (and those of the fens and the scarp where wastes were equally extensive) are more correctly called landless commoners who enjoyed use of the commons in ways critical to their economy. Other parishes with very little uncultivated waste could not provide the fuel, the browse wood, the free range for pigs and poultry, the raw materials for wood-turning or rushwork, or the food (anything from nuts and berries to rabbits, hares and deer) that forest, fen and scarp parishes could provide. Landownership and the occupancy of land may not have varied over the county in absolute terms of the proportions of parish populations who owned and rented land, but the number of people with access to land did vary from region to region, and it did so because common right meant different things in different places.

Landed commoners' rights

The most important common right was that of grazing horses, cows, sheep, geese or pigs on open-field and permanent pasture, a right which was exercised under the direction of manorial juries and field officers.¹ Most pasture rights were attached to the occupancy of land, and they were set per acre of open-field arable, greensward or ley. By mid-century Northamptonshire common rights of pasture for cows were stinted - limited - at one common for every six to ten acres of open field arable. Sheep commons were set - with the exception of the

1. What follows is an introduction to the use of the right by small landholders and cottagers. Common of pasture is the subject of chapters 2 and 3 where its regulation (and the enforcement of that regulation) in a dozen or so Northamptonshire manors is discussed at length.

fenland where stints were more generous - at one per acre of open arable. Land left as greensward, or laid down as ley, generally entitled the occupier to put more animals on the pasture than the same acreage in open arable.¹

Commoners who occupied five acres of land could pasture five sheep every year in most parts of the county; or more on fen and forest commons. In addition they had the right to graze a cow or a horse for half the year, and in some places for the whole year. If their holdings could support more animals they were allowed to rent unused

1. See below, Chapter 2 "Stints". Advertisements of land for sale or rent, published in the Northampton Mercury between 1764 and 1797 confirm the pattern of stinting discussed in Chapter 2, set out here in general terms. Of six parishes for which advertisements were printed specifying exact stints, three allowed ten sheep commons for ten acres of open field arable; and three others set the stint at eight to twelve sheep commons for ten acres. Cow commons were stinted at one for every six acres in one parish, at one for seven or eight acres in three parishes, and one for ten or eleven acres in two parishes. See NM April 6th 1767 (Little Houghton and Brayfield on the Green); July 6th 1767 (Grendon); March 20th 1769 (Denton); October 30th 1780 (Polebrooke); July 1st 1782 (Polebrooke); April 21st 1783 (Newton Bromshold); October 27th 1787 (Rothwell); December 13th 1787 (Earl's Barton). Two more advertisements of land for sale in Silverstone and Paulerspury in Whittlewood forest, mentioned unstinted forest common rights, NM March 19th 1764, September 1797. In the following parishes unspecified common right was advertised as part of holdings for sale or rent: Kettering (NM April 23rd 1722); Wicken (February 17th 1724); Roade (September 5th 1725); Scaldwell (June 15th 1767); Wollaston (June 29th 1767); Old (May 11th 1767); Rushden (May 16th 1774).

common rights from other commoners.¹ The option of renting dead commons was open to occupiers of smaller units of open field land too: a man with only two acres could common five sheep if he paid the price of the three additional common rights. When additional pasture could be bought from other commoners, and when browse and other kinds of fodder was available from the waste, keeping a cow was not an impossibility on a holding of only two acres and a small close. A larger holding of six to ten acres of open arable land would confer the right to pasture ten sheep and either a cow or a horse. Land left fallow in the corn fields, or sown with sainfoin or clover, increased the number of commonable rights.²

Cottagers

Occupancy of a common right cottage, or of a particular piece of property such as an inn, or a mill house, also conferred the right to pasture. For example, a cottage in Warmington, advertised for sale in 1753, was described as having right of common for two cows and ten sheep. Without a cottage common right, rights like these would have required the occupancy of at least ten or twelve acres of open arable. To make the rights useful the land sold with the cottage consisted of two acres of meadow, half an acre of arable and another half acre of

1. See below, Chapter 2 "Dead commons". Renting of these commons was usually supervised by the field officers rather than left as an individual transaction between the two commoners. In some parishes unused commons were compensated with money from a levy made per head of common stock, but the commons were not then stocked by anyone else; see below Chapter 2 "Dead commons, Raunds."

2. See below, Chapter 2, passim.

sward, each of which lay in the common fields.¹ A "message tenement" sold in Daventry in 1785 was described as complete with a stable "fit for any trade" and right of common in the commonable places of the parish for no fewer than three horses, three cows and sixty sheep.² So many commons attached to one building was unusual: inns at Kislingbury, Raunds, Kettering and Upper Weedon were each endowed with common rights for a cow, or a cow and her calf, or a cow and a horse.³

The proportion of cottages with commons in a parish varied from place to place. The Reverend Thomas Goode, the rector of Weldon, estimated the number of cottage commoners in Rockingham Forest at 200 in 1744. He distinguished them from farmers, who numbered 300, although he suggested both numbers might be too low.⁴ In the 1720's cottagers

1. NM February 5th 1753. A Wilbarston cottage was put up for sale in 1794 with commons for four sheep and one and a half cows, May 3rd 1794 (half rights might be used for half the pasture year, or for one whole year in every two). Similar advertisements were printed for cottages in Walgrave (October 16th 1727); Rothwell (August 8th 1767); Irthlingborough (July 27th 1767); Brigstock (May 31st 1788).

2. NM March 7th 1785.

3. Respectively, NM April 25th 1763, March 12th 1791, March 3rd 1796, and June 20th 1763.

4. Anon., Letter to the commoners in Rockingham Forest, by a commoner, Stamford, [1744]. Unfortunately Goode did not name the parishes he included in his estimate which may have been as few as twelve or as many as 25, depending on his definition of forest and non-forest villages.

in Geddington Chase were counted by the agent to the Duke of Montagu who needed their consent in order to enclose the Chase. According to the steward 22 of the 27 houses in Little Oakley were cottages, and 47 of the 56 in Stanion were also cottages. In contrast only a third (46) of those in Geddington itself (135) were cottages with common right, and the same proportion were cottages in Brigstock.¹ When Geddington was finally enclosed by Act of Parliament in 1807, 53 cottages with common right were compensated in the Award. Unless the number grew from 46 to 53 during the century, the steward had acknowledged fewer than actually existed in 1720 - or it is possible that seven belonged to Montagu himself.² A court roll of 1733 described one quarter of the houses in nearby Little Weldon as "ancient cottages".³ And Bridges' account of Great Weldon in 1720 suggests that at least one third of the 100 families in the parish lived in farmhouses, working land to which rights were attached or in cottages with common rights attached to them. Fifteen families worked holdings of twenty acres or more; thirteen lived in "ancient cottages" which belonged to them; ten families lived in similar cottages rented from Viscount Hatton, Lord of the Manor; thirteen lived in new cottages; and five lived in cottages built on the waste. The first three groups - farmers, those in their own common-right cottages, and those in rented common-right cottages - amounted to 38 of the 100 families, each of which would have enjoyed common of pasture. Other families in Bridges' description,

1. Brigstock's houses numbered 160, of which 58 were cottages with common right. Figures for the houses are taken from John Bridges, History and antiquities of Northamptonshire, 1791, which was compiled in 1720.

2. NRO Mont.B X350 Box 10 No.25, papers concerning the enclosure of Geddington Chase, 1720.

3. NRO FH4822. Petition to the Right Honourable William Viscount Hatton, Lord of the manor of Little Weldon, 1733.

who lived on less than twenty acres of land, would also have enjoyed common right. Cottagers with rights, alone, comprised almost a quarter of the population.¹

Forest cottages as a proportion of all forest dwellings in the 1720's ranged from almost all the houses of Stanion and Little Oakley, to a third of those in Brigstock and Geddington, and a quarter of those in Great Weldon. This proportion did not change much over the century for on the eve of enclosure in the 1790's the number of houses in Stanion, Little Oakley and Geddington had risen or fallen by only two or three houses each; Brigstock's houses had increased by twenty or so to 176; Great Weldon's had fallen to 72 from 100.²

Outside the forest, in Wootton to the south of Northampton, rights attached to cottages and farmhouses at enclosure in 1778 were owned by thirteen men and women who claimed rights for twenty dwellings.³ The twenty probably housed a quarter or a fifth of all the families in the parish at the time of enclosure, and the proportion may have been higher earlier when the population may have been smaller.⁴ Six commoners claimed cottage rights for eight cottages in Chelveston cum Caldecott in the Nene valley at enclosure in 1801. One in seven of the houses in this parish would have been cottages with common right of pasture.⁵ Further south in the Whittlewood forest parish of Whitfield

1. Bridges, History and antiquities of Northamptonshire, 1791, Great Weldon. Even those in new cottages, or in cottages on the waste would have enjoyed the right to gather fuel; see below, "Fuel, browse and nuts from commons, forests and woods".

2. Census, 1801, pp.244-5.

3. NRO Wootton enclosure Award, Book G,65, made in June 1778, enrolled in November 1779.

4. Census, 1801, p.52, there were 101 inhabited and uninhabited houses in Wootton in 1801.

5. NRO Chelveston Enclosure Award, 1801, X3475; Census, 1801, p.247, the number of inhabited and uninhabited houses in Chelveston was 55.

the proportion of houses with cottage common rights was higher at almost half of the 48 houses counted in the 1801 Census.¹

The number of commons attached to a cottage was usually the same in forest, valley, or heath parishes. At the enclosure of Geddington in 1807 Samuel Bailey claimed compensation for a freehold cottage and rights for five sheep, two cows and a follower. The sheep rights were enjoyed "all year and every year" over both common land in the parish (and within the forest), and over the open fields, and in Ruin's Common - a common open only to cottagers' livestock. His cows could go into the open fields at Opentide (after harvest) and stay there until December 11th (St. Andrews or Old Martinmas), every year.² Occupancy of just one cottage conferred the right to pasture eight animals. A little earlier, in Wollaston in the Nene valley, Bart's Hospital claimed cottage common rights for four cottages at enclosure. Each cottage right was for two cows and six sheep.³ In nearby Ringstead a cottage common right gave its occupier pasture for ten sheep, two cows or horses and a follower, in 1839.⁴ Estimates of cottage common rights varied in Chelveston, another Nene parish, between three and ten sheep, and two cows, a breeder, and twelve to fourteen sheep.⁵ Wootton cottage common rights varied more widely, between pasture for four sheep and one cow and pasture for

1. NRO Whitfield Enclosure Award and map 1796 (flat folders); Census, 1801, p.248.

2. NRO Geddington enclosure papers, 1807, Claims Book, 853, Mont. B.

3. NRO Wollaston enclosure papers, 1797, Claims, 1202.

4. NRO Ringstead enclosure papers, 1839, Claims, ML778.

5. NRO Chelveston Enclosure Award, 1801, X3475.

exactly twice as many. Similarly, claims to rights for farmhouses ranged between four sheep commons to eight, sixteen and twenty.¹

The division of these rights suggests that cottage common rights were sometimes split into two or more parts, possibly in order to endow a subdivided cottage with rights for each family occupying it. The same may have been true of family farmhouses divided to accomodate more than one of the children's families. According to John Bridges, a form of manorial tenure known as Suit House tenure was held in Brigstock in Rockingham forest. In 1720 it was attached to a number of cottages in a variety of sizes. Thus there were 53 full suit houses, two half suit houses, and nine quarter suit houses. The tenure was claimed before the Eyre in the reign of Charles I and it consisted of attending the three week's court in return for house-bote, gate-bote, and hedge-bote. The hedge-bote amounted to 62 loads of suit thorns to be taken from Geddington and Farming Woods every year at concessional rates.² Again, the subdivision of rights suggests that some of the cottages were divided. In December 1717 John Clarke of Raunds surrendered into court one third of a cottage, its attached buildings, and one third of the adjacent land. With the property went commons for three sheep and a cow.³ Thus when Raunds was enclosed in 1797 cottagers rightly claimed half cottage rights as well as full rights. Some claimed for the sites of cottages now demolished. Indeed, the variety of buildings

1. NRO Wootton Enclosure Award, Book G, 65, June 1778 and November 1779.

2. Bridges, *History and antiquities of Northamptonshire*, 1791, pp.284-7. According to P.A.J.Pettit similar tenures were to be found in Stanion, Geddington and King's Cliffe: see P.A.J.Pettit, *The royal forests of Northamptonshire. A study in their economy, 1558-1714*, Publications of the Northamptonshire Record Society, Vol. xxiii, 1968, p.167.

3. NRO QCR 47 December 2nd 1717.

for which rights were claimed ranged from "cottages with homesteads", "cottages without homesteads", "cottage houses", and some freehold cottages, to "a half part of a cottage belonging to my messuage or tenement" and "a cottage belonging to a house" and even simply to "a house".¹ Cottages were sub-divided into dwellings for more than one family; farmhouses, when split from their land, were left with their own commons intact which became "farmhouse" commons. Subsequently they too were divided and their common rights divided with them. When cottages were pulled down and replaced with two buildings instead of one, the site held the right which may then have been shared between the occupiers. An isolated example from Burton Latimer shows a farmer bequeathing the common rights belonging to one house to his children who were living in another. Robert Nutt left one of the two houses he owned to his son Robert in September 1748 "but the commons in the field that I purchased with ye house I leave to those to whom I leave the House wherein I now dwell". His daughters inherited the house that he lived in and also the rights attached to the other house. The fate of the rights when they too died is unknown.²

The subdivision of cottages and farmhouses, and the demolition and re-building of cottages, together with the temporary transfer of rights from one building to another (the example of Burton Latimer),

1. NRO Box 88 No.1140, Raunds enclosure claims, 1797.

2. NRO Northamptonshire Wills and Admons., Pr. March 26th 1760. This is unusual because, as a rule, rights of common (whether attached to land or cottages) could only be stocked by whoever occupied the property. One example of a dispute over a cottage right claimed by the owner of a cottage who did not occupy it comes from Geddington in

For similar orders restricting the use of cottage common rights to their occupiers rather than their owners see, NRO QCR 47, Raunds, October 23rd and December 11th 1718; Church Commissioners' Records 272853 October 28th 1701, Peterborough; and G 3347a April 22nd 1731, Stoke Bruerne and Shutlanger.

all made the definition of cottage and cottager difficult. Enclosure commissioners relied on evidence of the recent use of cottage common rights when proof of their long-established nature was necessary. They may have done so in part because the bases on which cottage common rights were claimed were so varied. But this criterion of recent usage might exclude the claims of older cottagers who no longer stocked their rights, but whose heirs might stock in future. And another problem presented itself when cottagers both owned cottages with rights and rented additional open field land to which more rights were attached. If they stocked for the cottage alone, instead of putting onto the common the maximum number of animals allowed for both cottage and land, when the time came to prove the cottage right they had no way of showing that their constant stocking was for the cottages that they owned, rather than for the land they rented. To the cottagers the difference was crucial: they could be compensated for the cottage rights that they owned, but they got nothing for the land they rented.¹

Estimates of the size of lands attached to cottages with common rights are bedevilled by the problem that the best descriptions often survive in claims made at enclosure - a time when the smallest cottages and holdings may have been sold in anticipation of the changes about to come. In the parishes discussed here, most cottages for which compensation was made at enclosure seem to have had enough land attached to them to make at the least an adequate smallholding. Major Disbrowe of Chelveston, for example, let three cottages in 1807, each of which was

1. See the evidence given on the claim of Timothy Hawks to a cottage common right in Chelveston, 1807, NRO X3475. Of his neighbours one could not say if he stocked for cottage or land, one thought it was for the cottage.

complete with barn, yard, orchard, garden, and twelve acres and two roods of open field arable land and enclosed meadow with cottage common pasture rights for three cows and ten sheep. Some Chelveston cottagers with common rights worked only an acre or two of arable or ley in addition to using their closes and gardens. Others, like Thomas Chettle, rented sizeable estates as well as a cottage - Chettle was a tenant of 190 acres of arable and meadow land.¹ Five of the twenty cottagers in Wootton in 1778 worked less than twelve acres of land each on the eve of enclosure.² Very few cottage owners worked too small a holding to merit taxation at enclosure. A study of 22 parishes produced only 27 untaxed cottagers who were compensated for the loss of common right between 1780 and 1815, and of these 17 came from the same parish.³ But again, this may only show that the smallest cottage holdings were sold before the Award was made, not that cottagers by and large worked more than a couple of acres.⁴ Furthermore, when the owners of cottages were substantial landlords who claimed rights for a number of cottages and an estate as well there is often no way of knowing the size of the holdings let to the cottagers.

1. NRO X3475, Chelveston enclosure papers, 1801: claims of Major Disbrowe, Robert Eady, and Thomas Chettle.

2. NRO Wootton Enclosure Award, Book G, 65.

3. See below Appendix A, "Compensation to landless cottagers at enclosure".

4. See below Chapter 5: many smallholdings in West Haddon were sold before the enclosure was finished. Earl Fitzwilliam bought the cottage rights of six Newton Bromshold men on the eve of enclosure in 1800, NRO Newton Bromshold Award, Book K, 327.

Earl Fitzwilliam claimed 57 cottage rights at the enclosure of Newton Bromshold in 1800 - but who occupied them, or even whether the 57 were single common rights attached to only eight or ten cottages, remains unknown.¹

The sale of cottages before enclosure, their concentration in the hands of landlords throughout the century, and the problem of establishing the nature of occupancy as well as ownership, make discussion of the cottage-commoners as part of landholding society difficult. The evidence presented in this introduction can do no more than suggest that a minority of landholders were cottagers, who made up anything between a fifth and three quarters of the population of a parish. Perhaps three quarters of them worked holdings of less than twelve acres; the remainder lived in cottages but stocked mainly for open field land they either owned or rented. But most cottagers, with their small, useful estates, had more in common with small tenants and landless commoners than with any other group. As such they joined them in opposing enclosure: most opposed the bills.² And of course, they did so as the owners of cottage common rights; there were more who occupied rather than owned who would have joined them given the legal right.

Commoners with rights of pasture attached to cottages or land that they owned or rented, formed perhaps half of the

1. NRO Newton Bromshold Enclosure Award, 1800, Book K, 327.
2. See below, Chapter 6 "Opposition at the report stage".

county population on the eve of enclosure. One example from Raunds shows how varied were their occupations: of a group of 25 landholding commoners whose occupations can be identified in 1750 only a quarter were farmers or agricultural labourers. All the rest were artisans and tradesmen - cordwainers, weavers, blacksmiths, tailors, masons, carpenters, a butcher, a knacker, a flaxdresser and a gardener.¹ Further evidence shows that some of the commoners most actively opposed to enclosure were these kinds of men - the artisan and tradesmen commoners.²

Landless commoners

Most recent discussions of eighteenth century landholding and parliamentary enclosure take as their focus owner-occupier commoners and tenant commoners, and the present study is no exception.³ But another class of commoners who owned or rented little or no land at all, and whose cottages would not have satisfied an enclosure commissioner as entitling them to compensation for loss of common right, shared the use of commons and open fields too. Depending on the region the proportion of landless varied from 25%

1. NRO LTA Raunds 1751 compared with the parish's Militia List of 1762 and a manorial court suit roll of 1748, QCR

2. See below, chapters 5,6 and especially chapter 7 "The economic context of opposition".

2. Propertied commoners are the focus of Chapters 2,3 and 4; the opposition of both landed and landless commoners to enclosure is described in Chapters 5,6 and 7.

to 75% of the population.¹ Those with access to common lands may be called landless commoners, a term which describes labourers and artisans (and those who were both, depending on the season), small tradesmen, and the part of the village made up by those who were "poor" in the sense of being unfortunate - the old, the widows with families to support, the sick. In some parishes the destitute poor, immigrants and squatters, or the local unemployed poor, were also landless commoners. All of these commoners occupied too little land to be eligible for the land tax. At most some might work an acre or two and still not pay the tax, especially after 1797 when the minimum acreage on which tax was paid was set at land worth more than twenty shillings a year.² But the majority owned or rented very little field land,

1. A comparison of the number of land tax payers in 21 open parishes in the late 1780's and 1790's with their respective populations (recorded in the census of 1801), suggests that the proportion of the population not paying land tax - the "landless" population - was 25% in the northern fenland, and 30-70% in the river valley of the Nene in Eastern Northamptonshire, the south-central parishes, Salcey and Whittlewood forests, and in the Welland valley. Landowners who did not occupy their lands were also included because (although not occupiers) they could choose to work or to let their land and thus belonged to the propertied rather than the landless. See NRO LTA Nene valley parishes: Stanwick, 1790 (43% landless); Raunds, 1791 (34%); Newton Bromshold, 1795 (48.5%); Lutton, 1796 (43%); Wollaston, 1783 (72%); Chelveston, 1796 (59%); Hargrave, 1797 (29%); Islip, 1795 (68%); Wadenhoe, 1788 (83%). Fenland: Maxey, 1803 (25% landless); Helpstone, 1804 (7%); Eye, 1804 (34%). Central parishes, Welland valley, Salcey and Whittlewood: Roade, 1786 (48% landless); Abthorpe, 1790 (38%); Whitfield, 1791 (61%); Whittlebury, 1794 (70%); Green's Norton, 1794 (69%); Weston by Welland, 1797 (51%); Sutton Bassett, 1797 (66%); Hannington, 1797 (47%).

2. For a discussion of the smallest acreages on which the tax was paid see below, Appendix A, "Escaping the tax".

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or none at all. Nonetheless, many would have had a garden, an adjacent close or two, a pightle of meadow or a small assart, together with a yard with a stall or shed suitable for small livestock such as pigs and poultry, or in some cases a couple of sheep or a horse. In the unstinted forest commons of Rockingham, Whittlewood and Salcey, or in the northern fens, or in scarpland parishes like Wilbarston, Clipston, and West Haddon, which enjoyed large local wastes, these landless commoners swelled the population dependant on land and common rights. Here landless commoners becomes a better description for those who could not occupy land, than the description landless labourers, or (an eighteenth century term) "the poor".

In some cases the enjoyment of right by the landless is best documented when they resisted the loss of common right at enclosure. Thus they signed the counter-petitions in Wellingborough and Burton Latimer; they also joined in a mob of 300 when the army brought in the fences for the enclosure of Wilbarston wold; and they may have been responsible for many covert attacks on the hedges and gates of enclosed fields in the years following each enclosure.¹ In other cases their enjoyment of common right is recorded in the business of courts and vestries when the open-field economy of occupiers was regulated.

L. See below, Chapters 6 and 7.

Pasture:

In parishes with uncultivated forest, fen or heath, landless commoners could turn their pigs into the permanent pasture when it was open, and onto the stubble after the harvest, and feed them on acorns and beechmast from the woods.¹ John Norden remarked on the value of Northamptonshire hogs in his Declination of Northamptonshire in 1610:

wch made me most to marvayle weare the great heards of Swyne, a beaste altogether unprofitable, till he come to the slaughter. Then his rustie ribbs in a frostie morninge will please Pearce the ploughman, and will so supple his weatherbeaten lipps, that his whipp and his whistle will hammer out such harmony as will make a Dogge daunce that delights it.²

In no parish were pigs stinted, or specifically allowed pasture only if they belonged to landholders, although custom limited their numbers, and regulations governed the ringing of their noses to protect the surface of the land.³ There is some evidence of an attempt on the part of Lord Gowran to keep hogs out of Farming Woods Walk in Rockingham in 1747. He was advised that if there was a grant of common for the hogs he could give notice of trespass, which if broken would empower him to impound the hogs "damage feasant" or sue the owners for trespass.⁴ Gowran, and his steward Matthew Duane, believed that there was no such grant of

1. For harvest pasture see NM August 20th 1796, pigs could be turned into the fields three weeks after gleaning; NRO YO 578 at Orlingbury in 1711 a new stinting agreement set a fine of one shilling per hog put into the fields before three weeks after harvest. ^{pars}

2. John Norden, Speculi Britanniac/altera; or a delineation of Northamptonshire 1610.

3. See below Chapter 2 "The land: pig-ringing".

4. NRO YZ 4959 Letter Mathew Duane to Lord Gowran, June 13th 1747. Duane refers to "Lord Westomoreland" who was also interested in excluding the hogs.

common "especially as it can be prov'd that Several paid acknowledgments for the Liberty of turning Hogs into the Forest". Grant or not, the forest commoners had enjoyed the pasture for their hogs, and probably continued to do so.

The pigs of the forest and waste were the southern counterpart of the geese that had the run of fen pastures in Maxey and Deepingate throughout the century until enclosure in 1809.¹ William Pitt described their breeding in Staffordshire as the work of "the poor people" who sold them to farmers to fatten them in their stubbles for the table.² Much the same may have been true of Northamptonshire.

Grazing for sheep or cattle and horses was less easily available to all landless commoners. In the first place, those without closes or small bits of meadow would have no use for a common right unless they sold it to other commoners as a "dead common".³ Others, who could count on enough waste

1. See below, Chapter 2 "Maxey stints".

2. William Pitt, Topographical history of Staffordshire, 1819, Part II, p.79. Pitt remarked on their post-enclosure scarcity, "they must in future be bred on the farmer's premises".

3. A cow common fetched 3s 4d in Orlingbury in 1775, NRO BS&L OR/6 Orlingbury Town or Commoners book; they were worth more in Old, rising from five shillings in the 1740's to eight shillings in 1766 on the eve of enclosure, see NRO O 102, Wold Fieldsmen's Accounts 1738-49, 1754-60, 1766. See also Chapter 2 "Dead commons" below. King's Cliffe commoners who could not stock their own rights were reputed to let their commons in the forest to strangers, NRO W(A)4 xvii 4, dated 1728. The author of this series of complaints and questions about common right in Cliffe Bailwick wanted a legal opinion on the agistment of strangers' cattle and hogs.

pasture and enough fodder for the winter, might find the right very valuable indeed. But this supposes that landless commoners who were not occupiers of special common right cottages enjoyed the right to pasture cows, sheep, or horses, by virtue of their residence alone. Despite legal decisions to the contrary such seems to have been the case in some places, if not in others.¹ For example the "poor cottagers" (as distinct from the owners of cottage common rights) of Orlingbury were allowed right of common "as they have usually held and Enjoyed the same they paying the usual price or rate for such Common".² In Rockingham forest the lord of the manor of Deene - an old enclosed manor - determined which poor commoners could use a special cottage pasture set aside for the five cows of five poor families. In April 1725 his steward advised him that:

Widow Sutton I think deserves one more than Richard Wilkins, for though he has 3 children he is better able to work for them than this woman, who besides her own 2 small children maintains her husbands mother, who otherwise must be an immediate charge to the parish.

1. Notably Gateward's case, see C.K. Allen, Law in the Making, Oxford, 7th ed., 1969, Appendix.

2. NRO YO 578 Orlingbury Stinting agreement, 1711.

3. Joan Wake and D.C. Webster, The letters of Daniel Eaton to the third Earl of Cardigan 1725-1732, Publications of the Northamptonshire Record Society, Vol.xxiv, 1971, Letter no. 10, April 20th 1725.

In the fens Maxey great cattle were stinted at two cows or horses per farmer, and one per cottager in 1738. The order made no distinction between those cottagers with ancient right to common (if such existed) and those who occupied more recently built cottages. In the light of the evidence of generous common pasture in the fens it seems reasonable to guess that everyone could have common for a cow or a horse, if he could feed it.¹ In order to hire additional dead commons an occupier had to hold property worth twenty shillings rent a year. Most cottages would have had a rental value of at least that sum.² In Peterborough only those who lived in the manor, and paid scot and lot, could enjoy right of common.³ The order was introduced to deter the buying up of cottages by outsiders who wanted pasture alone.

1. NRO Fitzwilliam Msc. Vol.747 p.54, February 19th 1767. Similarly in May 1790 an advertisement of the sale of two cottages, a house, a farm house and a public house, in Peverill's manor near Peterborough noted that "All the Messuages and Cottages have Right of Common without Stint on the Peterborough and Burrow Fens": NM May 22nd 1790. Peverill's manor stretched over three parishes - Walton, Werrington and Paston - and two more villages - Dogsthorp and Gunthorp. A "good 8000 acre common" in the shape of Borough Fen was open to each of them. NM September 5th 1763. Once again "cottages" were not further described as being ancient.

2. William Pitt, General view of the agriculture of the county of Northampton, 1809, pp.29-31. Pitt found that some cottages owned by landlords like the Duke of Grafton who did not consider them as sources of revenue were let at the low rent of twenty shillings; others were as high as 35 and 40 shillings.

3. NRO Church Commissioners' Records 278573, October 28th 1701.

But elsewhere right was more closely attached to the occupancy of land than to the status of inhabitant. In the Grafton manors right to pasture cows and sheep belonged to landholders and cottage common-right cottagers.¹ But the minimum acreage which qualified the occupier for a common right was low enough to include most people who could support a beast for the rest of the year anyway. For example in Stoke Bruerne and Shutlanger only two acres of ley or one of clover entitled the occupier to a cow common.² And in nearby Ashton, Roade and Hartwell every occupier of no matter how little open field land could pasture a horse or cow.³ In Raunds common right depended on the occupancy of land to the value of ten acres of ploughed land. But three of arable and three of ley were reckoned to be worth ten of arable land and so could allow a man right to pasture a cow. Any shortfall could be made up by paying sixpence per acre up to the necessary ten acres.⁴

With the exception of particular pastures set aside for poor commoners, and other pastures in the fenland parishes, rights to pasture great cattle and sheep were usually attached

1. NRO G3462a, Moreton Pinkney orders, 1743; and other manors as follows.

2. NRO G3624b April 26th 1764.

3. NRO G3626b May 3rd 1764.

4. NRO Raunds Overseers' Accounts, 1789.

to the occupancy of open field land then; but the necessary holdings could be very small indeed. The decision to stock for one's common right was really a matter of whether a virtually landless commoner had enough sources of fodder to feed his beast through the winter. In some places with good common waste his supply of pasture was sufficient; elsewhere he was better advised to keep his pigs and poultry, and perhaps sell his common to the field officers every year. Fenland parishes granted rights to occupiers of houses, rather than occupiers of common right cottages alone. But the same restriction operated in practice: without sufficient land a commoner could not use his right. In the fens "sufficient land" might be easily found, as it might be in other parishes with good wastes. But in the rest of the county the likelihood was more remote and landless commoners were more aptly described as landless labourers. But, if nothing else, landless commoners could gather fuel - (a considerable advantage in a county where wood and coal were expensive) and fodder and litter for small livestock from the uncultivated waste; and in most parishes the women and children could turn to gleaning corn and picking peas and beans at harvest time.

Fuel, browse, and nuts from commons, forests, and woods

Until the Grand Junction canal brought coal to Blisworth in Northamptonshire from the Staffordshire and Warwickshire collieries, the price of coal in the county was high, and that

of all kinds of wood correspondingly expensive. According to Pitt faggots cost 18 to 20 shillings for six score, and stackwood cost 16 to 18 shillings for a waggon-load. As the cheaper coal began arriving in the 1790's the price of a waggon-load of furze fell to 14 to 21 shillings.¹ The high cost of bought fuel made the right to gather furze from commons particularly valuable for poor commoners in Northamptonshire. Furze was used as firing in winter - a servant in Great Harrowden put too much on the kitchen fire in March 1790 and set the chimney ablaze - more usefully, it warmed cottages, fuelled bakehouses, lime-kilns, and brewer's pots, and it provided litter for cattle and smaller livestock, and (when properly bruised) it could be fed as animal food over the winter.² All the "brakes, furze, ling, and heath which shall be yearly coming and growing, and increasing, in and upon a certain parcel of grounds called the Links, in the lordship of Kettering" were claimed by Thomas Gotch on behalf of the poor inhabitants of the town at its enclosure in 1804.³

1. William Pitt, General view..., 1806, pp.146, 228-9.

2. NM March 13th 1790. Berkshire Record Office D/EHy E9/1, Bucklebury petition against enclosure, 1834: the commoners used the furze for winter feed for cattle, having no other source. See for the fodder value of furze: "A Letter to the Editors, on the Uses of Furze or Goss as Food for Cattle" in Museum Rusticum et Commerciale Vol.2 No.xxxix (1764) pp. 118-19; J.Laurence, The Modern Land Steward, 1801, pp.380-383.

3. NPL Kettering Inclosure: claims, No.164,386, p.32.

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In 1778 the same claim was made on behalf of the "poor Persons dwelling in the Parish of Great Billing" in Northamptonshire where they had enjoyed the "privilege" of cutting fern and brakes for fuel on a piece of land called the Lings every year on September 19th. The Lord of the Manor himself claimed exclusive right to the brakes and bushes on his warren and was so compensated.¹ A few miles west of Great Billing, in Moulton, the enclosure commissioners met in December 1772 to determine several disputes "relative to Lands Bushes Brakes and other Common Rights". Commoners entitled to gather bushes and brakes were described as having no other property in the fields of Moulton, which suggests that they too were the poorer inhabitants, although there is no indication whether all the poor had the right to a lot of bushes and brakes, or only some of them.² The loss of furze rights, and the loss of cottage common rights by landless cottagers, were compensated with the award of one piece of land for both.³

The value of furze rights was protected in some parishes by putting a limit on the kind of poor commoners entitled

1. NPL Great Billing Enclosure Act and Commissioners' Minutes, No. 26, see the minutes of meetings held on September 25th, October 1st, and 2nd. All herbage on the roads was also granted to Cavendish, the usual practice at enclosure.

2. NRO Misc.QS Records, Accn. 1969/14/92,97.

3. The same happened in Weston by Weedon in Weedon Lois, Northamptonshire, at enclosure. The "Poor's land" - an allotment of 14a Or 26p compensated the poor for the loss of the right to cut furze and thorns; Whollan, Directory, 1849, "Weedon Loys". The wood-gatherers owned no land individually.

to gather them. At Moreton Pinkney in 1727 men whose property was worth more than £5 a year in rental value were forbidden to gather furze from the common and the cow pasture.¹ The court changed this qualification at the October court to allow anyone who belonged to the parish to cut furze and bushes provided "they carry them home upon their backs not using any waggons carts or horses" - a limitation that would probably discourage richer commoners as effectively as the ceiling of rental value imposed earlier.² At the Peterborough court the gathering of furze was organised by cutting all that was fit to be cut before any was taken off the common. Then a commoner could take home only the number of kids belonging to his house on penalty of a fine of twenty shillings.³ How commoners qualified for the right is not stated in the transactions of the court. In Raunds only those with a settlement in the parish could gather the furze in 1729; nor could anyone fetch furze "from the old meadow with a Cart and Horse under the penalty of Ten Shillings for each default".⁴ And in

1. NRO G3315a April 10th 1727.

2. NRO G3361a October 23rd 1727. In 1743 the penalty for breaking this order was twenty shillings for every load carried off the common in a cart, carriage or waggon, G3462a.

3. NRO Church Commissioners' Records 278573, October 1701. Alwalton commoners also enjoyed the right cut furze, see Church Commissioners' Records 278573, April 17th 1705.

4. NRO QCR 52, 1729; QCR 59 December 13th 1740.

Boughton and Pitsford the right was kept safe for the poor by forbidding the gathering of brakes before Michaelmas Day when a bell was tolled upon which only one person from each family could go out to gather the brakes and carry them home.¹ But gathering fuel and browse for cattle went on all winter, long after the autumn "crop" of furze was taken off. Nicholas Smith of Duston, old and ailing, died on Duston Heath in February 1773 where he had gone "to cut Bushes".² And James Coleman was found near Salcey forest "where he had been to get some Fire-Wood" in January 1784, almost frozen to death. He died later "through the Inclemency of the Weather".³

At Stoke Bruerne and Shutlanger the Duke of Grafton had the first cut of the rushes in the manor, and commoners gathered them before him on penalty of ten shillings.⁴ This serves as a reminder of the value of furze, brakes, rushes and the like, either as fuel or fodder or the raw materials of crafts. All commoners could find a use for furze in particular, and the richer could easily cart it off in

1. NRO X3851 Court book of the manor of Boughton and Pitsford, 1716 - 1879, October 24th 1745, this order was confirmed at all subsequent courts until 1754, enclosure took place in 1756.

2. NM February 22nd 1773. Th heath was enclosed three years later.

3. NM January 5th 1784.

4. NRO G3617 April 24th 1765.

waggon-loads if they were allowed to do so. But it seems that in a number of parishes they were expressly forbidden to do this, and the right was frequently referred to as one enjoyed by "the poor". Thus custom protected the poorer commoners when in other circumstances they may have had no right at all. Protection such as this worked to the benefit of the propertied commoners too, for the cost of providing the poorest villagers with fuel during the winter would have been high; similarly, the winter feed for their few animals may have kept the poorer commoners off the parish poor rate.¹ Moreover, in this way the common was cleared every autumn.

Furze, brakes, or bushes were gathered on heaths and uncultivated commons throughout the county; most parishes had lings of some size, some substantial.² But the equivalent right to gather fallen wood in the forests was probably much more valuable. In Whittlewood the "poor inhabitants" of Silverstone, Whitfield, and several other parishes enjoyed the right to dry, fallen wood, which they could gather on two days every week until the 1850's when

1. West Haddon commoners lost a common of 800 acres at enclosure in 1765 and two years later found themselves subscribing for low-priced fuel for the poor, NM January 16th 1767. Obviously, unless waste land fuel was always abundant, subscriptions were taken up both before and after enclosure. The argument here is that they were probably more frequent after enclosure than before because local sources of free fuel were cut off.

2. See above for discussion of the size and location of common wastes, "Commonlands: the open fields and uncultivated commons".

the forest was enclosed.¹ The same right to rotten and dead wood in Salcey forest was regulated by the Warden of the forest in 1785 when the wood-gatherers were allowed to go into the forest only on Mondays and Thursdays "these being the only Days allowed by ancient Custom of the said Forest". At the same time those who took green wood were threatened with prosecution.²

This right seems rather domesticated - or well-ordered - in comparison with the frequent illegal expeditions made for wood on other days and nights of the week. But the closeness of the forest made such raids easy and customary; and commoners may have believed they had the right to more and better wood than the "sere and broken" or "rotten and dead" fallen boughs they were expected to take by Wardens and Keepers. Throughout the century prosecutions were brought against woodstealers, although more were taken to Quarter Sessions in the 1790's than in any other decade.³ Entering the forest for wood led to poaching. One of the Duke of Montagu's reasons for attempting the enclosure of Geddington Chase in the 1720's was to put a stop to these expeditions. "Woodstealers" crossed the forest by

1. PRO CREST 2/1051, fuel claims made on the enclosure of Whittlewood forest; Rev. J.E.Linnell, Old Oak, 1932, pp. 189-191.

2. NM July 9th 1785. The Warden deplored the damage done to the underwood "under Pretence of gathering up the Rotten and Dead wood". E.C.K.Gonner in Common land and enclosure, 1912, p.28, mentions that allotments were made to Salcey commoners for "sere and broken wood" in the enclosure award.

3. See below, Conclusion.

a maze of paths every day and used "the pretence of some small privileges, as of gathering dead Wood" as "Clokes for ye Greatest Villanies, in destroying the Wood and the Game".¹ Montagu expressed the same aim to Lord Gowran, who, as grantee of Farming Woods, feared that enclosing the Chase would increase the pressure of common right usage on his own Walk. Montagu's attorney assured Gowran that:

Its reasonably Presumd there will be a Work House Erected in Brigstock; which will not only ease Farming Woods of that Incumbrance; And the Town in Generall of their Large Leavies: but will enable those that now Fetch the²wood away by Stealth to become Buyers of Wood...

One expedition for wood made by a number of Green's Norton men in 1789 illustrates the familiarity with which such raids were made; and also the existence of strong community sanctions against anyone who informed the authorities. The information and confession of John Wright, described as a labourer of Green's Norton parish, who was arrested in December 1789 and charged with wood stealing, explains how it was done:

1. NRO Mont.B. X350 Box 10 No. 25, Geddington Chase enclosure papers, "Some Reasons Offer'd to the Commoners in Ye Chase, 1721".

2. NRO Mont.B.X350 Box 10 No.25, Geddington Chase enclosure papers, "Mr Wargrave's Reasons Why a Cow Common set off ye Chase will be an advantage to Lord Gowran".

on Saturday night last the 26th inst. he this Informant resolving to go out to steal some wood for fire, he went about 7 o'clock in the Evening to his neighbour William Kay's house in the hopes of meeting with a companion - that he did there actually find the sd Wm Kay Thos Dicks shoemaker and Edward Reeve labourers of Greens Norton a'sd who sd (on this informant's asking where they were going) they were going to look for a bit of wood and bid him this informant to go and fetch his tackle which he accordingly did consisting of an ashen stick about four feet long and string and soon joined the said parties (at Hezekiah Lucas's) where he also found Henry Pines, Thomas Rogers, Richard Wright, all of ye said Parish of Greens Norton -

After sending for ale from the public house, and drinking it, they all set off together "for company sake and not to defend their burdens and stand by one another against those that should endeavour to molest them". The first wood they found was a dead hedge, part of which they pulled up, but left in order to go on to another fence of oak posts and rails. After this came another range of posts and rails belonging to Samuel Wood, a Towcester butcher. All the wood that could be carried was taken to the home parish, "but not to their homes as they apprehended a pursuit and search".¹

As the men rested their loads on their return from the expedition they were warned by one of John Pinkard's servants that Pinkard himself and some followers were on their way to arrest them ("My Boys I would have you make

1. NRO QS Grand File Epiphany 1790, The information and confession of John Wright, labourer, of the parish of Green's Norton.

off directly") but the men refused to disperse and leave the wood, and readied themselves to defend it instead. As a result six were arrested, including John Wright, who subsequently informed on the others.¹ But Wright's testimony was corroborated, and amplified by Benjamin Dillow of Green's Norton, a farmer reduced to the status of labourer through misfortune. Dillow voluntarily bore witness that the woodstealers had planned to attack particular gentlemen (Mr Grant, a Towcester surgeon, and William Kendal, a Handley farmer) and had vowed that if they met with them "they should not go home very easily to their own houses, if they went home at all". Dillow also alleged that Henry Lucas, who had absconded, was part of the gang and had borrowed a shilling from him in order to get away quickly.²

Both Wright and Dillow had broken the silence usually kept by village communities about these affairs. But Wright may have been under some pressure to do so; certainly he continued to steal wood and did eventually flee the parish a year later for fear of prosecution. Benjamin Dillow, however, had voluntarily given information to Justice O'Clare and had to face communal hostility as a result. In

1. Wright informed on the others, including some not caught on the expedition, despite receiving a letter from gaol begging him not to. His brother advised him to leave the parish in order not to give testimony, but he was unwilling to leave his family. However, a year later, charged with similar offences, he did flee the parish, NM January 29th 1791.

2. NRO QS Grand File Epiphany 1790, Information of Benjamin Dillow.

the winter of 1791, a year after the trials, he applied to the Overseers of the Poor in Green's Norton for money and fuel and was repeatedly refused both. Dillow took his case to O'Clare claiming that he had been "partially and unjustly denied a share in the common stock of fewell provided for the general relief of the poor inhabitants" and had applied to the Overseers every day for relief and had been refused. The Overseers failed to give the Magistrate good reason for refusing him, upon which he ordered them to pay Dillow six shillings per week, every week, in return for his labour until they were told to stop. The Overseers ignored the order. O'Clare was forced to bring the matter to the notice of the Clerk of the Peace in Northampton where his information was judged without proper ground for an indictment. Meanwhile Dillow had been living on the credit allowed him by other, richer, inhabitants. The complicity of the Overseers of this open field parish may indicate that there was a disputed right at stake. In the absence of other evidence this can be no more than a possibility. Equally likely, the widely-based support for woodstealers may stem from the fact that more men than the poor commoners alone would benefit from freely available wood. Earlier in the century Justices, Rectors and Keepers in Whittlewood Forest were accused of conspiring with other commoners to cut and keep more than the customary "Coronation Poles" of oak, cut at every coronation to celebrate the accession. In doing so they had defied the Warden, the Woodward - who

feared for his life - and the King himself.¹ For part of the century at least this solidarity encouraged and protected woodstealers.

In Green's Norton the woodstealers believed they had every right to the wood, and were supported by most of the parish. They were confident enough to stand and defend their wood; and to single out particularly unpopular individuals for attacks - either on their property, or, on occasion, on their persons too. Forest villagers were notorious for their fearlessness,² a product of their independence of constant wage-labour in a single employment, and of their access to the fruits of the forest - like wood.

Commoners took furze from the Lings and wood from the royal forests as a right, but many went into private woods and collected fallen wood with the same confidence, although by the end of the century landowners disputed the custom. Despite threat of prosecution, wood was taken from the park in Preston Deanery, on the edge of the forest of Salcey, by people from the surrounding parishes in the 1770's, 1780's and 1790's.³ Similarly, a notice was published in

1. NRO X3693 Herbert correspondence, Whittlewood, Vols.1,2, especially Vol.2. Herbert to Wither, July 2nd 1727.

2. J.E.Linnell, Old Oak, 1932, p.101: "Magisterial interference...always meant a row, only too likely to develop into a first class riot in a place like Silverstone". And later Linnell describes the fate of a Constable who had informed on an unjustly accused horse stealer who was then hung. The Constable "lost his money, his friends refused to be burthened with him, and in the end life became so unbearable he threw it away." Ibid., p.160.

3. NM February 14th and 21st 1774; NRO QS Grand File Easter 1789; and Thomas a Becket 1789; NM December 21st and 28th 1799.

the Northampton Mercury in December 1786 claiming that great damage had been done to the fences, young trees, and underwood of Norton Wood - formerly the property of the Earl of Winchelsea - "under Pretence of picking up rotten Sticks &c &c &c"; trespassers were warned to stay out of the Wood in future.¹ And there were numerous warnings issued to those who went into the private woods to pick nuts and berries and in doing so either collected or damaged the wood. Like prosecutions for woodstealing, these seem to have been a development of the second half of the century. A warning notice to trespassers in Nobottle Wood in 1776 is typical of many:

Whereas severall Persons have made a usual and scandalous Practice in Destroying the UNDERWOOD by gathering NUTS, &c in the Wood in the Parish of Nobottle: This, therefore, is to give Notice that if any Person or Persons, for the future, go into the aforesaid Wood to gather Nuts, &c,² They will be prosecuted as the Law directs.

Notices were issued for at least twelve privately-owned Woods from the 1760's onwards.

1. NM December 24rd 1786, the Wood now belonged to Harvey Breton, esq. According to Whellan the wood had been "brought into cultivation several years" in 1849, Whellan, Directory, 1849, p.461.

2. NM August 26th 1776. Similar warning notices were printed for the following woods: Moseley grounds in Harlestone (September 13th 1788); Hardwick Wood (August 30th 1788); Fallam Woods in Braunston (August 24th 1793); Sywell Wood (July 8th 1765; August 23rd 1794; September 12 1795); Stowe Wood in Stowe Nine Churches, and Dodford Woods in Farthingstone (August 16th 1794); Berrywood in Upton (September 6th 1773); Daventry Wood (August 4th, 18th, 25th; September 9th, 1802); Nobottle Wood in Great Brington (August 26th 1776; September 1st 1778; August 23rd 1779; September 1st 1787); Horton Woods (August 28th 1790)

The nuts themselves were valuable, one of a number of small fruits from woods and commons that together amounted to a useful source of food or income:

hares, fish, wood-pigeons, and birds'eggs; together with beech mast from the copses for their pigs; crab apples and cob nuts from the hedgerows; brambles, whortles, and juniper berries from the heaths; and mint, thyme, balm, tansy, and other wild herbs from any little patch of waste. Almost every living thing in the parish, however insignificant, could be turned to some good use by the frugal peasant-labourer or his wife.

Nuts, acorns, elderberries, blackberries, bulrushes for chair seats and flags for baskets, sloes, dead wood, and wood for walking sticks, were all collected in the nineteenth century too. And, as in the eighteenth century, nutting could disguise poaching expeditions too. But the financial penalty involved in losing the valuable nuts to the gathens, or losing game to poachers, or suffering

1. Alan Everitt, "Farm labourers", in The Agrarian History of England and Wales, Vol. iv, 1500-1640, 1967 ed. Joan Thirsk, p.405. According to Pitt women and children grew woad and potatoes in corners of the Catesby open fields and in closes too, William Pitt, General view of the county of Northampton 1809, p. William Marshall observed a similar custom of growing potatoes in the corners of fields, see William Marshall, Rural economy of the Midland counties, 1790, pp.42-3 The value of waste as a source of food is the subject of a recent book by Richard Mabey, Food for free, 1972. One late October expedition brought home thyme, calamint, mushrooms, hazel nuts, sloes, nettles, cow parsley, wild basil, dewberries, brooklime, wild strawberries, rose hips, crab apples, chick weed, sorrel, dandelion leaves, bilberries and filberts. Without suggesting such a crop could feed a hungry family it is still true that it would add a variety, and extend the types of food otherwise available to commoners.

the breaking of boughs as they were pulled down to pick the nuts, led to the closing of the woods. According to Jefferies "in many places, where nutting was once freely permitted, it is now rigidly repressed".¹ Just before the nuts were ready for gathering, the landowner would send in men to pick them and throw them down on public footpaths by the sack-full as an indication that there were no nuts to be had. Jefferies wrote of the nineteenth century, but the discouragement of nutting began in Northamptonshire much earlier. If the evidence of warning notices to trespassers is any indication of the spread of the ban, it would seem that it began as parliamentary enclosure increased its pace in the 1760's and 1770's. As the enclosure movement extinguished use-rights over other uncultivated lands landowners may have intensified their efforts to do the same for their private woods.

Discussing the issue in the nineteenth century Richard Jefferies could talk of the openness of the woods as a privilege offered to the local poor, not as a right they believed to belong to them regardless of who owned the wood. But the evidence of the eighteenth century suggests that long usage confirmed the habit as a right in the minds of commoners who could claim rights over wastes and in royal forests. Private woods were merely an extension of the area

1. Richard Jefferies, The game-keeper at home, 1878, p.107. Filberts and hazel nuts (and Kentish cob-nuts) were harvested like any other crop, and it was not unknown for a copse-owner to lose fifteen or twenty pounds' worth of nuts in one raid.

over which commoners could move: they crossed them daily, watching nuts and berries ripen, picking up dead wood or browse, and probably taking a few rabbits and hares too. Forest commoners in particular - such as the men from Green's Norton - would find the distinction merely formal. It would take many years - and a number of threats of trespass actions - before this idea of right was replaced by one of privilege, and before commoners would accept that privileges could be taken away. Meanwhile the Earl Spencer - as one landowner amongst many - had to resort to threatening anyone caught nutting in his woods with being "taken before a Magistrate and sent for a Soldier".¹

Gleaning

...each woman, with all the children she could bring, took a "land" or ploughing ridge, laid out a sheet with a stone at each corner, and the whole company moved forward together up the ridges. Bending, hands deep in the stubble, they "leased" the fallen ears. Each gleaner had a linsey - woolsey bag hanging from her waist. Tiny boys and girls had tiny bags. Long straggling straws were gathered into the left hand, while broken-off ears were dropped into the bag. As the bunches grew too large to be held, they were tied and dropped, to be picked up on the walk back to the headland. The family's total gleanings were laid on the sheet and bundled for carrying. Later on, this corn would be sent to the miller and ground, and several weeks' bread might be made from the flour.²

1. NM August 23rd 1779. Transportation was not a legal punishment for trespass, although Spencer hoped to convince the nutters that it was.

2. M.K. Ashby, Joseph Ashby of Tysoe, 1859-1919: a study of English village life, 1961, pp. 25-6.

The right to gather fallen ears of corn, broken straw, and peas and beans, together with the gathering of furze, dead wood, nuts and whatever else an uncultivated common might offer, set up poor commoners with a stock of flour and a stack of fuel or fodder, at the start of the winter. Gleaners' families in Atherstone (Warwickshire) were reckoned to collect corn worth fifteen shillings each every year in the 1760's - a sum more than half the wages women could bring home after ten weeks work in the hay and corn harvests.¹ According to F.M. Eden, gleaners in Roade (Northamptonshire) could gather enough corn after harvest to make bread that would last the rest of the year. Their pigs could be fed on gleaned beans in much the same way. A gleaner's family would collect corn worth thirty shillings in the 1790's when bought flour cost between five and eight shillings a week.² Long Buckby villagers were said to store their gleaned corn up in the bedrooms when the space available downstairs was filled to overflowing.³ Besides the corn, the straw could be burnt on cottage hearths, or used to fire bakehouses and for drying malt or cottage brewing. If long it was turned into thatch, or it could be thrown into the stalls

1. Warwickshire Record Office Compton - Bracebridge, Box HR/35, dispute over the enclosure of Atherstone, c.1764. The annual income of this family would have been about £22 6s Od; women brought in 25 shillings from work in the harvest.

2. This family's annual income was only £26 8s Od, of which gleaning came to 6%, F.M. Eden, The state of the poor (1797; 1966),

3. NPL No.49 "The folk-lore of Long Buckby", The Library List Vol.5, No.54, January 1939.

and yards to be mixed with dung. Like every other free commodity it had many uses.¹ Peas and beans were collected after the pease harvest in Roade, and also in Helpstone in the northern fen, and at Great Weldon in the Forest of Rockingham and doubtless elsewhere.²

The custom was regulated quite closely. At Raunds, Roade and Ashton only the local population was allowed to glean. Residents in the parishes who had a settlement elsewhere were excluded. John Adams and his family were fined one shilling at the Raunds court in December 1740 for gleaning without a settlement in Raunds. A new penalty of five shillings

1. "A letter from a vale farmer to the editors, on the disadvantages of plowing in stubble", Museum Rusticum et Commerciale Vol.2, lxxii, pp.35-6. The letter was sent on May 4th 1764, from a farmer living near Aylesbury in Buckinghamshire.

2. See Eden, op. cit.; also NRO Fitzwilliam Misc. Vol. 746 p.25, November 1722 (Helpstone); FH 991 Great Weldon By-laws, 1728. In Weekley, Northants., in 1535 a by-law ordered that no one who occupied plough land himself could gather peas, except on his own land and thus reserved the right to glean pease to the landless. At Broughton in the 1560's pease could be gleaned only with the "lycens of the owner of the peyse and in the company of some of there household viz., children or servants". W.O. Ault, "Open-field husbandry and the village community: a study of agrarian by-laws in medieval England", Transactions of the American Philosophical Society, 1965, new series, vol.55, pt.7, pp.18-20. The right to gather pease may have been less widespread than that of gleaning corn.

was subsequently set on the offence.¹ Gleaners could not enter the fields until they were "fairly rid" or completely cleared; though they gleaned before the cattle were let into the fields to graze. In Raunds they were not allowed in until two days had elapsed after the clearing of the fields.² The times at which the fields were opened in the morning, and closed at night, were fixed. Very often a bell was rung, or the gleaning was "cried" around "the village" in order that all - old, and feeble, as well as young and active - may have a fair start". In the 1870's gleaners at Raunds and Staverton paid the sexton or the parish clerk for ringing the gleaning-bell to enable them to start and finish together.³ The fields were usually opened at seven or eight each morning, and closed at five, six or seven at night. A riot followed the illegally-early gleaning of six West Haddon women in 1763. They had begun gathering the corn before five o'clock for several mornings. As late as 1907

1. NRO QCR December 13th 1740; but the fine set on the offence in 1729 was higher, at ten shillings, QCR 52. An explanation might be that such a high fine was unnecessary as a deterrent: certificate poor who went gleaning illegally would not be able to afford a fine of even half of the 1729 fine - hence a lower fine in 1740 and also a low amercement for the Adams family of only one shilling. For other prohibitions of gleaning by the certificated, see G3580B, Grafton orders, April 1775.

2. NRO QCR 56 October 3rd 1735.

3. Thomas North, The church bells of Northamptonshire, Leicester, 1878, pp.153, 390. At Wittering "a woman goes round the village ringing a hand bell as a gleaning bell", p.445.

the hill on which they had gleaned was known as "Riot hill".¹

Of all the eighteenth century use-rights over the property of other men enjoyed by poor commoners, gleanng was the only one to survive enclosure and flourish throughout the Kingdom into the present century. Moreover, gleaners still claimed the custom as a right despite legal decisions to the contrary in both the seventeenth and eighteenth centuries.² For instance, Mrs Sarah Orpin of Bradwell, near Coggeshall in Essex, received an anonymous threatening letter in August 1773 because her family had gleaned their fields themselves in order to keep the poor out. The letter accused her of robbing the poor, and threatened to fire her barn if she kept them out again.³ In more than fifty Northamptonshire parishes the gleanng bell was still tolled to open and close the fields in the 1870's.⁴ And the custom

1. J.T. Page, "West Haddon", Northampton Herald, January 11th 1907. But a more remarkable, and memorable, riot may have been two years later in 1765, see below Ch.5 and Ch.7.

2. According to Capel Lofft of Troston Hall, Suffolk, several Irish statutes, by modifying gleanng, supposed that it was a right not a privilege (25 Hen. 8c.1, and 28 Hen.8 c.24 in particular). Lofft asserted this in 1785, the year of another decision in Common Pleas that gleanng could not be claimed as of right (Steele vs. Houghton). See Annals of Agriculture, vol.9 No.50, pp.164-7. See also "Gleanng", Scottish Law Times Vol.1 [1893-4] pp.655-6, for evidence submitted in a case that came before the Court of Session in 1771 relating to a dispute of October 1769 in which a farmer failed to prevent his pease and beans being gleaned by villagers who claimed that they had a legal right to glean - a claim later rejected by the Scottish courts.

3. See E.P. Thompson, "The crime of anonymity", in Hay, Linebaugh, Thompson (eds.) Albion's fatal tree. Crime and Society in eighteenth-century England, 1975, p.311.

4. North, op.cit., passim. With only four exceptions the parishes were enclosed by Parliamentary Act rather than enclosed earlier by private agreement - earlier enclosures were often for conversion to pasture.

was probably more widespread than this suggests, for not every parish would rely on bells: some sent men or boys around the village to announce the hour, others used hand-bells, and still others may not have signalled the hour but expected the gleaners to observe the by-laws about time nonetheless. It would seem that only conversion of the land from corn to pasture on a more or less permanent basis could extinguish the right.¹

Common rights played different parts in the economies of the landless depending on the provision of waste from parish to parish. Landless "commoners" is a term most usefully applied to forest and fenland landless labourers who could count on some grazing, more fuel, and better fodder than their counterparts elsewhere. But even outside the most obviously heath~~en~~ or fen parishes there were landless labourers who won some kinds of support from use of the many woods and commons scattered along the western scarp and encircling Northampton. This support was seasonal and varied in its significance with the local employment situation, and the rate at which populations increased. At the least in every open parish where corn was grown the fields could be gleaned after harvest. Furthermore, there is some evidence that the most important rights of gathering fuel, and of access to pasture for the smallest landholders, were protected by the communal regulation of agriculture in manorial courts and open vestries.

1. See below, Chapter 8, for a discussion of why gleaning was the only common right to survive, and of the dimensions of conversion to pasture in the county.

But the most significant right - the one most supportive of an entire economy - was common of pasture, which gave crucial support to the smallholders and cottagers rather than the landless. Landless commoners won a kind of seasonal and partial independence of wage labour from the free gathering of fuel and feed for their small livestock, but cottagers and other smallholders could win more constant value from their pasture rights. The protection of their use of this common right, the maintenance of its value, and its loss on enclosure, are the subjects of the following chapters.

Chapter 2

The Regulation of Common of Pasture

The Champion robbeth by night,
And prowleth and filcheth by day;
Himself and his beast out of sight,
Both spoileth and maketh away
Not only their grass but their corn,
Both after and e'er it be shorn.

What footpaths are made and how broad,
Annoyance too much to be borne.
With horse and with cattle what road
Is made thorow everie man's corne:
Where champions ruleth the roast,
Their daily disorder is most.

- Thomas Tusser, Five Hundred Points
of Good Husbandry, London, 1573, p.142

... [if] thou hadst made an Alteration
in the rights of Commoning thou instead of
being contempabel would thy Name been as
oderifferous Ointment pour'd forth to us [,]
the voice of us and the maguor part of the
parish is for a regulation of commons right

- Anonymous letter received by Oliver
Cromwell, Esq., Cheshunt Park, Herts.,
dated February 27th 1799. PRO, HO 42.46;
copy in London Gazette 1799, p.267.

Common of pasture

Mangy beasts on commons grazed bare, and the spread of disease as a matter of course: the accusations of pro-enclosure opinion were directed at the nature of common of pasture almost as much as at the inefficiency of scattered strips, the backwardness of communally-decided agricultural policy, and the fecklessness of poor commoners. Pamphleteers built up an open field "model" in which the chaotic results of commonly-held land were trespass without hindrance, a fanatically conservative race of landholders, cattle which were "nothing but a sort of starv'd, Tod-bellied Runts, neither fit for the Dairy nor the Yoke"; and a mob of ignorant, half-starved, poor commoners scratching for the meagre fruits of a free common.¹ An important function of pro-enclosure pamphleteers, and later on a function of the reporters to the Board of Agriculture too, was to change public opinion on the issue of enclosure. But in a century-long remoulding of public opinion, exaggeration and licence played their parts. Thus herds decimated by disease, and the chronic overstocking of pastures became the inevitable consequences of open fields, and common rights. But these arguments necessarily ignored the support that common pasture

1. Timothy Nourse, Campania fœclix, 1700, pp.98-100. See also for example, Daniel Hilman, Tusser redivivus, 1710, passim., and Anon., The True Interest of the Land Owners of Great Britain or the Husbandmen's Essay, n.d., passim., especially pp.14-28. See also Lord Ernle, English farming past and present, 6th ed., 1961, pp.155-6 for more examples.

had given English agriculture before the appearance of the critics. Furthermore, the arguments endured in the official record long after the enclosure period itself, and it has been left to historians to disprove the allegations made so long ago. Several have shown that impressive developments were made in open-field farming in the long run-up to parliamentary enclosure in the late eighteenth century. In the lowland midlands in particular convertible husbandry and the re-division of the common fields produced a flexibility in agricultural practice which led to all-round increases in fertility and production.¹

But the value of common of pasture in particular could still be seriously questioned as late as 1966 by Professors Chambers and Mingay, who deplored "the impossibility of improving the livestock, and the risks of Wildfire spread of disease among

1. Amongst others: H.L. Gray, English field systems, Harvard Historical Studies, xxii, 1915; W.G. Hoskins, "The Leicestershire farmer in the sixteenth century" in Studies in Leicestershire agrarian history (Trans. Leics. Arch. Soc., 1948); "The Leicestershire farmer in the seventeenth century", Agricultural History xxv (1951), and The Midland peasant, 1957; Joan Thirsk, English peasant farming: the agrarian history of Leicestershire from Tudor to recent times, 1957, and Agrarian history of England and Wales, 1967, vol. 4, ch. 1; M.A. Havinden, "Agricultural progress in open field Oxfordshire", Agricultural History Review ix (1961), pp. 73-4; D.B. Grigg, The agricultural revolution in South Lincolnshire, Cambridge, 1966; J.M. Martin, "The parliamentary enclosure movement and rural society in Warwickshire", Agricultural History Review xv (1967). Generally the work of Eric Kerridge on technological improvement from the sixteenth century onwards strengthens the view of a relatively dynamic agriculture before enclosure.

beasts herded together on the commons and fields" in open parishes.¹ Unfortunately the effect of this is to throw doubt on the value of common rights to those who held them, for if the stock nourished on commons was inferior and diseased, enclosure and the extinction of common right could not have materially affected the owners of the cattle. This is not to say that progress in unenclosed open-field agriculture is denied by the authors; in fact they both disparage the value of common pasture (and implicitly common right), and praise the innovations in crops and the increase of small enclosures within open parishes, at the same time. Thus their argument falls into two halves. First, where there was no progress in open-field farming, common of pasture was of no use and its loss meant little. Second, where there was progress in farming before enclosure it was accompanied by the individualization of practice to such an extent that the progressive open-field parish was remarkably like an enclosed one. Thus either rights were useless because practice was so poor, or they were of minimal value because progressive practice was so good that it had swept away the old communal system.²

1. J.D. Chambers and G.E. Mingay, The agricultural revolution, 1770-1880, 1966, p.49. Also Gordon Philpot, "Enclosure and population growth in eighteenth century England", Explorations in Economic History, xii (1975), pp.29-46.

2. Chambers and Mingay, Ibid., pp.49-52, "as it was modified and improved the old system was gradually stripped of its distinctive characteristics, and moved towards the individual control of the land, the freedom in land use, and the compact and larger farm units associated with enclosed farms. Left to itself the development of open fields would no doubt have arrived in the fullness of time at completely enclosed and individually managed farms. Enclosures by agreement between the owners and by Act of Parliament speeded up the process. It follows that many enclosures merely completed the work of centuries, and made little change of significance in the farms, their occupiers or their methods of cultivation".

But in Northamptonshire at least it was possible for agricultural progress and communal agricultural policy to co-exist. Indeed, progressive open-field agriculture depended on the organizational structures of the old system: the by-laws, the fieldsmen, the twice-yearly courts, and the habit of making communal decisions. Furthermore, the combination of new techniques and practices, and older ways of making and enforcing policies, protected the value of common of pasture in particular. The evidence of field orders regulating the right, presentments punishing the abuse of the right, and the determined attempts of commoners to prevent its extinction, all point to the importance of common right of pasture in the Northamptonshire economy.

During this long remoulding of public opinion, when Englishmen were encouraged to think of English agriculture as a market economy instead of the livelihood of a majority of the population and the means of its survival, open-field parishes continued to be governed by manorial courts and juries of fieldsmen, pastures were increasingly stinted, and commons were regulated even more closely.

Field orders

The upkeep and renewal of the pasture, the fencing and mounding of the fields, and the development of fodder crops and ley grazing as a communal resource, were operations decided upon and enforced by the manorial courts. The precise

directions ratified at these courts were the most common form of law in open field parishes. It forbade the over-stocking of the pasture in excess of the rate of animals set per acre or cottage or other piece of property. It was used to prosecute those who exceeded their stint, and those who put animals upon the common claiming a pretended right. Such court regulation continued until all the fields and commons of a manor or parish were enclosed.¹ The survival of the field orders depended on how they were dealt with by the steward of the court. Many of those surviving for Northamptonshire manors were loosely bundled up with the first drafts of the court proceedings made at its sitting; and often they were not formally enrolled with the fealties, surrenders and admissions that formed the other business of the court. At best they were written into books - again, usually not the rolls proper - such as those kept for the Fitzwilliam manors of Maxey cum membris in the Northamptonshire fens. The orders were not of abiding importance; they were made at least twice a year, often specific to that year only (although some orders were standing ones and not always repeated, as there was no need), and only occasionally were new

1. For example, although some of the parish of Grafton Regis was enclosed under by a private Act of 1727, the remaining open land was regulated at the court into the 1760's or later. See below.

agreements made that were important enough to require a permanent preservation.¹ Their real importance was local. Thus orders were read publicly by the fieldsman or other representatives of the jury; or they were nailed to the church door.² All those not kept by stewards stood little chance of long survival. And not even those filed by stewards were invariably passed down. A sample of the many orders that do exist forms the basis of the discussion that follows. They are taken from the surviving records of the Honor of Grafton manors, the royal manor of Raunds, and the fenland manors of Maxey-cum-membris. They were selected for their geographical distribution over the county, and because they form relatively unbroken runs in this period.³ The enforcement of these orders

1. NRO Raunds Parish Records, Overseer's Accounts; a new agreement made by the landholders in 1789 was recorded in the Town Book at their direction for example.

2. NRO BG 177 Ravensthorpe orders were read twice a year on Easter Monday and August 1st - Lammas - prior notice was given of the reading by the fieldsmen on pain of five shillings for every failure to do so.

3. Field orders are found in broken series throughout the bundles of court papers, court files, court books and even the court rolls of a manor. Consequently collecting complete series for more than a handful of manors is a substantial piece of work. Here the records of the manors of Maxey cum Membris (especially Maxey and Helpstone); the royal manor of Raunds (which sometimes dealt with Ringstead manorial regulation too); and the manors of the Honor of Grafton (especially Moreton Pinkney, Stoke Bruerne, Shutlanger, Grafton Regis, Ashton, Roade, Hartwell and Blisworth) have been examined. Only the records of the manors of Raunds, Maxey, and Moreton Pinkney have been exhaustively searched. The work of analysing the nature of court regulation over the county can only begin with these manors; greater analysis made on the basis of differing agricultures and patterns of land-ownership would require much more time than was available to me. For a note listing the records searched for the following two chapters see the Bibliography.

is dealt with in the next chapter.

With the exception of Raunds, the manors held courts jointly with a number of parishes. Most field orders survive for the host manor in each group, although much evidence of regulation in the member manors also exists. Clearly, the bigger manors, where the courts were held, were likely to file their field orders with the steward most consistently. Thus orders for Maxey and Moreton Pinkney are particularly full. Furthermore, some of the member manors were very small indeed. And other shared a common parish regulation of the fields rather than an individual manorial one.¹

The manors of the Duke of Grafton lay in the Royal forests of Whittlewood and Salcey in south east Northamptonshire; and further west in the centre of the county, south of Watling Street. In the forests, the manors of Grafton cum membris were Grafton Regis, Hartwell, Roade, Ashton, Wicken and Bugbrooke in Northamptonshire, and Hanslop and Shenly in Buckinghamshire. The manors to the west were those of Moreton Pinkney cum membris: Moreton itself, Woodend, Blakesley, Plumpton and Adston. All of these manors belonged to the Honor of Grafton, together with another group centred on the court of Green's Norton, lying

1. For example, Duncot, Field Burcot, and Carswell manors were all very small manors owing suit and service to the Green's Norton court; they shared orders in common with the parish of Green's Norton within which they lay.

between them. Altogether 25 manors were administered in these three courts. Both the forest manors and the Moreton Pinkney manors shared a mixed agriculture in the eighteenth century, but in the forest the thin grey loams underlain by limestone encouraged rather more crop growing than pasture in contrast to the Moreton manors which enjoyed a light red loam over sandstone that would encourage complete conversion to pasture later on.

The fenland manors in the north of the county also owed suit to one particular court rather than kept their own individual ones. Maxey cum membris court was attended by suitors from Helpstone, Castor and Ailesworth, Etton and Marholm, Northborough, and Botelars and Thorolds. Their mixed agriculture, dominated by sheep husbandry, relied upon the use of large commons by several parishes, and the annual communal regulation of drainage. Of all the manors discussed here the forest and fen ones were the last to be enclosed, few of them before the first decade of the nineteenth century. They also shared the largest permanent pastures and the most generous common rights.¹

The royal manor of Raunds lay in the Nene valley in eastern Northamptonshire, on the border with Bedfordshire. In contrast to the mixed agriculture of the forest and mid-county

1. For a description of the economy of forest villages in Northamptonshire in the seventeenth and early eighteenth centuries, see P.A.J. Pettit, The royal forests of Northamptonshire. A study in their economy, 1558-1714, Publications of the Northamptonshire Record Society, Vol. xxiii, 1968.

manors, and to the sheep of the fen, the Raunds clay supported a less mixed, more wholly arable agriculture.¹

Despite these contrasting agricultures the methods of regulating common of pasture, and enforcing that regulation, were strikingly similar in all manors. This was so despite the partial enclosure of Grafton Regis, the differing size of manors and numbers of suitors, and the differences in husbandry of forest, fen, clay vale and central pasture manors. Differences of emphasis on particular kinds of work and differences of dates at which new stints or new fodder crops were introduced mark the variety of manors rather than totally diverse agricultural pre-occupations. All were united in needing to protect the pasture commons which supported their economies, and in needing to protect their stock which fed off them.

Protecting the land

Field orders protected the value of common of pasture, and the land over which it was enjoyed, in a number of ways: by limiting the number of common pasture animals; by forbidding or severely restricting the letting of commons; by folding sheep on the fields both day and night; and by directing that fodder crops be grown on a certain proportion of the tilled land every year.

1. See William Pitt, General view of the agriculture..., 1809, passim. Whellan's Directory..., 1849, by parish.

The land: stints

Sheep folds manured the land; sowing fodder crops and turning tilled land back to greensward improved the quality of the common pasture, and increased the amount of fodder available. In turn this may have raised the number of animals kept and so have led to the production of more manure - as it did in contemporary Oxfordshire. But equally as important as these was the careful restriction of the number of sheep and cattle allowed on the common pasture in the first place. The practice of setting "Stints" - limiting the number of animals pastured - was crucially important. Without them graziers, butchers and other men operating with large flocks and herds could run the commons bare every year.

Stinting orders were observed in nearly all the Grafton, Maxey and Raunds manors from early on in the century - and were probably elaborations of still earlier practice. They were re-assessed from time to time throughout the period, and in most cases "abated" - limited even further. Exceptions to this rule were the completely unstinted permanent commons of Blisworth Plain, Stoke Plain and the Outgang in Maxey. Other royal forest common rights and uncultivated fen pasture were

equally unstinted.¹ Of course the absence of a stint did not mean that common rights were unlimited or that they were free to all comers. At the least they were territorially limited: the forest manors for example claimed unstinted rights over forest commons but jealously defended the right against neighbouring manors who would have liked the same access. Other qualifications were needed to enjoy "unstinted commons" such as the ability to winter animals commoned in summer (levancy and couchancy), or status as a householder or cottager, or occupancy of a particular piece of land over which commoners had unusual or intermittent rights, or - most likely of all - the occupancy of open field land. Fenland commons went unstinted early in the century, but an order from the Peterborough court describes how such rights were enjoyed only if the commons were inhabitants of the manor paying Scot and Lot:

Item Wee Order that If any person shall come and buy a house in Peterborough and putt Stock into the Common and Doe not inhabitt he and his ffamily and pay Scott and Lott for that he shall for every head of Cattle see putt into the ffennes pay 10 s half to the Lords of the Manor and half to the Poore of this parish for every such Offence.

1. Unstinted common right was advertised as part of lands for sale in Raunds, NM February 3rd 1724 (horse commons only; they were stinted five years later, see below); Silverstone in Whittlewood forest, March 19th 1764; Paulerspury, also in Whittlewood, September 1797; and Denton, March 20th 1769 (for horses only). Unstinted cottage common rights were advertised as part of property for sale in forest and fen parishes only: Geddington 1790 (on Geddington Chase in Rockingham forest); Peterborough, Dogsthorpe, Neward and Peakirk, March 16th 1724 and May 22nd 1790 (all rights were to the pasture of Borough Fen).

2. NRO Church Commissioners' Records 278573, October 28th 1701; also the following year.

A stint did not change the grounds on which rights could be claimed, it merely lowered the number of animals a man with such a right might put on the common. Thus trespass and overstocking were familiar offences in manors where rights were unstinted, just as they were in stinted manors.¹ Nor did "common without stint" inevitably signify commons grazed bare, or thin, malnourished animals. The introduction of stints, however, did mark a concern with the quality of pasture and a recognition of the value of improving it.

- Grafton Manor Stints:

Four Grafton manors set newly restrictive stints in 1726, 1731 and 1739. Alderton's jury agreed "to Stint one third part of the Beases for one Whole year" in April 1726, on penalty of 5s for anyone breaking the stint.² The order may have been renewed in the following years. Another made for the manors of Stoke Bruerne and Shutlanger in 1731 lowered the stint of sheep to 3 for every 4 acres of arable, and five for every two acres of greensward; and no more than half of the sheep rights were to be used for ewes with lambs. A common right for a horse or cow was raised to six acres of arable land or three of greensward. All rights were to "be kept

1. Ashton, Roade, and Hartwell enjoyed unstinted rights until the 1760's, but orders dealt with trespass etc. long before, see throughout Ch. 2 and 3.

2. NRO G3297a, April 13th 1726.

and let only by the persons that occupy the Land in Stoke and Shutlanger fields" on penalty of five shillings.¹ At the same court the jury agreed that the stint of commons owned by Cottagers should remain unchanged, despite the lowering of the landholders' stints. Blisworth court also re-set its stinting orders in the 1730's. Like Alderton it imposed a stringent one-year stint in 1739. This too may have had a longer life than just one year, or it may have served the purpose of a temporary relief for the open pasture. The new sheep stints were more generous to the holders of ^a arable land than those of Stoke Bruerne and Shutlanger: one sheep was allowed to pasture for every acre of arable land occupied. But it was less generous to those leaving their land in greensward - three sheep could be pastured for every two acres instead of the five sheep allowed at Stoke. Evidently Blisworth men set less of a premium on leaving land unploughed than their neighbours, perhaps because the plentiful rough commons on Blisworth plain slowed down the adoption of such measures. In contrast common rights for great cattle were more closely stinted than elsewhere. Ten acres of arable land conferred the right to pasture a horse or cow in Blisworth

1. NRO G3347a April 22nd 1731. Sheep pastured on Stoke Plain - an unstinted common - were to have "only a drift way to & from the fold on penalty of 5s for each Sheep so offending". The previous stints are not mentioned in these orders, simply that the new stints were lower.

rather than the six acres needed in Stoke or Shutlanger. Nor could a man who did not occupy land in the fields rent a horse common in Blisworth. Open field pasture in Blisworth belonged primarily to sheep husbandry, and the comparatively few great cattle took second place. Despite this, more commons could be enjoyed on Blisworth plain (and on the smaller Stoke plain) than the other Grafton manors. Both remained unstinted until enclosure. But sheep from the plains and sheep set on the open field pastures were kept separate. The former may have been thinner, hardier, and kept for shorter periods prior to sale. Certainly they were allowed out of the plain and into the fields only for folding at night, and even then they were kept together in one flock, away from the rest in order to prevent substitution of hungry sheep for field sheep. Thus plains sheep were no threat either to the health of the field sheep or to the quality of their pasture thanks to specific stints and orders governing their movements.¹

Blisworth stints may have been changed again after 1739. They remained unchanged in the mid 1760's however, when many other Grafton manors drew up new stinting agreements to replace

1. See below "Sheep fold"; also G 3347a, April 22nd 1731, field orders of Stoke Bruerne and Shutlanger.

the old. Stoke Bruerne and Shutlanger, Grafton Regis, Potterspury, and Ashton, Roade, and Hartwell, all re-set their stint between 1764 and 1765. In each manor the old stints were abated. The jury at Grafton Regis abated two sheep for every acre of the "Fallow Field taken in and inclosed for Fitches or for Turnips or what ever else so taken in till Such time the Same be thrown open again". The jury also took Claxwell Slade out of the common field stock. Farmed in severalty and thus not open to pasture, in future it could not entitle its occupiers to common right.¹ In the same year at the same court Stoke Bruerne and Shutlanger jurymen cut the number of sheep commons allowed for arable land from 15 sheep for 20 acres to twelve sheep, but the number allowed for more valuable ley or greensward was almost unchanged. Common for a horse or cow required the occupancy of ten acres of arable rather than the six of 1731. But once again the cottagers' commons were unchanged; they were carefully listed as two cows for every cottage.² An order of 1725 allowing any landholder who put down an acre of land to clover the right to common a cow or horse was matched by another in 1764 allowing anyone sowing an acre of clover in their wheat or barley land, and leaving it as pasture in the fallow year, five sheep commons.³ Finally

1. NRO G3626c, May 3rd 1764. A fine of 3s 4d, to be paid to the steward, was set on any breaking of the new orders.

2. NRO G3624b, 26th April 1764.

3. NRO G3340a, April 8th 1725. G3624b, April 26th 1764.

a year later they resolved to keep only half as many lambs as they had sheep commons - a tactic they had seen used by Ashton, Roade and Hartwell occupiers.¹ Alone of the Grafton manors Ashton, Roade and Hartwell had not observed stints prior to 1764. In the preamble to their new agreement they complained that the lack of stints had led to overstocking and had devalued the pasture in the fields. However "An equal Just and advantageous Stint and Number of Cattle in proportion to the Number of Acres in the several Fields" would prevent this happening again. Despite this concern their new stint was considerably more generous than Stoke's or Blisworth's. Sixteen sheep could be commoned for every twenty acres of arable land, instead of the usual twelve or so, one sheep for every acre of meadow, and no less than three for every acre of ley. Similarly a horse and a cow could be pastured for every sixteen acres of arable land; and every occupier, presumably regardless of how little he or she occupied, could common either a horse or a cow. However the fine set on breaking the orders was an impressive £5 which was to be paid to the Lord of the Manor.² But very soon the stint was abated. The following year, 1765, the greensward stint was lowered by two sheep per acre, and sown fallow field land was abated by

1. NRO G 3618b, April 25th 1765.

2. NRO G3626b, May 3rd 1764.

six sheep to the acre; each diminished stint was to hold until the sown arable lands were thrown open to the common stock.¹ Grafton Regis had ordered a similar abatement in May 1764.²

Alone of the Grafton manors Moreton Pinkney seems not to have negotiated a new stinting agreement in the 1730's - although stints were observed in the manor throughout the period. Sheep were stinted at 16 to the yardland in April 1726, horses at 2 to the yardland, and cows at three to the yardland.³ In April 1743 this set of stinting regulations became standing orders.⁴ In 1761 the parish was completely enclosed, making participation in the stinting agreements of the 1760's in the Grafton manors unnecessary.

By the mid 1760's of all the Grafton manors more land was needed in Potterspury to common sheep and cattle than elsewhere. Ashton, Roade, and Hartwell, Stoke Bruerne and

1. NRO G3618b n.d. 1765.

2. See above. Another order (undated, but presumably a later order than the avowed first ever stint of 1764) granted generous common rights to the occupiers of sown fallows in Ashton, Roade, and Hartwell: six sheep commons to the acre of sown fallows in comparison to two sheep commons to the acre of greensward or arable land, NRO G3542b n.d.

3. Only 8 lambs were allowed per yardland between April and November 1726 whereas an extra two were allowed between St. George and Martinmas in 1732. NRO G3316a and G3420a. The 1726 stint of horses was unchanged in May 1737, G.3423.

4. NRO G3462a April 11th 1743.

Shutlanger and Blisworth varied somewhat in their stints but not greatly. The general level of stints was one sheep per acre of arable perhaps twice as many for leys; and one cow for ten acres of arable in Blisworth, Stoke and Shutlanger, rising to one for twenty acres in Potterspury. Despite this ten or twenty acre rule occupiers of fewer acres and had a number of ways of winning common right for a cow or a horse.¹ Stoke Bruerne and Shutlanger and Potterspury were especially active in encouraging the sowing of leys and greensward by offering more commons for each acre sown as ley or left unploughed. But all the Grafton manors set more commons as a stint for this kind of land. And Stoke, Shutlanger and Blisworth allowed more cattle for leys as well as more sheep.

- Raunds stints:

Raunds stints followed the same pattern of a progressive abatement over the century as those in the Grafton manors, although it may have been a slower development in the Nene valley than further south in the heath and forest. An advertisement placed in the Mercury in the mid 1720's suggests that the horse commons in Raunds were unstinted.²

1. All occupiers of land in Ashton, Roade and Hartwell, regardless of the size of their property could have common pasture for a horse or cow. Two acres of ley or one of clover conferred a right in Stoke Bruerne and Shutlanger; seven of greensward gave one in Blisworth. See above. A similar arrangement must have served the smallholders of Potterspury too because Arthur Young records their loss of cow commons in.

2. NM February 3rd 1724.

This may refer to a special horse common, or the stint of horses ordered in 1729 may have been the first of its kind. For ten acres of arable land a man could common one horse, and each default on this order was punishable with a fine of 6s 8d.¹ The stint was relaxed somewhat in an order of 1735 which allowed a horse common for the first seven acres, not ten, although two horse commons were still attached to twenty acres. Similarly the stint of cows set at the same time was three for the first twenty acres of arable or ley, and two for each score thereafter. Sheep were stinted at one per acre.² Orders made in 1740 and 1741 observed the same stints.³ A gap in the field orders between 1741 and 1789 means that there is no way of knowing if the stints were abated during that period. The orders made in 1789 complained of overstocking in the preamble to the new stints. The main change made was to restrict the cow commons of men with more than 30 acres. The first thirty acres a man occupied carried a right to common three cows; but every subsequent thirty carried the right to common only two. In addition farmers were warned that they could not stock for any cottages they might own. Presumably only their occupiers were allowed to exercise the

1. NRO QCR 52 1729 n.d.

2. NRO QCR 56 October 3rd 1735.

3. NRO QCR 59 December 13th 1740. QCR 60 April 23rd 1741.

right.¹ Sheep commons remained at one per acre as in 1741, although sheep commons for turnip lands sown in the fallow field were abated. The minimum qualification for a cow common was raised to occupation of "the value of Ten Acres of Land" - whether this would apply to a combination of house and land is not clear; if it did it was valuable right for small householders working a few acres. The stipulation may also indicate a higher value placed on open ley or meadow land, making a holding of three acres of arable and five of ley or meadow worth ten of arable land alone. In any case anyone not occupying the value of ten acres of land could pay sixpence for every acre he was short. Thus a man with only two acres would pay 4s for a cow common.²

In general all the Raunds stints were characterised by their generosity to small holders. Whereas in Grafton this generosity went as far as maintaining the common right value of cottages - and so helping occupiers of cottages - in Raunds it went further in making the minimum requirements for one, two or three cow commons lower than the general requirement for more commons.

1. Commons for a cottage much earlier, in 1718, were a generous nine sheep commons and three cow commons; NRO QCR 47 October 23rd and December 11th 1718, the surrender and admission of a cottage belonging to John Clarke in the occupation of Thomas Hall.

2. NRO Raunds Parish Records, Overseer's Accounts, 1789.

- Maxey stints:

In Maxey and the other fenland manors stints show less of a change in the eighteenth century. It is possible that Maxey itself set new stints for sheep in 1738 and for horses and cows in 1767 but no orders of the previous stints exist with which to compare them. Certainly the open fields were stinted - while commoners also enjoyed some unstinted permanent fen common. Geese, cows and horses seem to have been stinted per occupier, farmer or cottager. Sheep, the most important of all the stock, were stinted according to the value of an occupier's land. In 1737 anyone with a common right in the North Fen was instructed to keep only three old brood geese and a gander there. The order was repeated in 1767 with the additional regulation that they must wear a horn round their necks branded with the first two letters of their owner's name and the town brand. Whatever geese were bred on these could be kept with them - presumably while they were young. Maxey's war with Deepingate over the inhabitants' shameless stocking of geese in the fen may have already begun in the '60's (it continued into the 1790's), hence the close identification of parish geese.¹ Maxey sheep were pastured at the rate of two for every pound paid in rent annually, or

1. NRO Fitzwilliam Misc. Vol. 747 p.49 June 17th 1736; and p.54 19th February 1767. Fines in 1736 stood at 5s for each goose overstocked and 6d for each gosling.

every pound value of an estate, in 1738.¹ First mention of the rate at which great cattle were stinted comes in 1767 when farmers could common two cows or horses and cottagers only one.² Strict stinting of a formerly unstinted common in Maxey called the "Outgang" began in 1778. As in 1767 the rate at which great cattle were stocked was set per farmer or cottager not per acre. Farmers became entitled to stock four cows or horses and cottagers two. Previously the common had been either a "running common" - unstinted - or stinted at too generous a rate.

The jury set out the problem before ordering the stint:

We Order and Agree that the Peice of Land called the Outgang...being a Common belonging to Maxey and a certain ffarm in Deepingate called Digbys,...has been used at various times to be stock'd as a running Common and some times rated or stinted as it was thought proper by the Jury of this Court for the time being but when used as a running Common it was but of small Value by the Grass of the same being soon Eat off, and when Stinted such Stint was too large for such Common to Carry Therefore for the better using the same Comon in ffuture for a mutual advantage that for the ffuture every ffarmer or reputed ffarmer having right of Comon on such Outgang shall be at Liberty to Stock the same from old May Day yearly with ffour Cows or Beasts and every Cottager having right there with two and not otherways.

1. NRO Fitzwilliam Misc. Vol. 746 pp.88-9, November 14th 1738. This was also set for Northborough and Deepingate at the same court. Northborough sheep were still stinted at this rate in 1767, Fitzwilliam Misc. Vol. 747 p.52 February 19th 1767.

2. NRO Fitzwilliam Misc. Vol. 747 p.52 February 19th 1767.

3. NRO Fitzwilliam Misc. Vol. 747 p.104 October 22nd 1778. It was to be laid (closed to cattle) at New Year every year and fenced by the neighbouring farms. An order of 1776 had set the right for an unlimited number of "dry and milched cows", although they could not be rotated (new cattle replacing the first put on etc.) Fitzwilliam Misc. Vol. 747 p.97 October 28th 1776.

Unlike Maxey, Helpstone horse commons were stinted according to the amount of land held: six acres of arable or meadow gave a right for one horse in 1720 and 1722. Sheep commons were also set per acre, at 20 or 25 for every ten acres in the East field or the North field. Leys were worth more sheep commons than tilled land. And a cottager could put four sheep to pasture.¹ No more evidence of stints in the manor survives, save that those with a right for a horse might also rent out another.² Anyone who claimed right to a horse common in 1797 was warned to prove his rights "between the 10th Day of April and the 21st of May next...or we must be Oblig'd to impound his stock".³

The evidence of stinting orders reveals a careful regulation of common right over the open field pasture and a watchful separation of this kind of pasture from permanent rough commons or open fens. This regulation was kept up throughout the century in open manors; most stints were reduced gradually, often with the intention of preventing overstocking by occupiers of large holdings. Rates differed

1. NRO Fitzwilliam Misc. Vol. 746 p.9, December 5th 1720; and p.24, 1722.

2. NRO Fitzwilliam Misc. Vol. 746 p.9, December 5th 1720; and Vol. 747 p.172, April 10th 1797.

3. NRO Fitzwilliam Misc. Vol. 747 p.172, April 10th 1797. Other fen manors stinted their open fields too. For example, Etton and Woodcroft in 1735, NRO Fitzwilliam Misc. Vol. 746 p.73 April 2nd 1735; Castor and Ailesworth in the same year, Fitzwilliam Misc. Vol. 746 p.70; Marholm in the same year, Fitzwilliam Misc. Vol. 746 p.72, January 2nd 1735; and Northborough in 1767, Fitzwilliam Misc. Vol. 747 p.52, February 19th 1767.

between manors, even between adjacent manors, but most clearly between the fens, where sheep commons especially were stinted more generously, and elsewhere.¹ Generally, by mid-century a cow or horse common in these manors required occupancy of the value of ten acres of arable land.² Many manors made it possible to pay a little to make up a shortfall for those with less than ten acres. In all manors common rights were "proportionable", and thus five acres would give a common right once every two years, or a right for half the pasture season. Some manors granted a common right for a cow or a horse to every occupier, regardless of size. Others made it easy to get a right if leys were sown over as little as an acre of clover or two acres of ley. In this way a widow, for example, who owned only an acre or two might well prefer to sow her land with clover and leave it while she enjoyed both a cow common right, and additional fodder for the winter. Sheep commons were set at a higher number to the acre. Generally an acre of arable brought the right to common a sheep; an acre of meadow or ley brought the right to common more. Rights were more generous in the fens. Finally, cottagers were protected and their rights remained more stable than those attached to land,

1. Ten sheep commons were attached to every four acres of ploughed land in Helpstone in the 1720's in contrast to the three attached to four acres in Stoke Bruerne and Shutlanger in 1731, and the four attached to four acres in Raunds in 1735, see above.

2. The minimum was 6-12 in other manors, see above, Chapter 1.

throughout the period. Generalization from the evidence of three regions, and perhaps a dozen parishes, is hazardous. However, in these parishes at least, stints were set quite regularly, abated progressively, and when abused they were re-set with heavier fines. These parishes may well represent at least half the truth of regulation in other open fields in Northamptonshire.

The land: dead commons

Every manor protected its pasture from out-parishioners' or outsiders' cattle in its laws against trespass.. But equally dangerous was the taking in of animals from other manors by a commoner for a fee; or the sale of unused commons to strangers. Agistment and the sale of commons were problems every court dealt with by setting high fines, and narrow limits within which transfer of commons was acceptable. The Grafton manors of Stoke Bruerne, and Shutlanger, Grafton Regis, Ashton, Roade and Hartwell, all forbade the sale of unused common rights ("dead commons") to anyone but occupiers in the parish. Most of them also set up a system of paying for dead commons by levying a fee per head of common stock on the other commoners.¹ In Stoke

1. NRO G3347a Stoke Bruerne and Shutlanger orders April 22nd 1731; G3626b Grafton Regis, Roade, Ashton and Hartwell orders May 3rd 1764. Payments made to the owners of dead common rights were generous in Wold, central Northamptonshire: unstocked horse commons regularly fetched five shillings each in the 1740's, rising to six shillings in 1758 and to eight shillings in 1766; cow commons were probably compensated at the same rate. Disbursements for dead horse and cow commons totalled several pounds most years, so providing a welcome supplement to the incomes of commoners who could not stock their commons, and lowering the total number of beasts on the pasture too. NRO O 102, Wold Fieldsmen's Accounts 1738-49, 1754-60, 1766. See below, "The work of the fieldsmen".

and Shutlanger notice of an intention to let a common to a fellow parishioner had to be given to the field tellers in writing at least three days before they were put on the common on penalty of 5s per horse, cow or sheep. Restriction was even closer in Raunds where dead commons were not to be let at all, but were to be compensated with a levy.¹ Letting dead commons was allowed in the fenland parish of Helpstone, but limited to a maximum of ten sheep and one horse in 1720.² In Maxey orders forbade adjistment (the taking in of out-parishioners' animals) rather than the letting of dead commons - though the order amounted to the same in terms of foreign sheep and cattle. In 1736 one adjister was fined 30s for taking in a number of animals; and in 1767 the fine was set at 11s for each offence.³ Adjisting foreign cattle led to the danger of overstocking with possibly diseased or very hungry sheep and cattle. It was given special

1. NRO QCR 55 October 26th 1733 (this order was crossed out but two years later it re-appeared in greater detail); QCR 56 October 3rd and November 13th 1735; QCR 60 April 23rd 1741; Raunds Parish Records, Overseer's Accounts, 1789.

2. NRO Fitzwilliam Misc. Vol. 746 p.9, December 5th 1720. Anyone hiring the commons was directed to inform the overseers of the number they had rented and of whom they were renting. Failure to do so would lead to impounding of the animals and a fine. The right to let ten sheep commons and one horse common still stood in 1797, Vol. 747 pp. 171-2, April 10th 1797.

3. NRO Fitzwilliam Misc. Vol. 746, pp.80-1, November 4th 1736. Vol. 747 p.51, February 19th 1767.

attention at the Peterborough court in 1736:

Wee order and agree that if any Information shall happen to Come before the ffenn reeves of this Court of any Horse or Beast Sheep etc that shall happen not to be his own such person so stocking such horse and beast sheep etc shall be obliged to go before the Stewd of this Court and take and Oath before him that the horse &c Beast Sheepes shall be (bene fide his own) and if it shall happen that the said horse &c Beast Sheep et shall not be his own then he shall fforfeith for Stocking of such Cattle p. head 6s 8d and Sheep ye head 2s 6d to be paid to the ffenn reevs for the Good of the Comon as in former Orders is menconed [mentioned] (and for encouragement of any Informers that shall give notice to the sd ffenn reeves of any such stock that shall be So Stocked in the said Comon we agree that the sd Informer shall be paid by the sd ffenn reevs the sume of 5s Od for each horse and in proporcion for any...stock that shall happen to be found in the Said Common.)¹

Such orders were as difficult to enforce on large fen commons as other orders, but had some chance of success.² Regulation on the open fields of the southern and eastern parishes was easier.

The land: sheep fold

At certain seasons common pasture animals fed from the common alone. Sheep in particular were away from their owners' pens and closes for long and continuous periods, spending both day and night on the commons. The benefit the sheep enjoyed there was matched by the value their manure returned to the pasture, especially when they were folded

1. NRO X5107 Peterborough Court Leet and Court Baron October 26th 1736.

2. See below "Presentments"; also "Drifts".

within hurdles and moved over the fields from week to week.¹ Long folds also firmed the surface of the land, and killed the weeds.² Well aware of its value, landholders carefully regulated the folding of the sheep as a means of protecting and improving the pasture. Two orders made at the Grafton court for Ashton in 1731 and 1754 illustrate this:

We do order that ye Sheep shall not lie out of ye fould Except if it be a very Raine night until Michale, next under ye penalty of three shillings fore pence for Every default and sixpenc to ye howard.

Sheep could not be taken out of the fold at night and put on other lands for the whole of the period between late April and Michaelmas - five months altogether. A second order extended the common fold by almost a month, from St. George's day (April 23rd) to the feast of St. Luke on October 18th in the late autumn.⁴ Folds in Northton and Potterspury began a week or two later on May day, and continued until St Luke's "excepting wet nights or washed sheepe in there wool" on pain of 5 shillings.⁵ Similarly, feeding sheep on the Roade commons during the day and keeping them in another parish at night (a problem arising from adjustment, or the letting of dead commons, or from occupiers farming in more

1. Sir John Sinclair, The code of agriculture, 5th ed. 1832, pp. 431-2. See NRO Fitzwilliam Misc. Vol. 747 p.192 May 13th 1802, orders concerning the sheep kept in Maxey sheep pen.

2. C.S. and C.S. Orwin, The open fields, 3rd ed., 1967, p.

3. NRO G3317a April 25th 1731.

4. NRO G3435 October 18th 1754.

5. NRO G3380c April 28th 1724. The period of the fold was almost eight months long.

than one parish) also incurred a five shilling fine in 1723.¹ Maxey sheep were kept in the North Fen and folded there all week with the exception of Mondays and Thursdays when they could be folded on their owners' lands in the open fields. More frequent folding outside the fen was punished with a fine of ten shillings.² Folding was used almost exclusively for the benefit of the broad commons, and only partially for the benefit of the smaller open field pastures. Further south on the fringe of Salcey forest Stoke Bruerne and Shutlanger landholders had the right to graze an unlimited number of sheep on the extensive Stoke plain as well as a stinted right of common on the open fields and meadows. However, both flocks of sheep were folded on the fields at night separately, so increasing the total fold quite substantially. The movement or rotation of the sheep fold over the lands needing its manure was organized by the jury, and the flock moved around the commonable lands as flocks did on other manors, but with the advantage of larger numbers than the stinted commons alone could feed.³ If this was the usual practice in manors with large unstinted commons as well as stinted open field common rights then the assessment of the poverty of parishes where there was unstinted common must change: the existence of

1. NRO G3275 October 2nd 1723.
2. NRO Fitzwilliam Misc. Vol. 746 p.3, 1720; Vol. 747 p. 192, May 13th 1802.
3. NRO G3347a April 22nd 1731.

unstinted flocks actually improved the quality of pasture in the open fields. Stinting alone was a means of protecting the pasture, but the unstinted commons could provide the means of still more fertility.¹

The land: fodder crops and quality of pasture

The Oxfordshire evidence of an increase in fodder crops leading to the growth of flocks and thence a greater provision of manure, is paralleled in Northamptonshire.² Orders regulating the number of pasture commons per acre of ley or greensward were made in all the manors studied. Usually the courts set a more generous stint for this kind of land than for arable land.³ One example is that of Stoke Bruerne where in 1764 two acres of ley conferred the right to pasture five sheep whereas two of meadow allowed only two commons for sheep and two of "plough land" only one.⁴

1. Similar orders were made for Blisworth; see above, "Stints".

2. M.A. Havinden, "Agricultural progress in open-field Oxfordshire", Agric. Hist. Rev. ix (1961) 73-83. The evidence presented here was gathered from field orders alone. A study using inventories, such as Havinden's, would depend on the survival into the mid- and later eighteenth century of this useful source; however a short foray into the Northamptonshire inventories for this period suggests they are not the socially broad source that they were earlier and that they do not survive in great numbers. Thus the evidence of field orders, though fragmented, is useful.

3. For the stints see above "Stints".

4. NRO G3624b April 26th 1764. See also Blisworth G3448b June 19th 1739; Potterspury G3546d April 26th 1766; G35426b n.d. Ashton, Roade, Hartwell probably 1760's.

And juries themselves ordered the laying down of ploughed land formerly greensward. In 1731 the Stoke jury ordered that all greensward ploughed up within the common fields in the previous twenty years "shall be laid down with grass seed as soon as possible" on pain of 10s.¹ A similar order in Moreton Pinkney court was confirmed in 1733 when Thomas Smith was presented for breaking up old greensward contrary to the orders of the last court and amerced 5s.²

In 1724 a Ravensthorpe court put a fine of twenty shillings per acre on anyone not laying down old greensward they had ploughed up in the last twenty years.³ The size of baulks and jointways was preserved in much the same spirit.⁴ The jury at Stoke Bruerne ordered in 1725 that "every fift acor of arable Land in Stoake field be left unplowd til midsmer day oan the penalty of 10s for every default".⁵ This extended the length of time such pasture was available. In 1740 the jury repeated the order: everone putting a score of sheep into the common pasture was directed to leave one and a half acres of their fallow land unploughed until May 15th.

1. NRO G3347a April 22nd 1731.

2. NRO G3442 October 27th 1733.

3. NRO BG 177 Ravensthorpe orders January 1st 1724, the orders were set to last for a period of 21 years. Ravensthorpe is a scarpland manor north west of Moreton Pinkney.

4. E.g. Ravensthorpe *ibid.*, "for every reputed half acre land...as much land, as shall make a Baulk belonging to it full four foot wide in every part thereof..." See "Baulks".

5. G3340a April 8th 1725.

Those who pastured more sheep, or fewer, were told to leave their lands unploughed in proportion to their commons.¹

Raunds jurymen also took the direction of sowing leys into their own hands in 1740 when they ordered that the Church Headland - usually a cart way as well as common pasture - should be laid down for greensward with trefoil and rye grass, and that carts should in future take a new route.² Later in the century occupiers decided to lay down "as ley or grass" two out of every twenty field acres; this was done expressly for "the improvement of the sd Commons".³

Encouragement for the sowing of leys was implicit in every order which set a high rate of pasture commons for ley lands. But the Stoke and Shutlanger jurymen elaborated the practice by putting a generous right of common on acres of clover sown in the wheat field. Land laid down to clover was expected to stay uncultivated for a number of seasons. The extant order was made in 1725 when every occupier who turned one acre over to clover was allowed commons for a cow or a horse in return.⁴ A later order of 1764 set the common right at pasture for five sheep per acre of clover. The land would

1. NRO G3493a April 17th 1740.

2. NRO QCR 59 December 11th 1740. Also QCR 60, fallow orders April 1741.

3. NRO Raunds Parish Records, Overseers' Accounts, 1789.

4. NRO G3340a April 8th 1725.

lie unploughed for three years, as the order explained:

In Case any person in Either of ye parishes
Chuse to Sow one Acre More or Less with
Clover in their Wheat or Barley Crop to lie
in pasture in ye Bean Field Year and Not
to be plowed up in ye Fallow Year till their
is a break in, Either of ye Corn Fields to
keep 5 sheep.¹

Helpstone jurymen directed that every tenth land in the
fallow field should be sown with clover at the rate of 14 lbs
of seed to the acre in 1797 - and in proportion for those
holding less land.² Thus the common pasture stock was further
enriched.

Sowing fallows was a familiar practice on the Grafton
and Raunds manors, and it was productive of better pasture as
well as fodder crops. But while the enclosed land was taken
out of common use its occupier's rights were abated.³
Whenever land was taken in out of the fallow for vetches or
turnips the stint was lowered until it was returned to the
common stock. Potterspury, Grafton Regis, and Ashton, Roade
and Hartwell all ordered such abatements in the 1760's. In
Grafton Regis, for example, an order made in May 1764 ran:

We likewise order and agree to abate two Sheep
for every Acre of Plowd Land and for every
acre of Greensward six sheep of the Fallow
Field taken in and inclosed for Fitches or for
Turnips or what ever else so taken in till
Such time the same be thrown open again.⁴

1. NRO G3624b April 26th 1764.
2. NRO Fitzwilliam Misc. Vol. 747 p.171 April 10th 1797.
3. Havinden remarks on this lowering of stints on sainfoin
leys sown in the townships of Spelsbury near Woodstock:
"Agricultural progress...", (1961) p.76.
4. NRO G3626c May 3rd 1764.

Another order from the fen manor of Longthorpe gives evidence of a separate stint for leys and of an abatement when they were taken out of the common pasture. All open field land sown with "cinque foil" within the previous seven years previous to 1701 could be commoned for at the rate of two sheep per acre ("the same as if it was Meadow ground") on condition that "the same be not eaten or Stocked with Sheep from the time that the Same is Mowed until 10 Days after Harvest is in or else to Stocke but one Sheep for an Acre as Ley ground".¹ Similar orders were made elsewhere.² Maxey occupiers were granted permission to "sow and inclose" land for turnips and clover or even for wheat and beans by an order of 1799 on condition that they would pay 2s per acre of turnips and clover and 1s per acre of wheat and beans if they did not throw the land open to pasture as usual. A very high fine of £1 15s 0d - denoting the novelty of the order - was charged anyone refusing to pay the rate or on anyone who broke down mounds and fences around the enclosed lands.³ Occupiers of lands in the fallow fields of Helpstone were allowed to take

1. NRO Church Commissioners' Records 278573 Longthorpe field orders October 22nd 1701.

2. NRO G3618b 1765 Orders of the Ashton, Roade and Hartwell jury. G 3546d April 26th 1766 Orders of the Potterspury jury. Raunds Parish Records Overseer's Accounts 1789: one sheep was abated for every acre of turnips sown. Fitzwilliam Misc. Vol. 747 p.171, Helpstone orders April 10th 1797, four sheep per acre taken in were to be abated.

3. NRO Fitzwilliam Misc. Vol. 747 p.177x April 14th 1799.

in land for clover in much the same way, on condition not of paying for temporary exclusion of the common animals but of sowing one half acre for the benefit of the community for every acre they sowed for themselves.¹ Jurymen here recognized the spiralling value of land sown with clover as had their counterparts in Stoke Bruerne. With the exception of the example from Longthorpe in 1701, other evidence of the sowing of fodder crops in the fens is dated later than elsewhere in the county.

The land: drains and water-courses

Open field parishes drained their field pastures (where some of the best pasture lay either after harvest, or in the fallows and elsewhere) as numerous orders to scour ditches and drains leading to ponds and rivers show.² Clearing existing drains could be done by occupiers of the land through

1. NRO Fitzwilliam Misc. Vol. 747 p.186 June 18th 1799.

2. Only one instance from many such orders is one from the fenland parish of Longthorpe where the common drain from Burton's Gap to the river and another from "Mr. Baxter's Orchard" to the pond were ordered to be scoured and repaired in October 1705. A fine of one shilling per yard of unrepaired drain could be levied from the occupiers of land adjacent to the drains who did not do their duty. The fine was described as a "usual" one, it was to go to the Lord of the Manor. NRO Church Commissioners' Records 278573 October 16th 1705. Drains in fenland were especially important; but not only there, see Stoke Bruerne orders, G3341e, October 16th 1725; Moreton Pinkney orders, G3422, October 27th 1733. Most orders included exact directions about scouring. See also Old fieldsmen's accounts, O 102, where drainage was a constant pre-occupation in the middle of the century.

which they ran at no cost.¹ But digging new trenches and establishing new water-courses needed more elaborate tools and more money to employ labour. According to Mordaunt, in his Complete Steward, draining ploughs were usually bought at the expense of the parish and used communally.² Paying the three guineas that they cost, and paying for labour, was arranged by putting a levy on each head of sheep or cattle grazing the common pasture. One made in Aynho, south Northamptonshire, in 1737 for scouring the Cherwell cost sixpence for every horse common, sixpence for every cow common, and sixpence for every 32 sheep commons. In this way £9 9s 10d was raised to cover all costs.³ Labour costs in Old in 1756 for keeping up the field drains and wells were entered in the fieldsmen's accounts in several stages, and paid to different men, but the total cost was nineteen shillings in a year's labour bill £4 9s 8d.⁴ In effect pre-enclosure occupiers had much more control over their neighbour's ditches and drains than post-enclosure occupiers. Arguments over waterways could be settled with the field officers in what was probably a more equitable way.

The land: pig-ringing

When pigs were allowed into the common waste of woodland

1. Thomas Hailes of Stoke Bruerne was guilty of not cleaning his ditch in Greenway in 1729; he was fined ten shillings for the neglect, NRO G3296d, April 28th 1729.

2. J. Mordaunt, The Complete Steward, 1761, quoted by W.E. Tate, "Enclosure movements in Northamptonshire", Northamptonshire Past and Present, Vol.1 (1949) pp.28-9.

3. NRO C (A) 2828 "A Levy for Scouring ye Charwell in Oxhey 1737".

4. NRO O 102 Old fieldsmen's accounts, 1756.

and heath manors, or into the open fen of the northern manors, they became a danger to the fabric of the pasture because they rooted up the sward, made the surface of the pasture uneven, and hindered the re-growth of grass. To prevent them rooting up the ground they were rung through the snout after weaning. In Roade, Stoke Bruerne and Shutlanger they were rung at two months; at Blisworth and Grafton Regis they were considered a danger at ten weeks and in the manor of Moorend in Potterspury they were ready at three months - "a quarter old".¹ No orders or presentments about pigs were made in Raunds, where they were domestic animals and kept in much smaller numbers than in the forest and heath manors of the Dukes of Grafton. But orders like the Grafton orders were made in the fenland manors, for example in Maxey:

If any Person or Persons shall turn or cause to be turned hogs of three months old or upwards and which shall not be sufficiently rung at the Snout to prevent rooting shall pay to the Lord of the Manor for every offence of every Swine the Sum of 1 shilling.²

Fines for not ringing pigs varied with time and place. They stood at one shilling per animal in Roade in 1723, but two years later when a deadline for pig-ringing was set for October 24th, failure to observe it brought a fine of 3s 4d or more

1. NRO G3275 October 2nd 1723, Moorend; G3347a April 22nd 1731, Blisworth; G3284c April 13th 1747, Roade, Stoke Bruerne and Shutlanger; and G3625c May 9th 1764, Grafton Regis.

2. NRO Fitzwilliam Misc. Vol. 747 February 19th 1767.

than three times as much as the earlier fine.¹ The fine went to the court and the hayward in two parts: three shillings to the former and 4d (a double pinlock) to the latter.² High fines such as these were in the nature of warning because they were not immediately enforceable: owners of unrunng pigs had a week or ten days grace which to ring their animals. At the same time they were made aware of the court's determination to enforce the order and charge the higher fine. Lower fines were ordered at Stoke Bruerne and Shutlanger - only fourpence a hog - and at Blisworth - only threepence. But unrunng pigs belonging to Hartwell men incurred the same fines as those in Roade: pigs of eight weeks or more were to be rung before a deadline of November 1st, on pain of three shillings to be paid to the court, and a double pinlock to the hayward.³

Protecting the animals

The courts regulated the common pasture, and open field agriculture in general, with the aim of protecting the land, of keeping it in good heart for the use of landholders, cottagers and other commoners. In this way the value of a pasture right was preserved, perhaps improved. Orders were made to prevent overstocking or the breaking up of pasture, or its loss altogether. But they went further than protecting

1. NRO G3275 October 2nd 1723; G3289a October 13th 1725.
2. NRO G 3293a October 24th 1726.
3. NRO G3340a April 1725; G3341e, October 1725; G3347a April 1731; Stoke and Shutlanger. G3625c May 9th 1764, Blisworth. G3300 April 13th 1726, Hartwell.

land, for they were concerned with the condition of the animals too. Such was the nature of common right that allowing sick or underfed beasts onto the common to graze with the herd endangered all the animals, and reduced the value of the right.

The condition of common pasture beasts was a major concern of the writers of the Board of Agriculture's Reports, and of every other supporter of enclosure in the eighteenth century and earlier. Besides alleging malnourishment, enclosers argued that common pasture led to promiscuous breeding and the spread of disease. So far we have seen that the pasture was in many respects more valuable than was allowed by critics. Breeding and disease are subjects for much more study than can be given here. But the orders made by the courts show that both problems were under scrutiny.

Animals: the spread of disease

Advocates of enclosure often claimed that common pastures allowed the uncontrolled spread of disease. Sheep rot in particular was often singled out, but a more general impression sometimes received from the critics of the old system is that the promiscuous mixing of animals in large common pastures caused much contagion and made control difficult--if it was

attempted at all.¹ These arguments depend on two relatively unexamined assumptions: that little intelligent attempt was made to control animal diseases in common pastures, and that most if not all diseases were transmitted by animals in close proximity (and that therefore post-enclosure separation of herds must have contained infection.) Neither of these assumptions appear to be well-founded.

There is extensive evidence in the Northamptonshire field orders, partial as they are, that orders and fines were used to help prevent the spread of disease. Thus in the Grafton court the Hartwell jury ordered in 1726 "that no mangy horse must be flit or turned loose upon the Comon upon the penalty of 6 and 8 pence for every default".² In Roade the fine was supplemented with an order barring the hogs from the horse pool when they were over ten weeks old - an attempt to keep the water clean. Washing them in the pool was punishable

1. On sheep-rot as an open field disease see seventeenth- and eighteenth- century assertions cited in E.C.K. Gonner, Common land and inclosure, 1966 ed., pp.339-40, and Timothy Nourse quoted in Lord Ernle, English farming past and present, 6th ed. 1961, p.150. The general case that common pastures encouraged and spread disease is made by (among others) Chambers and Mingay, op.cit., p.49, quoted above at p.74-6, and Robert Trow-Smith, A history of British livestock husbandry 1700-1900, 1959, p.186, who remarks on "the vulnerability of the beast kept at common pasture to all the infections introduced by the stock of the other commoners..." See also Gordon Philpot, "Enclosure and population growth in eighteenth century England", Explorations in Economic History xii (1975) pp.29-46, which argues that the high rate of animal disease on open waste, when transmitted to man, accounts for high mortality and low fertility between 1650 and 1750.

2. NRO G3283b April 13th 1726, Hartwell orders.

with a fine of 2s 6d.¹ At Moreton Pinkney's court in October 1731 four men were presented for turning "Scabbd horses upon the Common". Their fines were amerced to between one and two shillings each.² Earlier, in Peterborough manor, the fine for putting on diseased horses was twenty shillings, divided equally between the Lord of the Manor and the fen reeves. If an animal escaped detection by the reeves anyone else who found it and drove it off the common could claim their share of the fine.³ By a later order of 1742 the carcasses of animals dying on the Peterborough common had to be carried off within two days of their death, a fee of one shilling per carcass going to the fen reeves.⁴ In 1722 at Helpstone the fine for putting a "Glander'd Mangy or Farcion" horse or mare on the common was a full twenty shillings too.⁴

Fines and presentments were one means of preventing the infection of common herds and flocks, another was the very practise of keeping them in common herds. Cattle and sheep

1. NRO G3428a October 2nd 1731.

2. NRO Church Commissioners Records 278573 Peterborough court, October 27th 1708; also April 16th 1706; April 20th 1704; September 10th 1704. Also an order made for Longthorpe manor at the court baron, 1708 "stoned or mangey horse" five shillings fine to the fen reeves and sixpence to the Lord of the Manor.

3. NRO X5107 Peterborough Court Baron and Court Leet.

4. NRO Fitzwilliam Misc. Vol. 746, 1722. Putting "scabbed" horses, or horses with mange, into common or common fields was prohibited by an Act of 32 Hen.8, c.13. The penalty was set at ten shillings "which offence shall be inquirable in the leet, as other common annoyances be", see Richard Burn, The justice of the peace and parish officer, 14th ed., 1780, p.501.

grazed in this way were almost constantly supervised by cowherds and shepherds. Cattle were collected each morning from their closes and pens and driven to the pasture together, watched by paid men and boys throughout.¹ Sheep were supervised in flocks all days, sometimes within hurdles, and during the night too. It was still possible to graze a diseased animal on the partially-supervised pastures where horses or cows could be tethered, but for very short periods; and when on such land they were in contact with only small numbers of other animals, not the whole herd. But so much was at stake with the problem of disease that the vigilance of other owners of common pasture beasts must have equalled or exceeded that of any officer.

In addition, foreign cattle were forbidden the right to common in every parish, except in the fenland where their numbers were limited.² Clearly the danger of disease was greater in parishes along the trade routes, especially those with rich permanent commons outside the village. But even along the drove routes it was possible to make orders and employ

1. See Chapter 3, "Common herds, cowkeepers, and tether grazing."
2. See above "Dead Commons"

people to be on the lookout for strangers' cattle.¹ (Nothing could prevent occupiers taking them into their closes for profit - but this was a post-enclosure as well as an open field problem.) Another common order forbade the substitution of one animals for another once it had been put on the pasture: newly purchased beasts could not replace older ones. All the manors resisted this use of commons as "running commons"--pastures opened to only limited numbers, but allowing replacement. The reason commonly given for this order was that new beasts ate more than their share.² But recently-bought animals not only caused overgrazing; they also introduced infection, and their exclusion from the commons thus helped to control disease. Finally, animals bought in the spring stood little chance of immediate access to the open pasture anyway because most of it became available only after harvest, by which time symptoms of many diseases would have appeared.

1. In the Lincolnshire fens of the late sixteenth century commoners lay the blame for the introduction of disease on the foreign cattle brought into the parishes in droves and pastured there by the manorial lords. Two disputes at Frampton in 1575 and Burton Coggles in 1580 were resolved by the lord either agreeing to end the practice for a few years or by the landholders agreeing to make him a separate grazing ground in return for the extinction of his common rights everywhere else. See Joan Thirsk, English peasant farming: the agrarian history of Lincolnshire from Tudor to recent times, 1957, p.38.

2. See above, "Dead Commons".

Pastures were not, of course, the only source of infection. The contact of animals at markets was undoubtedly important. Unless all the parish sheep and cattle were kept for subsistence alone, and were conceived, born, raised, bred and slaughtered without travelling outside the parish fields - an unlikely possibility to say the least - disease was frequently introduced through markets. And markets continued to act as a source of infection after enclosure. Even the movement of cattle along local roads at different times of the day exposed one herd to the germs of another, as much after enclosure as before.

The relative importance of markets, droving, and contaminated flocks or pastures is a difficult question to answer because the incidence, epidemiology, and even names of many eighteenth-century animal diseases are uncertain.¹ And the difficulties apply equally strongly to the second, largely unexamined assumption of the enclosers and of many historians: that post-enclosure separation of herds and flocks markedly contained outbreaks of disease by reducing or preventing transmission. The argument is simplistic and misleading. Disease in both animals and man is produced by a wide range of organisms, by many different means, and direct contact of infected hosts is only one. A brief summary of what is known of the epidemiology of some of the major eighteenth-century animal diseases shows

1. The uncertainty of traditional names for diseases, some of which might cover a number of very different infections or infestations with similar symptoms, is mentioned by Brendan Halpin, Patterns of animal disease, 1975, pp.1, 13, 15, citing brucellosis and scrapie as examples.

the extent of the problem.

Brucellosis ("contagious abortion", although the term may also have been applied to leptospirosis) is spread by infected dung, but also by infected bulls in sexual contact, on food, by human contact, and in water. Clearly most of these sources of infection (except dung) were not affected by separation into herds after enclosure; and the long incubation period of the disease (30-60 days, and up to six months in some cases) made it very difficult to prevent the introduction of diseased animals into uncontaminated herds either before or after enclosure.¹ Leptospirosis, with symptoms similar to brucellosis, is spread not only through contact with urine in damp earth, but very often through contaminated watercourses, and can also be spread by other animals, notably rodents, which serve as intermediary hosts.² Again, the fences of enclosed farms could not eliminate transmission. Rinderpest, the devastating "cattle plague" of the mid-eighteenth century, and a continuing scourge until the 1870's, may find hosts in wild animals, which then serve as reservoirs of the disease.³ This disease - deadlier than foot and mouth - is spread by a virus which may be carried in "meat, skins, offal, manure, food, water, grooming tools, rugs", etc. Sources of infections are

1. Halpin, op.cit., 1,13,57; Trow-Smith, op.cit. 187-8; G.W. Stamm, Veterinary Guide for farmers, ed. D.S. Burch,

2. Halpin, op.cit., 7, 95.

3. Halpin, op.cit., 1,5,135; Trow-Smith, op.cit., 34, 186-7, 317-318.

wherever diseased cattle have been, thus markets, pens, and the very roads of the drove routes themselves, were as dangerous as any open pasture - or any enclosed one.¹

Scrapie in sheep presents one of the problems of brucellosis: a very long incubation period (19 months to 3 years) which makes it difficult to exclude it from flocks without excluding all new animals. Certainly scrapie can be spread through shared contaminated pasture; but it also is transmitted through lambs being infected before birth by ewes and rams.² A somewhat similar threat is presented by the spores of blackleg, another common eighteenth-century disease, which can lie dormant in pastures up to 11 years.³ The difficulties of control even in an enclosed agricultural area are great. Where the vector of the disease is a tick, as in the case of redwater (bacillary hemoglobinuria), enclosure may have helped reduce the incidence if it effected the clearing of scrub and heath: habitats of the kind necessary to the tick, which does not survive in clean pastures.⁴ But again, this is not a disease affected by post-enclosure fencing of herds; and the assumption that common pastures were necessarily unkempt is not correct.⁵

1. William C. Miller and Geoffrey P. West, Black's veterinary dictionary, 10th ed., 1972, pp.180-83. The spread of the disease by water suggests how little respect cattle plague had for fences.

2. Halpin, op.cit., 7, 117; Stamm, op.cit., 323.

3. Stamm, op.cit., 139; Trow-Smith, op.cit., 187.

4. Trow-Smith, op.cit., 188; Halpin, op.cit., 110.

5. See below "The work of the fieldsmen".

Another major ailment of eighteenth-century livestock could not have been affected by enclosure because it was not communicable: bloat, caused by over-rich grazing. Another, sheeprot, associated with the liver-fluke and wet ground, depended on the state of the pasture and also on the weather.¹ The association was known (although not the precise mechanism) and open-field pastures were regulated by orders and fines to maintain drains and scour ditches.²

Sheep rot is a disease which may serve also to re-emphasize this general point: that the vectors, reservoirs, hosts, incubation periods, and other characteristics of diseases differ greatly, and call into serious doubt the simple assertion that common pastures spread disease. Recent research has indicated that ducks and other waterfowl carry parasites which are antagonistic to the liver-fluke which transmits rot. It has been suggested that such fowl be introduced into infected pastures as a measure of control: the result might look rather like an eighteenth-century common pasture.³

The accumulating findings of epidemiology suggest that the basic assumption that enclosure, in itself, produced a healthier husbandry, may be incorrect. The segregation of species which probably followed enclosure affected not only

1. Halpin, op.cit., 109.

2. See above "Drains and water-courses"; Sir John Sinclair, The code of agriculture, 5th ed., 1832, pp.183, 194.

3. Halpin, op.cit., 113.

ducks, sheep, and the liver-fluke: it may have encouraged the efflorescence of a wide range of pathogens:

The natural ecosystem is one of complete biological equilibrium. Wandering herds and flocks graze extensive areas and have, over the centuries, reached a state of balance with their environment, including their various parasites. The host-parasite relationship has been, as it were, fostered by both sides, until the few parasites to be found within any individual animal can live without hindrance or harm in the animal's body and in return do only an infinitesimal amount of damage. Natural herds are of intermingled species, so that mixed grazing occurs and each species destroys the parasites of the others...

...But once man becomes husbandman he alters the normal equilibrium of checks and balances. Mixed herds are segregated into flocks of sheep, herds of cattle and groups of pigs, and each animal's excreted pathogens are available to his fellows of the same species. Land becomes delimited, first by tribal custom, then by hedges and walls and finally by electric fencing, and these enclosed pastures become highly contaminated.¹

The open field system probably encouraged the mixing of species more than the enclosed agriculture which followed it (although clearly both are distant from the natural ecosystem). Beasts and fowl would mix not only in the common pastures (where, if not always admitted at the same time, cattle and sheep and pigs followed each other onto the same land) but also in the winter closes and pens of smallholders.

Another result of enclosure might have been a higher density of animals, largely due to foddering with feed raised on other parts of the same holding and the development of a less mixed agriculture. This increased level of stocking raised the chance of infection. One example is the transmission of parasites, one

1. Halpin, op.cit., 134-5. My emphasis.

carrier of infection among a number:

As long as man allows his animals free range in great areas of land, the stock is exposed to small and repeated doses of the infective larvae and so gradually builds up a considerable immunity. Little harm results. But once animals are restricted in their grazing, or in the case of extensively-kept flocks are concentrated at certain places such as water-points or night enclosures, there is risk of exposure to a dangerous level of challenge. We should remember that the amount of infective material on an area of pasture is proportional not to the number of animals grazing there but to the square of that number. Thus, if a herd in a certain area is increased by half, say from 50 to 75 head, the amount of contamination of land is almost doubled, while a reduction in stock from 50 to 25 head reduces the level of contamination by three quarters.¹

Some distinctions can be drawn between types of open parish pasture with respect to the likelihood of too great a density of animals leading to the spread of disease. Open field pasture over all the fields of a manor at different seasons, and for different lengths of time during a rotation of several years, was relatively sparsely stocked in comparison to the permanent pasture of a 150 acre or 250 acre farm, or of even larger farms belonging to graziers for example. And the number of animals allowed onto the fields was progressively limited over the century. The density of stock on permanent commons before enclosure is another question. The most important permanent common parishes were confined to the forest and fen regions of

1. Halpin. op.cit., 72. Sheep, of course, were folded in open fields, but they were also folded after enclosure. And pace Trow-Smith (op.cit., p.186) the Northamptonshire evidence does not support the contention that parasitic infestations were encouraged under the "uncontrolled stocking of pastures" in the open fields because stocking was, on the contrary, closely watched. See above, "Stints".

the county - with some scattered wolds on the scarp land to the west and on the fringes of the southern forest.¹ These forest and fen commons were unstinted - although rights of common were limited according to custom. However, regulation touched them too. In the fen, drifts and the severe punishment of illegal agistment were two ways of controlling overstocking. In the forests, branding, and control of the letting of dead commons, had the same aim.² But, in both, the very large size of the commons (Borough Fen alone covered 8000 acres, Forest commons spread over a rotating 12,500 acres) coupled with the mixture of animals (each providing the others with immunities) may have significantly lowered the danger that greater density of animals would have posed. Elsewhere permanent pasture was increasingly stinted in the manner of open field pasture, and was also relatively less important in supporting the parish herds and flocks.

Without full censuses of commoners' stock, taken at all seasons, and through a rotation, it is impossible to estimate the exact densities of beasts on commons. Certainly the temptations of overstocking were equally great before and after enclosure. Indeed, after enclosure the higher cost of rent, coupled with the expanding home market may have led to overstocking despite the known dangers. But of the open field parishes it

1. See above Chapter 1, "Common lands: open fields and uncultivated commons".

2. See above.

can be said that the evidence of field orders, and their enforcement by fines and presentments, suggest that the prevention of overstocking was the most important aim of open field regulation in these Northamptonshire manors. The risk of disease was correspondingly reduced.

One beneficial effect of more intensive agriculture, with respect to the control of disease, is a preoccupation with, and constant inspection to find, infected animals. In the modern form of intensive farming this may be offset by the greater chance of transmission of ~~the~~ disease between animals in close confinement.¹ But it may suggest that an open-field system, with constant tending by paid fieldsmen and constant concern by owners that their beasts not be infected by those of others, may have been both a system which encouraged inspections for disease, and one which avoided some of the dangers of modern agriculture. Evidence presented earlier in this chapter suggests that the pastures were kept in good heart, and in many manors regulated very closely indeed. This seems to have been true also with respect to the danger of disease. It would be strange to find it otherwise. The critics' image of scabby and pitiful beasts, uncared for and promiscuously herded together, does not accord with the close concern for property so manifest in the regulation of all common rights in these parishes.

1. Halpin, op.cit., p.13

No one would suggest that modern husbandry is less productive than that of open-field England. But the relationship of enclosure to the reduction of disease seems highly questionable. Certainly enclosers predicted such improvement (they were unlikely to do otherwise) and historians have accepted most of their case in what looks like a post hoc propter hoc argument. For contemporary improvement in veterinary knowledge, breeding, and nutrition undoubtedly diminished animal mortality - and it seems likely that they were more important, in sum, than any change in herding brought about by enclosure. And all these improvements could have been (and were) practised in open-field agriculture.

Moreover, the chronology of enclosure and the great diminution of animal disease is different. Endemic diseases, and great pandemics like foot-and-mouth, rinderpest, and pleuro-pneumonia, decimated British livestock through the nineteenth century, long after the enclosure of virtually all open fields and most wastes had been accomplished. The agencies which ultimately brought control were new veterinary techniques and rigorous enforcement of stringent rules for the destruction of beasts affected by the most serious, highly infectious diseases.¹ The fences and hedges which the enclosers claimed would curb disease did little to halt the spread of

1. Trow-Smith, op.cit.,

the most destructive pandemics of the nineteenth century. And the most recent outbreaks of foot-and-mouth disease in England in 1967 were widely spread by -- the wind.¹

One indirect way in which open fields may have weakened animals, thus exposing them to disease and also diminishing their value in other ways, remains to be discussed: the cumulative effect of allegedly unscientific (or wholly uncontrolled) breeding.

Animals: breeding

The "impossibility" of improving animals on common pastures by selective breeding has become the received wisdom of some agrarian history.² But in Northamptonshire breeding was quite closely controlled by the Grafton juries, and by the Raunds court and in the fenlands manors. Bulls did not run free - if for no other reason than that they were too dangerous. Nor was selective breeding impossible, for rams and bulls were allowed onto the common, (usually as a service to the occupiers), only at stated times; so a farmer could take his animals off beforehand, or breed them previously. Undersized horses capable of breeding were forbidden access to

1. Halpin, op.cit., 61-68; N.St.G. Hyslop, "Observations on pathogenic organisms in the airborne state", Tropical Animal Health and Production, iv, 1(1972), pp.28-40, which also notes that rinderpest may be spread in aerosols over short distances.

2. Chambers and Mingay, op.cit., p.49; Trow-Smith, op.cit., p.196-7; Lord Ernle, "Obstacles to progress" in Agriculture and economic growth in England 1650-1815, ed.E.L. Jones, 1967, p.65 (originally published as chapter 3 of Lord Ernle, The land and its people, 1925).

common pasture by statute law but, more effective perhaps, by order of the court baron which kept off "ridgell sheep and lambs" too.¹

In Raunds and Moreton Pinkney breeding was controlled insofar as two or three bulls were provided for the commoners' cattle every year. The three men "each to keep a Bull and Brawne for the year on Sunday" in Raunds, in 1716, did so on pain of ten shillings. In 1740 this was the responsibility of only two men, and in the same year the fine had risen to twenty shillings. Robert Ekins was presented for his failure to provide a bull and boar that year, and again two years later in 1742 when the jury noted the origins of his obligation: "Robert Ekins for not keeping a Bull and Boar it being the custom for his Farm - 13s 4d (Amerciament)." At the same court Thomas Colson, who was also supposed to provide a common bull was presented:

for takeing Money of his Neighbour for the use of his Common Bull it being the Custom for his Farm also to keep a Common Bull and Boar one shilling.²

1. Putting stoned horses "above the age of two years, not being 15 hands high" on commons was an offence in most counties under the Act of 32 Hen.8 c.13; in other counties (notably the south west and the north) the limit was 14 hands, see Richard Burn, The justice of the peace and parish officer, 14th ed., 1780, Vol.2, p.500. On sheep, see below.

2. NRO QCR 46 October 1716; QCR 59, December 13th 1740; QCR 60 April 23rd 1741 (an order setting out who was to supply the bulls for that year); QCR 41, May 15th and June 1st 1742. In many manors provision of a bull and boar was an obligation placed on manorial lords or rectors from which they were freed at enclosure by a clause in the Act.

There is no evidence of how the dispute was resolved. Later in the century in 1789 the orders made as part of a new agreement simply said that proper bulls were to be provided and 'kept with the herds'. Clearly the use of common bulls had continued throughout the century but they could no longer be kept in the barns of the farmers whose duty it was to provide them free. Instead they were to go with the herd, at the appropriate time, making Thomas Colson's offence of charging a fee impossible to commit.¹ Moreton Pinkney commoners made a levy in 1737 of "two pence halfpenny Each Common for and towards the Providing bulls" for common use. The levy was to be paid within a month of the court's sitting on pain of one shilling for each default.²

The forest manors of the Duke of Grafton seem to have made no orders concerning common bulls or breeding cattle, perhaps because sheep husbandry was far more important, or perhaps because breeding was a private concern altogether. Further east, Moreton Pinkney court members ordered both the provision of bulls and the entry and exit onto pasture of rams

1. NRO Raunds Overseer's Accounts, 1789, p.3. Parish bulls were a feature of medieval agriculture, see R. Trow-Smith, A history of British livestock husbandry to 1700, p. 125.

2. NRO G3423 May 23rd 1737.

and "ridgell" sheep:

Item we order yt all Rams and Rigels be kept out of the Common fields from the 1st Day of September now next ensuing untill a full fortnight after St. Michael & we order yt no Rigel go in¹ till St. Andrew on penalty of 5s each defaultant.

And again,

we order the Inhabitants of Moreton Pinkney to take of all Rams and Rudgels up of the Common for weeks befoare Saint Michel and to turn out the Rams won week after Saint Michel and for every Parson that puts a rudgel upon the Common to pay the penalty of won Shillin to the Duke of Grafton and to the fieldtellers of Moreton Pinkney for Every Day to pay won shilling²

Poor quality sheep could be kept off the pasture in the breeding period. Fenland manors also controlled the breeding of sheep and cattle. In Helpstone the court specified the value of the rams that commoners could keep on the open lands:

no farmer or any other person whatsoever Shall Keep any Ram dureing the Season of ewe going to Ram that shall be worth less than 20s, nor Shall any person keep any Ridgleing Sheep, except he be worth the Said Sume of 20s to³ forfeit for either of these offences 0-10-0.

"Ridgeling" or "ridgell" sheep were forbidden right of common altogether in Longthorpe, together with stoned horses, and fined at the rate of sixpence to the Lord and five shillings to the fen reeves in 1704.⁴ Cattle breeding was also regulated

1. NRO G3420a April 18th 1732. A ridgell sheep was an ungelded male sheep with only one descended testicle, and as such was capable of inseminating ewes, see R. Trow-Smith, A history of British livestock husbandry to 1700, 1957, p.241.

2. NRO G3419a May 14th 1731.

3. NRO Fitzwilliam Misc. Vol. 746, 1722.

4. NRO Church Commissioners' Records 278573, October 22nd 1701; April 21st 1704; April 1708.

in the fens. The "tithmen" of Castor and Ailesworth, for example, were ordered to keep two bulls for each parish in the common pasture in 1725. Other bulls were allowed into the common only after the harvest. Therefore commoners could choose to use either the bulls provided, or put their cows to other bulls in their own closes, or make use of whatever bulls went into the pasture after harvest.¹ Maxey cattle were bred on bulls kept by local farmers as an encumbrance on their lands; in 1731 the widow Stamford was fined ten shillings for neglecting to keep a bull.² Other farmers may have shared the duty with her, as they did in Raunds.

Commoners had the choice - in Raunds, the fenland manors, and in the non-forest Grafton manors - of using the bulls provided by levy, or by certain farmers, or of breeding their cows off the common with bulls they hired or owned themselves. Poorer men might choose the former as the only way open to them, but more substantial commoners owning a number of cows could do as they pleased. Bulls and rams were allowed onto commons only at specific times, so the risk of promiscuous breeding was no greater than on enclosed land. Parish bulls - whether reluctantly provided by farmers, rectors and manorial lords or hired by subscription - may have been inferior, aged and ailing, but there are no complaints to this effect anywhere

1. NRO Fitzwilliam Misc. Vol. 746, November 14th 1725.

2. NRO Fitzwilliam Misc. Vol. 746, p.60, 1731.

in the dealings of the courts. Whether they were, or were not, farmers wishing to breed better stock could still do so, and still enjoy their pasture common right.

Before enclosure breeding was closely controlled in these Northamptonshire manors. Entry onto the commons of inferior animals capable of inseminating sheep and cows was either carefully regulated, or forbidden altogether; and entry of good quality bulls and rams was timed in order to give good notice of their arrival. Breeding was either a private concern, or a manorial custom involving two or three bulls, or a communal arrangement paid for by levy. Such breeding cannot be called "promiscuous", and it afforded good opportunity for careful improvement of flocks.

Animals: horn-knobbing

In much the same way as pigs were rung through the nose, the horns of cows were sawn off, tipped or "knobbed" with wood. The difference was that knobbing protected the beasts rather than the land. An order of the Moreton Pinkney court made in April 1726 directed that cows and heifers reaching the age of two years by May 10th 1726 were to have their horns knobbed. Commoners were given one month in which to carry out the order, or would be fined sixpence for every default.¹ At Roade a much higher fine of 3s 4d was set at about the same time, a sudden increase from a sixpenny fine set the previous

1. NRO G3316a April 11th 1726.

year.¹ Moreton itself raised the fine to one shilling in May 1728: the cows' horns were to be "tipped with wood" after the cowherd had given the owner four days' notice.² At Ashton the order was that all cows over two years old should have their horns tipped. Stoke Bruerne and Shutlanger juries set the same order at the Moreton Pinkney court in 1731. Fines were set at one shilling per cow and detection was followed by a warning from the herdsman, which, if unheeded, was succeeded by impounding and charging the fine.³ An almost identical procedure was followed in Raunds in 1735, with the added provision that:

if any of the sd Knobs come of they shall be obliged to put them on againe and upon refusall of payment the said one Shilling the fields -men shall be in power to the pound the sd Cow or Cows while paymt is made.⁴

Later, in 1789, the byelaws ordered that the cows were to have their horns knobbed before they could go to pasture in the common herd.⁵ A high fine of 5s 2d was set at Maxey in the 1790's. Horns were to be knobbed or the tips sawn off altogether "to prevent their doing each other a Mischief".⁶ Orders like these were usually made in the spring court when

1. NRO G3284c April 13th 1727.
2. NRO G3360a May 4th 1728; also G3405 April 15th 1740.
3. NRO G3317a April 25th 1731; G3347a April 22nd 1731.
4. NRO QCR 56 November 13th 1735.
5. NRO Raunds Parish Records, Overseer's Accounts, 1789.
6. NRO Fitzwilliam Misc. Vol. 747 p.159 April 3rd 1794.

heifers came of an age to be tipped - two years after their birth.

The work of the fieldsmen

The twice-yearly setting of orders and bringing of presentments was one of two ways in which courts kept control of the common fields and pastures. The second was the appointment of fieldsmen - field tellers, haywards and others - who were responsible for the day to day business of the open fields. Because their work required less of a close regulation than the dangers of trespass and overstocking, little of it is recorded in the court's proceedings. The fullest descriptions survive in the accounts of the field officers, in their expenses and payments out, in the record of men hired, and work completed. Unfortunately the useful lives of account books were short and few survive. Raunds, Maxey and the Grafton Manors all employed field officers but no records of their activity remain. However, the mid-county parish of Old is well represented in the monthly accounts made by its two field officers between 1738 and its enclosure in 1767.¹ Agriculture in Old was a mixed one of sheep and arable, worked over cold black clay in the north and red clay and gravel in the south.²

Three men held the office of field officer in Old between 1738 and 1754, working together in pairs. Two served for more than

1. NRO 0102 Wold Fieldsmen's Accounts, 1738-1767
2. Whellan's Directory..., Orlingbury Hundred, Old.

ten years, another for six, and then again in 1754 after a ten year gap. At each changeover one man remained in the office to give continuity.¹ Fieldsmen were overseers or supervisors: they managed the fields but employed other men to do the work they thought necessary. In any one year the Old officers employed between five and nineteen named men, and occasionally women and children too. In addition there were unnamed shepherds, ploughmen and gangs of men who mowed thistles or cut trenches. Their work ranged from simple tasks like scaring crows off growing grain to more highly skilled ones like draining slades and setting new watercourses.²

In a year work would concentrate largely on three priorities: fencing, drainage, and keeping the pasture clean. The first required the setting of quick thorn, weeding it, stopping up gaps through which cattle or sheep might escape, and the mending of gates and setting of hurdles. Drainage involved the seasonal building and freeing of dams, the digging of trenches and the opening up of waterways and clearing of

1. Treshman Chapman and Edward Corby were field officers between 1738 and 1744; Edward Corby and William Watts between 1744 and 1754; Treshman Chapman again, and George Cannell, 1754.

2. The 1738 accounts mentioned six men by name; the 1740 accounts mentioned six, & three others were no named; in 1745 nineteen men and women were employed; eleven were employed in 1754, five in 1755 and 1756, and fifteen men and women and four children in 1766 the year before the enclosure.

ditches. Cleaning the pasture entailed cutting back hedges, mowing thistles, catching moles and supervising the carrying of thorns and furze from the waste in the autumn.

Added to this was the constant need to watch over sheep as they grazed the pease field, keeping them out of the other fields; watching the cow herd; scaring crows off the young corn; clearing out wash pits used for the sheep; tipping the cows' horns; and ordering the crying of the orders, or the crying of the gleaning after harvest. The officers usually spent about £5 a year on the cost of labour; in some years they spent more. For example, in 1754 the cost of employing men to keep the fields and pastures in good condition was £7 5s 0d.¹ The cost of materials such as wood, quick, rye grass seed, powder and shot for crow scaring, and of compensation to the owners of dead commons were extra expenses not counted here. Entries made by the officers in 1748 included:

Paid Willm Hows for Crying that the Gleaners Should
not go out till the Cows in a morning 0-0-4

Paid Robt Chamberlin for keeping Wallgrave Cattle
out of our Field, 5 weeks 0-15-0

Paid for two new hurdles for the wash pit 0-1-2

Paid Stephen Pen, for catching the Moles 1-0-0

Each year various leys belonging to the parish were let, and a levy made per head of common pasture and animals to cover

1. The cost was £3 7s 11d in 1738, £5 12s 1½d in 1740, £7 5s 0d in 1754, £5 0s ½d in 1755, £4 9s 8d in 1756, and £5 4s 5d in 1766.

the cost of the year's maintenance of the fields and the compensation for dead commons - the cost of the latter was often more than the cost of labour.¹ Men who had the right to put their cows into the common pasture before the common herd were paid generously for not exercising the right: Richard Mansell (or Mansfield) received one guinea for this in 1740, thirty shillings in 1745; he shared the same sum with Thomas Bosworth for the same favour in 1754, and took all of it again in 1758. Levies brought in anything from five to eight pounds a year and were set at from 2d and 4d per cow in the 1740's rising to one shilling in 1762. Letting leys such as the Church headland, the Church Acre field, Podigal Slade bottom, Walgrave Field freeboard, Stonegate Way, Northampton Way, the "Hedge next Walgrave Mear", and Colson leys - often let in roods - added another four to seven pounds.

But fieldsmen were appointed to police the fields too, and occasionally the officers entered receipts for fines taken at the pound door or thereabouts: overstocking offences brought in £1 16s 1½d in 1755, 8s 9d in 1758 and a high £3 3s 6d in 1767 the year of the enclosure. Carting over the grain fields at the wrong time, or along the wrong routes, was also an offence: Chapman and Corby fined two men 1s and 5s each for this, in 1741. In an otherwise meticulously detailed

1. In 1741 dead horse and cow commons were compensated with £7 13s 9d; £4 6s 3d in 1742; rising to £12 5s 6d in 1762, and £6 8s 0d in 1767.

account book (with occasional lapses in the 1740's) the small number of fines imposed is remarkable - quite possibly the seriousness of field offences meant that few men took the risk of breaking the orders, or that the officers exercised discretion by warning offenders at first and imposing a fine on them only for repeated law breaking.¹

The evidence of field orders, and the accounts of the fieldsmen, show that the regulation of open field agriculture was constant, close, and at least moderately innovatory. The regularity with which orders were made, fines were set, and fieldsmen appointed, suggests that the orders were observed. It is hard to image how open field agriculture could continue production without a system of common rules with which to order it. But despite this the dangers to common pastures and the common stock were everpresent: the rules were ignored on occasion, and it was in the ^enterest of particular groups in the parish that certain orders not be enforced. How the juries, and the landholders they represented, dealt with these threats is the subject of the following chapter.

1. For a discussion of the work of fieldsmen in upholding orders see below, Ch.3, "Fieldsmen" and "Presentments".

Chapter 3

The Enforcement of Orders

You...of the Jury shall make true Inquiry
& Presentment of all those Things as shall
be given you In Charge: you shall present
No Man for Envy hatred or Malice or Conceal
any thing out of love fear or Affection but
in All things shall present the same
according to the best of ye knowledge.

- NRO G3623b Stoke Bruerne jury list, April 24th
1765.

Field orders were made effective in two ways. Firstly, by organising common grazing to make it very difficult to evade the orders. Secondly, by ensuring the detection of abuses and the prosecution of offenders. Clearly, the more effective the first method, the less necessary was the apparatus of detection and prosecution.

The organisation of common grazing: drifts and brands

Of all the threats to the pasture, overstocking and trespass were probably the worst. They were more difficult to detect in the fenland and the larger heathen~~en~~ parishes than in the smaller pastures of Raunds and Moreton Pinkney. In the fens "drifts" (driving off all animals in the fen pasture and herding them together for counting) was an attempt to catch animals illegally depastured away from the common herds. Drifts were major undertakings for which extra men were employed, and horses hired, and they cost the commoners as much as 2 2s 2d out of a total fieldkeeping bill of 8 6s 2d at Peterborough manor court in 1737.¹ As well as detecting overstocked or trespassing animals the purpose was to raise money on each head pastured to pay for the upkeep of the fields and commons. The cost of such upkeep occasionally exceeded the revenue from drifts and other levies. An order of 1736, following a complaint about the late appearance of the fen reeves'

1. NRO XS107 "The Fenn Reves Dr to Thos Watkinshon" November 1737 to October 1738. The manor included part of the town but also stretched north to embrace large fen pastures. Records of drifts survive for the 1730's, 1740's, and 1750's.

accounts, directed that:

It is ordered and agreed that if any Summe
of Money Expended over and above What Shall
be received for drift &r shall not be allowed
the fenn reeves in their accounts.¹

Drifts were made for great cattle and sheep, and for pigs too.
Their frequency varied from year to year; in some only one
drift was made for each kind of animal, in others they were
driven off the commons a number of times:

Reced for the Drift of Sheep	01-01-07
For the Drift of the Cows	06-01-06
For the first Drift of the horses	07-17-00
For the Second Drift of the horses	02-15-00
For the Drift of Hoggs at Severall times	01-11-00 ²

[Total £19-5-1]

In the Peterborough manor the major cause of overstocking
was agistment - the taking in of cattle belonging to men
who had no right of common. This practice led to the same
unreciprocated use of the pasture as commoners' overstocking
with their own animals: each overstocked beast brought no
land with it over which other common rights could be exercised.
Drifts raised money for the upkeep of the pastures - quite
considerable amounts of it - but the capture of agisted animals

1. NRO X5107 October 26th 1736.

2. NRO X5106 "The Accounts of the fenn Reeves Given In by
us from Mr. Creditor, 1734/5".

was equally valuable. Fines for agisted horses stood at 16s 4d each, for cows at 6s 8d, and for pigs at 3s 4d. Informers were rewarded with five shillings for a horse, and for cows and pigs in proportion.¹

In the Grafton manors enforcing the stint began even before the animals were put out to pasture. Stoke Bruerne and Shutlanger juried ordered that:

Notice be given to the fieldtellers in Writing what Cattle they are to put into Stoke Meadow when Common before they turn the same into depasture. And that each person brand his or her Cattle before the same be turned in on penalty of 10s each defalter.²

Two years later, in 1742, the same pasture needed further regulation. The Stoke jury forbade the driving of cattle into Stoke meadow by any route other than by way of the common highway on pain of five shillings for each offence.³

Anyone found laying planks or bridges across the ditches and into the meadow in order to drive cattle in covertly, was made liable to a fine of ten shillings. Branding the cattle was one of the precautions taken in Whittlebury too. Cattle going into the corn field "Within 3 Days after it is Cleard: Shall put a pitch Brand of the first Letter of thear Christian Name [or] Other ways Cleep it", failing this the owner forfeited two shillings. If these valuable post-crop common pasture rights

1. NRO X5107 October 26th 1736.

2. NRO G3493a April 17th 1740.

3. NRO G3494a October 14th 1742.

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were let, the branding or clipping was to be done by the man hiring the common, although the penalty for neglect still lay with the owner of the common.¹ At the time of stinting the pastures of Ashton, Roade and Hartwell a new order was made in the same vein as the earlier ones made in Stoke and Shutlanger. The field tellers of each of the three towns were to be told whether a horse or a cow was going to be stocked for each common. The commoner was expected to make up his mind, inform the field tellers, and not to change the animal again that year.² The use of town brands, put on by the tellers to distinguish out-parish animals, was also a feature of forest manors or of manors sharing a common, or disputing one. Brands made it possible to identify animals at a glance; they also made it difficult to slip a few beasts into the common at a time, for a few days' feed, replacing them with others when the days were up. Agistment of this kind, as well as long-term commoning, was a common problem to both fen and forest manors. Brands were used in the fen parishes as well as drifts. Commoners were warned against using their personal brands on foreign cattle in an order of 1767 in an attempt to curtail agistment.³ Earlier regulations ordered the branding of geese going into the North Fen.⁴ But a dispute over geese that occurred later

1. NRO G3621h April 30th 1764.

2. NRO G3626b May 3rd 1764.

3. NRO Fitzwilliam Misc. Vol. 747 p.51, February 19th 1767.

4. NRO Fitzwilliam Misc. Vol. 746 p.78, June 17th 1736.

in the century illustrates the difficulty faced by manors with very large permanent commons - such as the North Fen. In the 1770's and 1780's, and possibly before then, Maxey commoners suffered from illegal turning out of geese into the fen from Deepingate, James Deeping and Market Deeping. Despite branding orders the parishes succeeded in commoning their geese by employing men to "attend and watch" them, giving the alarm at the approach of Maxey fieldsmen and driving off the geese with noise and the help of dogs.¹ Such provocation caused the Maxey court to threaten prosecution on further information in 1780. In such a situation orders to brand the local geese were only partially useful because the fen was big enough to allow the offenders to drive off their geese at the approach of Maxey field officers. Branding was most useful within a manor to detect overstocking and agistment by local men. Large fen pastures (which were always difficult to police) were better served by the vigilance of field officers, and by drifts, than by brands.

Common herds, cow keepers and tether grazing

An additional safeguard surrounded the legally depastured cattle of Moreton Pinkney, Stoke Bruerne and Shutlanger, and Raunds: supervision of the cattle was undertaken by a cowherd and all the animals were gathered into one herd. Commoners in Moreton were told that they could not put their cows out "after

1. NRO Fitzwilliam Misc. Vol. 747, October 12th 1780.

the Heard brings them home at night till the Heard is read to looke after them in the morning upon the Penalty of every such default, to pay five shillings".¹ The cowherd collected the cattle to be grazed by common right every morning from their home stalls and closes, drove them to the season's pasture, watched them during the day as they grazed, and drove them home again at night as darkness fell. Because the cowherd continually surveyed the common herd, and governed the entry and exit of the cattle to the pasture, it would have been very difficult to put on illegal cattle or to graze some cattle in the morning and replace them in the afternoon with another set of cattle of the same number - thus feeding very hungry cattle both morning and afternoon.² In this way they were also prevented from straying into the neighbouring corn fields. And the cowherd could alert the pinder to overstocking or trespass. The cowherds also could keep out diseased animals, and enforced the knobbing of cows' horns - which otherwise damaged the bark of trees, other animals, and even the surface of the pasture. The Stoke Bruerne and Shutlanger cowherds were specially charged to look out for unknobbed cows going with the herd.³

1. NRO G3362a April 5th 1725.

2. This danger was greater when animals grazed as of right on small strips of pasture (baulks, headlands etc.) where they could be tied; see below.

3. NRO G3347a April 22nd 1731.

There were two herds in Raunds in 1789, and private herds (or "byherds") were tolerated only when formed by the "farmers Cows" for the purpose of moving them to their own pastures, but to them alone.¹ And presentments of commoners for keeping byherds may indicate the keeping of a common herd in Maxey in 1736. No fewer than sixteen men and women were charged at the November court with keeping byherds "in the fallow field contrary to Orders". Their fines were amerced to between sixpence and five shillings, most paid a shilling or 3s 4d.²

Within the open fields lay baulks, headlands, uncultivated corners and slades which were used as pasture at certain seasons, for although the beans or corn were growing in these fields the strips of grass could be grazed with care. The courts at Grafton and Moreton Pinkney regulated the times of the year at which they could be used and also made precise stipulations about the length of tethers with which cattle could be tied or flit on them. At Ashton in 1754 cattle were kept off the narrow baulks altogether. Beasts found tethered on baulks less than four feet wide were impounded until a fine of 4d was paid. Great cattle in Roade could be grazed in the grass of the meadow and the sward of the South field only if they were attended by a keeper to keep them off the tilled lands. This regulation was to be observed on pain of a fine of 3s 4d and came into

1. NRO Raunds Overseer's Accounts, 1789, p.3.

2. NRO Fitzwilliam Misc. Vol. 746 pp.80-81, November 4th 1736.

force on November 1st and ended on December 21st when all cattle were kept out of this part of the common for the winter.¹ Although copious orders setting out the width of baulks and joint-ways survive for Raunds manor, underlining their importance in the provision of pasture and in protecting growing corn from carts, nothing is revealed about how tether grazing was managed, with the exception of a protest in 1741 at the neglect of the orders setting out the size of baulks.² Some headlands were left ungrazed, and were sown instead with trefoil and rye grass and the produce was sold at harvest time.³ An order forbidding the tethering of horses on baulks during the harvest is the only regulation of tether grazing that survives.⁴ Maxey regulations were made late in the century in 1799 when the court ordered

that if any Horse or Beast be found on Maxey Green or in the Town Street without a person tending them (Except during the time of Harvest) Shall if impounded pay 2d by the Head to the Pinder who shall impound the same.⁵

1. NRO G3293a. October 24th 1726.

2. NRO QCR 59 23.4.1741, "for many years last past there has been a very notorious and General Neglect and breach of these Customs [width of balks and jointways, 2' and 14' respectively] and bylaws in plowing away the sd Balks and Jointways to the gt Detriment of the sd Parish and of all those who have right of Common within the said Fields". Fine of 6s 8d for each plowing up. (My emphasis)

3. NRO QCR 59 December 11th 1740; QCR 56 November 13th 1735; Raunds Overseer's Accounts, p.2 May 4th 1789.

4. NRO Raunds Overseer's Accounts, p.2 May 4th 1789.

5. NRO Fitzwilliam Misc. Vol. 747 p.177, April 24th 1799.

No orders regulating baulk grazing seem to have been made.

It is possible that baulk tethering was forbidden during the eighteenth century in Maxey, as it was in Laxton, Nottinghamshire.¹

But small pastures near land likely to be damaged if animals were to stray into it were still grazed by right of common in the parish in 1806 when commoners were allowed to tend three head of stock at a time at Lolham Bridge and More Dykes, with the condition that they do "no damage to the property of other Persons".² In Helpstone the custom of tethering on baulks survived into the 1790's at least. In 1797 the court ordered that horses should not be tethered after sunset in the corn fields, and if tethered in the meadow they were to be staked on their owner's land and fastened with a rope no longer than the width of that land. Tethering elsewhere in the corn fields, like the meadows, was regulated:

No person Shall take through the Corn Field
either Horse or Cow to Tend other than in Strings
and if any found turn'd loose shall forfeit
for every offence to the Lord of the Manor -
6s 8d.³

And in 1722 an earlier order forbade the turning of animals loose into the highways: every beast should be tethered there on pain of 3s 4d.⁴

Grazing on baulks and other dispersed pastures could not be as efficiently supervised as grazing in the cow pasture or

1. C.S. and C.S. Orwin, The open fields, 3rd ed., 1967, p.136.
2. NRO Fitzwilliam Misc. Vol. 747 p.213, May 1st 1806.
3. NRO Fitzwilliam Misc. Vol. 747 pp.170-171, April 10th 1797.
4. NRO Fitzwilliam Misc. Vol. 746 p.25, November 1722.

on the post-harvest fields. Hence the danger of substituting horses flit on a variety of pastures deplored in the 1765 Orders of Ashton, Roade, and Harwell:

And we do order and agree that no Person the three parishes Fliting or keeping his full stock of Horses or Mares in the Slades or Common or commonable Lands in the Parishes of Road ashton or Hartwell one part of the day and taking them away flit or turn other Horse or Horses Mare or Mares in their room another part of the Day with intent to oppress upon our said common. Penalty three and four pence to the Steward of the Court each Day such oppression is made.

But these pastures were small and easily watched from a distance. This, together with the obligation to employ a boy to watch the animals, and orders to keep them firmly tethered, made the task of supervision easier.

The enforcement of field orders

The balance struck between the maximum use of the pasture, and its good upkeep, was difficult to maintain. Different groups of commoners wanted different things from their common rights. Agisting other men's cattle, using the common as a short term pasture for animals on their way to market, and overstocking in general, were three points of conflict dealt with (as we have seen) by organizing grazing with regular drifts, brands and common herds to make the offences difficult to commit. But the courts also tried to prevent or prosecute these abuses of the common by appointing supervisory officers

1. NRO G3618b April 25th 1765.

and imposing fines.

Payment of the field officers

Outside the twice yearly meetings of the courts their orders were enforced by officers appointed by the manorial juries.¹ To oversee the pasture was the special responsibility of pinders - pound herds - who worked under the supervision of the fieldsmen, field keepers or field tellers. In some manors the field keepers were pinders too, no special officer was appointed, and the rewards of the job went to him. For example, the field keeper appointed for Grafton Regis at its spring court - John Joans - was also the pinder; he was paid at the rate of twopence a "pinlock" meaning that he could take twopence of the fine he charged the owner of any overstocked or trespassing animal when he claimed it from the pound.² The Ashton "howard" or hayward earned sixpence for every sheep he found folded outside the common fold in 1731.³ The new stinting agreement made for Ashton, Roade and Hartwell at the Grafton court in 1764 provided that the two "field tellers" in each parish should receive a shilling each for

each and every Day they go out to take account
of each Person stock to be paid out of each
Parish they belong to.⁴

1. Orders were made public more often than twice a year of course; see above Chapter 2.

2. NRO G3290a April 7th 1731. The combination of duties may have been a result of the half open - half enclosed state of the parish.

3. NRO G3317a April 25th 1731.

4. NRO G3626b May 3rd 1764. The tellers were Robert Coock, John Marriott, Edward Longstaff, Peter James, Thomas Denton and Abraham Barritt.

The pinder was paid a double pinlock in Roade for each unrun pig he impounded in 1726. If all the Grafton manors charged approximately the same rate for a pinlock he would have been paid fourpence for every such pig.¹

These examples of payment by results - by the number of animals detected, or the number of days spent checking the common pasture beasts - found no counterpart in the orders made for the Moreton manors. But they were familiar in Raunds, where the mole catcher - Thomas Crick - was paid twopence for each mole he killed in the enclosed lands by the occupiers of closes, in addition to his yearly salary of 25s for keeping the open fields and pastures free of moles.² Similarly, new orders made in November 1735 set the reward for the detection of great cattle and sheep illegally pastured. The fieldsmen were to be paid "one Shilling a piece for their trouble for every pound Shott they shall make to be paid by the owners of the Sd Cattell

1. NRO G3293a October 24th 1726. The Grafton Regis field keeper's pinlock was set at a court held on April 7th 1725, G3290a. Unrun pigs could root out the young grass and shoots of corn, and they damaged the roots of trees and hedges, and made the surface of the pasture uneven. To avoid this they were rung through the nose at two months or ten weeks, see above, Chapter 2.

2. NRO QCR 52, 1729. The salary and fee for each mole caught were both set in 1729 for the following six years. The money to pay the mole catcher was to be raised with a levy on all the occupiers of the open lands.

so impounded".¹

Enforcing field orders in the larger and more dispersed pastures of the Northamptonshire fens required the employment of more officers than in the pastures of the southern loams and clays. Three fen reeves and a pinder, all supervised by the constable, were at work most of the year in Maxey and each of its member manors throughout the century. Extra field keepers were employed as the need arose. An order made in the Michaelmas court of 1727 declared:

That ye Constable of Maxey with the consent
of 2 other Parishioners are impowered to
putt on a field keeper as often as there
Shall be occasion Any person refusing to pay
their equall proporcon to the same shall forfeit
to ye Lord of this Manor for every neglect - 6s 8d.²

The separation of duties apparent in the other manors was repeated in Maxey where the pinder was almost wholly responsible for the detection of trespassing cattle and sheep, while the fen reeves (in common with the Moreton field keepers) supervised the upkeep of the pasture's fabric, the employment of labour, drifts, and the laying open and haining of the fields. But the separation was never complete. Each officer concentrated his attention on one area of the administration of the fields, but was not powerless in the other areas. Both pinders and fen reeves charged fines for Deeping cattle trespasses in the North Fen in 1741, and each was paid twopence a head. And both were required to find the same out-parish cattle pastured

1. NRO QCR 56 November 13th 1735.

2. NRO Fitzwilliam Misc. Vol. 746 p. 43, October 3rd 1727. In 1722 six overseers supervised the enforcement of the Helpstone orders, Fitzwilliam Misc. Vol. 746 p.26, 1722.

in the fields of Maxey cum membris no more than one penny per head in the same year.¹ By 1767 the fine for cattle found in the North Fen was threepence - again, both pinder and reeves were responsible for detecting them. Each was liable for a fine of one shilling every time he took more than threepence a head.² At the same court commoners were warned against agisting other cattle and branding them with their own brands. Fines charged those who ignored the order stood at eleven shillings, one shilling of which was to go to the field reeve or the pinder "for his Trouble".

But the pinder worked alone (but for the information he might receive from the reeves) in detecting other kinds of animal trespass. In the manors holding court at Maxey the pinder was paid by the number of animals detected - as the Raunds, Roade and Grafton pinders were paid. In 1738 impounding an overstocked sheep brought him one penny. Later, in 1767, the pinder was paid threepence for each horse used to draw a waggon into the High Meadow illegally. Cattle other than milch cows pastured in Northborough Meadow between Old St.

1. NRO Fitzwilliam Misc. Vol. 746 p.108, November 2nd 1741. The inhabitants of Market Deeping and James Deeping and Maxey cum membris usually agreed to charge a small fine for any of their respective cattle which strayed into each others field pastures. The fieldsmen (reeves and pinders) were warned to charge no more than this sum for fear that the other manors would do the same.

2. NRO Fitzwilliam Misc. Vol. 747, p.51, February 19th 1767.

Mathew and Old Lammas brought him fivepence per head in the same year. Other trespasses committed while the fields were closed to cattle incurred fines which included payments to the pinder ranging from one penny to sixpence per head. In all, he was paid for detecting six major kinds of trespass each of which could be committed by either cows, horses or sheep. And for preventing cows with unknobbed horns from going into the pasture he could take twopence for every cow.¹

Breaking stints, stocking without right, agisting out-parish cattle, or pasturing cattle fully armed, were all offences for which penalties included a sum for the pinder as a reward "for his Trouble". These are instances of giving the field officers a reward for doing duties, and it was perhaps the most usual form of payment in Maxey, Raunds and in the Honor of Grafton. But other forms of payment were used too. Occasionally special land use-rights were given to the officers for the duration of their office: a cottage and one acre of meadow land went with the job of hayward in Grafton and Hartwell according to the Commonwealth and Protectorate parliamentary survey. It was valued at 24s a year and belonged to the lord of the manor.² In 1721 the Ringstead haywards enjoyed a

1. NRO Fitzwilliam Misc. Vol. 747 February 19th 1767.

2. R. Lennard, Rural Northamptonshire under the Commonwealth, Oxford, 1916. Reprinted New York, 1974, p.46.

similar right to the produce of a meadow.¹

But in Moreton Pinkney sanctions rather than incentives or rewards were used to inspire efficiency. An emphasis was put upon the duty of the officers to obey the court, or:

...for neglect of their office once in every
Six weeks to forfeith one shilling each man so
offending.²

The Moreton court employed three fieldsmen each of whom could be punished for dereliction of duty. The fine was raised significantly ten years later when the level of stints was lowered - agreement upon a new stint was an opportune time to overhaul the whole system of policing the fields, and to raise all fines.³ Fieldsmen now forfeited ten shillings if they neglected to search the fields for animals breaking the new stint. New or controversial orders were enforced in much the same way in Raunds. When the open field baulks were widened in April 1741 the order to do so was followed immediately

1. NRO QCR 48 October 26th 1721, Richard Dyson of Williot Mill was presented for "withholding The hewards dole in Ringstead from them". Such information is incidental to the presentment; if Dyson had not been presented at court we might not know of the payment to the haywards. Unlike the previous century the eighteenth seems to have seen no confirmation of manorial rights in chancery suits which reveal the full custom of manors, including the rewards paid to efficient fieldsmen.

2. NRO G3422 October 27th 1733.

3. NRO G3462a April 11th 1743.

by another which ran:

if the field searchers or any of them shall neglect or refuse to give notice as above [i.e. the new width of baulks] being thereunto requested by any one of the Commoners of Raunds within 3 days after they or any of the sd field searchers so offending shall forfeit and pay for every other offence the summe of Six Shillings and eight pence.¹

And fieldsmen were considered responsible for failing to enforce other orders too. Moses Perseswell, hayward of Ringstead manor in 1733, was fined no less than £1 2s 5d in 1733 for taking waifs and strays to Major Creed of Oundle "which usuly belonge to ye maner of Raundes".² This may signal a dispute between the manor of Raunds and Creed, who was one of the manorial lords of Ringstead over the ownership of strays, and the wider issue of Ringstead's obligation to do suit and service to the Raunds court.³ But, again, field officers were held personally responsible for not enforcing the orders because their part in doing so was crucial.

The provision of incentives to enforce the orders (whether by setting a fee on the head of each animal caught trespassing, or by providing a cottage or some land) and the punishment of

1. NRO QCR 60 April 23rd 1741.

2. NRO QCR 55 October 26th 1733.

3. NRO QCR 59, 1740, "Every person in Ringstead for not dooing their Suit and refusing to do it service 0:3:4 each and Every other person not doing Suit and Service....0:0:4". Earlier, in 1725, when the officers failed to bring their Bills two Ringstead men were presented for not appearing at the adjourned court, QCR 50.

officers who neglected their duties, are two indications of how seriously the need to enforce the field orders was taken. But even more significant was the fact that these men were employed and paid on a regular basis. Indeed it is hard to imagine how the number and variety of the fieldsmen's responsibilities could be met other than by the presence of one or another of them in the open fields most days. The work of the fieldsmen demanded constant supervision of the fields; thus pinders, haywards, field tellers and fen reeves had to be compensated in some fashion, if not for their full-time work all year round, then for at least full-time work for part of the year. In an age when enforcing the criminal law was a part-time occupation, and prosecution was a private matter, the superior organisation of the enforcement of common field orders is some measure of their communal importance.

Officers were paid, and they worked full time for some seasons at least, but they were open to corruption like any other officials. Whether they discharged their duties honestly, or compounded with offenders by agreeing not to impound their animals in return for a larger share of what would have been the fine, is difficult to prove either way. Clearly manorial courts recognized that their officers might take bribes, as an order made in the Grafton manor of Blisworth in 1764 shows.

Henceforth bribery was to be punished with:

a Double Penalty on each Breach of Order which shall be provd against them showing any favour or Affection to any Landholder in any Case whatsoever.¹

There were four field tellers in Blisworth. It could not have been easy to disguise consistent breaking of the stints and orders. Unless all the tellers conspired together, sooner or later another field teller, or a commoner not in receipt of a bribe, would notice the presence of surcharged cattle or unrung pigs or strays. Indeed, the risk involved was not a small one on two other counts. First, most fines went into the common stock of funds for the upkeep of the common fields and pastures: defrauding the occupiers of land could not be undertaken lightly. Secondly, as the century wore on the preoccupation of the courts with the quantity and nature of pasture increased both in response to greater demands on it - if it was unstinted - and because in times of price and rent rises, and a growing market, there was a great need to improve yields and develop better stock.² In these circumstances, neglect of duty - whether through corruption or carelessness - could have important economic consequences for the occupiers. Their self-interest, and vigilance, must have greatly aided in the enforcement of the orders.

1. NRO G3625c; once again the new penalty was part of the newly set stinting agreement.

2. See above Chapter 2.

Fines

Fines, and making presentments in court, were ways of enforcing field orders when other methods had failed. Such penalties were the last resort of the whole system of open field regulation.

The fines procedure began with the charging of a single fine wherever the offence was detected, or at the pound door in return for the release of the trespassing animals. The procedure ended at the twice yearly meeting of the manorial court or at Quarter Sessions, where a refusal to settle out of court usually raised the fine ultimately imposed. A Blisworth order made in 1764 illustrates this ascending scale:

We further Consent and Jointly agree for the Penalty's made upon any or either of the aforesd Order's to be paid upon the Spott Catcht or a Pound Door to the foreman of our Jury And We Agree for the same to be spent at his Pleasure by the Consent of the Majority of the Landholders. And in Caste That any Landholder shall make any Neglect or Refussall of the forfeitures as aforesaid Shall Come Under the Penalty of Paying Double Paines upon Breach of each Order made as aforesd, unto the Steward of his Graces Court.¹

Another order made in Helpstone in 1720 empowered the overseers of the fields to take fines of sixpence for a horse, fourpence for a cow and twopence for a sheep breaking the field orders. Anyone "who shall refuse to pay" these sums would have to pay exactly twice as much to the lord of the manor at court

1. NRO G3625c May 9th 1764.

later on.¹

Fines in Grafton manors were usually set in spring by the manorial court jury and brought ready-made to the spring court.

Thus in April 1726 the Grafton jury ordered:

thatt no one shall overStock their Comons
neither with Horse Cows nor Shepe under the
Penaltie of six pence for every offense to be
paid to the feild tellers for everig ship and
twelve pence for Evry Cow or Horse.

At Alderton eleven years later the fines were identical,
thus:

No Person Shall overStock the Common with any
Sort or Kind of Cattle more than according to
the Custom, and Number of Acres that each
Man hath, upon ppain of 6d for each Sheep, and
1s for each Cow or Horse, So over common.

The usual fine in the Grafton manors for overstocking
with great cattle (horses and cows) was one shilling, and the
equivalent fine for sheep ranged from twopence in Blisworth
in 1764, through fourpence in Moreton Pinkney in 1732, to
sixpence in both Grafton Regis in 1726, and Alderton in 1737.⁴

Most of these fines were charged for each offence, and
for each animal overstocked, but in Moreton Pinkney and Ashton,
Roade and Hartwell, some fines were charged for each day over
which the offence was committed. This change usually occurred

1. NRO Fitzwilliam Misc. Vol. 746 p.9, December 5th 1720.

2. NRO G3283a, April 13th 1726.

3. NRO G3558a May 26th 1737.

4. Fines of one shilling for overstocking with great cattle
were set in Grafton Regis in 1726, G3283a; Moreton Pinkney in
1731, G3428a, and 1737, G3423; Alderton in 1737, G3558a; and
Blisworth in 1764, G3625c. Sheep fines, respectively: G3625c,
G3430a, G3283a, and G3558a.

when new stints were set: thus Moreton set new, very high fines for overstocked great cattle in 1743 on the introduction of a lower stint.¹ In the same manor overstocked horses were a problem a few years earlier, in 1737, and the same practice was used: the fine became one chargeable per diem.² Similarly in 1732 the Ashton, Roade and Hartwell juries raised the fine for breaking a new stinting agreement to ten shillings per day per default.³

Fines for overstocked sheep varied more than fines for great cattle. At Blisworth in May 1764 the fines stood at one shilling for a horse or cow "each time catcht" whether overstocked or "loose in the Graine".⁴ But, at twopence per head, the fine for sheep in this well-pastured manor was lower than elsewhere. Almost forty years earlier in Grafton Regis the fine was sixpence per sheep. Part of this may be explained by the novelty of the procedure in Blisworth where stints were lowered significantly in 1764.⁵ But the abundance of sheep pasture might also explain why the fine was so low. Other fines were much higher: for instance putting a cow onto the pasture without occupying any land in the open fields in 1739

1. NRO G3462a April 11th 1743.

2. NRO G3423 May 23rd 1737; see also G3430a April 18th 1732, a daily fine for overstocked sheep was set this year.

3. NRO G3432i, November 1st 1732.

4. NRO G3625c May 9th 1764.

5. NRO G3625c May 9th 1754.

was punished with a fine of five shillings.¹

Orders in Raunds were made every six years (perhaps the length of a rotation) and adopted with minor changes (except for the opening and closing of fields) every year. A new stinting agreement made in October 1735 set fines for overstocked great cattle at five shillings each, and at one shilling for overstocked sheep. The earlier 1729 fine of 6s 8d for overstocked horses was higher possibly because horses were a particular problem at that time - or because they were being stinted for the first time.² Overstocking the tilled fields and fallows with sheep in the fens was considered to be as great a threat there as overstocking with cattle was elsewhere. Thus a fine of 3s 4d per sheep was set in Maxey and Helpstone early on in the century.³ Overstocked great cattle were fined at the same rate as in the other manors in an order of 1767 setting down a fine of 5s 6d which included sixpence for the pinder.⁴

Fines such as these, which were imposed to deter overstocking, and others set up to punish agisting, or pasturing

1. NRO G3448b June 19th 1739.

2. NRO QCR 56 October 3rd 1735; QCR 52 October 1729. For Raunds stints of horses, see above, Chapter 2, "Raunds stints".

3. NRO Fitzwilliam Misc. Vol. 746 p.88 November 14th 1738, Maxey sheep stint and fine for overstocking; p.9 December 5th 1720, Helpstone sheep stint and fine for overstocking.

4. NRO Fitzwilliam Misc. Vol. 747 p.54 February 19th 1767.

cattle without a right of common, were used to enforce the stint of common of pasture.¹ But the stint itself was changed from time to time to reduce the number of animals allowed on the common pasture. New agreements were accompanied usually by new, higher fines. Thus in 1724 at the Greens Norton court the fine for breaking new stint of sheep in Duncot and Burcot was set at ten shillings per default:

We do Order in Duncot and Burcot field that
no Inhabitation shall not keepe above 32
Sheepe for 1 yardland and Not above One halfe
of them shall be Ccoptes upon penalty of
Every Such Default the Sum of Tenn Shillings,
for this year Ensuing.²

Similar re-stinting in the same year in Whittlebury put a fine of 3s 4d on any animal stocked over the stint, sheep as well as great cattle.³ The same high level of fines was set up at Ashton, Roade and Hartwell eight years later. Although the commonable land of these three parishes remained without stint until 1764, the custom of the manors restricted the numbers of animals that could be pastured by right.⁴ By 1732 these limits had been broken so the jury agreed that, after the commoners' rights to pasture had been examined,

1. Straying into the corn fields, prematurely turned animals into the open field pastures, and the multitude of fines charged for offences to do with fencing, ditching, pig-ringing, branding etc. are discussed in Chapter 2, passim.

2. NRO G3379a May 2nd 1724.

3. NRO G3379b May 2nd 1724.

4. See above "Stints", Chapter 2.

further breaches would be fined at the rate of ten shillings per animals, per day. The penalty was announced before it could come into effect, so acted both as a warning before the rights were verified, and a punishment after they were settled.

The order ran:

No person shall keep any more Cattle in any of the Common fields than shall be deemed and judged a right to keep (by the persons hereinafter named) after such regularity produced in publick On penalty of 10s each days default.

So saying, the jury appointed four men from Roade, four from Hartwell and five from Ashton "to settle the right of Common on or before Candlemas next" on pain of a fine of one guinea to be paid to the Lord of the Manor.¹ When the first stint of the right to pasture was introduced in 1764 the deterrent fine was even higher at no less than £5 for every refusal to accept the stint, and five shillings for each overstocked animals after impounding.²

Stinting courts increased fines for overstocking and trespass in the spirit of wielding a new broom, but, more importantly, they did so in order to make attempts to flout the new stint prohibitively expensive. In the Grafton manors

1. NRO G3432i November 1st 1732, three months before.

2. NRO G3626b May 3rd 1764. The £5 went to the lord of the manor, the five shillings belonged to the manor; one shilling was paid to the field tellers each day they went out to check each man's stock.

new stints and new fines were introduced in Whittlebury and Greens Norton, Duncot, and Burcot in 1724; in Ashton, Roade and Hartwell in 1732; in Moreton Pinkney in 1743; and in Blisworth, Stoke Bruerne and Shutlanger, and again in Ashton, Roade and Hartwell, in 1764.¹

In any of the manors studied it would have cost six shillings to retrieve a dozen sheep from the pound, or as much as twenty shillings in the fens. Two or three cows caught overstocked would cost from three to fifteen shillings depending upon which manor set the fines. And overstocking was only one of the offences so punished. It is chosen here as an example because it was one of the most common offences, and one of those most destructive of the value of a common right. Trespass usually carried a higher penalty, and agistment was punished even more heavily.² High fines, coupled with an efficient body of fieldsmen and a vigilant parish of occupiers, made breaking the orders a formidable risk. This effectiveness lay in impounding as well as in the size of the fine itself, because while the animals remained in the pound cows could not be sold or milked by their owners, and horses could not be ridden or used to draw carts and waggons. For this reason one offence sometimes followed another as an occupier tried to rescue his animals without paying his fine. Thus poundbreach

1. NRO G3379b, G3379a; G3432i; G3462a; G3626c; G3624b; G3625c.

2. See above, Chapter 2, "The land: dead commons" and "Stints".

or rescue brought heavy penalties because it threatened the whole system of fines. When Simon Drage of Raunds committed common trespass by driving eighteen cows into the grass and grain of Nordale during one night in 1729, the fieldsmen captured the animals and took them off to the pound. Drage's son challenged them as they were on their way and rescued thirteen or fourteen of them. In doing so he almost doubled the cost of the offence, for his father was fined £1 7s 6d for the trespass, and he - the son - paid 17s 6d for the rescue.¹ Similarly, violently taking away trespassing horses from a pinder, a landowner or an occupier in Castor and Ailesworth in the fens also doubled the fine in 1725: the original offence carried a penalty of 3s 4d and the rescue fine was the same.²

Presentments

Without presentments such as that of Simon Drage fines would have been without effect. Like unused statute law they may have been monuments to the pointless activity of a handful of men. The incidence of presentments proves the value of fines to some extent. But Courts Baron - unlike Quarter

1. NRO QCR 52, Raunds orders, 1729.

2. NRO Fitzwilliam Misc. Vol. 746 p.36, November 4th 1725.

Sessions and Assize courts - were not courts of record bound to give account of the outcome of every case. Nor did every offence come before the jury. Quite possibly most of them were settled in the field or at the pound door where the fines were usually smaller and the inconvenience far less. And fieldsmen, much more than jurymen, felt no obligation to keep a permanent record of their receipts; nor did stewards seek to preserve whatever account they did make. Nonetheless some presentments were written into the minutes of the court proceedings and others were taken to the higher court of Quarter Sessions and a record was kept there.

Raunds presentments were made most commonly for trespass, overstocking, and the associated offence of pound breach. Between 1716 and 1741 fifteen men were amerced from one shilling to £1 17s 6d each for common trespass with cows, horses, sheep and hogs. The most serious offences leading to the highest fines were those involving a number of cattle, and these tended to belong to substantial farmers rather than smallholders. Simon Drage's trespass and his son's pound breach, committed in 1729, is one example.¹ In the same year Samuel Ekins drove three score of cows up a furlong of pease, and was fined £1 2s 0d; and John Hitchcock was amerced £1 17s 6d at the same time for

1. See above.

trespass with horses, cows, sheep and hogs.¹ Such a coincidence of serious offences occurred twice, once in 1729 and again in the early 1750's.² The target of Drage, Ekins and Hitchcock in 1729 may have been the new set of orders made in that year, and the introduction of the first stint ever set for horses. Assaults on the orders were to be expected, especially when stints were lowered, and the court seems to have been able to deal with them, firstly by imposing high fines, and secondly by refusing to go back on the orders.³

Less serious infringements of similar trespassing orders brought lower fines. Four men presented at court in 1718 were amerced only one shilling each for riding a horse down a furlong, and carting down a headland. It is likely that these offences were usually dealt with outside the court but the men presented in this case were from outside the parish and may have hoped to escape punishment altogether.⁴

The Raunds court punished other offences too. It is possible that several incidents happening in the 1730's, 1740's and early 1750's were part of a long dispute fought sporadically with Ringstead occupiers over their obligation to do suit and

1. NRO QCR 52 October 1729.

2. For the events of the 1750's see below.

3. NRO QCR 56, October 3rd 1735, the orders concerning the level of stints remained at the 1729 level.

4. NRO QCR 47 October 23rd and December 11th 1718, the men were both John Rock of Wellingborough, John Peacock of Denton, Samuel Sharp of Elmonton, Robert Young of Irthlingborough, and Christopher Eaton of Ringstead.

service to the Raunds court. The Ringstead hayward was fined in 1733 for taking waifs and strays to Major Creed of Oundle, lord of Ringstead manor, instead of to the Raunds pound.¹ And in 1740 two gentlemen of Ringstead and eighteen tenants (including some substantial men like Sir James Langham, and the Reverend John Sharp, William Barton and Paul Ives) were fined for their absence from court. Such absences were usually excused (essoined) for a small fee by prior arrangement, but none of those charged had bothered to apply for the favour in 1740.² They did not re-appear at the court held in 1741.³ A pound breach of Ringstead stock from the Raunds pound was made by Oliver Cox, junior, in 1753, closely following a common trespass committed by the Ringstead shepherd in Raunds fields.⁴ Cox was one of the two men fined five shillings in 1740 for his absence from court.

A third threat to the custom of the manor came from within the parish in 1740 when Thomas Ekins, a yeoman, neglected to provide the customary bull and boar for the use of the parish stock - occupancy of his land was conditional on his provision

1. NRO QCR 55 October 26th 1733.

2. NRO QCR 41 May 15th and June 1st 1740. Cox and Allison were fined five shillings each; the rest paid one shilling each.

3. NRO QCR 60 April 1741.

4. NRO QS Grand File Thomas a Becket 1752; 1753. Raunds jury prosecuted two Ringstead farmers in 1770 for their refusal to scour a common water course, QS Grand File Thomas a Becket, 1770.

of breeding stock. For his neglect he was fined 13s 4d.

At the same court ^{another} yeoman, Thomas Colson, was fined one shilling for unlawfully charging his neighbour for the use of the common bull that it was his duty to provide free.¹

Such challenges to the court's authority could only be handled there, or by the higher courts of Quarter Sessions or Assize. In at least one parish, Ravensthorpe, field officers were empowered in 1724, by agreement of the commoners, to initiate law suits to recover fines:

That it shall and may be lawfull to and for ye said fieldsmen for ye Time being or anyone or more of them, if any such penalty or penalties...shall be behind or unpaid by ye space of 21 days next after any demand thereof made as aforesaid, to distrain and take irrepledgably ye Goods, Chattels, or Cattel of such person or persons so offending, and ye same to sell & dispose of, & therewith to satisfy any such penalty or penalties...so distrained for, together with ye Costs & Charges of such distress & distresses returning ye overplus if any to ye person or persons so distrained. Or otherwise to sue for & recover ye same to ye uses, Intents and purposes aforesaid in any Court or Courts of law and Equity. In witness whereof we have hereunto set out hands and seals...²

The common course, however, was for courts to prosecute serious offences such as poundbreach at local quarter sessions by the ordinary procedure of indictment. From the evidence it seems

1. NRO QCR 59 December 13th 1740.

2. NRO BG 176 Ravensthorpe Orders, January 1st 1724. It would require examination of nisi prius records of Assize and the other civil records of the courts of Westminster to establish whether such suits took place, and how often. I have found no evidence in other sources that this was in fact the case.

that the Raunds court protected itself quite tenaciously throughout this period, both in resisting the counter-claims of the Ringstead suits and in dealing with internal assaults on stints and orders. And these kinds of offence were most characteristic of the business recorded by the court.¹

It is possible that these prosecutions were recorded because they were matters of long-term importance; other more routine presentments may have been dealt with, and forgotten, requiring no written record.

Records of orders and presentments made at the Raunds court end in 1741, although the court continued to deal with land transfers and fealties. This may indicate that the public vestry took over the agricultural regulation of the parish, but records of the vestry do not survive before 1789.

Certainly the regulation continued, and prosecutions were brought before Quarter Sessions in 1751, 1752, 1753, 1768, 1770 and 1788.² In 1789 a new set of stints was filed in the Town

1. In both 1716 and 1741 the court also tried - and recorded - criminal offences. Three men from Bedfordshire and Huntingdonshire were charged with stealing coal from Raunds freeholders in 1716: two were amerced ten shillings each, a third was charged £1. NRO QCR 46 October 1716. In 1741 three men from neighbouring parishes were charged with breaking the Assize of Bread, and fined five shillings each, QCR 60 April 23rd 1741.

2. See below.

Book kept by the vestry.¹ Raunds was enclosed in 1797.

Records of the Moreton Pinkney court presentments survive more completely, although they too are best documented in the first half of the century, partly because enclosure came earlier to the manors of this court than to the others.² Presentments here often served the purpose of warning the offender. Thus in the spring court held in 1728 John Beauchamp, esquire, of Adston was ordered to fill up a pit lying near the highway in Adston before the Michaelmas court. Henry Tucker was told to scour his ditch on pain of five shillings at the same time.³ A few years later Hercules Franklyn was fined ten shillings for not laying down his lands' ends and jointways to grass, but he was told that the fine would be remitted if he complied in time. Henry Wimbush, however, was fined ten shillings at the court for the same offence with no offer of a refund should he obey the order. And at the same court Thomas Smith paid five shillings for breaking up the old greensward for cultivation.⁴

Presentments for failure to scour ditches or lay down land to grass were as common in Moreton as presentments for

1. NRO Raunds Overseer's Accounts, 1747-1806. A preamble to the new orders directed that they be "Recorded in the Town Book". As usual the orders were to last six years; alterations to them could be made only at a "Public Vestry".

2. Moreton Pinkney was enclosed by an Act of 1761; Blakesley was enclosed in 1760; Woodend was enclosed later in 1779. Adston and Plumpton were not enclosed by Act of Parliament, but they were probably enclosed by agreement earlier.

3. NRO G3360a May 4th 1728.

4. NRO G3422 October 27th 1733.

trespass were in Raunds. Penalties set for common trespass rose to as much as twenty shillings, although they too were amerced to five or six shillings quite frequently.¹ Pound breaches were punished with fines of 3s 4d though one early offence committed by Edward Mayo of Heathencote was punished with only a sixpenny fine.²

Occasionally a name appeared more than once in the presentments. For example both Henry Tucker and Jonathan Furniss committed more than one infringement of the field orders in the 1720's and 1730's.³ But no one man or set of men seem to have continually flouted the orders.⁴

Absences from court were fined as they were in Raunds. Mrs. Harriet Arundell was amerced five shillings in 1740 at the Grafton court; Mr. William Pierce was amerced 2s 6d for the same

1. For example G3380b, April 1724: the fine for the trespass of one cow in the wheat field of Potterspury was twenty shilling but the jury amerced it to five shillings. See also for other examples of trespass: G3341c October 16th 1725 and G3428a October 2nd 1731.

2. NRO G3379b May 2nd 1724: Mayo had rescued five sheep from the pound. See G3422 October 27th 1733, and G3326a April 29th 1730, for other examples of presentments for pound-breach.

3. NRO G3356a October 27th 1729; G3428a October 2nd 1731: presentments of Jonathan Furniss. G3360a May 4th 1728; G3356 - October 27th 1729: presentments of Henry Tucker.

4. One way of dealing with one man's personal ambition to profit more from the common lands than anyone else was to make a public order specially for him: thus George Chamberlain of Etton and Woodcroft in the fens was personally instructed not to keep more than six sheep and no byherds in 1735, NRO Fitzwilliam Misc. Vol. 746 April 2nd 1735. Verbal warnings might have been given at court more frequently.

offence in Moreton in 1725; and a juryman who failed to appear at the Roade court in April 1763 was fined no less than ten shillings. As the years went by the fines rose. But less substantial suitors paid lower fines: in April 1730 two widows, Olive Bull and Lydia Jones, and Samuel Webb were amerced fourpence each for absence from court.¹ Absenteeism seems not to have threatened the authority of the court in any of the manors.²

Trespass, overstocking and pound breach were the most common offences presented to the Maxey court, as they were elsewhere. Thomas Dunston of Maxey was amerced one shilling for a common trespass in 1720, John and Samuel Laxton and Thomas Bradley were fined between 3s 4d and ten shillings each for the same offence later on in 1736.³ Overstocking with geese incurred higher fines in 1738 and again in the 1770's and

1. NRO G3493a April 17th 1740; G3362a April 5th 1725; G3606a April 21st 1763; and G3357a April 24th 1730.

2. Other presentments were for putting "scabbd horses on the common" (three men were fined one shilling each, a fourth was fined two shillings), G3428a October 2nd 1731; for breaking the Assize of Bread (the baker, Josiah Wilson was amerced six shillings), G3277a September 30th 1723; for flitting mares contrary to the orders of the last court (fine 2s 6d), G3341e October 16th 1725; for not mounding lands or plowing leys (five and six shillings respectively), G3341e October 16th 1725; and for not hodging a hadeway within the allotted time (one shilling), G3428a October 2nd 1731.

3. NRO Fitzwilliam Misc. Vol. 746 p.2 1720; November 4th 1736.

1780's.¹ But throughout the period the heaviest fines charged were those imposed for agisting cattle. Richard Addington for instance was fined £1 10s 0d for "taking in Cattle of Persons not haveing right of Common in Our ffields contrary to Orders". At the same court he was fined 3s 4d for not branding his horses; and two years later he was presented for keeping a byherd for which he was fined 2s 6d.² Pasturing cattle without right of common was the offence of John Frisby, a miller, in 1733 and again in 1736. At the 1736 court he was also presented for not paying his levy for the "New Cutt of a River through the Church lands". These offences cost him £1 6s 8d at the two courts.³ Equally severe was the fine imposed on John Baker of James Deeping in 1736 for pasturing cattle without a right: he paid £1 19s 11d.⁴

Men such as John Frisby of Maxey, Henry Tucker and Jonathan Furniss of Moreton, George Chamberlain of Etton and Woodcroft, and Oliver Cox of Ringstead who broke orders on more than one occasion could be a nuisance in open fields - although their fellows were not unknown in enclosed parishes

1. NRO Fitzwilliam Misc. Vol. 746 Michaelmas 1738 (ten shilling fine); Vol. 747 October 22nd 1778 (fines ranging from nine shillings to £4 19s 0d); Vol. 747 October 12th 1780 (presentment of Deeping parishes, no fines mentioned).

2. NRO Fitzwilliam Misc. Vol. 746 November 4th 1736, and Michaelmas 1738.

3. NRO Fitzwilliam Misc. Vol. 746 November 4th 1736, and Michaelmas 1733.

4. NRO Fitzwilliam Misc. Vol. 746 November 4th 1736.

too where they maintained their fences poorly, let their cattle wander, or left their ditches/^{unscoured,}so obstructing other watercourses. Frisby himself was guilty of breaking three orders, but he was a nuisance rather than a persistent threat to the ordering of the pastures. We hear no more of his delinquency in the years that followed. Usually a powerful incentive to obey the orders lay in the fieldsmen's right to impound trespassing animals until they received full satisfaction for the offence. In such circumstances poundbreach was the only resort left to the determined offender. But if the jury failed to prevent such men choosing which orders they would observe and which they would ignore they could prosecute at Quarter Sessions. Evidence from the manors of Raunds and Ringstead, and from Moreton Pinkney, illustrates that this was what they did. Events in Raunds and Ringstead in the early 1750's point to some kind of attack on field orders - perhaps on a new stint - but in the absence of field orders for these years the causes can only be supposed. For whatever cause, a series of pound breaches were tried at Quarter Sessions rather than in the manorial court. At the Epiphany sessions in 1751 Robert Ekins of Raunds was charged with letting his sheep "go into our Tilth field" and causing "damages to the wheat in the sd field contrary to the Custom and orders of the sd Parish". His sheep were taken to the pound on December 28th whereupon "the Son of the sd Robert

Ekins hath taken them out without making any Satisfaction for the sd offence and still refuses to pay the Haywards or fieldsmen for the Same". Four fieldsmen signed the Bill, together with the two haywards and the constable. In the following year Ekins and four other men were charged with pound breach again. Thus far five men had been brought from the parish to Quarter Sessions because they had refused to pay the court's fines. At the same time Ringstead men also flouted the court's authority and were also brought before Quarter Sessions. In 1752 William Weekley a shepherd from Ringstead was charged by the Raunds jury with common trespass; and the following year James Weekley - another Ringstead shepherd - was charged together with Oliver Cox - who failed to do suit and service to the Raunds court in 1740 - "one for holding Paul Boundy by the Collar and the other for Driving the Sheep away without paying any damage for trespassing on the Cow Common".¹ The pound breaches of Raunds and Ringstead men might have been connected by some right to inter-common between the parishes; or they may have occurred at the same time with no connection other than the determination of the Raunds jury to prosecute repeated offences.

James Weekley was prosecuted again in 1768, with four other men, for common trespass in the lands of his own parish of Ringstead. Weekley himself was charged with an additional

1. NRO QS Grand Files Epiphany 1751; Thomas a Becket and Michaelmas 1752; Thomas a Becket 1753.

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offence of trespass in the ley and meadow lands.¹ And two year later in 1770 Raunds jurymen returned to Quarter Sessions once more to prosecute two Ringstead farmers for neglecting and refusing to scour the watercourse running from Lubering Spring in Ringstead to Oak ditch in Raunds "to the very great detriment and damage of the Meadow ground belonging to the inhabitants of Raunds".²

As a crime poundbreach was serious enough to occur frequently in prosecutions at Quarter Sessions. In the period 1750 to 1803 22 cases from 21 parishes were brought to Northamptonshire's Quarter Sessions; more may have been taken to Assizes. Occasionally the prosecution included allegations of assault or of the destruction of the pound itself.³

1. NRO QS Grand File Michaelmas 1768.

2. NRO QS Grand File Thomas a Becket 1770. Yet another Ringstead pound breach was prosecuted at the Michaelmas session in 1788, QS Grand File.

3. NRO QS Grand Files earlier prosecutions were made for the following: Middleton, 1697 (Thomas a Becket); Newnham, 1698 (Thomas a Becket); Oundle, 1698 (Thomas a Becket). Between 1750 and 1803: Raunds, 1752 (Michaelmas); Rothwell, 1753 (Michaelmas); Milton Malzer, 1753 (Thomas a Becket); Ringstead, 1753 (Thomas a Becket); Thorpe Achurch, 1768 (Epiphany); Rushden, 1775 (Thomas a Becket); Moreton Pinkney, 1776 (Thomas a Becket); Great Weldon, 1776 (Thomas a Becket); Titchmarsh, 1776 (Thomas a Becket); Cosgrave, 1780 (Epiphany); Blisworth, 1780 (Epiphany); Little Weldon, 1779 (Michaelmas); Thorpe Malsor, 1781 (Michaelmas); Finedon, 1778 (Thomas a Becket); Fotheringhay, 1785 (Michaelmas); Yardley Hastings, 1786 (Epiphany); Ringstead, 1788 (Michaelmas); Creaton, 1790 (Michaelmas); Cottesbrooke, 1797 (Michaelmas); Braunston, 1791 (Thomas a Becket); Badby, 1795 (Thomas a Becket); Maidford, 1771 (Michaelmas); Brigstock, 1803 (Thomas a Becket). Most prosecutions were made in the second half of the year when the harvest fields were ripening, and later, as the post-harvest pastures became available.

Assaults and pound destructions were alleged in the following cases: Ringstead, 1753; Oundle 1698; Newnham, 1698; Badby, 1795; Thorpe Achurch, 1768.

But common trespass and poundbreach (and other offences too) were not peculiar to open fields alone, as two examples of prosecutions brough by Moreton Pinkney men show. Henry Smith of Moreton, a yeoman, was charged with common trespass in 1752, nine years before enclosure. But prosecutions did not end with the closing of the fields, for in 1776 fifteen years after enclosure, Moreton yeoman, Richard Franklin, was prosecuted for a pound breach involving three horses.¹ Pounds were in use long after the fields were enclosed. In more than a third of the 22 cases of pound breach the prosecution was brought some time after the enclosure of the parish.²

While the evidence of field orders reveals a continuous and meticulous regulation of common of pasture, and the existence of a schedule of fines and penalties for upholding it, the evidence of presentments at manorial courts and at Quarter Sessions shows that the orders were enforced. Nor did the frequency of presentment lessen as the century wore on: if anything there was a need for more exacting regulation and more scrupulous prosecution of offenders and this need seems to have been met.

In Raunds, the Grafton manors, and at the court of Maxey-cum-membris presentments most often dealt with common trespass and pound breach, and to a lesser extent with the

1. NRO QS Grand Files: Thomas a Becket, 1752 and 1776. Moreton was enclosed in 1761.

2. NRO QS Grand Files: Creaton, 1790; Moreton Pinkney, 1776; Badby, 1795; Braunston, 1791; Yardley Hastings, 1786; Fotheringhay, 1785; Thorpe Malsor, 1781; Cosgrave, 1779; Brigstock, 1803.

failure to scour ditches, build mounds, or to lay down adequate baulks. In addition, all the courts punished the absence of suitors when it occurred. Generally, the size of amerced fines reflected the size of the damage done, rather than exactly matched the fines set in the order. Thus the fine actually charged depended on the number of cattle rescued or overstocked, or the extent of the trespass, or the failure despite warnings to scour ditches or build fences. The ability of the offender to pay his fine entered into the calculation, but it did so almost naturally because the most serious offences were committed by the most substantial landholders simply because they owned most animals. Amercements varied from one shilling for early offences, or for single offences committed by the poorer sort of commoners, to the £4 or £5 amerced Deeping men for putting geese on Maxey common. In between were a number of fines of one or two pounds charged to substantial farmers, most often for common trespass or for neglecting to clean waterways or repair fencing.

The courts showed no fear of prosecuting some of the biggest farmers or gentlemen; indeed this may have been where their vigilance was most needed because the trespass of substantial farmers' cattle was far more dangerous than the occasional trespass of a cottager's cow, and the failure of a farmer to respect the need for proper drainage and fencing was more to be feared than that of a commoner whose lands

amounted to no more than a few acres. An order made in the Peterborough court serves as an illustration. At the court held in October 1708 it was ordered that:

ye Butchers of Peterborow shall not put above
48 Sheep into the little fen upon ye forfeiture
of 1s for each sheep that dowth exceed that
number aforesaid.¹

Butchers like graziers were in a very good position to overstock any right of common they enjoyed. In a significant number of cases then squires and farmers, or landowners and rectors, were brought to court; or accused of failing to do suit and service; or of disregarding customs to provide bulls and boars; and once there they were fined quite substantial sums. And the courts do not seem to have feared the consequences of such prosecution, or to have been controlled by these interests. Nor do they seem to have come to a crisis in which the same men were repeatedly presented, and repeatedly failed to appear at court, or to accept the fine charged them. Nor does it seem that the system itself broke down: presentments continued to be made throughout the century.

Conclusion

It is probable that this usually well regulated, time-tested system suffered periodic crises - when the pasture supply was too small for its stock of animals, when an

1. NRO Church Commissioners' Records 278573 Peterborough court baron October 27th 1708; for similar orders see those made on October 28th 1701 (48 sheep), April 20th and September 10th 1704 (48 sheep); April 16th 1706 (40 sheep); October 1707 (40 sheep).

increase in the number of animals raised did not exactly match the necessary increase in other sources of fodder - but there is no evidence of a breakdown prior to enclosure in any of the manors studied here. Repeated law-breaking on the part of graziers, unscrupulous landowners, or a multitude of poor commoners and squatters, is a feature of no manor of the four groups under discussion. The regulation of common of pasture was necessary: a fact well understood by all commoners. For the one or two men who wanted to run the common bare for the sake of a greater profit at the next market, there were many more who understood the basic agricultural law of feeding the land in order to feed oneself.

Elsewhere regulation was not so successful. Commoners in Cheshunt, Hertfordshire, lamented the lack of justice in an anonymous letter written in 1799:

Whe cannot but say that there is plenty of room
for Alterations for Whe cannot see why that Ruskins
and a few more of them should run our Common over
while there is no room for another to put anything
on it [if] thou hadst made an Alteration in the rights of
Commoning thou instead of being contempabel whould
thy Name been as Oderriferous Ointment pour'd forth
to us the voice of us and the maguor part of the
parrish is for a regulation of commons rights.¹

And there must have been other places where the ability of a very small number of men to dominate a majority of small occupiers wrecked any attempt at strict regulation. The

1. PRO H.O. 42.46, Anonymous letter sent to Oliver Cromwell, Esq., Cheshunt Park, Herts., February 27th 1799. Copy in London Gazette 1799, p.267. My emphasis.

purpose here has been to describe, at some length, the variety and complexity of orders, and the frequency and social breadth of presentments. A thorough investigation of land ownership patterns and structure of tenancy would show where such orders and presentments no longer protected common right. But in the manors discussed here such subversion of the courts' purpose does not seem to have taken place. Such manors may not have been exceptional for not all large farmers or bu^tchers and graziers would want to prejudice the parish's livelihood for their own profit. The morality of a tradition of communal land use stood against it. And where such considerations meant little there must have been men who realised that their own interest, as well as that of poorer commoners, suffered from the abuse of common right. Open field pasture was too important, and the fear of trespass in the corn fields too great, wantonly to encourage overstocking. Wastes and permanent common may have seen more of a struggle, but not landholders' and cottagers' common pasture in the open fields.

Chapter 4

Commoners and enclosure: land

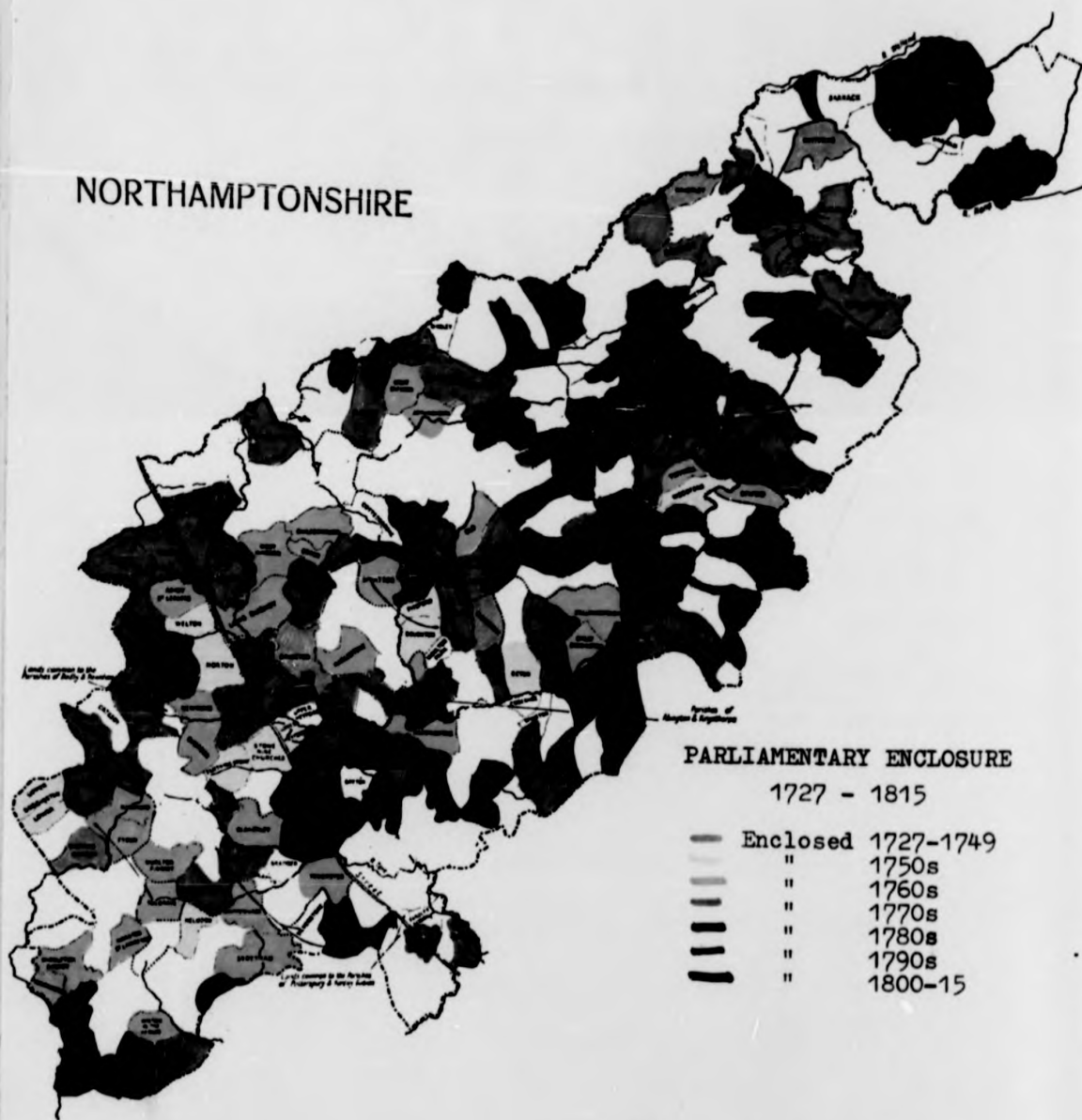
The common people, indeed, frequently murmur without cause; they quote Scripture improperly. Yet, my Lord, interdum vulgus rectum videt: and Scripture may be aptly adduced against this unchristian practice. It is not doing as we would be done unto: it is not loving our neighbour as ourselves; but is removing his land mark, contrary to his inclination; and therefore joining field to field by iniquity.

- Anon., Reflections on the Cruelty of Inclosing Common-Field Lands..., 1796, p.6.

How Shall 18 Years [customary] Rent be collected, when many (nay most) have had their Lands only Six Years? That is, since our Inclosure.

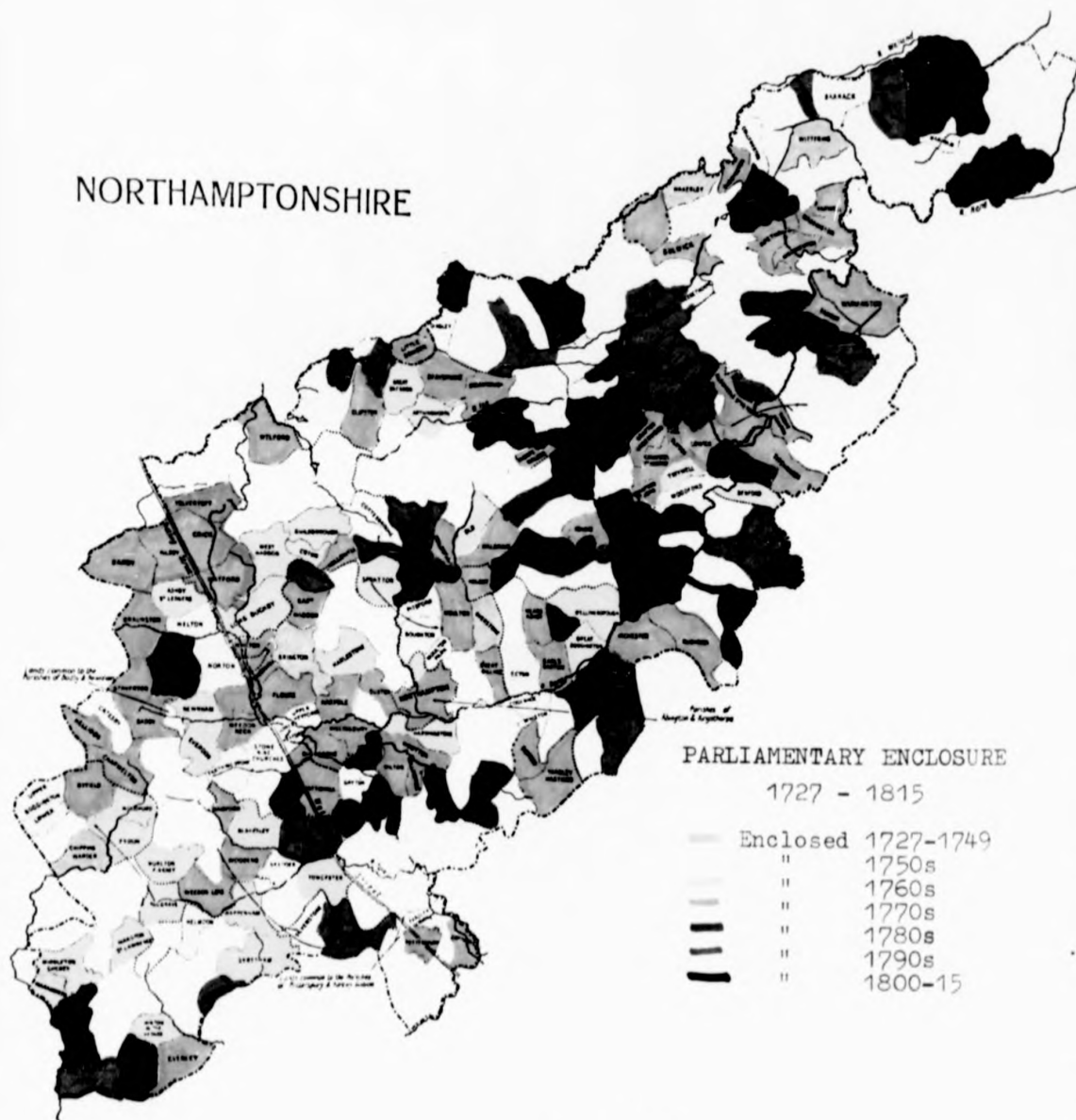
- NRO Young (Orlingbury) 1139a, April 14th 1787, dispute over the collection of an overdue customary rent.

NORTHAMPTONSHIRE



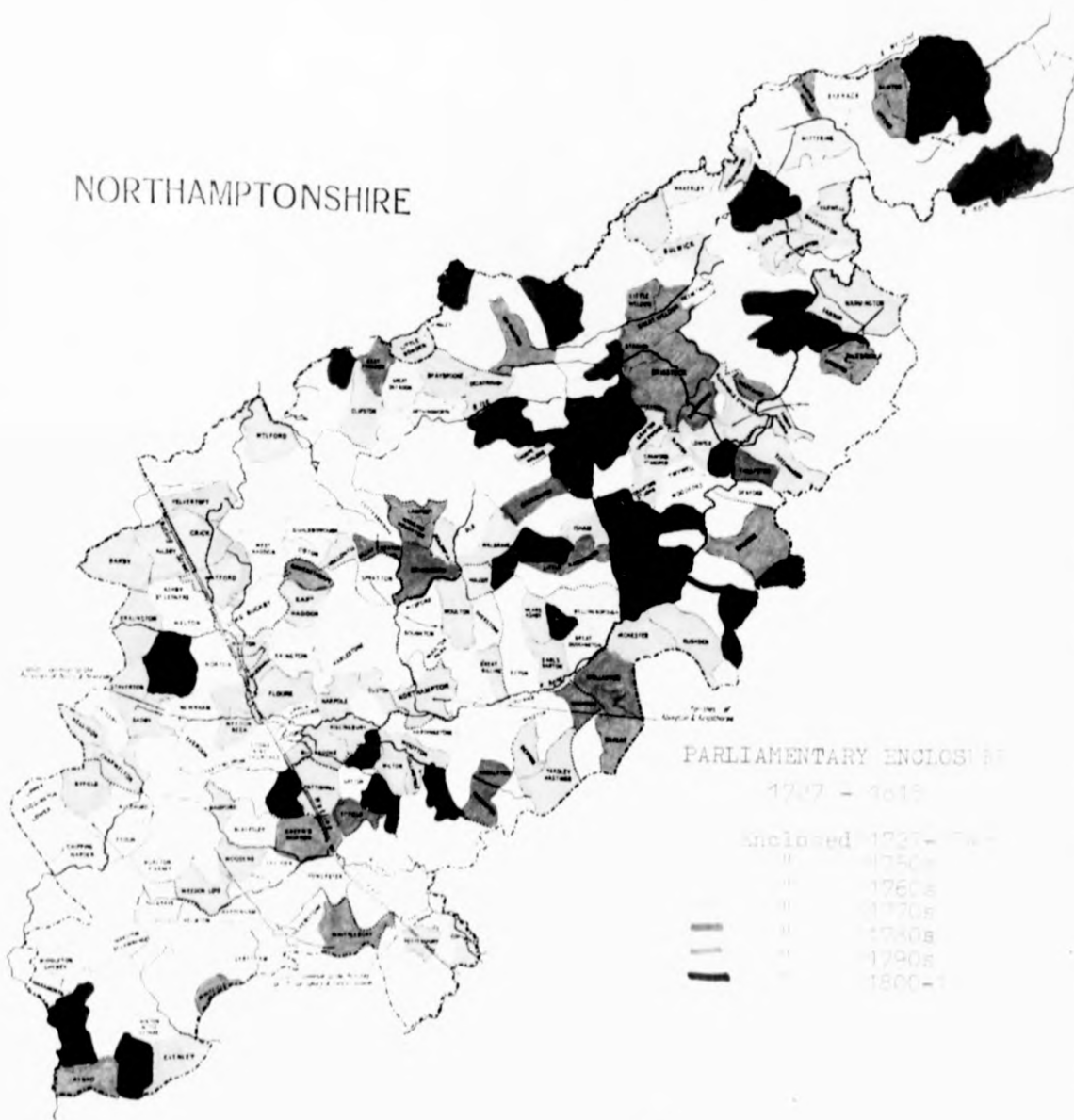
Source: G.Slater, 1907, pp.291-4.

NORTHAMPTONSHIRE



Source: G.Slater, 1907, pp.291-4.

NORTHAMPTONSHIRE



Source: G. Slater, 1907, pp. 231-4.

NORTHAMPTONSHIRE





PARLIAMENTARY ENCLOSURE

1727 - 1815

Enclosed 1727-1749

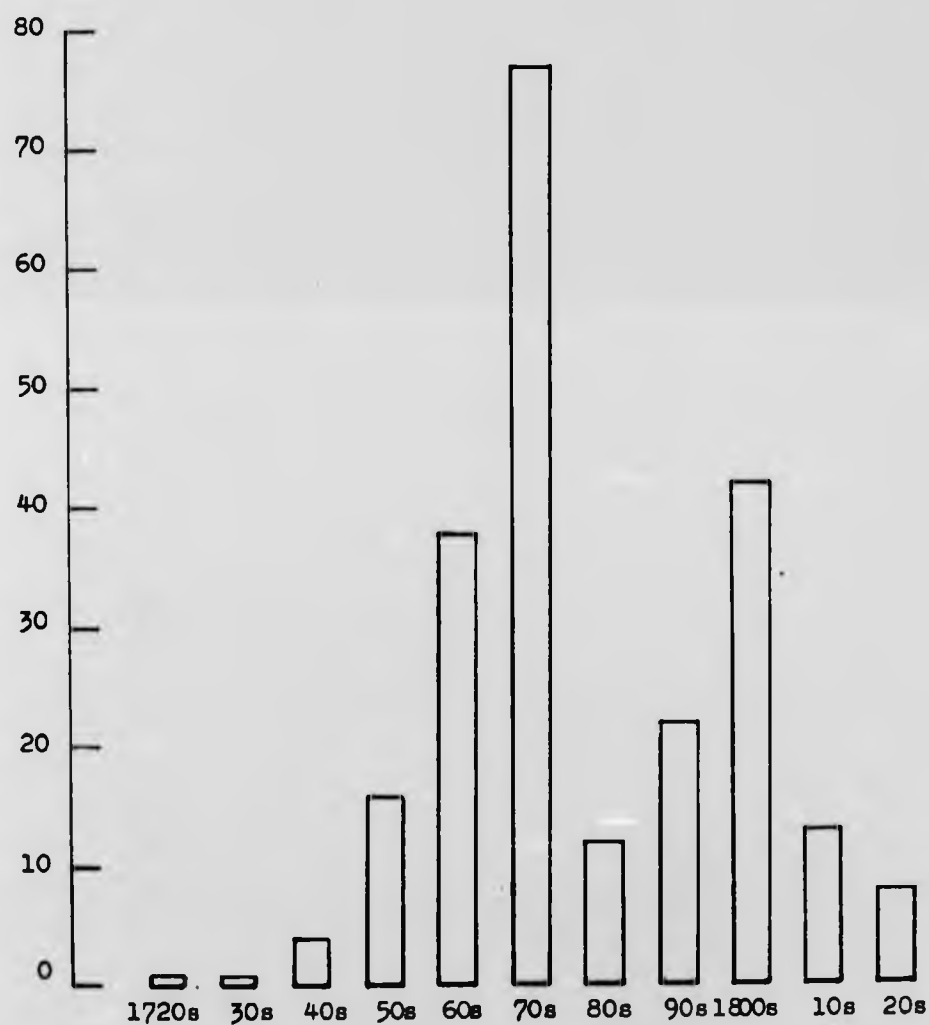
" 1750s
 " 1760s
 " 1770s
 " 1780s
 " 1790s
 " 1800-15

Half of Northamptonshire' 630,000 acres were enclosed by Act of Parliament in the eighteenth and nineteenth centuries; and more than one third underwent enclosure in the eighteenth century alone.¹ The Parliamentary method led to enclosures as remarkable for their speed as their size, in contrast to the more gradual, though still extensive, enclosures of the sixteenth and seventeenth centuries. At the height of the movement, in the 1770's, 60 enclosure Acts were passed, touching one fifth of all the parishes in the county. Generally, the movement spread from the south west in the 1750's (by-passing the southern forests), through the scarp along the western side of the county, and into the central parishes between Northampton and Kettering in the sixties and seventies, reaching the Nene valley, Rockingham forest and the fens in the 1790's and 1800's.

1. The area of the county in 1851 was 630,358 acres; William Pitt estimated it at 640,000 acres, in his General view of the county of Northampton, 1809, p.111. The acreage used here was G. Shaw-Lefevre's 633,286 given in English Commons and forest, 1874, Appendix vi, p.373, but any of the three would produce similar results. Gonner, Slater and Tate all vary in their estimates of acreages enclosed, but only slightly. Using Shaw Lefevre's total acreage Gonner's percentage of the county enclosed by Act would be 53% Slater's would be 49% and Tate's 51%: see E.C.K. Gonner, Common land and enclosure, 1912, reprinted 1966, p. ; Gilbert Slater, The English peasantry and the enclosure of common fields, [1907], Appendix B, pp. 196, 291-4; and NRO "Tate's list of enclosure Acts" amended by the NRO, pp. 4-18.

Map 4.1 Northamptonshire Parliamentary Enclosures, 1727 - 1815

Fig. 4.2 (next page) Parishes enclosed 1750-1829, by decade



PARISHES ENCLOSED BY DECADE
NORTHAMPTONSHIRE

Source: G.Slater, 1907, pp.291-94.

Obstacles to enclosure by agreement

Thus by mid-century the method of enclosing by private Act had been adopted wholesale, and within twenty years a quarter of the county was enclosed in this way. Only Litchborough (1711), Laxton (1774), and Thorpe Mandeville (1775) were listed by W.E. Tate as having undergone enclosure by agreement in the eighteenth century rather than by private Act, although there must have been more.¹ Private Acts were secured with varying degrees of difficulty, but, judging from their volume alone, they were a far easier method than that of winning the consent of most of a parish.² And common right itself was one of the obstacles in the way of enclosure by mutual agreement. For example, in a parish with a number of small owners - whether occupiers or landlords - agreement on adequate compensation for the loss of right was difficult to reach. And in such circumstances the commoners of the early eighteenth century needed the same kind of careful persuasion that tithe-owners did later on. Nonetheless attempts to enclose by agreement were still made. Two examples of projected enclosures of lands in Rockingham forest illustrate the difficulties created by the existence of common right when there was no legal means of enclosure with the approval of

1. NRO W.E. Tate's "List of enclosure Acts". J.D. Chambers comments on the continued frequency of the procedure in Nottinghamshire and Leicestershire (quoting Hoskins) in "Enclosure and labour supply in the industrial revolution", E.L. Jones, ed., Agriculture and economic growth in England 1650 - 1815, 1967, p. 97, n.1.

2. But see also Ch.6 "Enclosure protest within the law" on the difficulties of passing Bills.

only a minority of owners.

Throughout the eighteenth century the grantees and owners of woods in Rockingham consulted their lawyers, listened to their stewards, met their neighbours, and rode out to view the lands and woods that might be improved. Daniel Eaton, steward to the Earl of Cardigan, wrote to his master in 1725,

We met with Lord Hatton & he says he will find out an equal number of men to view the woods with those your Lordship has pitch'd upon; and after we had told him your Lordships reasons for having the wood view'd out of hand, he desir'd us to present his humble service to your Lordship & to assure you that his men should be ready to view with us to morrow if possible...Both in the viewing and the signing of books, &c, we shall carefully observe all your Lordship's directions.¹

But despite Hatton's promise, and some viewing of the woods in mid-November, Eaton discovered that Hatton and his servants "are so very indifferent about this affair that I fear it will be a long time before it is finished."²

In the face of Hatton's indecision Cardigan let the proposed exchange of woods drop. Enclosure plans met the same kind of difficulties. More often than not the discussions were fruitless. They always took time. Often more than one way of approaching other interests was tried, sometimes to strengthen a weakened resolve. For example, when Cardigan and

1. Joan Wake and D.C. Webster, The letters of Daniel Eaton to the Earl of Cardigan, 1725 - 1732, Publications of the Northamptonshire Record Society, Vol. xxiv, 1971, letter no. 49, November 11th 1725.

2. Wake and Webster, Letters..., 1971, Letter no. 55, December 16th 1725.

his steward tried to extinguish common right in his three purlieu woods of Bandy Slade, East, and West South Woods, they had to choose the timing of the proposal, and bring particular kinds of pressure to bear on the commoners whose consent they needed. First, they made the proposal at a time when the commonable woods had been enclosed for almost the whole of the nine years allowed by forest law for the growth of the young trees. The commoners had not enjoyed the pasture during this time, and might be better prepared to think about exchanging it for other land. Second, the Earl offered them not only an enclosed pasture, but money for a town stock, and the hovels he owned which stood on the green in Corby as well.¹ When the commoners still remained undecided they tried another way of bringing them to an agreement. Eaton suggested that the fencing of the coppices near those about to be opened to the commoners might be so neglected as to allow their cattle to break through them and damage the young spring - an offence for which they might be prosecuted.² Six months later an agreement was imminent -

I am very glad that there is now a probability of your Lordship's becoming intirely master of that fine tract of land. I have no occasion to describe the method we took nor the reasons why, but we saw very plainly that if we did not make use of this opportunity, we should not have such another these three or four years.

1. Ibid.
2. Wake and Webster, Letters..., 1971, letter no. 79, October 4th 1726.
3. Wake and Webster, Letters..., 1971, letter no. 134, April 30th 1727.

Enclosure seemed certain two days later when 44 commoners signed an agreement to discommon, and only eight more (five of whom were probably against the measure) were awaited. Eaton wrote that the choice of referees by each side would be less of a problem than the choice of which land would be discommoned and for what compensation, for one of the Corby commoners likely to be chosen as their referee was sympathetic to Cardigan.¹ But there the matter appears to end for no more letters mention how the negotiations were concluded. A clue to their unsatisfactory termination may lie in the news that Cardigan's neighbour, Lord Rockingham, sent his tenant with his cattle into the purlieus a fortnight later, making way for the rest of the commoners' cattle, and thereby showing them the value of a right they had not used for the nine years during which the coppices were fenced.² And in so doing he probably damped Cardigan's enthusiasm for the enclosure, for the cattle would quickly reduce the value of the coppices.

Similar difficulties beset an attempt to enclose Geddington Chase in nearby Brigstock Bailiwick in the 1720's.³ Formerly known as Geddington Woods, the land had

1. Wake and Webster, Letters..., 1971, letters no. 135, May 2nd 1727, and no. 139, May 11th 1727.

2. Wake and Webster, Letters..., 1971, letters no. 145, May 28th 1727, and no. 147, June 1st 1727. See also NRO Brud. M xiv (Misc.) 21/0 vi 4 "Proposals made by Copyholders of Corby concerning the relinquishing their right of common in the two Southwoods & Bandy Slade within the Lordship of Corby aforesaid", an agreement to give up common right in return for land of the same value signed by 23 copyholders.

3. For the discussion which follows see NRO Mont.B X350 Box 10, No.25, papers concerning the enclosure of Geddington Chase in the 1720's.

been disforested and turned into a Chase for the Dukes of Montagu in 1676. In 1720 it ran to some 1,400 acres of which nearly 1,000 were always open to commoners from five surrounding forest and non-forest villages - Brigstock, Geddington, Stanion, Little Oakley and Newton. Montagu acknowledged the right of 186 cottages to common right in the Chase although the right was also claimed for other houses, according to his steward John Booth who judged that -

many of Em if Examin'd into: will be found to be Tennements only; for None but auncient Cottages can be Commonable, And to those that Stint Em at Such Time as they turn Loose into the Open Fields; to 2 Cows and a follower...

Both cottagers and landholding commoners needed compensation before the enclosure could go ahead. Furthermore, some men claimed unstinted common right, a claim that rendered common pasture almost useless according to the steward who wrote to Cardigan in October 1721 to advise him not to endorse it.¹ Even worse, others claimed it per cause de vicinage, which meant that almost the whole neighbourhood might try to claim compensation. Booth urged Cardigan not to support such claims - if only because compensation in the form of an unstinted pasture would be of very little value to Cardigan's tenants. But he also appealed to the Earl's position of authority in the forest. If he stood in the way of enclosure -

1. NRO Mont.B X350 Box 10, No.25, Booth to Cardigan, October 23rd 1721.

ye Prejudices of some, the personal Views of others,
& ye Ignorance, mistakes and Unreasonableness of ye
Rest, will make ye difficulties Unsurmountable, unless
your Lordship's Judgement direct and confine 'em to
Terms of reason and Equity...

Compensation to all the commoners at two acres a common right
would rise alarmingly if eligibility to the right was
loosely defined. Cardigan as a major landowner in the forest,
whose tenants used the Chase for common, enjoyed an influence
that would help the commoners decide how far they would go
in their claims. Both landowner and commoners had to be
satisfied before enclosure could go ahead.

Similarly, the agreement of Lord Gowran, grantee of
Farming Woods, was also needed. But Gowran's consent was
impeded by yet another obstacle to enclosure in the forests.
As grantee of another commonable walk he stood to suffer
the greater pressure of commoners' cattle on his land and
the depredations of the "woodstealers" should the Chase be
enclosed. To him Montagu's lawyer, Mr Wargrave, addressed
a long statement arguing that the enclosure would really be
to his advantage. Wargrave told Gowran that the new common
would feed more cattle than the old common, cattle which in
drought years had turned to the underwood and browse of
Gowran's Walk. Milch cows were the worst offenders against
the vert but the new common would feed them adequately for
the first time. Nor would sheep be allowed to common on the
new land, so driving the cattle out into Farming Woods.

1. NRO Mont.B X350 Box 10, No.25, John Booth to Cardigan,
November 27th 1721.

Furthermore, and here the attorney touched on a tender point, Farming Woods Walk was legally common to Brigstock alone. All the other commoners from Weldon, Sudborough, and Benefield were "known and approv'd trespassers ... and keep there at least five times the number of Cattle more than Brigstock doe". If they were denied this liberty Brigstock cattle alone would only half stock the Woods "which must still Consequently make better for my ld Gowran's Woods and Deer". Woodstealers could be dealt with equally efficiently: they would be housed in a new Brigstock Work House and those still at large would be enabled (through employment, once the indolence of living off common right came to an end) "to become Buyers of Wood ... which will still help to Enhance the Price of my Lord Gowran's and Lady Torrington's Woods".¹

Despite these assurances Geddington Chase remained open to the commoners for the rest of the century; all efforts to enclose failed.² Satisfying the commoners that their rights would be adequately compensated with other commons, and persuading other grantees in the forest that their lands would not suffer from the additional pressure of forest livestock, hampered enclosure as much as the satisfactory balance of arable and pasture in the forest agriculture may

1. NRO Mont.B. X350 Box 10, No.25, "Mr Wargrave's Reasons Why a Cow Common set off ye Chase will be an advantage to Lord Gowran". Lady Torrington was lord of the manor of Sike Row in Brigstock, J. Bridges, History and antiquities Of Northamptonshire, 1791, p.285.

2. See below Ch.6 "Early local opposition" for Geddington's opposition to the enclosure of the Chase in the early 1790's.

have made it unnecessary.¹

But many such difficulties were found in parishes outside the forest too. For example, winning the support of small freeholders who depended on the full range of common pasture would have been a problem anywhere. Furthermore, even persuading somewhat more substantial men to invest so much money in the legal proceedings as well as the costs of surveying and fencing the land would have been a formidable task, especially in view of a relatively innovative open field agriculture. For this reason earlier enclosures by agreement were probably based on no more than the agreement of the biggest landowners, overriding smaller men; or they occurred in parishes where consolidation of land made the procedure simple.² Parliamentary enclosure made the former method - agreement of the major landowners - both legal and relatively standardised as a Parliamentary procedure.

1. For the argument that there existed in the forest enough pasture to satisfy the mixed arable-pastoral farming of foresters without enclosure, see P.A.J. Pettit, The royal forests Of Northamptonshire, A study in their economy, 1558 - 1714, Publications of the Northamptonshire Record Society Vol. xxiii, 1968, pp. 314-16. Although this balance may have satisfied those who worked the land it would not have persuaded landlords to defer enclosure. From the landlords' point of view enclosure would raise the profitability of rents, and at the same time free the land from customary encumbrances such as common of pasture. Pettit's explanation of the late enclosure of Whittlewood is much more convincing: 20 to 25% of the population of that forest were freeholders, in contrast to the dominance of the gentry and aristocracy in Rockingham.

2. See W.E. Tate, "Inclosure movements in Northamptonshire", Northamptonshire Past and Present, vol. 1 (1949) pp. 19-33, for a discussion of the sixteenth and seventeenth century enclosure movements.

The effects of enclosure by Act

Consequently by the middle of the eighteenth century landowners who wanted to enclose their lands, despite the kinds of opposition they met in the forest (one example) could do so. Once this was established, and the procedure became familiar, the movement made astonishing strides.

The birth of the eighteenth century enclosure movement came about in this way then, through the standardisation of the legal procedure, and its parliamentary sanction. But while the means to enclose moved ahead so significantly, disagreement at the parish level remained. Commoners still demanded compensation, and some of them opposed enclosure in any form at all. One reason for their opposition has been explored at length - the value of common of pasture to small landholders; another lay in their inability to pay for enclosure, which, when it came anyway, led them to sell some or all of their lands. The movement of land in the years immediately before and after enclosure is the subject of this chapter.

The fate of landholders at enclosure is one of the most closely debated questions of eighteenth century English social history. As it now stands the argument that enclosure did little to cause the decline of smallholders that the previous century had not itself begun, is generally accepted. This, despite at least two notable dissenters. W.G. Hoskins attributed the end of Wigston's peasant economy to enclosure. Enclosure exposed under-capitalised small owners to every

injury that rising prices and heavy debt could inflict.¹ The loss of common right and open field farming, but above all the cost of enclosure itself, led to the immediate sale of land and to the more gradual divorce of mortgaged land from small owners unable to find their payments. And E.P. Thompson in The making of the English working class has made the case for poor commoners and cottagers in more general terms -

In village after village, enclosure destroyed the scratch-as-scratch-can subsistence economy of the poor - the cow or geese, fuel from the common, gleanings, and all the rest. The cottager without rights was rarely compensated. The cottager who was able to establish his claim was left with a disproportionate share of the very high enclosure costs.²

Despite this, by the mid-1960's the interpretation of the older historians such as the Hammonds, Levy, Gray and Slater, had been replaced by the more optimistic view of J.D. Chambers and G.E. Mingay, and the revival of the work of "pro-enclosure" historians who had written at the same time as the Hammonds but who had not enjoyed the same general acceptance - E.C.K. Gonner and A.H. Johnson. And with Chambers and Mingay came their partial endorsement of the work of W.E. Tate whose writings on the passing of

1. W.G. Hoskins, The midland peasant: the economic and social history of a Leicestershire village, 1957, reprinted 1965, pp. 264-5.

2. E.P. Thompson, The making of the English working class, 1963, p.217.

Enclosure Acts, the impartiality of commissioners, and the cost of the process, helped to contradict the Hammonds' interpretation. Although neither the old school of historians or the new were wholly united in their views - both contained opinions on either side of the debate - the issue of enclosure has divided between the early ("outdated") Hammonds, and the modern ("up to date") work of J.D. Chambers and G.E. Mingay, synthesized in The agricultural revolution. 1750-1880.¹

But just as the work of Davies, Johnson and Gonner challenged the Hammonds' interpretation, some modern historians have found cause to take issue with the "modern view" that enclosure, if not "perfect justice, was not a bad approximation to it" and may be said to have represented a "major advance in the representation of the rights of the small man".² Their efforts have been concentrated on local studies, necessarily in some detail. Michael Havinden has re-opened the question of progressive open-field agriculture in Oxfordshire. D.B. Grigg and J.M. Martin have discussed the different effects of enclosure on

1. J.D. Chambers and G.E. Mingay, The agricultural revolution, 1750-1880, 1966. Thompson is referred to here (in a footnote) for his work on food riots in The making of the English working class, 1963. His views on enclosure are not mentioned. According to Mingay in his Enclosure and the small farmer in the age of the industrial revolution, London, 1968, p.33, Ch. 4 of The agricultural revolution "presents the modern view of the enclosure movement". My emphasis.

2. J.D. Chambers and G.E. Mingay, Agricultural revolution..., 1966, p.88.

different sorts of land in Lincolnshire and Warwickshire. Martin and M.E. Turner have looked again at the cost of enclosure. H.G. Hunt has examined the relationship of engrossing of estates to enclosure in Leicestershire; Joan Thirsk has noted the decreasing size of small holdings in the same county in the late eighteenth century. And M.E. Turner has studied the rate of change of individual landowners between 1780 and 1835 in Buckinghamshire.¹

Use of the Land Tax

Here the returns have been used to look at two things. First, the rate of "disappearance" from the returns (usually through sale) of owners, tenants, and landlords in a ten-year period spanning the enclosures of 16 parishes. Second, the changes in the size of the holdings of the owners, tenants and landlords who still held land at the end of the ten-year period. For comparative purposes six open parishes were studied in the same way. But the use of this source has come under attack recently from G.E. Mingay who has written

1. H.G. Hunt, "Landownership and enclosure 1750-1830", Econ.Hist.Rev. 2nd series, XI(1958-9) pp. 497-505. M.A. Havinden, "Agricultural progress in open-field Oxfordshire", Agric. Hist. Rev. IX (1961). Joan Thirsk, in Victoria County History of Leicestershire, vol.2, p.235. J.M. Martin, "The parliamentary enclosure movement and rural society in Warwickshire", Agric. Hist. Rev. XV(1967). J.M. Martin, "The cost of parliamentary enclosure in Warwickshire", University of Birmingham Historical Journal IX (1964). M.E. Turner, "The cost of parliamentary enclosure in Buckinghamshire", Agric. Hist. Rev. XXI(1973). D.B. Grigg, The agricultural revolution in south Lincolnshire, Cambridge, 1966. M.E. Turner, "Parliamentary enclosure and land ownership change in Buckinghamshire", Econ. Hist. Rev. 2nd series, xxviii (1975).

that "the returns cannot tell us anything very useful about the acreages actually owned and occupied by small owners at any time". Such "valuable clues" as they do provide are to the "relative paucity or plenty of small owners" not to the size of their holdings.¹ Mingay's criticisms do not affect the use of the returns for the first purpose stated here - studying the rate of "disappearance" of landholders from the returns.² But it does throw doubt on the value of using the returns to discover the size of holdings. Some of Mingay's points have been taken up by J.M. Martin and examined with the evidence of the Warwickshire returns. He has concluded that the returns may still be used to measure the size of holdings, and this conclusion agrees with the Northamptonshire evidence of the present writer.³ But problems still remain, some encountered by Martin himself and by D.B. Grigg and H.G. Hunt; others occur in this survey, especially in its attempt to study tenants and very small landholders. Briefly, the smallest landholders may have

1. G.E. Mingay, "The land tax assessments and the small landholder", Econ. Hist. Rev. 2nd ser. xvii (1964) p.388.

2. A point made by M.E. Turner who has made a similar study of Buckinghamshire parishes; see M.E. Turner, "Parliamentary enclosure and landownership change in Buckinghamshire", Econ. Hist. Rev. 2nd ser. vol. xxviii (1975), p. 565. Turner looked at owners in 60 old enclosed recently enclosed, and currently enclosing parishes in each of ten successive years. This study is concerned with 22 currently enclosing and still open parishes; and with tenants and landlords as well as owners. It also considers changes in holdings of taxpayers who still held land at the end of the ten-year period. Instead of looking at each parish return in the ten-year period, it takes one return at each end.

3. J.M. Martin, "Landownership and the land tax returns", Agric. Hist. Rev. xiv (1966).

become exempt from the tax after 1797; others may have paid tax at a higher rate than their richer neighbours, or have paid a disproportionately larger amount on buildings than on land. Some of the smallest estates undoubtedly belonged to tradesmen, innkeepers and others who do not fit the description of "farmer" at all. And, finally, landless cottagers, compensated with land at enclosure, may have inflated the number of landowners on the returns after the enrollment of the Award. Each of these problems is dealt with at length below.¹

These particular problems occur when smallholders are the subject of enquiry rather than richer men. They qualify the present survey in three ways. First, a small number of holders of two acres or less may have escaped paying the tax after 1797. For this reason all holders of less than five acres have been omitted from calculations based on the returns that span the year of the Act.² A margin of five acres (rather than two) has been used because a second problem besets the use of land tax for the

1. These criticisms by Mingay, Martin, Hunt and Grigg are discussed in Appendix A, "Problems of using Land tax returns", rather than in the text of this chapter.

2. The parishes were: Wadenhoe, Raunds, Islip, Newton Bromshold, Chelveston, Hargrave, Weston by Welland and Stuton Bassett, Whitfield, Greens' Norton, Whittlebury, and Hannington, in the enclosing group; in the open group they were Abthorpe, Stanwick and Lutton. For a discussion of the 1797 Act (38 Geo III c.5) and the taxpayers it may have affected, see Appendix A.

study of smallholders: the exaggerated size of sub-20 acre holdings defined using the returns. Martin's Warwickshire evidence, corroborated with Northamptonshire returns and enclosure Awards, shows that holdings of less than 20 acres paid 30 to 50% more per acre than larger estates.¹ Third, the smallholders discussed below may well have been tradesmen and artisans as well as part-year farmers.² Other problems of changing land value and rents, different land types within a parish, and the influx of landless cottagers onto the post-enclosure returns are not serious either because they do not prejudice the aims of this particular survey or they may be solved by scrutiny of the enclosure Awards. The problems that do remain make it necessary to remember two things when looking at the results of the survey: that there were a number of smallholders with two acres or less who were taxed before 1797 but exempt after who cannot be accurately counted; and that the smallholdings of 20 acres and less were smaller

1. See Appendix A, Table A.1 Acreages owned compared with acreages estimated from land tax returns.

2. D.B. Grigg raises this criticism of the source in "The land tax returns", Agric. Hist. Rev. xi(1963) p.87. Far from being a problem this is an advantage in the study of commoner-smallholders who were rarely farmers pure and simple.

than the survey suggests.¹

Thus the present survey looks at the changes in both ownership and tenancy in 16 Northamptonshire parishes enclosed between 1778 and 1809 and is based on the information of the enclosure Awards and the Land tax returns. Its starting point is necessarily 1780, or thereabouts, because until that year the collectors of Land Tax were required to list only the tax payer, making no distinction between those who were landlords and those who were owner-occupiers or tenants.² However, out of a total number of parishes enclosed between 1778 and 1802, of 54 only 16 have returns full enough to show the structure of landholding. One common deficiency in the records is the disregard of the law of 1780 requiring identification of both owner and occupier. Another problem lies in the grouping together of several tenants as occupiers of the land of a landlord who paid all their tax in one lump

1. This exaggeration is less of a problem than it seems because on the whole relative sizes are considered in this survey of changes in holdings, not actual sizes - thus holdings are said to have grown if they increase by more than 20% of their previous size, or to have diminished if they dropped by more than 20% of their former size. Size categories (0-5 acres, 5-15, 15-25, 25-50, 50-100, and over 100) are used in order to compare the corresponding categories of open and enclosing parishes; no precise conclusions are based on the fine gradations below 25 acres.

2. Returns from two parishes enclosed in the late 1770's give sufficient information without actually listing the landholders in two columns. Tenants in Rushden, for example, were distinguished like this "T. Russell for his own.... 4s 0d". Scrutiny of individual parish returns is enough to establish whether late 1770's land tax records can be used safely. In other cases enclosure Awards may flesh out the incomplete returns.

sum - the relative size of each tenant, and how his landholding changed over the period was lost in such returns.¹ Similarly listings of tenants as "John Smith and Others" could not be used. Occasionally the landlords themselves were not fully listed if several of them let their land to one joint tenant who paid all the tax on the land in one global sum. With the exception of parish returns deficient in these ways all parishes enclosed between 1778 and 1802 have been included in the survey. The terminal date is nevertheless 1809 because two fenland parishes (Maxey and Helpstone) which underwent enclosure in that year were included in order to compare changes in the fenland with those elsewhere.

Two land tax returns were examined for each of the 16 parishes; the earlier was dated 4, 5 or 6 years before the enclosure Act, the later was made 4, 5 or 6 years after.² Landholding was studied in each place at either end of the ten-year period, in the middle of which the enclosure Act was passed and the Award made. Another group of six parishes

1. For example, John Harpur of Burton Latimer noted of his Land Tax in his Account Book kept between 1774 and 1790 "I pay ye whole myself & take the full of the Tenants when they pay their rents", NRO H(BL)649 p.144.

2. The time between the passing of the Act and the enrolling of the Award was usually no more than a year. Thus the post-enclosure Land tax returns used in the survey were also post-Award. In Northamptonshire, Awards followed Acts quite swiftly. In "The cost of parliamentary enclosure in Buckinghamshire", *Agric. Hist. Rev.* XXI(1973) p.35 M.E. Turner points out the lengthy period between Act and Award in Buckinghamshire.

all of which remained open until after 1815 was used to compare changes in landholding in the same way, over the same period of time, and in the same decades. This ten-year period was taken in order to examine the effect of the passing of the Acts on the structure of landholding in the immediate post-enclosure period. If smallowners sold some or all of their lands before the Award burdened them with high costs, this would be shown in the comparison of pre- and post-enclosure returns. If tenancies were not renewed this too would appear. The advantage of taking no greater a time span than ten years is that in this way enclosure can be isolated as the dominant cause of change. Clearly, even over a ten-year period the effects of changes such as the high prices of the 1790's and the prosperity of the Napoleonic Wars were also felt.¹ Obviously, the long-term effects of enclosure - the mortgaging of land and its eventual sale, for example - cannot be determined using this survey.

The survey parishes

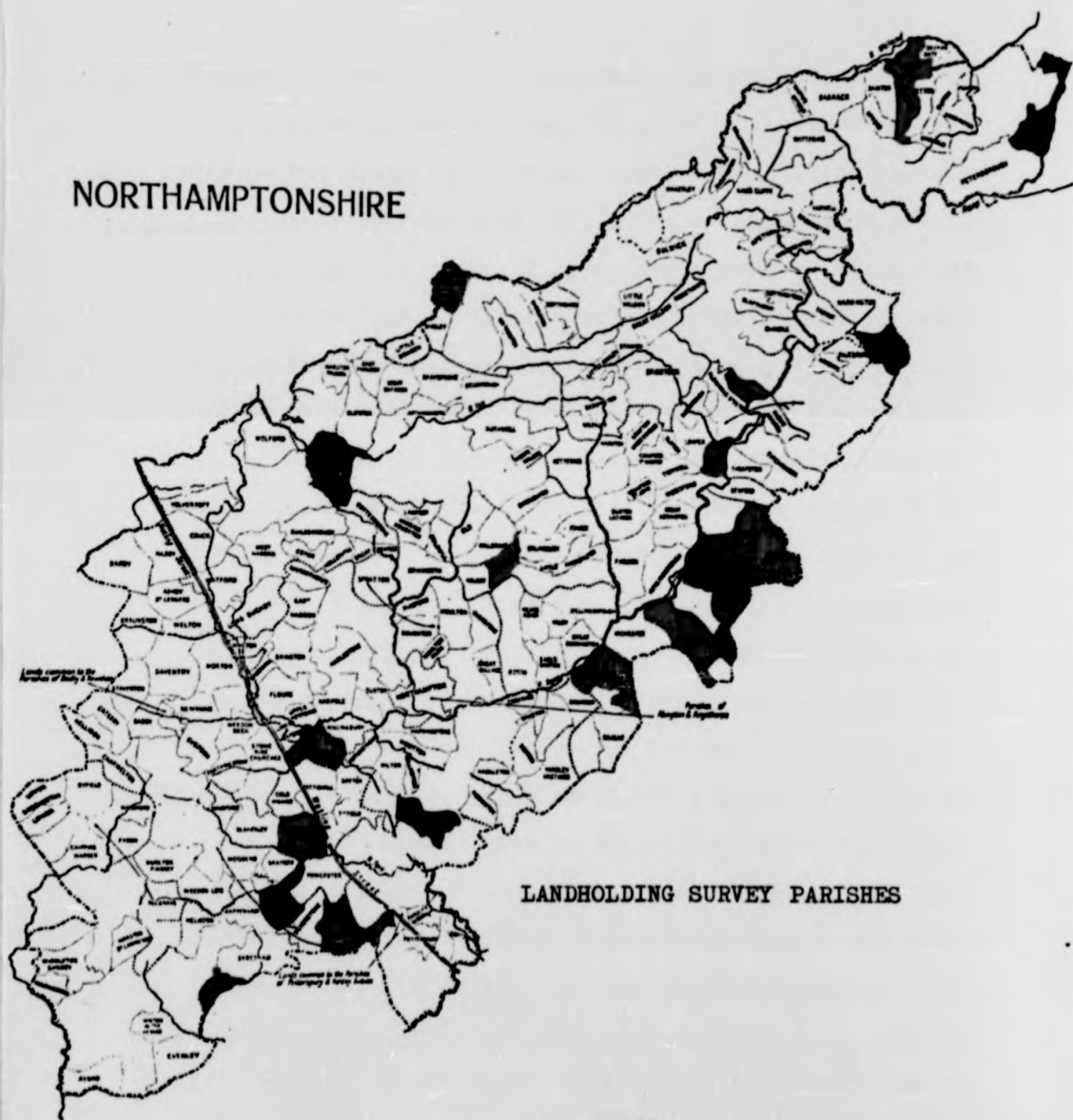
The survey concentrates on parishes in areas undergoing enclosure in the 1780's, 1790's, and early 1800's. Because enclosure moved from the south west to the north of the county over the century, these parishes were concentrated in particular regions of the county rather than

1. H.G. Hunt in "Landownership and enclosure, 1750-1830", Econ. Hist. Rev. 2nd ser., xi(1958-9), p.503, has suggested that the number of smallholders and the size of their holdings increased during the wars.

scattered throughout. Eight parishes (Wollaston, Rushden, Newton Bromshold, Chelveston cum Caldecott, Hargrave, Raunds, Islip, and Wadenhoe) all lie in or to either side of the Nene valley. Whitfield, Whittlebury, and Greens Norton lie further south and are forest villages which were enclosed later than their neighbouring parishes. Hannington (enclosed in 1802) is the most centrally located of all the parishes; Weston by Welland and Sutton Bassett (enclosed together in 1802) lie on the border with Leicestershire in the Welland valley; Maxey and Helpstone are fen parishes in the far north of the county. The six open parishes selected for the purpose of comparing changes in landholding in open and enclosing parishes were Abthorpe and Roade (near the enclosing forest villages of Greens Norton, Whittlebury and Whitfield), Stanwick in the Nene valley, and Lutton a few miles north east of the valley; Eye in the fens; and Naseby on the western scarp - the only scarpland parish in the survey.¹ The land tax returns examined of each open parish shared the same dates as the neighbouring enclosing parish. For example, Abthorpe's returns were for the years 1794 and 1804, corresponding with Greens Norton's 1794 and 1804, Whitfield's 1791 and 1801, and Whittlebury's 1794 and 1803.

1. The absence of scarpland parishes is due to their relatively early enclosure. Land Tax returns were incomplete for the enclosure years; see above Map 4.1 Parliamentary enclosure, 1727-1815. West Haddon, however, was enclosed in 1765 and is discussed in Ch. 5 below: "West Haddon".

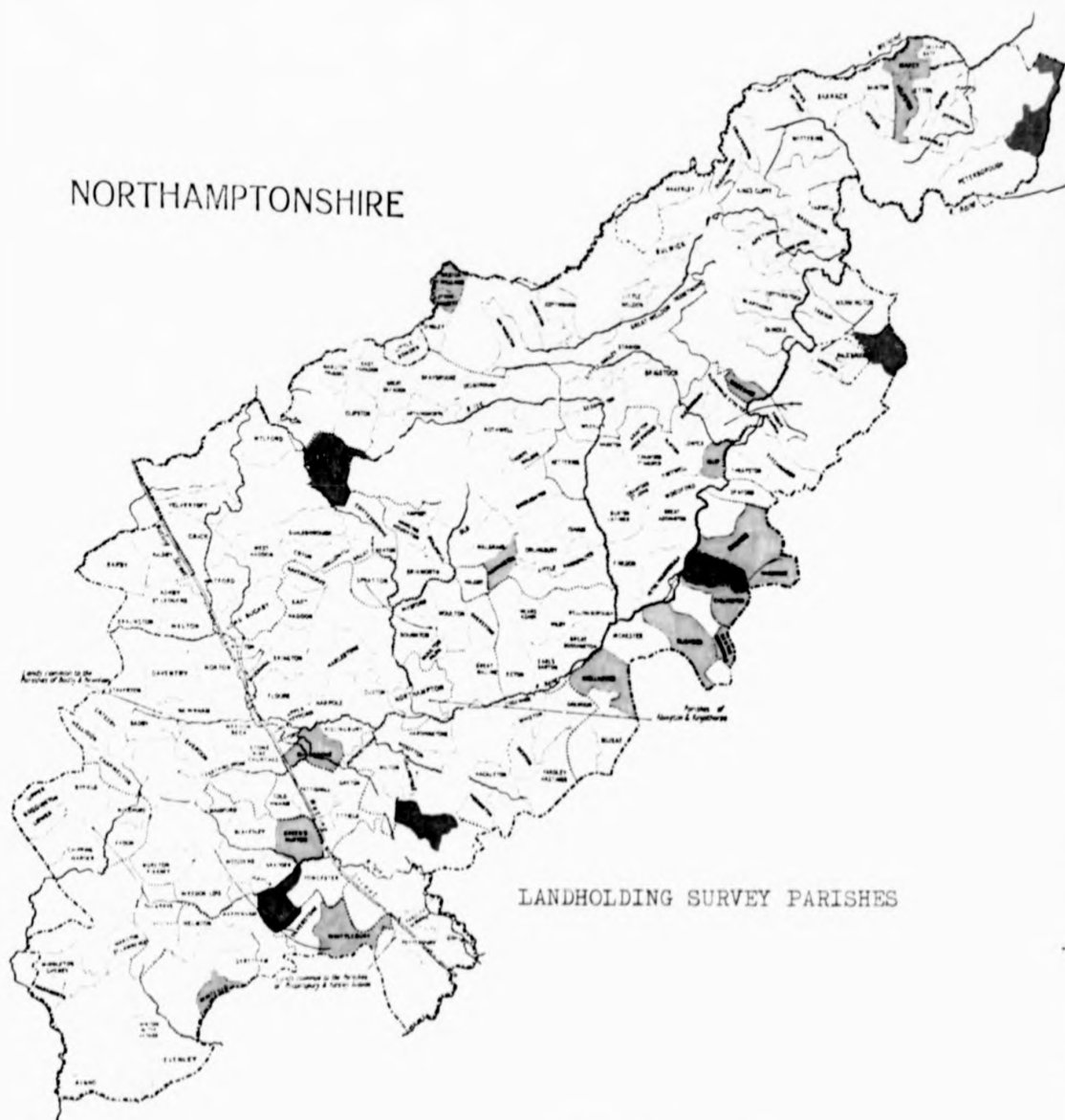
NORTHAMPTONSHIRE



LANDHOLDING SURVEY PARISHES

SCALE
0 1 2 3 4 5 6 7 8 9 10 MILES

NORTHAMPTONSHIRE



NORTHAMPTONSHIRE





SURVEY PARISHES

In the discussion which follows 2,179 entries on 46 Land tax returns have been edited to yield detailed evidence of the owned and rented land of 1,598 individuals.¹ Three quarters (830) of them lived in 16 parishes which underwent enclosure in the ten year period for which the returns were studied; one quarter (287) came from parishes that remained open until after 1815. The returns were examined for two things. First, evidence of the rate at which landholders gave up their taxed land. Second, the proportion of landholders who, over the ten year enclosure period, lost more than 20% of their holdings.

Disappearance from the returns²

Landowners:

52% of the landowners in the enclosing parishes no longer

1. See Appendix C "Correcting and editing the Land tax returns", for details of the method of editing the returns in order to account for the transfer of land by inheritance, or from one incumbent to another, or between insititutions.

2. "Disappearance" refers to the disappearance from the land tax returns of landholders who held land at the beginning of the ten year period but not at the end. It is calculated as a percentage representing "mean individual rate". That is, all the landholders in all the enclosing parishes who no longer held land at the end of the ten year period have been counted and the number expressed as a percentage of the total number of landholders who held land at the beginning of the ten year period. Thus the experience of the majority of landholders in sixteen enclosing and six open parishes may be compared. And alternative means of expressing the rate of disappearance is to calculate the "mean parish rate" by first calculating the percentage of landholders who disappeared in each parish, and then averaging all enclosing parish (or all open parish) results together. This is the method used by M.E. Turner in "Parliamentary enclosure and landownership change in Buckinghamshire", Econ.Hist.Rev. xxviii (1975). Both rates are given here in order to compare

Map 4.3 Landholding survey parishes

held any kind of land for which they paid tax at the end of the ten year period during which their parishes were enclosed. In open parishes the equivalent percentage was 26, half the rate in enclosing parishes. If the mean parish rates are calculated in order to compare them to the rate of change in Buckinghamshire parishes, the Northamptonshire mean parish rate of change was 46% in enclosing parishes, compared to 38.7% in Buckinghamshire; and 22% in open parishes, compared to similar rates in old-enclosed and recently enclosed Buckinghamshire parishes.¹

Table 4.1 Comparison of parish rates of landowner disappearance in Northamptonshire and Buckinghamshire, 1780-1832*

Old enclosed parishes (Bucks.)	Recently enclosed (Bucks.)	Currently enclosing (Bucks.)	Currently enclosing (Northants.)	Open parishes (Northants.)
17.9	20.4	38.7	46	22

Source: see Bibliography "Sources for the landholding survey"; also M.. Turner, "Parliamentary enclosure and landownership change in Buckinghamshire", Econ.Hist.Rev. 2nd ser. xxviii (1975) pp. 567-8. *Bucks., 1780-1832; Northants., 1774-1814.

In Northamptonshire the ^eman individual rate of disappearance of owners varied with the size of the holdings owned, as one would expect: a higher proportion of smallholders sold

(con't) change in Buckinghamshire and Northamptonshire. However, the mean individual rate is preferred because it represents the experience of owners or tenants or landlords, rather than the "experience" of an average (but non-existent) parish.

1. See Appendix C "Correcting and editing the Land tax returns" for a note on Turner's editing of returns, and the procedure followed here.

their lands than owners of between 50 and 100 acres. But the rate of disappearance of owners of more than 100 acres in enclosing and open parishes was almost exactly the same (about 30%). Owners of 100 acres or more could hold onto their land during enclosure as well as at any other time, whereas those with anything less than 100 acres often sold their land through choice or necessity.

Table 4.2 Disappearance of owners over a ten-year period by size comparing open and enclosing parishes, 1774-1814

<u>Acre-</u> <u>ages</u>	0-5	5-15	15-25	25-50	50-100	Over 100	Mean (a)	Mean (b)
<u>Enclos-</u> <u>ing par-</u> <u>ishes</u>	% (N) 76 (62)	% (N) 57 (99)	% (N) 42 (28)	% (N) 49 (38)	% (N) 47 (25)	% (N) 30 (24)	% (N) 51 (300)	% (N) 52 (276)
<u>Open</u> <u>par-</u> <u>ishes</u>	28 (8)	38 (11)	8 (1)	21 (3)	14 (3)	32 (8)	32 (51)	26 (34)

Note: Mean (a) includes the owners of less than 5 acres in every parish, ignoring the 1797 Act. Mean (b) was calculated after the numbers of 0-5 acre owners in parishes returns with spanning the 1797 Act were removed.

To avoid inflating the rate of disappearance with small owners of under five acres who were exempt from the tax after 1797, they were left out of the calculations made for parishes whose returns spanned the introduction of the Act. But it is interesting to note that this correction makes little difference: the uncorrected mean rate of disappearance of all owners was 45% or only one percent less than the corrected mean rate of 46%.

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In parishes with returns not affected by the 1797 Act (because both returns were made either before or after its introduction) the rate of disappearance of sub - five acre owners was 76%, compared to 28% in corresponding open parishes. Thus the mean rate of disappearance of sub-5 acre owners in open parishes was equal to the mean for all owners, whereas that in enclosing parishes was three times as high. Not surprisingly, the number of very small owners who gave up their lands was greater than that of any other group. Although the evidence of the returns is unreliable in all but five of the enclosing parishes (and was not used in our calculations here) it seems safe to say that small - possibly untaxed - owners of less than five acres gave up their land in the same proportions as those taxed before the 1797 Act.

Landlords:

Half of the landlords in the enclosing parishes had sold their lands before the end of the ten year period. In contrast a little less than one third of those in open parishes also sold up. Small landlords in enclosing parishes sold up on a larger scale than men with more land. Again, rates of disappearance merged in open and enclosing parishes in the larger holdings over 100 acres; substantial landlords promoted enclosures and most remained on the land.

Table 4.3 Disappearance of landlords over a ten year period,
by size, comparing open and enclosing parishes, 1774-1814

Acre- ages	0-5	5-15	15-25	25-30	50-100	over 100	Mean (a)	Mean (b)
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Enclos- ing par- ishes	76 (16)	67 (51)	50 (21)	57 (33)	53 (36)	26 (65)	45 (198)	52 (156)
Open par- ishes	23 (3)	50 (7)	0 (0)	31 (4)	14 (2)	35 (9)	29 (37)	29 (25)

Note: Mean (a) includes the landlords of less than 5 acres in every parish, ignoring the 1797 Act. Mean (b) was calculated after the numbers of 0-5 acre landlords in parishes whose returns spanned the 1797 Act were removed.

Owner-occupiers and owner-occupier/tenants:

Landlords and landowners were often the same men. (For this reason their disappearance from the returns at the same times and in similar proportions is not surprising.) A better distinction is that of landlords and owner-occupiers. But owner-occupiers sometimes rented land in addition to their own holdings. Only two-thirds (153) of the owner-occupiers in the enclosing parishes worked only their own land; fully one third (86) rented additional land. The same proportions occurred in open parishes: 31 owner occupiers worked only their own land, another 17 rented supplementary land. For this reason G.E. Mingay has written that "apparent shifts in the arbitrary categories of small owners, based only on the acreages of owned land as deduced from the land tax assessments may not be all that meaningful".¹

1. G.E. Mingay, "The land tax assessments and the small landowner", Econ.Hist.Rev. 2nd ser. xvii (1964) p.388.

In order to avoid some of the error outlined by Mingay the rates of disappearance of owner-occupiers who worked only their own land, and of those who rented land from other men in addition, have been studied together. The results are summarised in the following table -

Table 4.4 Disappearance of owner-occupiers and owner-occupier/tenants over a ten-year period, by size, comparing open and enclosing parishes, 1774 - 1814

<u>Acre-</u> <u>ages</u>	0-5	5-15	15-25	25-50	50-100	Over 100	Mean (c)	Mean (d)
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
<u>Enclos-</u> <u>ing par-</u> <u>ishes</u>	73 (36)	51 (39)	38 (8)	26 (5)	36 (9)	31 (15)	47 (113)	52 (81)
<u>Open</u> <u>par-</u> <u>ishes</u>	31 (4)	20 (3)	0 (0)	0 (0)	40 (2)	10 (1)	21 (10)	21 (8)

Note: the mean is the corrected mean, calculated after the numbers of 0-5 acre owner-occupiers and owner-occupier/tenants in parishes whose returns spanned the 1797 Act were removed. Mean (c) is the mean rate of disappearance of both owner-occupiers and owner-occupier/tenants. Mean (d) is the mean of owner-occupiers alone.

Half of the owner-occupiers and owner-occupier/tenants in enclosing parishes no longer held land of any kind on which tax was paid at the end of the ten year period; the corresponding figure in open parishes was only one fifth (21%). The difference between open and enclosing parishes is most striking in the holdings of under 50 acres. Few owner-occupiers sold their lands in the open parishes whereas half of those in enclosing parishes no longer owned or rented any land at all at the end of the period. Even occupiers of more than 100 acres sold their

land at a greater rate in enclosing parishes than in open parishes. Had owner-occupiers own land been studied alone, ignoring the other lands that some of them rented, the rate of disappearance of those who owned but did not rent would not have differed much from the rate of disappearance of these owner-occupiers combined with those who both owned and rented. But owner-occupier/tenants tended to be holders of larger estates than owner-occupiers alone. Thus as a single group - apart from those who only occupied only their own land - they were more stable: whereas half of the owner-occupiers who rented no land disappeared, only one third of the owner-occupier/tenants did so.¹

Tenants:

Tenants - distinct from other occupiers because they rented all their land, owning none of it - disappeared from the returns at the same rate as owners: 48% of those in enclosing parishes, and 31% in open parishes, no longer rented land at the end of the ten year period. Again, the rate slowed down with the increasing size of holdings. But all tenants in open parishes

Table 4.5 Disappearance of tenants over a ten-year period, by size, comparing open and enclosing parishes, 1774 - 1814

<u>Acre-</u> <u>ages</u>	0-5	5-15	15-25	25-50	50-100	over 100	Mean (a)	Mean (b)
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
<u>Enclos-</u> <u>ing par-</u> <u>ishes</u>	84 (31)	58 (23)	31 (8)	50 (9)	44 (12)	27 (16)	50 (117)	48 (98)
<u>Open</u> <u>par-</u> <u>ishes</u>	33 (9)	44 (7)	30 (3)	10 (1)	64 (9)	14 (4)	36 (4)	31 (33)

1.81 of the 153 owner-occupiers; 32 of 86 owner-occupier/tenants.

gave up their land in the ten year period with greater frequency than those who owned land (although the small sample of six parishes may exaggerate this tendency); and those with fifty acres or more moved into and out of the returns as frequently as those in enclosing parishes. Thus tenants in enclosing parishes with more than fifty acres did not leave their tenure in any greater numbers than those elsewhere. Small tenants gave up their lands in the enclosure period rather than richer men.

Thus almost twice as many landholders of all kinds - owners, owner-occupiers and owner-occupier/tenants, landlords and tenants - no longer held land in enclosing parishes at the end of the ten year period of an enclosure, as in the open parishes. More precisely, the figures were 49% of all landholders in enclosing parishes, and 28% of those in open parishes.

Table 4.6 Disappearance of all landholders over a ten-year period: mean rates in open and enclosing parishes, 1774 - 1814

	All landholders			Owners			Landlords			Tenants			Owner-occupiers, and Owner-occupier/tenants		
	I	P	N	I	P	N	I	P	N	I	P	N	I	P	N
<u>Enclosing parishes</u>	49	(42)	370	52	(46)	276	52	(46)	156	48	(41)	98	47	(40)	113
<u>Open parishes</u>	28	(28)	68	26	(26)	34	28	(25)	25	31	(35)	33	21	(13)	10

Note: the first figure is the mean individual rate "I"; those in brackets are the mean parish rates "p"; both are expressed as percentages. "N" is the number of individuals who no longer held land in each group. Sub-5 acre smallholders in parishes whose returns spanned the 1797 Act were not counted.

Although the general contrast of experience between open and enclosing parishes is valuable, some of the distinctions within each group are lost in drawing a conclusion based on an average of the changes within each of them. Some enclosing parishes underwent a greater turnover of owners, tenants, landlords, and owner-occupiers than others. Rushden (enclosed in 1778), Bugbrooke (enclosed in 1779) and Wollaston (enclosed in 1778), the first to be enclosed of all survey parishes, each saw the disappearance of 60 to 70% of their landholders in the 1770's and 1780's. In Wollaston almost all of the owner-occupiers, landlords, and tenants of less than 25 acres (90 of a total of 108) disappeared from the post-enclosure Land tax return. In nearby Rushden between 60% and 70% of every group, regardless of size, left the land. Both parishes were Nene valley parishes lying on land easily converted to pasture. Bugbrooke, lying further south west, shared this higher rate of disappearance. Eight of the nine tenants of less than fifty acres no longer held any kind of land after enclosure; although more substantial tenants, and owner-occupiers who also rented land in holdings greater than fifty acres, survived the enclosure in greater numbers.

The rate of disappearance seems to have slowed down after the outbreak of war in 1792 - although generalization on the basis of only three parishes' returns before the war, and of thirteen after 1792, may be hazardous. The prewar individual rate

of disappearance of all landholders (65%) dropped to 37% in parishes enclosed during the war.¹ Generally, the decline in the size of original landholders' lands - a result of enclosure - also varied with the time at which parishes were enclosed.² Half of the surviving landholders lost more than 20% of the land that they held before enclosure in the parishes enclosed before the war (Rushden, Wollaston and Bugbrooke). In comparison only 29% of surviving landholders in parishes enclosed during the war lost this amount of land. Such a trend was noted by H.G. Hunt in Leicestershire parishes: war-time owner-occupiers held onto their lands, some bought up land they had rented, and absentee-owners sold their lands.³

Lowest rates of disappearance occurred in Weston by Welland and Sutton Bassett (enclosed in 1802), and Chelveston (enclosed in 1801). In both parishes the consolidation of land in the long run-up to enclosure had created a majority of large and stable tenants. Only one of the thirteen tenants in Chelveston no longer held land after enclosure; and all but one of the

1. These rates are based on a comparison of the numbers of individual landholders in the pre-war and war-time enclosing parishes. There were 285 landholders in the pre-war parishes, 190 of whom no longer held land after enclosure. In the war-time parishes there were 545 landholders, 221 of whom no longer held land after enclosure. When 0-5 acre landholders are removed from returns of parishes whose enclosure spanned the 1797 Act, figures of pre-war parishes remain the same; those of war-time parishes fall to 445, of whom 176 no longer held land. Rates of disappearance remain almost identical at 65% (pre-war) and 40% (war-time).

2. See below "Change in the size of survivors' holdings".

3. H.G. Hunt, "Landownership and enclosure 1750-1830", Econ.Hist.Rev. 2nd ser. xi (1958-9) pp. 503-4.

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five owner-occupiers and owner-occupier/tenants in the parish also held onto their lands. Similarly all the owner-occupiers, and two thirds of the tenants in Weston by Welland and Sutton Bassett paid tax on their holdings both before and after enclosure.

The forest villages of Whitfield, Green's Norton and Whittlebury underwent smaller changes too. Green's Norton showed the most stability in the event of enclosure of all three; everyone appeared at either end of the ten year period with the exception of only three tenants of between 15 and 50 acres.¹ In Whitfield, in Whittlewood, more properly a forest village than Greens Norton, there were no owner-occupiers of less than 100 acres before enclosure. Small tenants of 15 to 25 acres held onto their lands, together with their equally small landlords. Whittlebury's experience was something of a contrast - most owner-occupiers sold their lands, and most tenants of less than 100 acres gave up their tenancies - but the smallest landlords did not take the opportunity to sell their lands; instead they held onto them during the enclosure period and beyond. Some of the relative stability of these Whittlewood parishes may be due to the post-enclosure availability of forest commons. Whitfield's own common lands were left open; and

1. V. Lavrovsky in "Tithe commutation as a factor in the gradual decrease of landownership by the English peasantry", Econ.Hist.Rev. 1st ser., iv (1932-4) remarked on the "numerous and rather powerful peasantry" of the parish; 23 proprietors (5 of them called yeomen) owned 589 acres after compensation for tithe. See also Ch.1 "Fuel, browse, and nuts, from commons, forests, and woods" for evidence of the habit of resistance to authority of some Greens Norton woodstealers and parish officers in the same years.

access to the commons in the forest of Whittlewood remained. Some of the old agriculture could continue - improved by the consolidation of strips brought about by enclosure - with the customary support of such pasture.¹

Land sales accelerated in enclosing parishes and many landholders either sold all their lands or gave up whatever land they rented. But enclosure led to such large-scale change in some rather than all of the enclosing parishes. Wherever there was a large body of smallholders, and owner-occupiers farming between 50 and 100 acres, the prospect of enclosure encouraged the sale of whole estates. In contrast, parishes in which consolidation had preceeded enclosure underwent relatively little change. One exception to this rule was the effect of enclosure on forest parishes where smallholders held onto their lands either in whole or in part. In these parishes the survival of forest pasture enabled occupiers to pursue customary agriculture to a greater extent than anywhere else: where common right remained, the old common right economy could carry on and even flourish. Such parishes were few.

1. NRO Whitfield Enclosure Award, 1797, Award Cupboard; also J.W. Anscomb's "Abstract of enclosure Awards", vol.2, p.137 "Whitfield".

Change in the size of survivors' holdings

Half of the landholders who paid tax on their land at the beginning of the ten year period during which an enclosure was made did not sell their lands or leave the land for any other reason. They appeared at the end of the period still paying the Land tax. But these "survivors" may have owned or let smaller or larger holdings than their pre-enclosure estates. Initially, decline in the size of holdings would be due to the loss of land in compensation to the tithe owner for commutation of tithe. In a study of nineteen enclosure Awards V.M. Lavrovsky found that the average rate of compensation to tithe-owners was 20.9% of the general area of the allotments made, or 16.9% of the area mentioned in the Awards (an area that included old enclosures, commons and woods, presumably).¹ In twelve of the sixteen enclosing parishes studied here the proportion of the total parish acreage awarded in compensation for tithe varied from as little as 11% in Wollaston to as much as 26% in Rushden, but on average the proportion was 17%.² In order to account for the decline of holdings apart from the customary loss

1. V.M. Lavrovsky, "Tithe commutation as a factor in the gradual decrease of landownership by the English peasantry", *Econ.Hist.Rev.* 1st ser. iv (1932-4) p.283.

2. The figures were Rushden (26%); Bugbrooke (13%); Wollaston (11%); Wadenhoe (14%); Whitfield (corn rent, no land given in compensation); Whittlebury (6% and an annual corn rent); Raunds (17%); Greens Norton (11%); Islip (15%); Newton Bromshold (20%); Chelveston (16%); Hargrave (21%); Hannington (14%); Weston by Welland (17%); Sutton Bassett (22%). Figures for Maxey and Helpstone were unknown: those of Whittlebury and Whitfield were excluded from the calculation of the average loss of land because the former's was only one part of the tithe settlement (a corn rent completed the exchange), and the latter's was wholly corn rent, with no land settlement.

to the tithe owner, when change in size was measured it was defined as a loss only if it exceeded 20%: that is, only if a landholder lost somewhat more than the land he exchanged with the tithe owner for freedom from tithe.

All landholders:¹

The Land tax returns show that landholders who still owned or rented land at the end of the ten year period in enclosing parishes often sold some off their land, or rented small holdings. One third of these "survivors" - nearly three times as many as those in open parishes - had lost over 20% of their land. They had sold land to cover the cost of tithe compensation, and then sold even more in order to pay for the Act, the Award, and the cost of fencing and possibly of new stock too. To lose one-fifth of a farm, especially one of less than 50 acres, to lose common of pasture over other land at the same time, and to acquire a new degree of indebtedness was the "improvement" enjoyed by one third of the survivors - a fate that half of the original body of landholders had avoided by selling the whole of their lands at enclosure itself.²

1. The percentages represent the mean individual rate of change, that is, the percentage of the total number of surviving tenants, landlords, etc., who lost more than 20%, or whose holdings did not change in size, or whose holdings grew.

2. The following tables (unlike those in "Disappearance from the returns" above) include smallholders who were taxed on five acres of land or less at each end of the ten year period. As such they were not exempt tax by the 1797 Act (38 Geo. III c.5). Their inclusion or exclusion does not change the proportions of decline, stability and gain in the size of holdings; but their inclusion makes the total picture more complete. In all there were 14 such smallholders in both open and enclosing parishes who lost more than 20% of their land; 35 whose holdings were stable; and 10 whose holdings grew by more than 20%.

Table 4.7 Change in survivors' lands: all landholders, open and enclosing parishes, 1774-1814

	Over 20% loss	Stable	Over 20% gain	Totals
<u>Enclosing parishes</u>	33%	47%	20%	100% (419)
<u>Open parishes</u>	10%	77%	12%	100% (193)

Owners:

Landowners' lands changed size in the same proportions: 34% of the surviving owners lost more than one fifth of their original pre-enclosure estates; almost half remained relatively stable (within a margin of 20% loss or gain), and 19% of the owners had increased the size of their holdings by more than 20% - approximately the same rate of increase as that of open parishes.¹

Table 4.8 Change in survivors' lands: landowners in open and enclosing parishes, 1774-1814

	Over 20% loss	Stable	Over 20% gain	Totals
<u>Enclosing parishes</u>	34%	47%	19%	100% (293)
<u>Open parishes</u>	7%	80%	14%	100% (107)

Owners of least land - less than 50 acres - did not lose land on a greater scale than those who owned more land. Approximately one third of all size groups (under 50 acres, 50 to 100 acres, over 100 acres) each lost a significant amount of land - more than one

1. Of 293 surviving owners in enclosing parishes 99 lost more than one fifth of their pre-enclosure holdings; 138 kept their former size of holding within 20% rise or fall; and 56 increased their holdings by more than 20% of their former size. Equivalent numbers of owners in the open parishes were 7, 85 and 15.

fifth. The following table illustrates this and also shows that smaller owners as a group were as stable in their ownership of land as any other.

Table 4.9 Change in the size of survivors' lands: landowners in open and enclosing parishes, 1774 - 1814.

	Total 0-50 acres				Total 50-100 acres				Total Over 100 acres			
	N	D	S	G	N	D	S	G	N	D	S	G
<u>Enclosing parishes</u>	202	33	46	21	26	35	38	27	65	37	54	9
<u>Open parishes</u>	73	7	78	15	18	6	83	11	16	6	81	13

Note: "D" denotes a decline in size of more than 20% of the original holding; "S" denotes a stable holding size within a margin of 20% decline or gain; "G" denotes a gain of more than 20% in the size of the holding.

Such relative stability - despite the small size of their holdings - may be explained by the disruption faced by this group at enclosure that led to many of them selling all their lands.¹ Those who did not sell were the hardy survivors who mortgaged their lands, or fell back on whatever capital they owned. In this way they withstood the initial costs of enclosure, were able to flourish during the war, but were caught by the fall in prices that followed. A delayed effect of enclosure would be their inability to hold onto their lands after 1815, when debt would finally catch up with some of them.²

1. See above, "Disappearance from the returns".

2. See W.G. Hoskins, The midland peasant, 1957, pp.255, 265; Joan Thirsk, Victoria County History of Leicestershire, Vol.2, pp.233-5, especially p.234.

Owner-occupiers:¹

The lands of owner-occupiers changed at much the same rate: 40% of the survivors lost more than 20% of their holdings; a quarter bought or were awarded more than 20% of their former acreage; the remainder increased or decreased their holdings within a margin of up to 20% of their former size. In contrast, only half as many owner-occupiers in open parishes who still held land at the end of the ten year period lost more than 20% of their holdings.

Table 4.10 Change in survivors' lands: owner-occupiers and owner-occupier/tenants, open and enclosing parishes, 1774-1814

	Over 20% loss	Stable	Over 20% gain	Totals
<u>Enclosing parishes</u>	40% (58)	35% (51)	25% (36)	100% (145)
<u>Open parishes</u>	20% (9)	55% (24)	25% (11)	100% (44)

1. Owner-occupiers before enclosure may have become landlords, or tenants after enclosure. Thus measuring their post-enclosure land must account for any land they let, or rented then. For this reason the later holdings of surviving owner-occupiers and owner-occupier/tenants included the land they let and rented as well as whatever land of their own they occupied. The unit studied here is the total holding of owner-occupiers and owner-occupier/tenants before and after enclosure. Unfortunately the changing proportions of owned, rented and let land are not measured: thus an owner-occupier might become an owner-occupier/tenant after enclosure, perhaps selling some of his land too; or an owner-occupier/tenant may have rented more of his total holding after enclosure than before.

Shifts in the proportions of owned and rented or let land are hidden in these figures. But a greater change is not obscured: very few owner-occupiers and owner-occupier/tenants gave up all their land in the ten year period, to become solely tenants of land: only 10 such became tenants in all 22 parishes. Nor were they concentrated in one or two parishes; only Rushden had more than one such owner-occupier, it had two.

Owner-occupiers of 50 to 100 acres lost land in larger numbers than anyone else: half of them lost more than 20% of their lands. Fewer owner-occupiers in this group had sold all their lands at enclosure; it seems likely that a

Table 4.11 Change in the size of survivors' lands: owner-occupier/tenants, 1774-1814

	Total	0-50 acres			Total	50-100 acres			Total	Over 100 acres		
	N	D	S	G	N	D	S	G	N	D	S	G
<u>Enclosing</u> <u>parishes</u>	93	37	38	26	16	50	13	38	36	44	39	17
<u>Open</u> <u>parishes</u>	32	16	59	25	3	0	67	33	9	44	33	22

greater proportion of those who remained would have needed to sell some of their lands to finance the enclosure of their property. Owner-occupiers of estates larger than 100 acres in enclosing parishes showed the same degree of decline, stability and growth of estates as those in open parishes.

Tenants:

Tenants rented smaller holdings after enclosure in much the same proportions as owner-occupiers: one quarter rented less than 80% of their former holdings. In contrast only 11% of tenants in open parishes held land reduced on this scale at the end of the ten year period. Tenants of up to

Table 4.12 Change in survivors' lands: tenants in open and enclosing parishes, 1774-1814

	Over 20% loss	Stable	Over 20% gain	Totals
<u>Enclosing parishes</u>	25% (30)	55% (65)	19% (23)	100% (118)
<u>Open parishes</u>	11% (9)	83% (68)	6% (5)	100% (82)

50 acres before enclosure lost land in the same proportions as those with up to 100 acres (about 30% of each group); but larger tenants were more stable - only 19% lost land on this scale.¹

Table 4.13 Change in the size of the survivors' lands: tenants by size of rented land on first Land tax return, 1774-1814

	Total	0-50 acres			Total	50-100 acres			Total	Over 100 acres		
	N	%	%	%	N	%	%	%	N	%	%	%
		D	S	G		D	S	G		D	S	G
<u>Enclosing parishes</u>	61	30	54	16	15	27	40	33	42	19	62	19
<u>Open parishes</u>	53	8	85	8	5	40	60	0	24	13	83	4

1. One difference between the experience of different groups of tenants in these parishes during enclosure was the increase of holdings on the part of medium-sized tenants of 50-100 acres. One third of those rented larger estates after enclosure (over 20% larger). However the total number of tenants in this category was small (15), and the reliability of the conclusion doubtful.

Disappearance of landholders and decline in holdings

Half of all landholders sold their lands in enclosing parishes during the enclosure period, compared to only one quarter of those in open parishes. Occupiers sold as frequently as owners who let their lands; and tenants left the land in the same numbers. The smaller the holding, the more likely was the sale of land; thus parishes with a large population of smallholders underwent more of a change than those with a high degree of consolidation of land before enclosure. One exception to this rule seems to have occurred in forest parishes where smallholders stayed on the land in greater numbers than elsewhere, perhaps encouraged by continued enjoyment of common right.

Surviving landholders sold some of their land too, and tenants worked smaller holdings. One third of the remaining original landholders lost a significantly larger amount of their lands than would have gone to the tithe-owner for tithe-compensation. In contrast only one tenth of open parish landholders lost land on this scale. Partial sale of a holding was not directly related to the size of holdings: estates of less than 100 acres were diminished at the same rate as those above. A somewhat higher frequency of land sales in the middle range of holdings (50 to 100 acres) may indicate a struggle to continue on the part of peasant farmers that would succeed during the war at least. Fewer

partial land sales of this size amongst smaller landholders (under 50 acres) may have reflected the thorough sale of whole estates among members of this group during the enclosure period: those who remained on the land had more certain means of survival.

But average rates of change are most useful for the purpose of comparing two groups of parishes - in this case, open and enclosing parishes over ten year periods. Within each group the Land tax reveals different rates of change, and these have more to do with the particular parish than its enclosure - or lack of it. The returns show that enclosure led to the thorough-going sale of land in some enclosing villages, but not in others.¹ And it also shows that original pre-enclosure holdings were not broken up for ~~for~~ partial sale on the same scale in every parish. Disappearance of landholders from the returns, and decline in the size of the holdings of those who remained, tended to occur in the same parishes. Thus in Bugbrooke, Rushden and Wollaston - in each of which 60 to 70% of all landholders sold all their lands at enclosure - half of the surviving landholders lost more than 20% of their lands too. Altogether three quarters of the landholders in these parishes, more in some, sold all or part of their lands at enclosure (see Table 4.14).

1. See above "Disappearance from the returns".

Other parishes in which a smaller proportion of landholders sold all their land (or gave up all their rented land) also suffered a high rate of decline in size of holdings. In Islip (enclosed in 1800) 11 of the 25 surviving landholders owned or worked holdings of less than 80% their former size. Similarly, in Newton Bromshold (also enclosed in 1800) the corresponding figures were 6 of 8 surviving landholders. And in Whitfield half of the survivors held significantly smaller lands. Each of these enclosing parishes showed a corresponding lack of stability in the size of all holdings. It is possible that although landholders had survived in greater numbers here than in Rushden, Bugbrooke, and Wollaston, a high proportion had done so at the cost of selling some of their land. In each of these parishes the proportion of landholders who weathered enclosure by selling some or all of their lands was two thirds (see Table 4.14).

Tables 4.14 and 4.15 Disappearance of landholders and decline in the size of holdings over a ten year period in open and enclosing parishes, 1774-1814 (see following pages)

Table 4.14 Disappearance of landholders and decline in the size of holdings over a ten year period in 16 enclosing parishes, 1774-1814

Parish	Total landholders on pre-enclosure		Disappearance		Decline of holdings		Total original landholders disappeared and holding diminished lands	
	Land tax return		N	%	N	%	N	%
Rushden	(1774)	101	68	67	18	18	86	85
Bugbrooke	(1774)	66	39	59	13	20	52	79
Wollaston	(1783)	118	83	70	16	14	99	84
Wadenhoe	(1788)	8	4	50	0	0	4	50
Whitfield	(1791)	22	6	27	8	36	14	63
Raunds	(1792)	108	53	49	24	22	77	71
Whittlebury	(1793)	34	10	29	4	12	14	41
Greens Norton	(1794)	36	10	28	4	11	14	39
Islip	(1795)	25	8	32	11	44	19	76
Newton Bromshold	(1795)	10	3	30	6	60	9	90
Chelveston	(1796)	25	4	16	7	28	11	44
Hargrave	(1797)	25	14	56	3	12	17	68
Hannington	(1797)	17	9	53	3	18	12	71
Sutton Bassett and Weston								
by Welland	(1797)	33	8	24	4	12	12	36
Maxey	(1803)	53	20	38	2	4	24	42
Helpstone	(1804)	68	30	44	5	7	35	51
Totals (N)	Individual rates %	(749)	(369)	49%	(128)	17%	(497)	66%

Note: Table includes all landholders with the exception of 0-5 acre landholders in parishes whose returns span the 1797 Act. "Decline" describes a fall in the size of original landholders' holdings of more than 20%. Mean parish rate of decline was 20%; mean parish rate of disappearance or decline in holding size of all original landholders was 60% of the original landholding population; mean parish rate of disappearance of all landholders was 42%.

the size of
ing parishes.

e of gs	Total original landholders disappeared and holding diminished lands	
	N	%
8	86	85
0	52	79
4	99	84
0	4	50
6	14	63
2	77	71
2	14	41
1	14	39
4	19	76
0	9	90
8	11	44
2	17	68
8	12	71

2	12	36
4	24	42
7	35	51
7%	(497)	66%

on of 0-5 acre landholders
' describes a fall in
n 20%. Mean parish rate
or decline in holding
al landholding population;
as 42%.

Table 4.15 Disappearance of landholders and decline in the size of holdings
over a ten year period in 6 open parishes, 1786-1814

Parish	Total landholders on first Land tax return	Disappearance of landholders		Decline of holdings		Total original landholders disappeared and holding diminished lands	
		N	%	N	%	N	%
Roads	(1786) 44	11	25	3	7	14	32
Stanwick	(1790) 32	12	38	3	9	15	47
Abthorpe	(1790) 32	12	38	5	16	17	54
Lutton	(1796) 18	4	22	1	6	5	28
Eye	(1804) 81	25	31	7	9	32	40
Naseby	(1806) 33	4	12	1	3	5	15
Totals (N)	Individual rates % (240)	(68)	28%	(20)	8%	91	38%

Note: Table includes all landholders with the exception of 0-5 acre landholders in parishes whose returns span the 1797 Act. "Decline" describes a fall in the size of original landholders' holdings of more than 20%. Mean parish rates and mean individual rates were the same in all cases.

In seven of the sixteen enclosing parishes fewer men lost more than 20% of their holdings than the average proportion of enclosing parishes; and more held onto relatively stable holdings, losing land for tithe-compensation not through sale. Again, this lack of a decline in the size of holdings coincided with a low rate of disappearance of landholders in parishes where consolidation had reached an advanced stage before enclosure. Thus in Sutton Bassett, and Weston by Welland landlords and occupiers were prosperous enough to withstand the costs of enclosure.

But the forest parishes of Greens Norton and Whittlebury, and the fen parishes of Maxey and Helpstone, also saw relatively little decline in the size of holdings - although the fen parishes had lost about 40% of their original landholders. But both Whittlewood forest and Borough Fen remained open to the forest and fen villages respectively, whereas commons were enclosed and the pasture

thoroughly individualized in every enclosure outside the forests and fenland. The availability of common in fen as well as forest may have encouraged the smallholder commoners to hold onto as much of their lands as they could, and to finance the costs of enclosure by other means. And both forest and fen parishes lay in pastoral areas where much enclosure remained to be done; thus alternative sources of pasture, and the old methods of agricultural production and exchange were still common.¹

Decline in the size of holdings differed between regions, but within them too between parishes of thorough consolidation of land and those with large populations and a substantial smallholder class. Chelveston in the Nene valley underwent little change in comparison to its neighbouring parishes. Only four (16%) of its landholders sold up during the enclosure and only three lost more than 20% of their land. But elsewhere in this part of the Nene valley much larger numbers of landholders sold all or part of their lands, or gave up rented estates. Overall, 61% of the combined pre-enclosure landholding

1. It is also possible that such parishes lost less land in lieu of tithe than more arable parishes. Both Whitfield and Whittlebury tithe-owners received corn rents (the Whittlebury settlement was 166 acres or 6% of the parish, and an annual corn rent) rather than land alone. Green Norton's tithe-owner (the Reverend Henry Beauchlerk) was compensated with 11% of the land, a below average settlement (the average was 17%). Compensation in the fens may have been less than elsewhere too.

populations of Rushden, Wollaston, Raunds, Hargrave, and Newton Bromshold no longer held any land at the end of the ten year enclosure period. The proportion of the original landholding population of these parishes that either gave up all, or more than one fifth, of its land during enclosure was 80%, or 288 landholders out of a pre-enclosure landholding population of 362.¹ These enclosing parishes, populated by commoner-shoemakers, resisted enclosure partly because they stood to lose in precisely this way: either by having to sell all their land, or by needing to sell some of it.²

The rapid sale of land was a feature of most enclosing parishes in Northamptonshire in the eighteenth century, not common to open and enclosing parishes alike. But the Northamptonshire evidence also confirms J.M. Martin in that enclosure "meant quite different things in different localities and in different periods".³ However an analysis of these distinctions should not lose sight of the overall truth that at any time, and in any place where smallholders owned or rented land in large numbers, their experience at enclosure

1. The mean parish rates of disappearance of landholders from the returns and decline in size of holdings were 54% and 25% respectively. The number of surviving landholders was 151, 67 of whom owned or rented holdings that had declined in size by more than 20%.

2. See below, Ch.7 "The economic context of opposition".

3. J.M. Martin, "The parliamentary enclosure movement and rural society in Warwickshire", Agric. Hist. Rev. xv (1967) p.39.

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was the same. Thus, with the possible exception of parishes where part of the old common economy survived, many smallholders sold all their land at enclosure and most sold some of it. Although there was no common parish experience, there was a common smallholder experience.¹

Hitherto most debate has concentrated on the question of the disappearance of peasant farmers as a class; and when numbers of pre- and post-enclosure owners are counted little change appears. But equally significant is the effect of enclosure on the individual landholders of currently enclosing parishes. When their landholding is considered it becomes apparent that enclosure dealt them a double blow, for not only did they lose common right, but they lost land too. No argument about numbers within the class can do justice to this effect of enclosure. Furthermore, the owners and tenants who "replaced" those who sold up cannot be called true replacements at all, for their economy was very different. New smallholders worked smaller holdings without common right, and without the support of common agricultural practice. Neither highly capitalized nor communally organized, likely to be in debt from the start or to have to pay a high rent, they were more easily prey to the fluctuations of prices than their predecessors. Thus enclosure extinguished the old common right economy, it led to the sale of small owners' lands, and those who replaced the old commoners worked their enclosed lands in a significantly different way.

1. Further evidence of this is discussed in Ch.5 "West Haddon and Burton Latimer: the experience of enclosure".

Chapter 5

West Haddon and Burton Latimer:

the Experience of Enclosure

...the greedy crowd, as if maddened by Bacchus...
rage horribly when they recall their pleasant
little thefts, their sheaves of corn snatched
from the scattered harvest and their hidden
guile. Opportunity for crime now despaired of
spurs their rough minds. The dread mob grow
savage and stir up fresh rebellion, and eager
for revenge pour into the fields to ravage
them... To such, brawls and din and mad riot
are dear, and all hatred of kings, and contempt
of sacred law.

- "Inclosure of Open Fields", a translation by Dorothy Halton of a Latin poem by the Rev. James Tyley, Rector of Great Addington (1799-1830, 1832-1856). Northamptonshire Record Society Misc. Pamphlet no. 860, The Reminder, vol. 3, No. 94, Feb. 1928, pp. 5-6.

West Haddon, Northamptonshire, July 27th 1765.
This is to give notice to all Gentlemen Gamesters
and Well-Wishers to the Cause now in Hand, That there
will be a FOOT-BALL Play in the Fields of Haddon
aforesaid, on Thursday the 1st day of August for a
Prize of considerable value; and another good prize
to be played for on Friday the 2nd. All Gentlemen
Players are desired to appear at any of the Public
Houses in Haddon aforesaid each day between the hours
of ten and twelve in the Forenoon, where they will
be joyfully received, and kindly entertained etc.

- Northampton Mercury, July 29th 1765.

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The variety of sources needed to give a full picture of landholding, the value of common rights, the number of commoners and their opinion of an impending enclosure, rarely survives for one parish. Evidence is usually patchy: full details of landownership exist for one parish, a lengthy description of pasture commons survives for another, and a counter-petition against an enclosure can be found for a third. The particular difficulty of finding evidence of popular opinion, when the majority of records that survive are those of propertied men, adds to the problem. But West Haddon and Burton Latimer are parishes for which an unusual variety of sources have survived. For neither is the record complete; and for both the documents that have come down are still those of substantially landed men. Nonetheless the experience of enclosure can be described most fully in these two parishes.

West Haddon, 1761-67, and riot

West Haddon is a village with the business of a market town, situated comfortably in 3,000 acres in the scarp-land of western Northamptonshire. The land is a mixture of deep loam and light sandy soil, a good soil but a heavy one, with a short working season and so best suited to pasture now. A century ago it was "nearly equally divided between arable and pasture land" and in the 1760's it was

rather more arable than that.¹ All but two of the neighbouring parishes were enclosed in the 1760's and '70's, the heyday of Northamptonshire enclosure, and nearby Guilsborough and Watford were involved in West Haddon's battle over enclosure.² Centuries before, five villages within a radius of five miles of West Haddon were "lost" at least partly for reasons of enclosure.³ Possibly some people made a connection between the old depopulations and the new enclosures, men like Joseph James of West Haddon who said enclosure was "a very wicked thing and cant answer it to his conscience". But depopulation was a common enough contemporary fear in any case.⁴

The population in 1761 must have amounted to 700

1. Whellan's Directory of Northamptonshire, 1849, p. 366. Land Utilisation Survey of Britain, Land Classification (map), drawn from information collected between 1938 and 1942, pub. 1944. The annual wheat acreage dropped by 100-150 acres after enclosure according to Appx. XI, Culture of Wheat, General Report on Enclosures, 1808.

2. Watford was the scene of a Swing riot in 1830; see E.J. Hobsbawm and George Rudé, Captain Swing, pp. 224, 227, 350. Posts, rails and fences were burnt at Guilsborough and Watford in 1764 and 1768, NM, February 20th and 27th 1764, and February 15th 1768. See also Ch. 6.

3. K.J. Allison, M.W. Beresford, and J.B. Hurst, The Deserted Villages of Northamptonshire, Leicester University Press (Department of English Local History, Occasional Paper No. 18) They were Downton in Stanford on Avon, Sulby, Elkington, Althorp, and Silsworth in Watford. The date of the Downton depopulation is uncertain, Elkington's was between 1350 and 1450; the other three are thought to have occurred later.

4. NRO ZA 9053 List of the proprietors for and against the enclosure of West Haddon, n.d., probably 1760-62.

including a landholding population of 330 or just under 50% of the total. In the same year 59 people claimed right of common attached to cottages and/or lands in the parish, representing (when their families are counted) perhaps 290 parishioners who actually owned property. In all, half of the population depended for its livelihood on land in the immediate sense of owning it or working it as tenants.¹

Set at the crossing of the Northampton-Rugby and Daventry-Market Harborough roads, the village was an easy overnight stop for drovers moving down from Staffordshire into Northampton and a useful place for the woollen manufactory which employed half the men there by 1771.² Men identified in the Militia Lists as labourers may have worked as weavers for part of the year too. Certainly weavers and woolcombers were not dependant on wool

1. Bridges, 1720, estimated 134 houses in the parish (multiplied by 4.5 this comes to 603); the 1801 Census gives a population of 806. The landholding figures are taken from the Land Tax return of 1759 on which 73 landholders appear. This figure could be larger for some landowners appearing on the return may have paid their tenants' tax for them, so making the listing of the tenants' names on the return unnecessary. The landownership figures are taken from the list of landowners for and against enclosure in the NRO.

2. NRO Militia Lists, West Haddon 1771. 129 out of 151 men were identified by occupation on the list, the rest being either infirm or already drawn. 49 of the 129 were weavers, 13 more were woolcombers: 48% were working in the woollen trade. Another 10% were labourers; 9% were servants; 8% were farmers, husbandmen or graziers; and 15% were tradesmen of one sort or another (tailors, carpenters, victuallers, bakers, 5 butchers, masons, blacksmiths, and 3 cordwainers).

for their total livelihood, for at least one-fifth and probably more held a few acres of land as well. Nehemiah Facer, for instance, a woolcomber with five children, was allotted almost an acre (3r 3lp) at enclosure and rented another 4 or 5 acres besides in 1766. Richard Robins was a weaver who had three children and paid tax on an acre of land after the enclosure. His neighbour John Newton, another weaver, paid tax on a house and a small close of less than 2 acres after enclosure. Jonathan Robins was compensated with 8a 12p on enclosure together with another 1a 1r for his cottage right. Before enclosure he had paid tax on a small estate of owned and rented land of over 20a; after it he worked only half as much. He too was a weaver in 1771.¹ Nine weavers and woolcombers can be traced back from 1771 to 1766 who held some sort of land, usually no more than 2 acres, though occasionally as much as 12 or 20 acres. No labourers or servants can be traced in this way, although the inadequacy of the source may hide a small number who did hold land. Seven weavers can be traced back even further to the 1759 Land Tax return, where they paid significantly more tax than they did after the enclosure: usually 4s on the early return and 2s 0½d on the later.²

1. NRO LTA West Haddon, 1759, 1766; Militia Lists, West Haddon, 1771. Edward Cave (1a), William Vaux (1a), John Hipwell (1a), and William Page alias William Walton (over 20a) were the other weavers.

2. NRO LTA West Haddon, 1759, 1766. They were William Martin (3a), Edward Cave (3a), William Hipwell (3a), Henry Newton (3a), John Newton (3a), Nehemiah Facer (11a), Jonathan Robins (24a).

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Opponents of the enclosure of West Haddon made their first protest in January 1761 with a Petition to the House of Commons claiming that "the Petitioners are intitled

to a considerable Part of the Land in the said Parish, to the amount of Eight Yardland and upwards, intended to be inclosed; and that the inclosing of the said Fields will be very injurious to the Petitioners, and tend to the Ruin of many,¹ especially the poorer Sort of the said Parish..."

The bill was the first of three brought into the Commons between 1761 and 1764 and it was dropped less than a month later on February 2nd. The second was ordered on January 27th a year later but got no further. Eventually, a third bill introduced in January 1764, three years after the first, became law on April 19th the same year. The two-year lull between the second bill and the successful third bill may have been a time for consolidating support or perhaps of buying up more land or simply one of waiting for opposition to die down (ten of the opponents of enclosure actually died in 1763).² But opposition did not abate and another Petition was read against the third bill in the Commons on March 5th 1764. Opposition had grown from the ownership of 8 yardlands to the ownership of 12.

Counsel for the Bill and counsel for the Petitioners against it were heard at the second reading and they in turn

1. HCJ Jan. 20th 1761.

2. NRO Abstracts of Enclosure Awards made by J.W. Anscomb, vol. 1, p. 33k.

examined witnesses from both sides with the result that the bill was sent into committee with the direction that "all the Members who serve for the Counties of Northampton, Leicester, Warwick, Oxford and Buckinghamshire" be admitted to the discussion. According to the Hammonds and W.E. Tate, such a direction was often used when serious opposition to an enclosure Bill was feared; and no Bill ever failed to get through when this direction was followed.¹ Opposition to the enclosure in Parliament ended with this order, for at the ingrossing of the Bill the Journal reported that no one had appeared before the Committee to oppose the Bill after March 5th.² The Bill received the Royal Assent with the owners of three-quarters of the land in favour and the owners of one-fifth opposed; the owners of some 4 yardlands and 4 cottages did not sign the bill and 14 of the 18 cottage commoners were against it.³

Fourteen months later the fence posts and rails were burnt as they lay in the fields ready for construction, and those already erected were pulled down and burnt. Invitation to the riot came in an advertisement for a Football match

1. HCJ, March 5th 1764. W.E. Tate, "The Commons' Journals as Sources of Information Concerning the Eighteenth Century Enclosure Movement", Economic Journal, liv (1944) p. 84. J.L. and Barbara Hammond, The Village Labourer, new ed., 1966, p. 40. Tate corroborates the Hammonds here.

2. HCJ, March 16th 1764

3. NPL, Enclosure Act No. 131, West Haddon.

printed in the Northampton Mercury on July 29th 1765.¹ The same paper reported on the following Monday,

We hear from West Haddon, in this County, that on Thursday and Friday last a great Number of People being assembled there, in order to play a Foot-Ball Match, soon after meeting formed themselves into a Tumultuous Mob, and pulled up and burnt the Fences designed for the Inclosure of that Field, and did other considerable Damage; many of whom are since taken up for the same by a Party of General Mordaunt's Dragoons sent from this Town."²

In planning, execution and result the football match was highly successful, and as a way of opposing enclosure it was as well organized as the Petition taken to Parliament the year before. The advertisement gave those expecting some sort of retaliation two days in which to prepare. But they were not the only people who might be interested in taking part: other "well wishers to the cause now in hand" were expected from outside the parish. By advertising the event as a football match men from neighbouring parishes could be brought in, told of the affair in the inns during the forenoon, and invited to join in the afternoon's business. Payment in ale was not expected to be enough to enlist support, for it alone could not easily justify the destruction of property. Some idea of justice was needed to make the burning legitimate. Opponents of enclosure in West Haddon must have thought enclosure was

1. Quoted at the beginning of this chapter.
2. NM, August 5th 1765.

reason enough to invite anyone to a riot.¹

The advertisement also made the enclosers look foolish. The very publicity of the event served as a taunt. More than that, enclosers themselves were very fond of notices; they put them on church doors and in the press very regularly. Anti-enclosers in West Haddon got to the Northampton Mercury before them.²

The riot was arranged at a crucial point in the agricultural year, and at an important date in the enclosers' calendar. This was the end of the last open-field harvest when the fences were brought into the fields to wait for the harvest to be finished for their construction. The landholders saw each other daily as they worked together bringing in the crop. The gleaners waited, expecting to clear the fields as the corn was taken off. The commoners' cattle were penned up waiting for entry onto the stubble. Posts and rails were piled at the corners and ditches of the new allotments. It was a time when all those who had opposed the enclosure must have been most aware of the

1. NM, July 29th 1765 and Sept. 2nd 1765. Francis Botterill of East Haddon was one of the men accused of advertising the football match. He came from an open parish 5 or 6 miles away on the Northampton road, which was enclosed in 1773, eight years later. Some other men arrested cannot be traced back to West Haddon, and they too may have been out-parishioners.

2. NM, August 26th 1765. It was customary to announce the enrollment of an Award in the press. Sir Thomas Ward did this for West Haddon in the closing sentence of his reward notice for the arrest of persons involved in the riot.

changes to come. It was an ideal time for a riot.

Gathering up, stacking and burning the fences was expected to take both the Thursday and Friday and it did. Ward estimated the cost of the fences destroyed at £1,500 which, allowing for some exaggeration, was a serious loss.¹ This was not necessarily all the fencing needed to separate all the allotments made in the Award. Only enclosers most anxious to fence their estates (and best able to pay for it) would have had their posts and rails brought into the fields so that they could put them up at the earliest possible moment. If some landowners were involved in the riot, as was suspected, they would not have brought out their fencing at all.

Fencing itself was expensive to buy, and it cost time to put up. Failing to fence within a year brought heavy penalties which were written into the Act itself. To enforce any enclosure Act the Commissioners had a battery of weapons they could use against opposition. In West Haddon anyone who neglected to fence his allotment could have his land seized, let to tenants, and the rents spent by the

1. NM, August 26th 1765

Commissioners on fencing.¹ A landowner could also find his neighbour setting up posts and rails on his own land, two feet from the boundary ditches. This was allowed as a protection to the hedge growing between the ditches, and the fence could stay on the neighbouring land for up to seven years.² A landowner who held a small amount of land, and used it for pasture, would lose a border of a couple of feet around his estate if his neighbour wanted to protect his hedge or keep out stray cattle. If the first landowner was opposed to the enclosure as well, he might find his anger sharpened by this additional grievance. Fencing, then, was the most accessible, easily damaged property of the pro-enclosers, and it was also a symbol (none better) of the transformation of the parish and its customs which was about to begin.

Disguising the fence burning as a football match might have had special significance because among the land enclosed

1. NPL Enclosure Act No. 131, West Haddon, p. 16. Payment of the cost of the Act, the surveyors' fees, the Commissioners' costs, had to be made by each owner within whatever time period the Commissioners decided upon on pain of distress of goods, chattels, rents and profits, pp. 23-4.

Allotments of less than 3 acres could be fenced free of charge to the owner, if the Commissioners decided he was in need of such help. Three estates of less than 3 acres were awarded, two of about an acre and one of nearly 2 acres: none were fenced free. Two of these were awarded to cottage commoners who could have their allotments fenced if they accepted a joint plot of land; if they wanted individual plots they had to pay the fencing costs. NPL Enclosure Act No. 131, pp. 5, 16. William Pitt estimated the cost of fencing with ditch and hedge at 1s 6d the running yard at the turn of the century. W. Pitt, General View of the Agriculture of the County of Northamptonshire, 1809. Ch. XIV, p. 224.

2. NPL, West Haddon Enclosure Act No. 131, p. 15.

at West Haddon was a common or wold of 800 acres.¹ This was nearly one third of all the land enclosed. Over the common many games may have been played in the past; enclosure would bring the end of this sport as certainly as it brought the end of the common grazing and the kids of bushes taken off each year.²

On August 12th the editor of the Mercury offered a reward for the capture of the advertisers of the football match. The issue following offered a reward by the "proprietors" of West Haddon for "the committment" of Francis Botterill of East Haddon, a 40-year-old woolcomber suspected of preparing the advertisement and John Fisher, the younger, of West Haddon, a 30-year-old weaver, thought to have helped pay for it.³ Notice of a third reward was published four weeks after the riot, two days after the enclosure Award was enrolled with the Clerk of the Peace in Northampton. This was offered by Sir Thomas Ward of Guilsborough who owned some 129 acres in West Haddon after

1. A football match had been held in 1740 in Kettering to pull down Lady Betty Germaine's mills in protest at the price of bread; see E.P. Thompson, "The moral economy of the English crowd in the eighteenth century", Past and Present 50 (1971) p. 116. It is likely that the West Haddon rioters knew of the earlier incident: Kettering lies 20 miles away.

2. NRO Awards B, 92, West Haddon. The total acreage enclosed was 2498a 3r 18p, exclusive of 47a 1r 3lp used for making the roads.

3. NM, August 19th 1765. Twenty pounds was offered in this reward.

the enclosure.¹ Threatening prosecution under the Black Act, and estimating the cost of the damage at £1,500, Ward offered another £20 on conviction of any "Persons of Property" concerned in giving encouragement to the rioters by giving "monies, gratuities or promises of Rewards".² One of these "Persons of Property" may well have been Richard Beale who was arrested four days after the riot, before any of the reward notices appeared in the press. He was charged with having promised the rioters half a hogshead of ale and a guinea to indemnify them "if they would Burn and Destroy the Posts and Rails".³ He and the other eight rioters tried may have been arrested by the dragoons at the height of the trouble. He (and possibly the others) was imprisoned from August 8th 1765 to March 31st 1766 waiting for the Assize to be held. After seven months in gaol Beale, William Braunt, Matthew Murden and John Ward were acquitted; five other men received sentences of two to twelve months' imprisonment.⁴

A year later Beale himself brought an action for unlawful imprisonment against John Bateman, the Justice from

1. NRO LTA West Haddon, 1759 and 1766.

2. NM, August 26th 1765.

3. NRO QS Epiphany 1767.

4. NM, March 31st 1766. Samuel Loale, 12 months; Roger Wood, 4 months; Joseph Wood, 3 months; William Richardson, 3 months; and Edward Clark, 2 months.

a neighbouring parish who had committed him.¹ He charged Bateman with maliciously imprisoning him by committing him to gaol "as for a Felony and Offence not Bailable by Law" although his offence was a Misdemeanor. Beale had offered securities for his freedom; Bateman had ignored them. The Justice then saw to it that on August 11th, three days after his arrest, Beale was loaded with "heavy Irons and Fetters" in which he remained "for a long time afterwards (to wit) for the space of seven months and more". This was done under a warrant issued on that day for another unspecified misdemeanor. Beale was no landowner, although his ability to prosecute the magistrate, and to offer bail on his own behalf suggest that he was not without means. His land consisted of two or three acres rented from an unknown West Haddon landowner.²

Beale's prosecution of Bateman was unsuccessful. (The Justice, of course, did not wait seven months in irons for the verdict.)³ Bateman was a familiar figure in the West Haddon area, a Justice who owned land in Guilsborough, Coton,

1. NRO QS Grand File Epiphany 1767: the source for filling the gap between the August riot and the prosecution of nine men arrested at the Assize held on March 26th 1766 and reported in the Northampton Mercury that week.

2. NRO LTA West Haddon 1757, 1766. He did not receive any allotment in the enclosure Award. He was not listed on either Militia List in 1771 or 1774.

3. NRO QS Grand File Epiphany 1767. Beale's indictment was found No True Bill either because he dropped it (for any number of reasons) or because the Grand Jury threw it out for lack of evidence or legal error.

Ravensthorpe and Haselbeach, and in Kibworth Beauchamp, Leicestershire.¹ Bateman may have known Richard Beale. Certainly he knew Sir Thomas Ward who advertised the reward for "persons of property" like Beale who may have paid for the riot. Ward and Bateman were neighbours in nearby Guilsborough and both were Justices - Ward being a particularly meticulous one who kept a diary for the fifty years he held office.² John Bateman was himself a constant litigant with his neighbours great and small, including one Richard Clark who owned a large estate in Guilsborough and Coton and claimed a church way over Bateman's land. It was in this dispute that Bateman called upon the support of Sir Thomas Ward when the case came to Common Pleas.³ The circumstances of Richard Beale's arrest and detention and his imprisonment on a charge that could have been heard at the upcoming Quarter Sessions, instead of next year's Assizes, might suggest that Ward's helpfulness to Bateman was reciprocated. And Bateman may have been concerned to discourage riotous opposition on his own account, for the enclosure of Guilsborough was going ahead at the same time

1. NRO Bateman (Guilsborough) papers, *passim*. QS 26 Geo II 1753, Michaelmas: J.P.'s land.

2. WRO Ward-Boughton-Leigh, CR 162.688, 689.

3. NRO B(G) 28-9, 50. Case of the King vs. Moses Irons et al., 25/3/23 Geo II [1750].

just four miles away.¹ Either way, his respect for common right was not high for on at least one occasion his commoner neighbours had suffered from his attempts to take his own open field land out of the common stock.²

None of those charged in the West Haddon riot can be identified as landholders in West Haddon or even as being eligible for service in the Militia in 1771. Only Francis Botterill and John Fisher (who escaped trial with a reward out for them) can be traced, the former as an East Haddon woolcomber and the latter as a West Haddon weaver.³ The anonymity of the other nine may be an accident due to the patchy survival of records, but more likely they were not men of property at all. Their involvement was either temporary and fired by good ale or they were users of the commons, commoners themselves and friends of commoners. Some opponents of enclosure can be identified, although they tend to be those who did own land and associated themselves

1. Four of Bateman's gates and locks were stolen early in 1764, the year of Guilsborough's enclosure Act, NM February 20th 1764. Richard Clarke's posts, rails, brakes, one gate, and 70 perches of hedging from the open fields were burnt at the same time, NM, February 27th 1764. His barn was broken into and his posts, rails and other wood taken in the night in February 1774 - those posts and rails may have been intended for subdividing his newly enclosed fields, NM, February 28th 1774.

2. NRO B(G)40, 45 [1750]. Bateman went to the trouble of getting an opinion on his rights in the matter. Like many landowners he kept a notebook of legal opinions on the land laws, B(G) 250.

3. NM, August 19th 1765.

with the parliamentary opposition to enclosure rather than the football game. Broadly, opposition came from the landowning tradesmen and artisans who may have augmented their land by renting more (the victuallers, butchers and weavers); elderly cottagers of modest means; and cottagers in general. Support for the enclosure came from the farmers, husbandmen and graziers, the landlords, and the biggest landowners. The one farmer who opposed the enclosure, John Underwood, rented four yardlands cheaply in the open fields.

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Table 5.1

Occupations of West Haddon Enclosers
and Opponents

Opponents:	Victuallers	Thomas Towers John West
	Butchers	Richard Worcester Thomas Smith
	Tailor	William West
	Woolcomber	John Worcester
	Weaver	William West or Walton
	Cordwainer	Benjamin Collis
	Farmer	John Underwood
Supporters:	Farmers	William Gulliver John Facer
	Husbandman	Thomas Parnell
	Gentry	Sir Thomas Ward of Guilsborough Thomas Whitfield John Kilsby
	Clergy	Rev. John Watkin Rev. John Hoare

Source: NRO, Militia Lists, West Haddon, 1771. These occupations were those followed six years after enclosure; before enclosure they may have been a little different. For example, the artisans or journeymen against enclosure owned more land before than after and may have earned more money from its use than from shoemaking, weaving etc.

The opponents that can be identified account for only 9 of the 29 landowners who opposed enclosure; the supporters account for 8 of a total of 26.

The fears of opponents

Although the broad justification for opposition was the harm enclosure would do "the poorer sort" in the parish, there were a variety of particular reasons given. Some of these were offered to Thomas Whitfield, the Lord of the Manor and major landowner, when he interviewed his opposition. (Other reasons were kept from him.)¹ Whitfield was told by fully one-third of the petitioners against enclosure no more than that it would be of no benefit to them so they had no reason at all to support it. Richard Hipwell owned only a cottage common worth the pasture of a cow and the privilege of getting sixty "kids of bushes" from the common; he thought "it will be of no service to him to inclose". Richard Parnell owned much more, 27 acres, but said he too could "live upon it as it is and is not certin it will improve by inclosing". Thomas Smith, a butcher with 20 acres of land some of which was rented, said he too could "live as well on it now as if inclosed".

Another third said they were too old, or were judged too ill to consent to enclosure. Four men said they could not think of so great a change at this point in their lives: John Branston owned 63 acres but considered himself "too old and childless" though he believed the "fields would greatly improve" but he still did not "care for the trouble of inclosing". Laurence Currin owned much less land, nine

1. NRO ZA9053, West Haddon list of proprietors, n.d., probably 1760-62.

acres and his cottage common, and he too said "that he was near eighty and was not so ambitious as to have his estate increased though he believed it wou'd improve". Thomas Towers, a victualler, was "near seventy and therefore would not consent". Of these elderly men, only John Kenny, who held the smallest amount of land - $4\frac{1}{2}$ acres - openly doubted that enclosure would be an improvement. Whitfield judged one woman "not right in her senses" and so unable to explain her opposition, another called herself "too Old and Childish" but still objected to enclosure. Between them they owned three cottages with rights and almost a third of all the land in the anti-enclosers' possession - 3 yardlands.

This group of six strengthened the anti-enclosure party in a way not often considered. Individually some of them would not have lost much in the event but they said they felt themselves too old to bother. It is hard to exaggerate the size of the change brought about by enclosure; and anticipation must have made it seem even bigger. Even if a farmer grew the same crops, or pastured the same number of beasts, he still had to work on at least some new land and to find enough profit to pay for the cost of enclosing itself. Buying the wood for fences, carting it, putting them up, planting hedges, keeping cattle away from the new quicksets and off the old pastures on roads and wolds, were new tasks needing communal organization. In some parishes fencing was put up by gangs employed by the Commissioners and

paid for with a rate per yard but this was not the case in West Haddon. Old men and women who could not count on their sons or their neighbours lacked the energy and ability to re-organize their livelihoods. Change of any size might have been unsettling and unwelcome, but an individualized farming was designed for enterprising younger landowners who had capital behind them, not for farmers used to the old open-field agriculture with its joint responsibilities and its familiar routine. Moreover, a man's livelihood now depended on his adaptability - on how good his decisions were on where to grow his crop and grass and where to put his cattle, how much wheat to grow, and how much to invest in additional pasture. It was not a time for old men and women.¹ A man without heirs was at a loss. A man who had heirs who did not themselves favour enclosure might use his own age and health as a way of deflecting any blame for opposition from them - for his sons were quite possibly tenants of land let by the enclosers and badly placed for protest. Expressed in some replies was a lack of interest due to more than old age. John Branston for instance had enough for himself and having no heir needed no more. Laurence Currin "was not so ambitious" to own a better estate even though he knew it might improve. The others may well have had sons

1. On this point, and the difficulties of re-organisation all farmers faced, see Board of Agriculture, General Report on Inclosures, 1808, pp. 31-2. Slater, pp. 129-30.

and daughters to inherit their land but still argued their own age as a reason for not backing the enclosure. The replies suggest both that sufficient land to live on is enough land and that great age or infirmity is a useful, simple, unanswerable excuse covering any number of more pertinent reasons to give the Lord of the Manor. Thomas Towers, a victualler with a cottager son, said simply he was "seventy and therefore would not consent" but he may have had more reasons than one.

There were three men who believed enclosure to be unjust. Robert Earle, owner of a cottage and nine acres, told Whitfield "that he thinks it a very wicked thing to inclose". Joseph James also thought it "a very wicked thing and cant answer it to his conscience"; and David Cox went further to say that "it was a bad thing to inclose and would not answer but would tend to ruin ye nation". James Green declared that he "wou'd not meddle either way". Each of these men owned nine acres according to Whitfield, and one owned a cottage as well, but three of them no longer paid tax in 1766 after the enclosure and so probably no longer owned or rented land then. The fourth, Robert Earle, paid only half as much tax as before, perhaps on his cottage alone.

Four more men gave no greater satisfaction to the investigator than that they had pledged their support to their neighbours and would stand by them. John West -

named by the Common's Journals as presenting the Petition against enclosure - and his brother William both replied that they would consent to the enclosure if "all his Neighbours that had been against it" would. John Worcester, a wool-comber, said shortly that he would sign against the Bill this year "because he signed against it last year". Nathaniel Parnell had promised John Underwood to join the opposition and intended to keep his promise. These answers are no more revealing than the excuses of old age or infirmity given by some others, but they leave the same sense of evasion and suggest that only one reason out of a number is grudgingly given. Nonetheless, the Lord of the Manor was made to recognize the solidarity of his opposition.

More specific were the reasons given by Thomas Ford, Benjamin Robins and William Page: the first two said bluntly that too much was allowed in lieu of tithe, the third said simply that although he thought the land would be improved by enclosure he himself "has no money to spare to inclose with". Many more landowners may have agreed with Thomas Ford and Benjamin Robins that the tithe compensation was excessively generous but have preferred to say it quietly, rather than to Whitfield who was himself the Impropiator of the tithe as well as the largest landowner. Enclosure costs too would have deterred more men than William Page: in the event they came to about £1 an acre before fencing.¹

1. NRO Enclosure Award, Book B, 92, West Haddon.

In Ann Tabernar's answer to Whitfield came signs of the long-lived persistence that he was to know well.

She said simply that

she had some trees growing on her land
and if they would defer the inclosure
till they were full grown she would Consent
but wou'd not till then.

Oak trees take a very long time to mature. Benjamin Collis, William Moulton, John Priestly and Thomas Boyes either refused to give reasons for their opposition or such as they did give were not recorded.

A parish of many smallholders and cottagers, like West Haddon, stood to lose far more from the extinction of common right and the cost of enclosure than one of prosperous landlords and substantial tenants. Moreover, the particular economy of West Haddon - its combination of weaving, drove route trade, and pasture - meant that artisans, innkeepers, and tradesmen, as well as cottagers and small farmers, depended on the common. Measuring the extent of their loss starts with a comparison of the property of those favouring the enclosure, and those opposed.¹

1. There are two sources for the study of landholding in West Haddon before enclosure: the List of owners for and against enclosure made by the enclosers in 1761 or thereabouts (which included their lands), NRO ZA 9053, and the Land Tax Return of 1759. Post-enclosure landholding can be studied using the 1765 Enclosure Award and the 1766 Land Tax Return.

There are some difficulties attached to the use of the Returns made before 1780 because the assessors did not distinguish between Proprietors and Occupiers until then. Pre-1780 Returns are lists of taxpayers who may have been either tenants, landlords, or owner-occupiers. Comparison

Landowners for and against enclosure

The owners of a quarter of the land in West Haddon opposed the enclosure: there were 30 of them and they held some 400 acres between them. Supporting the enclosure were 26 men and women who owned 1,200 acres. The remaining 800 acres in the parish was heathland known as the Rye Hills,

(cont'd) of the List of Owners with the Returns can distinguish owners from tenants and owner-occupiers from landlords in most cases. But (from observation of other Returns in other parishes) it is possible that occasionally a landlord paid his tenant's tax for him. This was unusual because tenants most commonly paid their own tax and deducted it from their rents (W.R. Ward, The English Land Tax in the Eighteenth Century, Oxford, 1953, p. 7). The sort of landlord of whom this was true was the substantial owner of several hundred acres (an Earl Spencer or a Duke of Grafton) who owned a number of farms including some he farmed himself. (John Harper in Burton Latimer, for example, NRO H(BL)649, Account Book, p. 144. He paid his tenants' tax with his own.) In West Haddon only three men owned more than 100a in the pre-enclosure period; two were clearly landlords (Sir Thomas Ward and Thomas Whitfield) but the third (Thomas Worcester) may have been a landlord paying his tenants' tax, although he appears to be a yeoman farmer with a farm of three yardlands. Four more such owners appear after the enclosure: two were landowners on this scale for the first time (the Reverend John Watkin, and Nicholas Heygate) and two had bought up more land in the interval (John Kilsby and John Walker). All paid all their tax. Watkin may have been a landlord paying his tenants' tax; but Kilsby, Heygate and Walker farmed for themselves before enclosure and may well have continued to do so on their larger holdings after it. Ward and Whitfield appeared on the Returns for the first time after enclosure - the second now owned nearly 600a. Both could have been tax-paying landlords. A third possibility affecting Ward, Whitfield, and Watkin is that they had not finally divided their new lands or finished their improvements. Until the site of their farms was fixed landlords would pay the tax. The defective Returns allow us to look at landholding in all its forms with some safety before

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good only for grazing and gathering bushes or perhaps for tenting woven cloth.¹ With only one exception, landowners against enclosure each owned less than 36 acres or a yard-land; most of them owned only 9 acres, some of them even less. Table 5.2 shows the distribution of land between those for and against enclosure in 1760.

Table 5.2 Landowners for and against Enclosure

	For	Against
2-9a	6	18
10-17a	2	1
18-45a	8	10
Over 45a	10	1
Totals	26	30

Source: NRO LTA West Haddon, 1759; ZA 9053, "List of Proprietors for and against the enclosure", n.d. [probably 1760-62].

(cont'd) enclosure but with increasing danger of mistaking landlords for owner-occupiers, and of losing tenants, after enclosure. Ownership can be studied both before and after enclosure using the List of owners for and against enclosure made in 1761 or thereabouts, and the Award of 1765.

1. A petition against enclosure presented to the Commons by landowners, "and on behalf of the Poor Manufacturers of Broad Woollen Cloth", from Armley in Yorkshire in 1793 gave as a reason for opposing the enclosure of Armley Common the use of the Common for tenters and frames on which they stretched and dried their cloths, warps, and wool after dying. H.C.J., March 26th 1793. West Haddon weavers may have used the Common in the same way.

Half of the total occupier population of West Haddon owned some of the land they occupied: perhaps a quarter of all families were owner-occupiers of some land.¹ Table 5.3 illustrates how the occupancy of land affected their opinion of the enclosure. Nearly two-thirds of all owner-occupiers,

Table 5.3 Owner-Occupiers for and against Enclosure

	For	Against
Under 18a (hydlld)	4	17
18-45a	6	4
Over 45a	3	2
Totals	13	23

Source: NRO LTA 1759 West Haddon; ZA 9053.

regardless of how much land they owned, opposed the enclosure. Opposition was greatest amongst the smaller owners but it was not confined to them: 6 of the 15 larger owner-occupiers also petitioned against enclosure.

One in three landowners let their land in West Haddon. Table 5.4 shows that they were in favour of the enclosure on the whole, regardless of how little land they owned and let.

1. NRO ZA 9053, LTA 1759 West Haddon. See p. 2 above.

Table 5.4 Landlords for and against Enclosure

	For	Against
Under 18a ($\frac{1}{2}$ ydld)	4	2
18-45a	4	4
Over 45a	6	1
Totals	14	7

Source: NRO, LTA 1759 West Haddon; ZA 9053.

The most significant opposition to the enclosure from landlords came from those letting between 18 and 45 acres. One gave no reason for his opposition and sold his 18a before the enclosure was finished. Another said he could "live upon it as it is" and doubted enclosure would improve his 27 acres. Two more died before the Award was made: one was judged senile, the other opposed enclosure because he had signed against the bill before. Landlords against enclosure were older or satisfied with their income.¹ Most landlords, however, wanted

1. NRO ZA 9053. They were William Moulton (18a), Richard Parnell (27a), Widow East (18a), and John Worcester (18a). The richest landlord opponent of enclosure was John Branston who owned 73 acres which he sold before the Award was finished. He was old and blind and argued very convincingly that he was too tired to face the prospect of enclosure. The smallest landlord opponents of enclosure were Joseph James and James Green: James thought enclosure was wicked, Green thought he would not "meddle" either way. Joseph James died before the Award was made.

the enclosure - even the four who owned less than a half yardland.

Occupiers for and against enclosure

Owner-occupiers generally opposed enclosure at West Haddon, landlords usually spoke out in its favour, but what of all occupiers - those who rented land as well as owned it, or were solely tenants? Table 5.5 groups occupiers according to their opinion of the enclosure and the size of the estates they worked. Figures are most complete

Table 5.5 Occupiers for and against Enclosure

	For	Against	Unknown (tenants)	Totals
Under 10a	3	16	8	27
10-17a	1	2	7	10
18-45a	6	5	0	11
46-60a	1	0	2	3
61-90a	0	0	9	9
91a and over	2	1	1	4
Totals	13	24	27	64

Source: NRO LTA 1759, West Haddon; ZA9053. The tenants were solely that: they owned no land.

for holdings of 45 acres and less. Nearly half of the men working these holdings were against the enclosure

(48%). Only one in five supported it (21%). But the opinion of the one in three (31%) who were only tenants (owning no land of their own) remains unknown. If they were divided on the issue in the same proportion as their fellow occupiers of 45 acres and less, no less than 70% of all occupiers (tenants included) would have opposed the enclosure and 30% would have supported it.¹ Men who owned no land at all may not have felt about enclosure in the same way as those who owned some land as well as renting more. But their dependence on common rights would have been similar; and the fear of incurring extra costs was mutual. Small tenants probably opposed the enclosure for fear of rising rents. Tenants of larger estates may not have felt nearly so adamant for some may have had the expectation of larger, more profitable farms. But there is evidence that some of these opposed enclosure on the grounds that their rents would rise too. John Underwood, one of the leaders of the opposition in West Haddon, and sometime Constable of the parish, opposed the change. He rented 4 yardlands (144 acres) "at a low price" and himself owned only 18 acres.²

1. The exact figures are 21.6% of tenants against, and 9.4% in favour. Of all occupiers the proportions pro and con are 30.4% and 69.6% respectively.

2. NRO ZA 9053. Underwood said he would spend "a Hundred Pounds of his own Money to stop" the enclosure. See also the tenants who opposed enclosure at Welton in 1754, Ch. 6.

Cottage commoners

Enclosure brought the end of the cottage commoners in two senses. First, by taking away the common the enclosers

Table 5.6 Owners of Cottage Commons, 1761 and 1765

Name	Number of Cottage Commons	Land owned 1761 (acres)/	Land awarded 1765 (acres)/
John Walker*	1	72	149
James Robert+*	1	72	---
John Facer*	1	--	1
Mary Burbidge*	2	--	4
Sir Thomas Ward*	2	108	130
Nathaniel Parnell	1	4	2
Ann Tabernar	1	20	19
Laurence Currin	1	9	--
Benjamin Collis	1	12	(deceased)
Thomas Palmer	1	9	--
Robert Earle	1	9	--
Jonathan Robins	1	9	9 (including 1.3 for common)
William Page	1	24	38
Thomas Towers, Jr.	1	--	--
Richard Hipwell	1	--	(deceased)
Thomas Boyes	1	9	--

/ to nearest acre.

* petitioners for the enclosure; the others opposed it.

+ James Robert was a lessee of lands owned by the Crown, not appearing in the Award.

Source: NRO, Awards Book B, 92; and ZA 9053, List of proprietors for and against the enclosure at West Haddon.

destroyed the economy based on use of land belonging to others. Second, the class of small owners who owned cottage commons was both reduced by half and impoverished. One in three commoners lost all their land between 1761 and the making of the Award in 1765. Two commoners died. Two held roughly the same amount of land after enclosure as they had before, although they no longer owned common rights and had to pay the enclosing costs. Three owned more land than they had before enclosure. None of those who petitioned for the enclosure lost land; all but two of those who petitioned against it either lost land to some extent or had to sell out altogether.¹ X

All the cottage commoners who sold out had owned quarterns or nine-acre holdings to which common rights were attached. Only Jonathan Robins held onto his land and for it he was compensated with a compact estate of roughly the same size plus an acre or so in exchange for his cottage common. Robins was a weaver who before enclosure rented another 15 acres; he had opposed enclosure on the grounds that the tithe compensation was too generous. After enclosure

1. Two commoners died before the Award was made; they were Richard Hipwell and Benjamin Collis. Cottage commoners were not older than the other landholders. NRO Abstracts of Enclosure Awards by J.W. Anscomb, vol. 1, p. 32k. Although the Award allowed the Commissioners to waive the costs of owners of under 3 acres this was not done. Nor did any cottagers take their lands together in one plot: only 3 owned very small amounts after the Award, the rest had sold out. Awards Book B.92.

his holding allowed him no pasture at all and cost him £9 or £10 in enclosure costs before he had fenced it. He no longer rented land in 1766. Other quartern owners may have sold out in the knowledge that they could not afford this sort of transaction.

Just as some had sold out even before the Award was announced, others had bought land before receiving their allotments. Four of the owners of cottage commons had done this, ranging from Mary Burbidge who bought about 2 acres to John Walker who increased his 72 acres to 148. Gains were made by the biggest owners and by the recipients of tithe compensation.

Enclosure had a substantial effect on the small owners of West Haddon, as they had foreseen. They were fewer in number, they owned less land and no common rights, and they had debts to pay. Even before the Award some had sold out. And, despite the compensation of two landless commoners with a few acres of land, the cottage common right economy had disappeared.

Land ownership, 1761 and 1765

Both before and after enclosure land ownership formed a pyramid with a wide base of owners of less than 50 acres (usually less than a yardland or 36a). After enclosure ten fewer men owned land: 57 in 1761 compared to 47 in 1765.

Table 5.7 West Haddon Landowners before and after Enclosure

	Acreage					
	to 10	11-25	26-50	51-75	76-100	100- over 150
1761	25	11	9	7	1	3
1765	15	11	9	4	1	3

Source: See Table 5.6

Most of the loss came in the number of owners with under 10 acres: 25 in 1761 and 15 in 1765, despite compensation to cottage commoners at enclosure. The number of estates of more than 100a increased from 4 (including one of 262a) in 1761 to 7

Table 5.8 Small Owners of Land in West Haddon

	Acreage				
	1-5	6-10	11-15	16-20	21-25
1761	8	17	4	6	0
1765	4	10	6	3	1

Source: See Table 5.6

(including one of 600 acres) after enclosure. A further change occurred in the estates of between 51 and 75 acres where the number of owners fell from 7 in 1761 to 4 in 1765. Broadly speaking there were more substantial estates, fewer medium sized ones, and fewer very small ones. Ownership had been concentrated even more in the hands of owners of larger estates.

But enclosure created no squirearchy in West Haddon, at least not immediately. The Lord of the Manor, Thomas Whitfield, owned 262a in 1761, together with the Great Tithe; in 1765 his heir, John Whitfield, owned 600 acres. He gained a substantial estate covering a quarter of the parish, but six other men each owned estates of between 126 and 166 acres and they formed a substantial yeoman or rentier class.

The five years between the first gathering of support for the Act and the making of the Award were years in which much land changed hands. Tables 5.9 and 5.10 show who owned land in 1760 and what had happened to their property by 1765. Most landlords owned less land or none at all by the time the Award was made. Either they had sold it or they had died.

Table 5.9 Changes in Landlords' Holdings, West Haddon, 1760-65

Supporters of enclosure						Opponents of enclosure					
Acreage	Number	CCs	Land after enclosure			Number	CCs	Land after enclosure			
			Gone	Less	Same			More	Gone	Less	
0-10	3		3			2		1	1		
11-25	3		2	1		3		3			
26-50	2		2			1					1
51-100	4	2	1	2		1	1	1			
over 100	2	2				2*	0				
Totals	14	4	8	3		3	7	5	1		1

CCs - cottage commons

* include compensation to Lord of the Manor.

Source: see Table 5.6.

In sum, 62% of landlords (a few of whom may have died) sold all their land, and 76% either sold or lost at enclosure at least some. The landlords who lost no land tended to buy more in the interval, and they were also the richest.

Owner-occupiers also bought and sold land according to the size of their pre-enclosure holdings, but fewer owner-occupiers

Table 5.10 Changes in Owner-Occupiers' Holdings, West Haddon, 1760-65

Supporters of enclosure							Opponents of enclosure						
		Land after enclosure							Land after enclosure				
Acreage	Number	CCs	Gone	Less	Same	More	Number	CCs	Gone	Less	Same	More	
0-10	5	3	1		1	3	18	9	12	1	1	4	
11-25	3		1			2	5	2	1	1	2	1	
26-50	3				2	1	2	1		1		1	
51-100	3					3	0						
over 100	1					1	0						
Totals	15	3	2	0	3	10	25	12	13	3	3	6	

CCs - cottage commons.

Source: see Table 5.6.

than landlords sold land, and nearly half bought some. Nonetheless, almost 40% of all owner-occupiers (assuming no deaths) no longer owned land in 1765, and these were overwhelmingly the opponents of enclosure in 1760. Another 40% owned more land in 1765; again, those who had supported the enclosure had acted with enlightened self-interest, for they were the owner-occupiers

who were able to buy more land and improve their estates.

By 1765 half of the small owners of less than 10 acres were gone and half of the small cottage commoners went with them. Owner occupiers in general had opposed the enclosure, and many, irrespective of size, sold out or cut down the number of acres they owned. Conversely, landlords wanted the enclosure and many took the opportunity to sell their land, usually to other supporters. The landlords that held on to their land usually bought more, as did those owner-occupiers who had wanted the change.

Once the Act was law, then, its opponents took stock: they sold whatever they could not afford to enclose, or were not prepared to mortgage or invest in. The enclosers bought this land; they improved their holdings, expecting to afford the costs of enclosure. Some of them sold too, but they did so because they wanted to. Whether or not the price the land brought was just, its sale changed West Haddon's economy substantially. There were fewer small owners, fewer holdings of between 50 and 100 acres, but there were more estates of over 125 acres: over half of the land was owned by seven men, one of whom owned a quarter of the parish. Enclosure frightened its opponents off the land. It made them sell even before it was complete.

Burton Latimer, 1803-7

West Haddon was enclosed in the mid-1760's when the parliamentary enclosure movement began to take hold in Northamptonshire, just before the great peak of the 1770's. Burton Latimer underwent enclosure in 1803 at the start of the second period of

intense activity during the Napoleonic Wars. Lying above the Nene valley, between the river and the town of Kettering, the site of Burton Latimer was less exposed, and its soil was more fertile than that of West Haddon on the western scarp. Burton Latimer's population was also slightly smaller at 669 in 1801, compared to 806. Each parish covered about 2,500 acres, of which nearly a quarter was a common or wold.¹

Both villages depended on weaving to some extent but by 1803 the industry had suffered a slow and final depression in Burton Latimer, and many of the weavers may well have become unemployed on the eve of the enclosure. Burton Latimer's proximity to Kettering prevented it retreating into a purely agricultural economy, the ultimate fate of West Haddon once the drove route trade declined and weaving came to an end. Outwork in one form or another sustained the parish through the nineteenth century, as it did other Nene valley villages lying between Thrapston and Wellingborough.²

1. See Map 4.1 for the chronology of parliamentary enclosure. Burton Latimer lay on the lower limestone of the northern half of the county, enjoying better drainage than the lias clays on the scarp. The soil was lighter and better adapted to mixed farming than in West Haddon, which was most suitable for pasture - although used for both animals and crops. Total acreage in 1851 was 2,690 according to the decennial Census; 2,583a 2r 28p was enclosed in 1803-4 according to the Award. NRO YZ 4594, Burton Latimer enclosure Award.

2. The woollen industry, based in Kettering, had prospered in the eighteenth century, partly because the town was closer to London than its East Anglian and Yorkshire competitors at a time when transportation costs were high. It depended upon locally produced wool. Everlastings, moreens, tammies and

If West Haddon could be characterised as a village with the business of a small market town in 1764, Burton Latimer in 1803 could be called an agriculturally-based parish, set in the suburbs of an economically depressed town, partially dependent on outwork from the town itself.

Opposition in Parliament

Joseph Harper of Chilvers Coton, Warwickshire, and his fellow enclosers at Burton Latimer, first heard of the Petition against the enclosure Bill there in April 1803. The Kettering solicitor, Thomas Marshall, had asked Sir William Dolben M.P. for support, but "After looking over the printed Bill" Marshall wrote, Dolben still refused to sign,

and informed me he had received a Petition signed by several proprietors against the Bill and which on¹ his return to Town he should certainly present.

Dolben was Lord of the Manor of nearby Finedon; he owned no land in Burton Latimer but was Patron of the Rectory there, and a trustee of Herbert's Charity. In March he had told another solicitor that he had been badly dealt with by the enclosers, (who may have suspected he would be difficult to satisfy), because they had delayed showing him the Bill and had not informed him

(cont'd) callimancoes were turned out and sold quite successfully until the pressure of Yorkshire competition began to be felt in the 1770's. (Adrian Randall, "The Kettering Worsted Industry in the Eighteenth Century", Northamptonshire Past and Present, 4(1971/2) pp. 352-3.) By the 1790's half of the 5-6,000 people employed in Kettering, Rothwell and Desborough were out of work and much the same must have been true of Burton Latimer. Between 1790 and the late 1810's the whole area was depressed; poor rates rose rapidly to 10s in the pound by 1806. (William Pitt, A General View..., 1809, pp. 240-3.) Weaving returned to Burton Latimer in the 1810's in the form of silk manufacture; the increase of population

of their meetings.¹

Dolben's subsequent appearance to present the case in the House of Commons was reported to Joseph Harper by his Warwick attorney, John Tomes. Harper was Lord of the Manor of Burton Latimer but lived 50 miles away in Chilvers Coton, Warwickshire.² His Burton estate covered some 550 acres in 1803 and was mostly let to five tenants.³ Tomes wrote to Harper that Dolben had unwisely kept the Committee sitting for far longer than was usual (all of two hours) during which he had proposed "a vast number" of alterations to the Bill. He had not reckoned with a Committee already well-disposed to the enclosers and each of his changes was rejected. Tomes described the support the Bill enjoyed,

Mr Dickins the Member for Northamptonshire was Chairman and friendly - my friends Mr. Mills, Mr. Farquhar, and Mr Dugdale and a Mr Hobhouse (an acquaintance of Mr. Mills) attended and took the active part for us⁴

(cont'd) between 1811 and 1821, from 705 to 842 people, was attributed to this. (Census, 1851, PP 1852-3, vol. 85 [1631], p. 45.) Shoemaking also began late in this decade (A. Randall, "The Kettering Worsted Industry..." (1971-2) p. 355.)

1. NRO ZA892 in X3872, "Thomas Heydon's Accounts", March 16th 1803.

2. Harper's succession to the Manor was disputed by the Duke and Duchess of Buccleuch and Mr William King of Colchester; the dispute was prevented from hindering the progress of the Bill by entering all their competing claims in the opening sentences of the Bill itself. NRO ZA886, Burton Latimer enclosure Bill.

3. NRO LTA Burton Latimer, 1803.

4. NRO H(BL)808, John Tomes to Joseph Harper, May 18th 1803.

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The amendments Dolben proposed ("extremely absurd indeed" said Tones) had been discussed by the proponents of the Bill with the "friendly" Chairman of the Committee, Dickens, long before they reached the Committee itself. There were three: that "each propr[ietor] shall plant a 40th part of his Allotm[ent] with Timber"; that the charity lands should be fenced free of charge; and that the right of the poor to the 800 acre wold should be given greater acknowledgement in the Bill, and compensation in the Award. Tones planned his opposition to all these amendments with the help of the Chairman of the Committee, before it met.¹ The first was "injurious to the proprietors" because no law required anyone to plant woods on newly enclosed land. The second amendment - free fencing of the charity lands - was called unjust by Tones because not all Trustees of charity land in Burton asked for such consideration, and because they were all empowered to raise loans on their lands for fencing by the General Inclosure Act. Dolben's third amendment, that better compensation be given the poor for their rights on the wold, was dismissed out of hand by Tones and the chairman of the committee: "Mr Dickens thinks it cannot be put better than it is."²

1. NRO H(BL)804, 805, "Reasons in Supporting Bill" and "Reasons for Supporting Burton Incl. Bill".

2. Ibid., my emphasis.

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Sir William Dolben's objections to the Burton Latimer bill were patriotic and humanitarian. For some time he had interested himself in forestry for naval purposes, and his wish to enforce by law the planting of woods in Burton Latimer was only one of a number of such attempts.¹ His concern with fencing costs and with the rights of the poor may have been an expression of his humanitarian and reform interest (he was also an abolitionist in the slave trade controversy) and equity in the agricultural community. He was not an opponent of enclosure as such: his own manor of Finedon was enclosed in 1805.² But in 1773 he and Sir Richard Sutton put through an Act "for the better Cultivation, Improvement and Regulation of the Common Arable Fields, Wastes and Commons of Pasture, in this Kingdom." A parish's agriculture could thereby be communally regulated by three-quarters in value and number of its occupiers, with careful consideration of the common rights of all inhabitants.³

1. Dolben made a Commons speech in 1799 proposing that an order be made "that when 50 acres and upwards should be allowed to be inclosed by Parliament a proportionable quantity of such land should be allotted for the growth of timber for the navy". He was sorry to note that timber had not been planted on the lands "inclosed of late years by the authority of Parliament". The point of his speech was that Parliament made enclosure possible and in return it should command reciprocal aid - in this case timber for the navy. Staffordshire Advertiser: January 5th 1799.

2. G. Slater, The English peasantry and the enclosure of common fields, 1968, p.293.

3. Sheila Lambert, Bills and Acts. Legislative procedure in eighteenth-century England, Cambridge, 1971, pp.142-3.

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But Dolben's intervention may have occurred simply because he thought the petition against the enclosure of Burton Latimer should be given a proper parliamentary hearing.

Owners of land in the parish did not concern themselves with Dolben's schemes for timber, but the issues of fencing costs and land for the poor were important. There were thirteen pieces of publicly-owned land in Burton Latimer on the eve of the enclosure (Table 5.11.) With the exception of the pieces of land used by the pinder and the parish clerk, the wold, and the Town Headlands, all were administered by trustees. Despite the assertion of Tones that they did not oppose the enclosure it is certain that some of them did. Francis Robinson, a Trustee for Scotts, Smith's and Bell Acres Charity lands, opposed the enclosure of the 800 acre wold, although he was outnumbered by others whose opinion we do not know. Dolben himself was a trustee of the larger Herbert's Charity together with the Honourable Edward Bouverie, Sir Charles Cave, Rector of Finedon, the Earl Spencer and a Mr. Gunning. All of them wanted the allotment granted in lieu of the charity's 5 yardlands to be fenced free of charge. They also wanted the enclosure charges waived. But they were not all adamant about it. Lord Spencer

hoped the Proprietors at large meant to inclose this Estate free of Expence to the Charity tho[ugh] it would be handsome in them but if they refused did not nor did he mean to say that he sh[oul]d conceive think it be a suff[icien]t gr[oun]d to oppose the Bill.

Bouverie was more determined, saying he expected the enclosure to be free of any expen^e, but at least to be free of the Commissioners' fees and legal costs, and

that if this was not agreed to, sh^d most certainly oppose it on the gro^d of not having had sufft notice.

Gunning was more complacent: he expected free fencing but would not oppose the Bill and would support it in Committee. Sir Charles Cave was Rector of one of Sir William Dolben's livings and made it clear he would act with his Patron.¹ Two other trustees of Herbert's Charity seem to have signed the Bill without raising objections. But not all trustees of all boards were applied to, and for some it must have been difficult to get a majority to sign in favour. The trustees of Savage's Close numbered eleven, of whom eight opposed the enclosure by signing the Petition against it.² Early in 1803 the trustees requested a ring fence to be put around one charity estate at the expence of the proprietors.

1. NRO ZA892 in X3872, Accounts of Thomas Heydon, Monday 14th March and Wednesday 16th March 1803.

2. NRO ZA892 in X3872, Accounts of Thomas Heydon, March 28th 1803, Sir George Robinson of Dallington and Mr Isted of Northampton signed for Herbert's Charity. William Dickens signed for Savage's Close on March 25th 1803, although he raised objection about the neglect of two other charities - Dryden's and Middleton's, March 8th 1803 - and asked if the proprietors intended to "give the Charity the Benefit of the Inclosure without Expence". John English Dolben and Mr Cockayne of Rushton were applied to as Trustees of Scott's, Smith's and Bell Acres Charity land on March 28th 1803 - there were eight other trustees, mostly enclosers themselves, H(BL)816, "Burton, Proprs".

Table 5.11 Publicly owned Land in Burton Latimer before and after Enclosure

Name	Acres	
	before enclosure	allotted in Award
Wold	800	72.8
Herbert's Charity	100	70
Northampton Poor's Estate	100	37.8/
	(+ 3-4a closes)	
Burton Latimer Poor Estate	40	40*
Scot's Charity	30*	--
	(+ 2 closes)	
Smith's Charity	10*	--
Bell Acres Charity	4	2.5
Savage's Close	5	--
Town Headlands	8*	--
Church Estate	10	10
Wellingborough School land	10	9.3
Meeting House	15	9
	(+ 2a in closes)	
Pinner's Piece	2	--
Parish Clerk's land	1.3	0.5
Totals	1141	211

* may have been consolidated into the Burton Latimer Poor's Estate (a common practice at enclosure).
 / assuming it formed part of William King's estate in 1808.

Source: NRO H(BL)813, "Burton State of Property", n.d. (eve of enclosure, compiled for Joseph Harper); ZA891 in X3872 n.d. (mid-enclosure, Surveyor's calculations); H(BL)816, "Burton Proprs", n.d. (eve of enclosure, compiled for Joseph Harper; YZ4594, Burton Latimer Enclosure Award, 1803. Book L, pp.311-13, Enrolled Enclosure Awards, Burton Latimer, 1804. All calculations assume one yardland equals 20 acres (ZA891 in X3872).

In March William Dickens, a trustee for Savage's Close, wrote to Marshall to remind him of two other charities and to ask if the proprietors would enclose the charity land without charge. And in April, as the bill was going through Parliament, Heydon wrote to Marshall asking "Do you hear of any point being made for the Northampton Charity being inclosed at the public Expence?"¹ But Dolben's amendment exempting the Charity lands of all costs was dismissed, with the result that half of the various boards of Trustees sold land to cover the expense of enclosure.² Some, including the Trustees of the Northampton Poor's Estate, seem to have sold everything.

On the issue of the rights of the poor the petitioners against enclosure were more emphatic. They opposed the bill in part

1. NRO ZA891 in X3892, February 25th 1803; ZA892 in X3872, March 8th 1803; and Heydon to Marshall April 24th 1803.

2. The trustees of Herbert's Charity land sold land to Joseph Harper, Thomas Coleman, William Miller, Rev. William Hanbury, and the Trustees of Burton Latimer Poor's Estate. The total amount sold before the Award was 20-2-3 or 20% of the estate. The Burton Latimer Poor's Estate land was reduced by some 6-3-39; Bell Acres, the Church Estate, and the Meeting House land were all partly sold for enclosure costs. NRO YZ4594, Burton Latimer enclosure Award, 1803. Book L, pp. 311-13, Enrolled Enclosure Awards, Burton Latimer, 1804.

because it will take away from the poor a Wold or Common of nearly 800 acres which provides them with fuel and sustenance for their Cattle and for which there is no probability that an adequate compensation will be made to them.

They asked that the bill should not become law unless the wold was left open. The wold provided pasture for cattle, browse for winter fodder, and fuel for fires. Right to the common was not attached to land but to residence in the parish as a "Housedweller": Thomas Daniels had lived in Burton most of his life and had

stocked the Wolds with one, 2 or 3 Cows as he thought proper without any Interruption as did every House Dweller who co[ul]d get a cow.

The impropiator himself recognized the right when he supported the claim made by the Churchwardens and Overseers for the "right of Common for Cows and cutting of Furz for fuel on the Wold" on behalf of the "poor Inhabitants" of the parish.² Additional common pasture could be bought for the sum of 4s every year when the harvest was over. Henry Eady, an owner-occupier who opposed enclosure, had lived 60 of his 80 years in the parish and told the Commissioners that "every House Dweller" who kept a cow could pay 4s for this common or could have it free if he owned a cottage. Thomas

1. NRO H(BL)806, "Petition against the Inclosure of Burton Latimer, 1803"; HCJ April 25th 1803, pp. 350-1

2. NRO ZA891 in X3872, Claims made at enclosure, 1803.

Daniels told them the same, saying he paid "4s formerly and lately 2s per head to the Fieldsman for going into the fields after harvest".¹ Inhabitant-commoners who owned or rented little or no land were variously called house dwellers, poor inhabitants, pot-wobblers and paupers.² At the very least they could common a cow on the Wold free and for a couple of shillings they could feed it on the corn stubble. Even the Reverend Sir Charles Cave of Finedon claimed the right to common without stint upon the Wold, calling it a "garden right".³ Cottagers, in contrast, owned a cottage to which common right was attached - usually for a horse, a cow and ten sheep. Cottagers used the Wold, and put beasts into the harvested fields without paying the fee.⁴

Most of the cottages in Burton Latimer were owned by landlords and absentee landowners by 1803, so most of them must have been let - only four were occupied by their

1. NRO ZA891 in X3872, especially Claims of Francis and John Robinson, and Joseph Wood, Trustees of the Meeting House. John Harper bought the right to common a cow and five sheep for a season from Thomas Davields in 1773 for 10s, this was part of Daniel's cottage common right. H(BL)649, Account Book, 1774-90.

2. NRO ZA892 in X3872, Thomas Heydon to Thomas Marshall, Esq., solicitor, Kettering, April 26th 1803; Heydon called them pot-wobblers (householders and tenants of houses). H(BL)808, John Tomes to Joseph Harper, Esq., Chilvers Coton, May 17th 1803; Tomes called the petitioners against enclosure "all the Paupers in the parish and a few ffreeholders".

3. NRO ZA891 in X3872, July 29th 1803; Cave's patron was Sir William Dolben.

4. NRO ZA891 in X3872, Hoseph Harper, Francis Robinson, Robert Capps and others made this claim for cottage common rights.

owners.¹ Three of the cottage owners signed the Petition against the enclosure, and some of the Trustees of Herbert's Charity and of the Meeting House, who also held cottages, made objection to the nature of the Bill. But opposition from the cottagers was not feared by the enclosers; they recognized the commoners and cottage-tenants were the principal source of opposition. And they relied on the Reverend Hanbury (who owned three cottages) to bring his influence to bear on the other owners to ignore the claims of tenants.²

Despite the appearance of Dolben to oppose the bill, and the petition itself with its 78 signatures representing almost half a parish, the enclosure went ahead and the Award was made in 1803 and enrolled in the following year.³

1. NRO H(BL)812, 813, 816, Lists of proprietors of land in Burton Latimer drawn up for Joseph Harper, Esq. ZA891 in X3872, Claims made at the enclosure, 1803. The claims are substantiated in Harper's lists. The occupying owners were Robert Capps, Joseph Sudborough, Francis Robinson, and Samuel Wright. Three owners were clerics - Rev. William Hanbury (3 cottages), Rev. Samuel Barwick (2), and Rev. Shaw King (1). Four others lived outside the parish - Thomas Partridge and Joseph Robinson (Wellingborough, 2 and 1), Mrs. Eleanor Benford (Kettering, 1), and Joseph Harper (Chilvers Coton 1). The Trustees of Herbert's Charity, the Meeting House, and Bell Acres each held one. (apps, Sadborough and Robinson opposed the bill.

2. NRO, ZA891 in X3872, March 24th 1803; ZA892 in X3872, Heydon to Marshall, n.d., before April 26th 1803; H(BL)813, "Burton Statmt of Property". Hanbury claimed only 3 cottages but was listed by Harper's agents as being the owner of 5; see also H(BL)812 "Burton Inclosure - State of Property - Proprs - Old Inclosures - Open Field Lands - For-Vs. Neuter".

3. If each of the 78 petitioners was a householder with a family size of about 4.5 the total number of persons they represented would have been 351 in a population of 669, 1801 Census, p. 247. The proportion would then amount to 52%, but this is probably too generous - hence "almost half a parish". The Award was enrolled in September 1804, NRO Book L, Enrolled Enclosure Awards, Burton Latimer.

The petitioners against enclosure

Two-thirds of the 78 commoners who petitioned Parliament to stop the enclosure appear not to have owned, rented, or let any land.¹ It is this group which received least consideration at the time, and about which least is known now. Some of them can be traced and partially identified through militia lists for 1777, 1781, and the year of the enclosure, 1803.² Of a total of 23, 4 were tradesmen or artisans (a blacksmith, mason, carpenter and cordwainer), and five were outworkers (weavers). Another 4 were described as servants (probably agricultural), 6 were labourers, and 1 was a shepherd.³ The remaining 3 for whom occupations are known were described simply as

1. NRO LTA Burton Latimer, 1803. H(BL)813 "Statement of Property" n.d., probably 1803. The exact figure is 53. Some may have held very small amounts of land: see Appendix, "Escaping the tax."

2. NRO Militia lists, Huxloe Hundred, Burton Latimer, 1777, 1781. Army of Reserve, Kettering Division, Burton Latimer, List of Men and Occupations, 1803, X281/3. A shortcoming is that quarter-century between the militia lists and the petition of 1803. See next note.

3. Militia and reserve lists cited above; NRO LTA Burton Latimer, 1803; H(BL)813 "Statement of property" (probably 1803. On the 1777 list appear Richard Croxen, Samuel Fox, John Burnaby, William Nutt, Thos. Bellamy (farmer; 1781 labourer), John Daniels (labourer; also 1781 servant), Charles Hodson (servant; also 1781 labourer), Jos. Miller (also 1781), Samuel Smith (also 1781), John Timpson (also 1781) Fraser Toulton (also 1781). On the 1781 list only appear John Ball, David Chamber, William Croxen, James Dickenson, Edey Langley, Thomas Shipley, John Styles, Thomas Vorley. Four men are listed as housekeepers on the 1803 list: James Mee, Wm. Mitchell, Joseph Payne, and William Butlin. The last was also a shepherd: H(BL)656 "Account Book 1790-1800." Occupations differ on two lists only for Bellamy, Daniels, Hodson, and only in Bellamy's case is the change significant.

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'housekeeper'--that is, cottager.¹ Unfortunately the occupations of the younger landless petitioners (30 men under the age of 39) cannot be determined because of deficiencies in the militia lists.² Such younger men, with families, would be those most harmed by the extinction of common right. The overall age distribution of landless petitioners who have been identified (all men) was 34 between the ages of 18 and 45, and another 19 between 40 and 71 years of age.³

Of the 25 petitioners who owned and/or rented some land, we know the occupations of 19. Six were artisans or tradesmen (carpenter, butcher, miller, victualler, two wheelwrights), one was an outworker (weaver), five were farmers, and there was one shepherd, a "proprietor and occupier", a labourer, a lodger, a "housekeeper" or

1. The term "housekeeper" is taken to mean that the man so called owned or rented a house or cottage - a dwelling of some value but not greater than a tradesman's or as good as a farmer's. The OED suggests the meaning "householder" quoting H. Martineau, Brooke Farm, 1833, II, 21, "A piece of land will be given to every house-keeper in return for his right of common" - that is, a common-right cottager.

2. Huxloe Hundred militia lists end in 1781.

3. A man whose name appeared only in 1777 and not in 1781 must have been in his mid-60s by 1803, for he would have been over 45 (upper age for the militia) in 1781. Those appearing on the 1781 list (between 18 and 45 years at the time) would be aged from 40 to 65 or so in 1803. Men found on the list of the Army of Reserve would have been between 18 and 45 in 1803, but probably no older than 39 because they escaped the 1781 Militia list. For the Army of Reserve see Sir John Fortescue, The army and the county lieutenancies, 1908, chapter 1.

cottager, and two servants.¹ Two thirds of these men owned land, and all of them worked land. But to the enclosers they were described as just a few freeholders, and classed with the "Paupers" who also opposed the enclosure. Joseph Harper left half of them off his list of proprietors.²

The petitioners against the enclosure therefore tended to be farmers, tradesmen and artisans who held land, and weavers, servants and labourers who apparently did not. The opponents of the enclosure thus do not seem to have been men engaged primarily in agriculture. Agricultural and non-agricultural occupations were about equally represented among both the landed and landless. It is possible, however, that some (perhaps many) of the 53 petitioners who do not appear on the land tax actually owned or rented land before the enclosure. Owners and tenants of land worth less than 20s a year in rent were exempt payment of the land tax after 1797.³ If rents were low, plots of up to two acres may have been held without taxation. Tenants of such holdings will never be traced, and some of the "landless" petitioners against the enclosure of Burton Latimer may be among them. Owners of such plots may be identified from the Award, but many would have sold out before it was made. Nathaniel

1. NRO LTA Burton Latimer, 1803. H(BL)813 "Statement of Property", n.d. probably 1803. Militia Lists, Huxloe Hundred, Burton Latimer, 1777, 1781 X381/3, Army of Reserve, Kettering Division, Burton Latimer, List of Men and Occupations, 1803.

2. NRO H(BL)812, "Burton Inclosure - State of Property. Proprs - Old Inclosures - Open Field Lands - For Vs. Neuter".

3. 38 Geo.III c.5; and see below, Appendix A, "Escaping the tax".

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Daniels, once a weaver, an owner of half a rood of old-enclosed land, did not pay tax on his land and sold it in 1803 before the Award was complete.¹ There may have been others who sold out to settle their tithe payment, or avoid the cost of fencing and draining, or because the unit was useless without commons, or for any number of reasons.²

Several owners of old enclosures, closes of no more than a rood or two, also suffered from the loss of the wold because they used its unstinted acres for rough pasture too. Five men owned no more than these closes in 1803 and two of them signed the Petition against the enclosure. In any parish like Burton Latimer where an unstinted common was open to the inhabitants, owners of old enclosures were badly affected by its loss at enclosure.³

The 800 acres of wold were compensated with about 73 acres situated in the same place. Whatever rents this land brought in were to be applied to the relief of the poor at the discretion of the Rector and the Churchwardens. House-dwellers and cottagers had accurately predicted that no

1. NRO LTA 1803; H(BL)813 "Statement of Property", unfortunately this source is incomplete. Militia List, 1777, Burton Latimer.

2. See above, West Haddon, p.

3. NRO H(BL)813 "Burton State of Property", n.d. [1803] George Braybrooke owned 3r; Thomas Vorley, 2r; John Neal, 1/2r; Nathaniel Daniel, 1/2r; and Benjamin Ireland, 1r. Thomas Vorley and Nathaniel Daniel signed the Petition, H(BL)806 "Petition against the Inclosure of Burton Latimer, 1803".

adequate compensation would be made to them. Nor did the Commons' Journal record their opposition for it listed only the total sum of land owned by opponents of the Bill. The opposition of 57 commoners who were at most the smallest of smallholders, and of 8 tenants who owned no land worth taxation, was not noticed by Parliament.¹

Owner occupiers, tenants, and opposition to enclosure

Most owner occupiers signed the Petition against enclosure in Burton Latimer, as did one-third of all the tenants. Of the owner-occupiers 13 of the 18 whose opinion was recorded signed the Petition, and 5 were identified as supporters of the Bill by Joseph Harper's agents. Opposition was evenly spread through the range of owner-occupiers. Most owned less than 25 acres, and many held less than 10, but all the most substantial bona fide owner occupiers opposed the enclosure. Table 5.12 sets out the structure of owner - occupancy and opposition to enclosure in the year of the Award, 1803, just before the land was re-allotted.

Of the five owner-occupiers who supported the Bill, two were principally landlords (Harper, the Lord of the Manor and the Rector.) A third (Henry Robinson, Junior) rented much more land than he owned, being principally one of Harper's tenants.

1. H CJ May 16th 1803.

Table 5.12

Burton Latimer Owner Occupiers in 1803:
size of holdings

Acres	0-5	5-10	10-25	25-50	50-100	Unknown
<u>All</u> <u>owner</u> <u>occupiers</u>	7	6	3	2	1	3
<u>Petitioners</u> <u>against</u> <u>enclosure</u>	5	4	1	1	1	1
<u>Supporters</u> <u>of</u> <u>enclosure</u> <u>Bill</u>	0	2	1	0	0	2

Source: NRO LTA Burton Latimer, 1803. H(BL)806 "Petition against the Inclosure of Burton Latimer, 1803". H(BL)812, "Burton Inclosure - State of Property - Proper - Old Inclosures - Open Field Lands - For Vs. Neuter", this source incorrectly identified several Petitioners as supporters of the enclosure; this may be true of its labelling of three more owners as supporters - Thomas Hughes, Henry Robinson Jr., and John Hughes.

Table 5.13 shows that five years later 7 of the 22 owner-occupiers no longer owned or rented land. Another 6 owned less than they had in 1803, the year of the Award. Fewer than half of the owner occupiers had held onto their estates or improved them. Henry Robinson, Junior, no longer farmed any of the land he owned, but he had increased the amount of land he rented to 207 acres.

Table 5.13 Changes in owner-occupiers' holdings, Burton Latimer, 1803-8

Acreage Owned	Opponents of enclosure Land after enclosure					Other owner-occupiers Land after enclosure				
	Number	Gone	Less	Same	More	Number	Gone	Less	Same	More
0- 10	10	5	3	1	1	5 [/]	2	1		2
11- 25	0					1 [/]		1		
26- 50	1				1	1		1		
51-100	1				1	0				
Unknown	1*					2 [#]				
Totals	13	5	3	1	3	9	2	3	0	2

[/] includes one owner-occupier who rented additional land.

* part owned and part rented 140 acres in 1803; owned 51 acres in 1808.

[#] tax paid by the Rector and Lord of the Manor is not specified in the 1803 return.

Source: NRO LTA Burton Latimer, 1803, 1808; H(BL)806, "Petition against the Inclosure of Burton Latimer, 1803".

Owner occupancy and tenancy were virtually separate states in Burton Latimer on the eve of enclosure. Only 4 of the 22 owner-occupiers rented additional land from other landowners.¹ However, 5 of the 22 tenants owned very small plots of land in 1803 for which they received allotments at the making of the Award. None of these properties were

1. NRO LTA Burton Latimer, 1803. They were Mrs. Wood; Henry Robinson, Jr.; and George and John Robinson who rented their land from other Robinsons and who all opposed the enclosure, H(BL)806 "Petition against the Inclosure of Burton Latimer, 1803".

taxed before enclosure, although all but one were taxed in 1808 - the exception was a holding of 6-1-2 belonging to William Miller, Junior which may have been sold soon after enclosure.¹ On the whole these properties were too small to justify calling these tenants bona fide owner-occupiers; and they rented far more than they owned.

8 of the 22 tenants signed the Petition against the enclosure in 1803. Half of these tenant-petitioners worked less than 10 acres of land; the rest farmed between 14 and 38 acres each; and one (Thomas Burnaby) was the principal tenant of the glebe land. But they were small tenants on the whole: none of the 5 who rented middling-size farms (50-150 acres) signed the petition against enclosure.

Table 5.14 Burton Latimer tenants in 1803: size of holdings

Acres	0-5	5-10	10-25	25-50	50-100	100-150	150-200
<u>All tenants</u>	8	1	3	1	3	2	1
<u>Tenant-petitioners against enclosure</u>	3	1	2	1			1

Source: NRO LTA Burton Latimer, 1803; H(BL)806 "Petition against the Inclosure of Burton Latimer, 1803".

1. NRO YZ4594 Burton Latimer Inclosure Award, 1803. They were William Miller, Jr. (6-1-2); William Miller, Sr. (1a) - the former bought from Kettering Charity, the latter from Kettering Rectory; Robert Capps (2-1-27); Samuel Wright (2-2-0); and Thomas Eady (3-2-2). All of these men (with the exception of William Miller, Jr.) were listed by Harper's agent as owning small plots before the enclosure, H(BL)813, n.d., probably 1803.

Table 5.15 shows how the enclosure affected these tenants. By 1808 - five years after the Award - almost half of them no longer rented land; a third rented smaller estates than in 1803; only 4 tenants rented more land than before, and all of them were tenants of the larger estates.

Table 5.15 Changes in tenants' holdings, Burton Latimer, 1803-8

Rented Acreage	Number	Opponents of enclosure Land after enclosure				Number	Other tenants Land after enclosure			
		Gone	Less	Same	More		Gone	Less	Same	More
0- 10	4	2	2			6	4	2		
11- 25	2		2			1	1			
26- 50	1				1	0				
51-100	0					3	2	1		
100 plus	1				1	3		1		2
unknown	0					3/				
Totals	8	2	4	0	2	16	7	4	0	2

/ amounts of land not listed individually in 1803 (all tenants of Joseph Harper).

Source: NRO LTA Burton Latimer, 1803, 1808; H(BL)806, "Petition against the Inclosure of Burton Latimer, 1803".

Most of the owner-occupiers, and many of the smaller tenants, signed the Petition against the enclosure at Burton Latimer. Five years later, a third of the owner-occupiers and a half of the tenants no longer worked taxable land.

Two-thirds of each group had either lost their land altogether, or rented and owned less than they had on the eve of enclosure. Only the more substantial owner-occupiers and the tenants of larger estates had improved their acreage - and they tended to be the supporters of the enclosure. Everyone had lost the use of the 800-acre Wold.

Despite differences of region and enclosure period smallholder commoners in Burton Latimer and West Haddon shared the same dependence on common right and the same loss of both rights and land at enclosure.

In West Haddon small freeholders, tenants, and tradesmen and artisan-commoners organized both a parliamentary and an illegal opposition to enclosure. In Burton Latimer owner-occupiers, artisans, virtually landless labourers and the poor were supported and defended by a paternalist critic of enclosure. The following chapters discuss the wider boundaries of opposition to enclosure, and show that West Haddon and Burton Latimer commoners were not alone in their resistance, any more than they were in their loss of lands and common rights.¹

1. Similar proportions of sale of land were found in a survey of sixteen enclosing parishes between 1774 and 1814, see above Ch.4 "Commoners and enclosure: land".

Chapter 6

Enclosure Protest within the Law

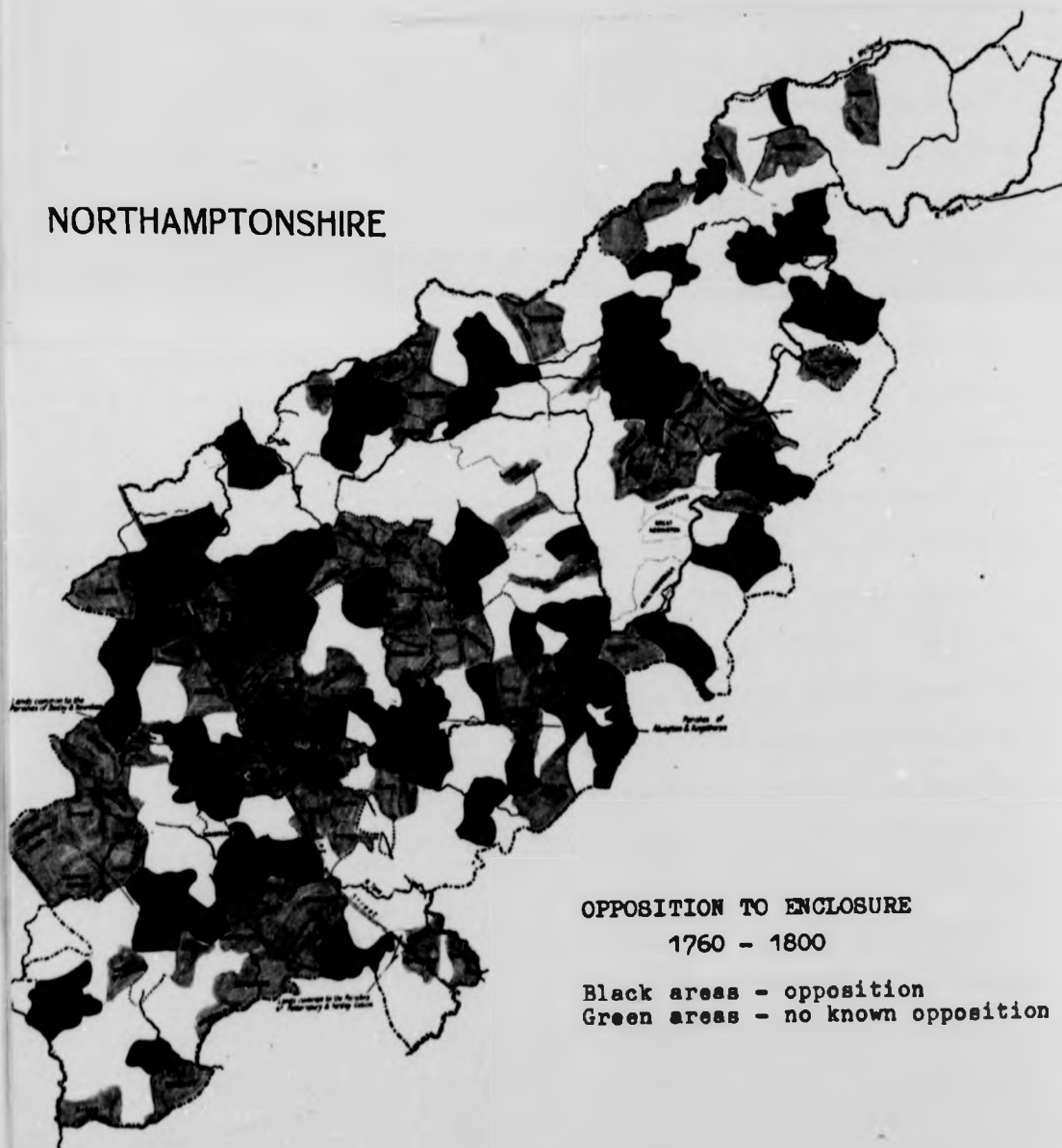
We are convinced that the Benefit, if any, arising from the Inclosure, will not be reciprocal, but entirely in Your Grace's Favour; and considering, the Amplitude of Your Possessions, It cannot be an Object worthy of Your Grace's Notice to endeavour to increase Your Grace's Income at the expence of so many necessitated Persons -

- NRO Mont.B., X350 Box 10, No. 26,
Petition to the Duke of Buccleuch
from small proprietors of land and
cottages in Brigstock, Stanion, and
Geddington.

In both West Haddon and Burton Latimer the enclosers spent time and money measuring the size of opposition before the Bills were taken to Parliament. Once there they were challenged by counter-petitions, and in West Haddon lawful protest was succeeded by riot. The opposition was not confined to these parishes; commoners all over the county fought against the loss of rights and the partitioning of land. Local petitions were presented to Lords of Manors and major landowners. Notices of intention to oppose the enclosure were advertised in the Northampton Mercury. Full-scale formal counter-petitions were sent to Parliament, and occasionally the committee stage in the Commons was attended by counsel briefed for the petitioners against the Bill. Finally, two out of every three Bills were objected to at the Report stage. Outside Parliament petitions gave way to riots or to clandestine malicious damage done to fences, gates and walls. The size of parliamentary opposition is easier to define than that of illegal or locally expressed opposition. But both were significantly large in Northamptonshire, contradicting E.C.K. Gonner's statement, "That discontent was so small and satisfaction so general is the greatest testimony which can be adduced as to the advantage of the change".¹ This chapter describes the considerable evidence of formal, legal opposition; criminal resistance, and the geographic and social distribution

1. E.C.K. Gonner, Common land and inclosure, 1912, 2nd ed., 1966, p. 82.

NORTHAMPTONSHIRE

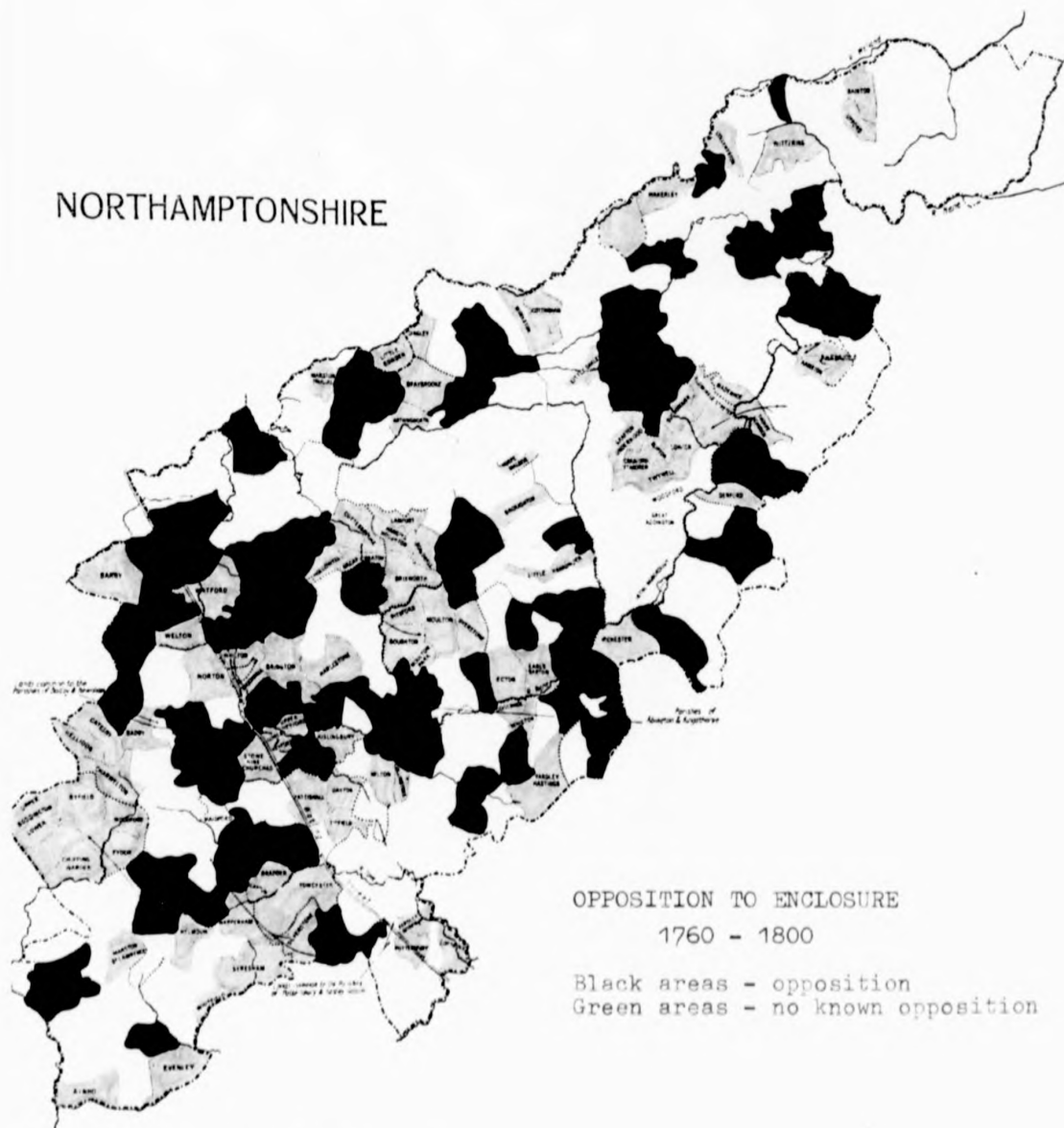


OPPOSITION TO ENCLOSURE
1760 - 1800

Black areas - opposition
Green areas - no known opposition

Source: Chapters 6, 7, passim.

NORTHAMPTONSHIRE



OPPOSITION TO ENCLOSURE

1760 - 1800

Black areas - opposition
Green areas - no known opposition

Source: Chapters 6, 7, passim.

of all protest, are discussed in Chapter 7.

Early local opposition

The length of time an Enclosure took stretched back before the introduction of the Bill into the Commons.¹ And so did opposition to enclosure. It could be felt at the outset, as it was in West Haddon where two Bills were withdrawn in their early stages before a third Bill was successful.² And in both West Haddon and Burton Latimer the enclosers had to canvass opinion carefully before going ahead. (This stage could be ignored in parishes like Overstone with few landowners, where one owner brought in his own Bill.³) To forestall opposition at this time some experts advised secrecy.⁴ But this tactic could misfire, as it did in Flore in 1777, when the enclosers failed to inform the resident proprietors of the plan to enclose. An advertisement published in the Northampton Mercury deplored the tardy production of a Notice to enclose, put up on the Church door "by some busy, Officious Person".

1. See Michael E. Turner, "The cost of parliamentary enclosure in Buckinghamshire", Agric. Hist. Rev., xxi(1973), p. 36.

2. See Chapter 5.

3. An Act of 1727 allowed the Lord of the Manor to make the enclosure; W. E. Tate, "The Commons' Journals as sources of information concerning the eighteenth-century enclosure movement", Economic Journal liv (1944) p. 79. Tate also cites the example of Laxton in Northamptonshire where Lord Carbury was the only petitioner for enclosure in 1772; p. 76.

4. Edward Laurence, The Complete Steward, 1761, pp. 170-1.

ENCLOSURE

1800

- opposition
- no known opposition

After it appeared, the proprietors living in the parish called a meeting at which they discovered that none of the local men had been approached, though some of the more distant owners had been. The proprietors warned that if the Bill went ahead they would enter "a Protest against inclosing the sd Field", perhaps in Parliament. This may have delayed the process of enclosure by leading to the amendment of the original Act of 1778 by another Act passed for Flore in 1779. The haste of the enclosers seems to have led to the doubled cost of another Act - a cost borne by all landowners of course, even those against the enclosure. Flore was enclosed without further evidence of opposition.¹

The enclosures of Brigstock (1794) and Wilbarston (1798) were petitioned against, not to Parliament, but to the Lord of the Manor. In Wilbarston 24 "Farmers Freeholders and Cottagers" begged Lord Sondes to "oppose and put a stop to a Bill for

1. NM October 13th, 20th 1777. C.A. Markham, ed., Acts of Parliament relating to Northamptonshire, (reprinted from Northamptonshire Notes and Queries p. 42. The Act was 19 Geo III c.4, "An Act to enlarge, explain, and amend the Powers given in and by an Act passed in the last session of Parliament intituled "An Act for dividing and inclosing the Open and Common Fields, Common Pastures, Common Meadows, other Commonable Lands and Grounds, of and within the Manor Parish, Liberties of Floore, otherwise Flower, in the County of Northampton" and for making the same more effectual for the Purposes therein mentioned". The inhabitants of Eaton Bray and Totternhoe in Bedfordshire also advertised their intention to oppose their enclosure, but, unlike the Flore villagers, they were successful; see below, Ch. 6,

inclosing" the parish; men at this level could petition Parliament less easily. They feared a rise in the poor rate as well as the loss of their own self-sufficiency if put to the expense of enclosure:

Your petitioners apprehend, and believe, the enclosure will be very hurtful, if not ruin some of them, by reason of the expence which will attend the same, and more particularly, such who have but small quantities of Land in the sd parish, which said small quantities, in the present situation, find Bread Corn for their several families.

In the 1790's such self-support was immensely valuable, providing a defence against the high price of bread. The poor had the "privilege to Cut Bushes and gather Clots upon a very large peice [sic] of Ground calld the Cow pasture".¹ According to the Award the "inhabitants" also had the right to pasture cattle in the open fields; inhabitants were defined, in this case, as occupiers of land worth less than £5 a year. They were compensated with a total of only 16s 1r 24p, free of enclosure costs.² Only three of the petitioners worked enough land to pay tax. Two of them rented a good part of their farms: Benjamin Humfrey (parish constable in 1781) owned 57 acres and rented another 31; Edward Platt (a victualler in 1781) rented

1. Rockingham Castle mss. B.7.55 (c. 1800), NRO photostat no. 752. It was approximately 500 acres in area; Report from HM Commissioners for inquiring into the State of the Poor Laws in England and Wales, 1834, Answers to Rural Questions, Vol. XXX. Northamptonshire evidence abstracted, NRO, YZ6325/1-4.

2. NRO, Abstracts of Enclosure Awards made by J.W. Anscomb, Vol. 2, Wilbarston.

the whole of his 120-acre holding. At the enclosure Humfrey had to pay £228 5s 7d as his share of the enclosure costs, a rate of £4 an acre. The third tax payer was John Eddings who owned 12 acres in 1803, after the enclosure.¹ The majority paid no tax on their holdings, and, presumably, worked very small plots, with the help of common pasture. In 1781 those who were eligible for the Militia included 8 of the 24 petitioners; at that time 3 were servants, 2 were weavers, and one was a carpenter and one a cordwainer. Only one was a farmer.² The petition was ignored by Soudes, the enclosure went ahead, and in the summer of 1799 the commoners tried to prevent the Commissioners and the surveyor staking out the "Plain", or common, and riot ensued.³

1. NRO LTA Wilbarston, 1798, 1799, 1803. Wilbarston Civil Parish Records, 1, "Wilbarston Inclosure Rate..."; Photo. 743, "Sums paid to the Commissioners for the Inclosure by the Proprietors".

2. NRO Militia lists, 1781, Wilbarston.

3. Annual Register, Chronicle, July 25th 1799. NRO Wilbarston Parish Chest, photostat no. 743, "The Account of Robert Edmonds, Robert Weston, and Thomas Eagle Gentleman Commissioners..." n.d., c. 1799. See also below, Chapter 7 for the riot. Whether enclosure was the cause or not, the poor rate did increase (as the petitioners had feared) immediately after the Award. In addition, population fell dramatically and had not recovered twenty years later.

Table 6.1 Wilbarston: Population and Poor Rate 1801-1831

	1801	1811	1821	1831
<u>Population</u>	755	599	697	681
	1803	1813		
<u>Poor Rate</u>	£ 825	£ 1062	£ 979	£ 607
<u>per capita</u>	£1 1s 10d	£1 15s 5d	£1 8s 11d	7s 9d

Source: Report from HM Commissioners for inquiring into the State of the Poor Laws in England and Wales, 1834; Answers to Rural Questions, Vol. XXX. [Northamptonshire evidence abstracted, NRO YZ 6325/1-4.]

Opposition to the enclosure of Geddington Chase, Farming Woods Walk, Brigstock and Stanion - all in Rockingham Forest - went on at the same time, and for some of the same reasons: high costs, loss of commons, enclosure's effect on the poor rates. The forest counter-petitioners presented two petitions to the Duke of Buccleuch who owned Geddington Chase, and possibly still another to the Earl of Upper Ossory, the owner of Farming Woods. These were preceded by meetings to discuss the enclosure plans, and followed by advertised Notices of an intention to oppose them in Parliament.¹ The first Petition in November 1792 was signed by 18 Brigstock men who called themselves "small Proprietors of Land and Cottages"; the second came 18 months later and was signed by 72 commoners from Stanion and Geddington as well as Brigstock. Commoners from all three parishes enjoyed substantial common rights in the Chase and the Woods.² They had not always been good neighbours, but enclosure was a threat to all their livelihoods, so the second Petition sent to Buccleuch naturally bore names from each place. The earlier petition set out the reasons for the commoners' opposition; the latter declared their intention to use all means to oppose enclosure. In tone, the loyal deference of the first was replaced with a rather desperate defiance in the second.

1. NRO Mont. B., X350 Box 10, No. 26, Petitions, November 30th 1792 and July 1794; also, letter from James Walker and Thomas Vicars, July 19th 1794, two petitioners who pleaded with Buccleuch to reconsider the enclosure.

2. See above Ch. 1 and Ch. 4.

The commoners assumed that the enclosure would change the agriculture of the forest from the mixed arable-pasture economy based on freely available wood commons to one of mainly pasture, using newly cleared woodland. The change would entail "a series of Time a deal of Trouble and Expence" and no matter how the proprietors might prosper employment would decline ("we see whole Lordships managed by a Shepherd or two and their Dogs") and prices must rise. The labouring poor would suffer first, and those who contributed now to their survival in winter would soon have to pay for their upkeep year in and year out. This task had been made more difficult already by the Duke's decision to keep the toll money from the three annual fairs himself instead of giving it (along with his yearly gift of bread) to the overseers for apprenticing out poor children.¹ Unemployment, higher prices, crippling poor rates, the eventual movement of population to the towns, and the cost and trouble of clearing the woodland would all result from the Duke's intention to enclose. The second Petition put this noble plan into perspective:

1. That poor rates would rise on enclosure was an opinion shared by Arthur Young who distinguished between enclosures after which the poor could still keep a cow in the parish and those after which they could not. In the latter parishes "poor rates have risen enormously". Arthur Young, "An inquiry into the propriety of applying wastes to the better maintenance and support of the poor: with instances of the great effects which have attended their acquisition of property in keeping them from the parish even in the present scarcity", Annals of Agriculture and Other Useful Arts, xxxvi (1800) p.545.

We are convinced that the Benefit, if any arising from the Inclosure, will not be reciprocal, but entirely in your Grace's Favour; and considering, the Amplitude of Your Possessions, it cannot be an Object worthy of Your Grace's Notice to endeavour to encrease Your Grace's Income at the expence of so many necessitated Persons -

If he reconsidered, they would ever pray for his health and happiness; if he did not, they would go to Parliament where their right of stocking the woods was "secured" by several Acts. But the enclosure went ahead.

Another local petition probably came from Staverton. The parliamentary record identified the opposition to the enclosure there as the owners of land worth £51-3-8 annually - about 5% of the total value of the parish. At the committee stage "No Person appeared before the Committee to oppose the Bill".¹ But this official statement ignored an extra-parliamentary plea from the small farmers and commoners: "If these Farms should be enclosed it would be impossible for the small farmers to live on their produce and about 60 families of poor day labourers would for the most part have to be relieved by the Parish".² The arguments are familiar, but there is no surviving evidence as to whom they were addressed.

1. HCJ 18th March 1774.

2. Reasons Humbly Offered Against the Bill for Inclosing and Dividing the Common Fields, within the Parish and Manor of Staverton, otherwise Staverton, in the County of Northampton, n.d. (18thC).

As in so many other cases, details of the popular opposition have been lost. At least in this case the survival of the pamphlet demonstrates the untrustworthiness of the parliamentary record.

The Brigstock petitioners to the Duke of Buccleuch had observed of his Grace that in "the exalted Situation" it had pleased God to place him "It is impossible Your Grace should know the extreme Distress many of the Poor with large Families are driven to - "¹ They could, however, expect him to listen to them because of his own connection with their parish. Moreover, common rights had been an issue earlier in the century, and at that time the owner of the Chase and the commoners had co-operated; and petitions for financial aid in defending one parish's claims against another had met with success.² Parliament was far less familiar with their situation. For such reasons a petition to landowners such as Sondes and Buccleuch may have been a familiar resort in the late eighteenth century. Certainly they were cheaper, and they may have been more successful than appeals to Parliament - they could hardly have been less.

1. NRO Mont. (B) X350 Box 10, No. 26, letter from James Walker and Thomas Vicars to the Duke of Buccleuch, July 19th 1794.

2. NRO Gowran of Upper Ossory collection, uncatalogued Petition April 13th 1739, asking for promised aid in paying for an earlier lawsuit between Brigstock and Great Weldon.

Parliamentary counter-petitions

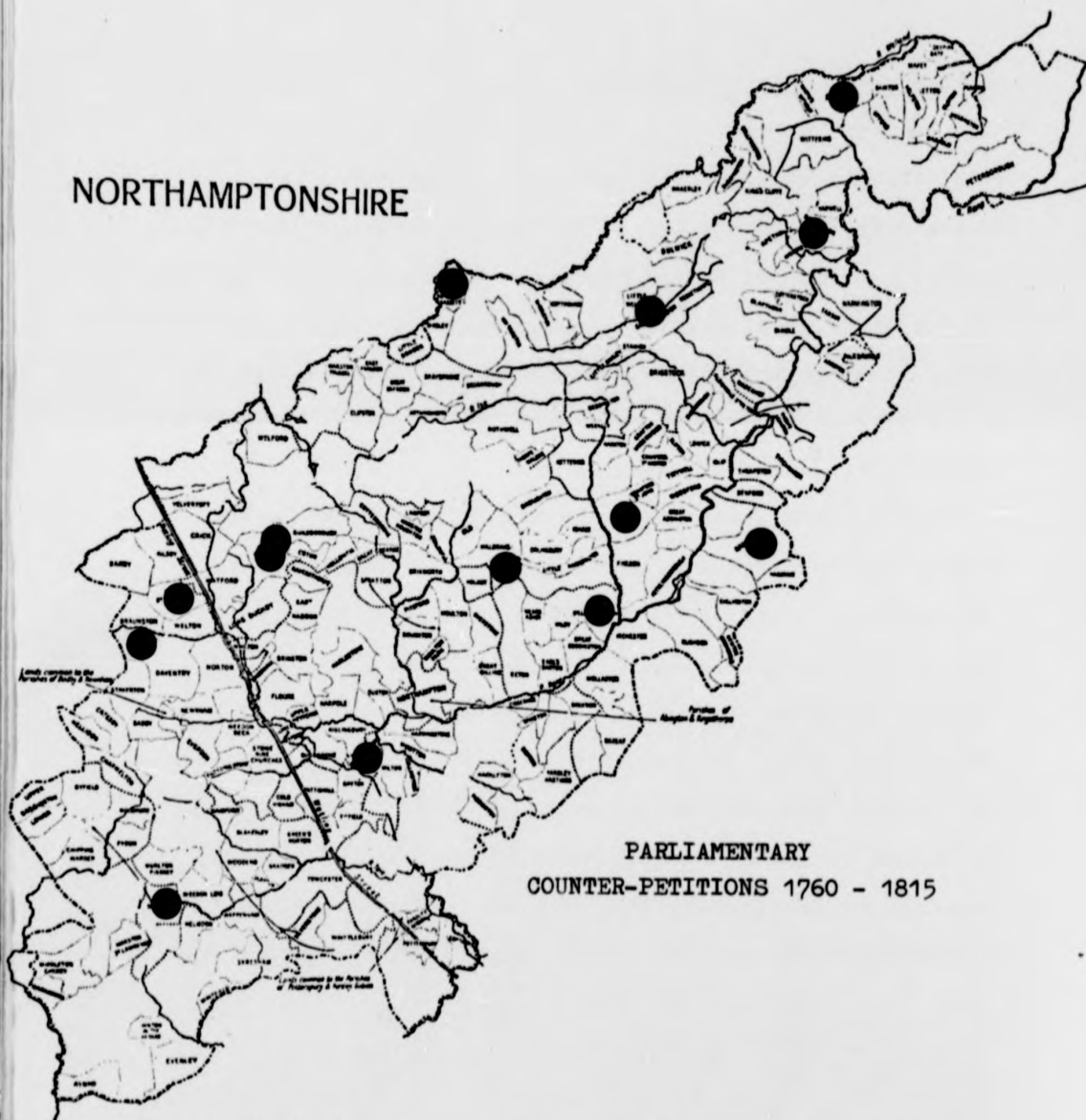
Attempts to prevent a bill ever coming before Parliament were followed by opposition using the means "that the Wisdom of the Legislature has laid down" as the Brigstock petitioners put it.¹ Opponents either presented formal Petitions against the enclosure, and appeared at the committee stage to present their arguments and amendments, or they refused to sign the Bill and their objections were recorded, briefly, at the Bill's ingrossing (the Report stage).

Petitions against enclosure brought to the House of Commons were in Northamptonshire, no less than in Nottinghamshire, the resort of the rich.² Opponents were usually the owners of land or businesses, and only occasionally do tenants and landless commoners appear as signatories - although the latter were often named as potential losers in the Petitions. The Reverend Richard Jones made this point at the hearings of the Select Committee on Commons Inclosure in 1844 when he was asked whether existing rights were not protected by the difficulty of passing a Bill without proper consideration of the opposition.

1. NRO, Mont. (B) X350 Box 10, No. 26, Petition to the Duke of Buccleuch, July 1794. See especially W.E. Tate, "Parliamentary counter-petitions during the enclosures of the eighteenth and nineteenth centuries", Eng. Hist. Rev. 11x(1944); and Sheila Lambert, Bills and Acts: legislative procedure in eighteenth century England, Cambridge, 1971, Ch. 7.

2. W.E. Tate, "Land enclosures in Nottinghamshire, 1748-1868", Thoroton Society Record Series, Vol. 5(1935).

NORTHAMPTONSHIRE

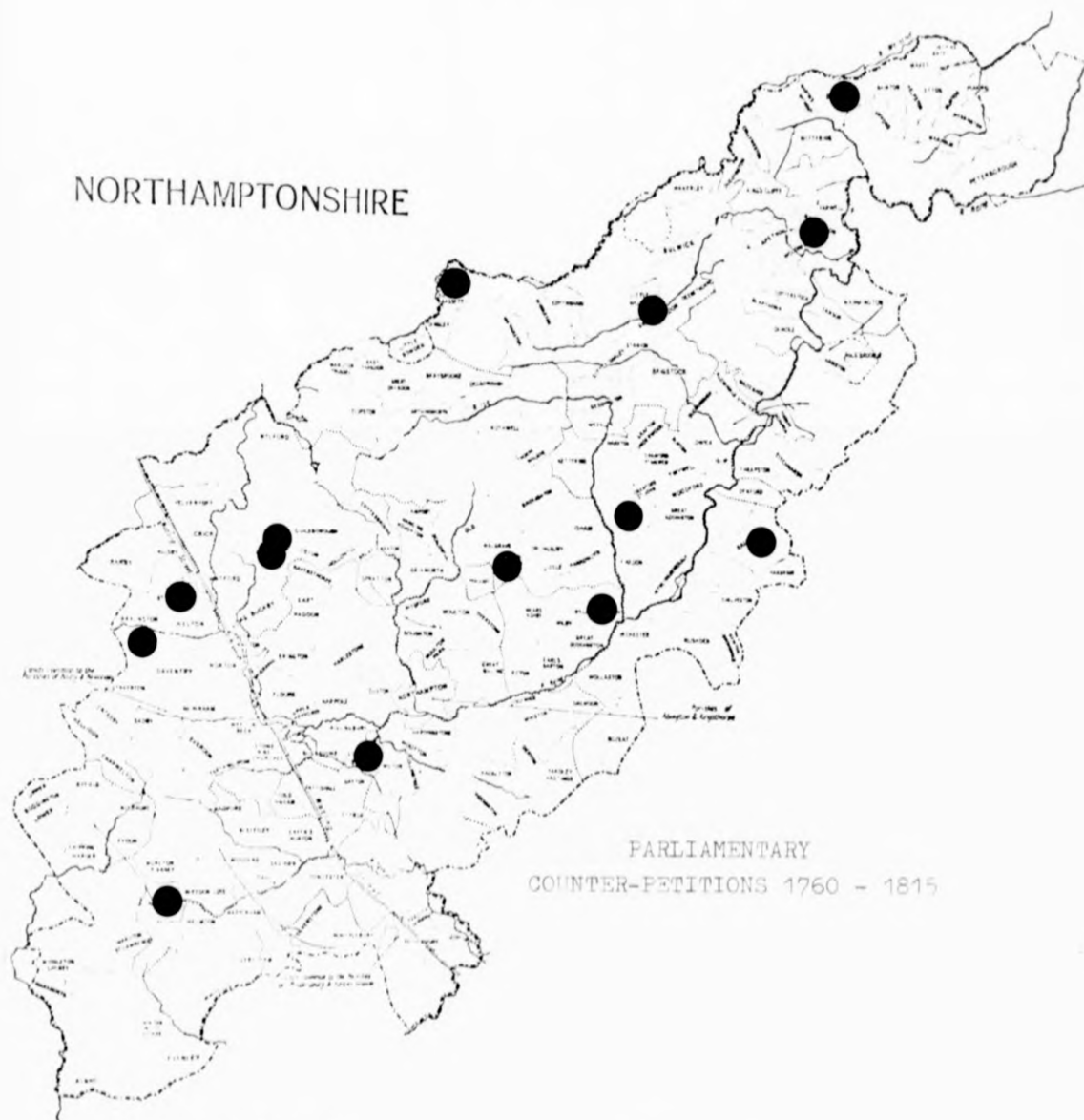


PARLIAMENTARY
COUNTER-PETITIONS 1760 - 1815

Source: see Table 6.2

SCALE
10 MILES

NORTHAMPTONSHIRE



PARLIAMENTARY
COUNTER-PETITIONS 1760 - 1815

Source: see Table 6.2

SCALE
0 1 2 MILES



TARY

S 1760 - 1815

"Not at all," he replied, "the people who appear against an Inclosure Bill in Parliament are not the poor people."¹

A few more counter-petitions were brought to Parliament from Northamptonshire than from Nottinghamshire. W.E. Tate found that 1 in 15 successful enclosures was opposed with a counter-petition in Nottinghamshire between 1743 and 1845. Over the period 1760-1815 in Northamptonshire 14 enclosures out of a total of 157 were petitioned against: a ratio of 1 in 11.² In the period 1760-1800 under discussion in this chapter, the ratio was 1 in 10.

1. Select Committee on Commons' Inclosure, 1844, Monday 1st July Vol. V (583) pp.1-99. Question 137.

2. W.E. Tate, "Parliamentary counter-petitions..." (1944), pp. 398-9. For the period 1760-1800 under discussion here Tate's ratio is one in sixteen.

Table 6.2 Northamptonshire Counter-Petitions Presented to the House of Commons, 1760-1815

Date of Act	Parish	Date Petition Presented
1760	Sulgrave	28.1.1760
1764	Ashby St. Ledgers	20.2.1764
1764	West Haddon	2.2.1761 5.3.1764
1765	Wellingborough	26.2.1765
1775	Braunston	20.2.1775
1779	Nassington, Yarwell and Apethorpe	2.12.1777
1792	Great and Little Weldon	17.4.1792
1797	Raunds	19.6.1797
1800	Barnack with Pilsgate	2.5.1800
1802	Hannington	27.5.1802
1802	Weston by Welland and Sutton Bassett	29.3.1802
1803	Burton Latimer	25.4.1803
1809	Rothersthorpe	18.5.1803 8.3.1809
1815	Cottingham and Middleton	29.3.1809 17.2.1815

Source: All dates refer to HCJ.

Counter-petitioners in Welton

Welton is an example of a parish where enclosers met with a counter-petition in Parliament, and it a case for which the evidence is unusually full. Lying on the western scarp, a few miles away from West Haddon, the parish may have been typical of four scarpland parishes where commoners presented counter-petitions - Staverton, Braunston, and West Haddon were the other three.¹ The commoners of the scarp area were among the most active in opposing enclosure in every way possible, and Welton was one of the earliest of these parishes to be enclosed.²

The Welton counter-petitioners of 1754 were owner-occupiers, and stated their case accordingly. But, because they were also tenants, they used the platform of the House of Commons to describe the opposition of tenants as well. Quite possibly their rented lands were economically more important to some of them than the property.³ Five men brought the counter-petition to the Commons - Thomas Gibbons, Thomas Green, George Arnold, Richard Atkins, and Thomas Haughton.

1. Opposition to enclosure Bills at the Report stage came from yet other scarpland parishes; Velvetoft, Crick, Kilsby and Long Buckby are examples. See below "Opposition at the Report stage in the commons".

2. See Chapter 7 below.

3. See Chapter 4 for the fate of the small tenantry on enclosure in a number of Northamptonshire parishes.

The first four

have only one Yardland and Half, and the sixth Part of a Yardland in their own right; two of them [Richard Atkins and Thomas Haughton] are joint Trustees with other Persons of two Yardland, and two-thirds of a Yardland belonging to the Poor of the Parish; but, besides this Land, and the Houses belonging to it, these Petitioners have five other Houses in the Town, which produce them more than eight Pounds a Year.¹

They argued that tenants and owner-occupiers enjoyed far more value from the land than did the landlords. This was principally because the common was open: "As this land lies in the open Fields" they explained,

it is less profitable to those Owners who let it to Tenants than it might be if inclosed; but those who occupy their own Land being Landlord and Tenant, now have the full Profit of it, and enjoy themselves that Difference which the Tenants to other Owners have the Benefit of.²

The majority of Welton farmers rented most of their land:

Table 6.3 Welton Farmers on the Eve of Enclosure

<u>Tenants</u>	<u>Owner-Occupiers</u>	<u>Tenant-owners</u>
20	4	6

Source: NRO Wel.26, Welton Tithe Book (1752-4)

Of the four who were owner-occupiers, three owned between 4 and 12 acres each, and one, Joseph Clarke (one of the two Clarkes who were the major landowners and landlords in the parish) kept 50 acres as a home farm.

1. NPL, The Case of the Petitioners against the Welton Common Bill (n.d.)

2. My emphasis.

Those owners who also rented land (and from whom the counter-petition came) rented a greater proportion than they owned. Several tenants who owned none of their land farmed about the same amount of land as those who owned a small part - there was little difference between them in terms of acreage and economy. But the petitioners did own houses as well as land; so their livings came from the ownership of small amounts of land, their renting of more land (including some public land) at low rents, and their letting of houses. The value of the rented land was described in the petition:

Although the yearly Rent of a Yardland is only eight Guineas, yet more than three Times that Sum is constantly made from it, one Year with another, from the Corn, Hay and Profit of the commonable Cattle.

The houses were let to open field labourers and produced, together, more than eight pounds a year, but

will soon produce them nothing at all, because the People who live in them, and pay Rent by the Wages of their Labour in the open Field, if it should be inclosed, will have nothing to do, and instead of being able to pay Rent, must be maintained by the Parish.

Table 6.4 shows the acreages owned and rented by the principal counter-petitioners.

Table 6.4 Counter-petitioners' acreages, Welton, 1752

Name	Own land	Rented land	Total holdings
Thomas Gibbons	17 ^{3/4}	42½	60½
Richard Atkins	5 ^{3/4}	34½	40½
Thomas Green	4	unknown	4a+
George Arnold	10½	unknown	10½+
Thomas Houghton	0	34½	34½

Source: NPL The Case of the Petitioners against the Welton Common Bill. NRO Wel. 26, Welton Tithe Book, "The Names of all ye Owners of Land at Welton, & their Tenants taken June the first 1752".

With the possible exception of George Arnold and Thomas Green (not listed in the 1752 Tithe Book, although described as owner-tenants in the Petition) all the counter-petitioners rented more land than they owned. Table 6.5 sets out the common rights they enjoyed on all their owned and rented land.

Table 6.5 Counter-petitioners' common rights (animals)
Welton, 1752

<u>Name</u>	<u>Cow Commons</u>	<u>Sheep Commons</u>		<u>Horse Commons</u>	
		winter	summer	midsummer	lammas
Thomas Gibbons	10	52	62	2-3	7-8
Richard Atkins	7	38-39	42	2	5
Thomas Green	(1)	(4)	(5)	(1)	(1)
George Arnold	(2)	(11)	(12)	(1)	(1 or 2)
Thomas Houghton	6	33	36	1-2	4-5
Totals	(28)	(143)	(157)	(8)	(19)

Source: NPL The Case of the Welton Petitioners against the Welton Common Bill. NRO Wel. 26, Welton Tithe Book, "The Names of all ye Owners of Land at Welton, & their Tenants taken June the first 1752". Bracketed numbers underestimate the actual number of common rights because only the land owned by Thomas Green and George Arnold is known, not their rented lands.

The commonable cattle were pastured over 6 or 7 yardlands (160 acres) of permanent common land and another 72 yardlands (over 2000 acres) of open fields. The open field land was thrown open to pasture variously at special times during the year, or every third year.¹ Thus the occupancy of quite small parcels of land gave substantial and valuable common rights over many more acres.

1. NRO Wel. 26, Welton Tithe Book. The commons were Corner Hill (50a), Church Hill (18½a), Courten Hill (18a), Thornhill (12a), Long Green Common, Green Close (16a) Redmoor (9a), Spittlemoor (7a), Long Holme (9a), Brockall's Close (7a), Lammas Close (4a), and Lyecroft (12a).

The nature of tenancy in Welton may have been one reason for the enclosure. Richard and Joseph Clarke were the major landowners and enclosers there, and half of the 26 Welton tenants rented their lands from them (and nearly all of these rented from the Clarkes alone).¹ The size of their farms was well spread between 36 acres and 132 acres. But several other substantial landlords let their land in much larger farms and dealt with only one or two tenants. None owned as much land as the Clarkes, but they had consolidated their holdings to a much greater degree. The Clarkes let land to nine in farms smaller than the average farm let by the other landlords, and only two of their tenants farmed more than 75 acres.

Table 6.6 Size of farms let by major landowners, Welton 1752

Acreage of farms	Let by Clarkes	Let by others
0 - 24	0	0
25 - 49	4	0
50 - 74	7	0
75 - 99	0	4
100 - 124	1	1
125 - 149	1	1
Totals	13	6

Source: NRO Wel.26, Welton Tithe Book 1752-4.

1. Richard Clarke of Nortoft figured in the contested enclosures of West Haddon and Guilsborough: See Chapter 5.

All the tenants who rented from large landlords and also owned some land of their own were tenants of the Clarkes; other tenant-owners rented from the trustees of the town lands and a variety of small lessors:

Table 6.7 Size of farms let by smaller landlords, Welton 1752

Acreage of farms	No. of farms	Landlord
Under 25	5	Vestry Widow Bliss Mrs. Sandford Dr. Lucas (2)
25 - 49	3	Vestry (2) Christ Church College

Source: NRO Wel. 26, Welton Tithe Book.

The tenant petitioners against enclosure rented the smaller farms let by the Clarkes, and rented the Town Lands in addition. They stood to lose the advantages of both after enclosure and consolidation.

The petitioners were tenants as much as they were owner-occupiers, but could petition the House of Commons only as the latter. As such they stated plainly that the cost of enclosure was too high and the compensation to the impropriator too generous. Firstly, they would lose land in absolute terms, and only three of the five could afford to mortgage what would be left.

Nor could they find enough money to clear their roads or maintain any new poor. Secondly, the impropiator would gain one acre in seven in lieu of tithe instead of the one in ten that was his due.¹ His awarded acreage would be 250 acres, instead of only 143 acres or one-seventh of the ploughed land. The vicar was also to be over-compensated:

The Vicar's present Interest is twenty-one Pound twelve Shillings a Year, for which he is to have a Piece of Ground worth forty-four Pounds a Year, to be inclosed for him, and to be exempt from the Charges of the Bill and Inclosure, which are to be paid by all the other Owners.²

The hatred of this compensation surfaced again when the Bill moved through the Committee stage in the Commons.

Small owners and tenants as they were, their Case... shows such men's fears of an increased population of needy poor. Open fields provided work and other help for families who neither owned nor rented land. In Welton the petition numbered "seventy Families" who depended on the "Cultivation of this open Field", and there were many others who "receive Considerable Helps from it". The meticulously kept tithe book of the 1750's polled these families and their dues: it shows that in 1754

1. NPL The Case of the Petitioners against the Welton Common Bill. This proportion was worked out on the value of tithe and the value of the yearly crop of corn, "The yearly Crop of Corn upon a Yardland, sold on the Ground subject to the Tythe, is generally worth twelve Pounds; the Value of the Tythe is rented at thirty Shillings a Yardland, which is exactly a seventh Part."

2. NPL The Case of the Petitioners against the Welton Common Bill.

there were exactly 70 cottagers who paid tithe at St. Martin and who may correspond with the "seventy Families" mentioned in the petition. A variety of sources of income sustained them including weaving, seasonal agricultural labour, and rights to furze from the common and the gleaning of corn after harvest: all but weaving were thought to be jeopardised by enclosure. Another twelve men owned nineteen cottage commons in the open field - though only six of them occupied land as well.¹

The petitioners did not succeed in preventing enclosure, although they caused some trouble. In a letter written to his brother while the Commons debated the Bill in February 1754, Joseph Clarke paid them the tribute of a post-script, "Our enemies," he wrote, "are very subtle and vigilant". Their vigilance was not equal however to the power of "Mr. Compton, Mr. Knightley and others Lord Winchilsea....and Lord Northampton" who saw the Bill through Parliament. (In case they were not influential enough, Joseph Clarke urged his brother to greater intercession at the end of his letter, "If you have any interest with Lord Halifax," he wrote, "now is the time to make use of it-".)

1. NRO Wel. 26. The six were Thomas Burroughs, William Jackson, Thomas Gibbs, Thomas Marriott, John Ringrose and Robert Warwick. Only John Ringrose appeared on the 1777 Militia List for Welton; he was a weaver. The 13 other commons were used by tenants on the whole, although Isaac Ashley, Esq. owned one and Richard Clarke, Esq., two. Three of the four men remaining (John Dunkley, William Cockerill, Thomas Boyes) owned land as well as renting 2 or 3 yardlands each. The fourth, Christopher Fellows, held only his own half yardland.

The petitioners must have thought the fight was lost when (although threatening to go to the Lords) one of them offered to drop the petition if "Gibbons Green and Atkins shall have their shares inclosed for them just as ye Vicars to have his without any expence". But they stood no chance ("Its what I cant agree to," Clarke wrote) and they may have made the offer as a taunt, knowing that a rebuff would come.¹

Consolidation of land went ahead directly after the enclosure in 1754. Richard Clarke and the impropiator, Samuel Adams, agreed that Adams' 250 acres granted in lieu of tithe should be let to Clarke for 21 years at the rent of £160 a year. So the largest estates in Welton began to coalesce. The Clarkes now owned 45 yardlands or 60% of the parish; Adams owned another 12 yardlands. Together they owned two thirds of the parish. In agreeing to lease his land to Richard Clarke, Adams contracted to pay the costs of fencing such parts as he had to fence within 18 months. But all the agricultural decisions were left to Clarke. He would lay out the meadows (in pieces no smaller then 27 acres) as he saw fit. He too would sub-let the land, or part of it, to whomever he thought proper.² His rent per yardland was set at £36 (£1-11-0 an acre).

1. NRO Topographical Notes, Welton. Joseph Clarke to Richard Clarke of Nortoft, February 10th 1754, a copy made by the Record Office, the original having disappeared.

2. NRO X5438 Agreement of Samuel Adams and Richard Clarke, July 20th 1754.

Prior to enclosure rents were usually £8-8-0 per yardland - less than one quarter the new level.¹ The new rent may have been even higher if Clarke's intention was to sub-let.² Little wonder small owner-tenants worried.

Counter-petitioners and the difficulties of counter-petitioning

Counter petitions were evenly distributed throughout the period from 1760 to 1800, although fewer appeared in the 1770's than one might expect from the number of Acts passed then.³

The Journal's record was usually brief; the names of commoners and other counter-petitioners were nearly always ignored. (Welton counter-petitioners and their case against enclosure can be described because the petition survives in its printed form.)⁴

1. NRO Wel.26, Welton Tithe Book. The counter-petition confirmed this.

2. The long lease of 21 years may have contributed to the high rent, also the meadow nature of some of the land, but rents rose dramatically even accounting for this.

3. There were four counter-petitions in the 1760's, two in the 1770's, none in the 1780's, two in the 1790's, five between 1800 and 1809, and one in 1815; see above, and see below for the chronology of other forms of protest. Ch. 7.

4. The enclosures of Nassington, Yarwell and Apethorpe (1777), Braunston (1775), and Nether Heyford, Stowe and Bugbrooke (1750) are respectively two examples of petitions against enclosure and one of detailed listing of opposition at the ingrossing of a Bill (Nether Heyford), where the names of the opponents and their property and reasons for opposition were given at length in the Commons' Journal - all were either Lords of Manors, Rectors or land-owning gentry, as well as anonymous smaller men. See H.C.J. December 2nd 1777; February 22nd 1775; and March 22nd 1750, respectively.

Welton's was one of nine or possibly ten counter-petitions which were described in the Journal as being brought wholly or in part by owners fearing the loss of common rights.¹ The motives of five more counter-petitions were not explained in the parliamentary record.² Nonetheless, two-thirds of the parliamentary counter-petitions were brought at least in part by commoners fearing the loss of common rights, a proportion somewhat higher than that found by Tate for Nottinghamshire where he identified "only part, perhaps a third, certainly not a half" of the counter-petitions as representing the opposition of small landowners.³

The cost and the difficulty of proceeding with a counter-petition both varied with the particular circumstances of the parish about to be enclosed.⁴ Commoners who could not ordinarily approach Parliament were most easily represented if other, richer, landowners or tithe owners were also opposed to the Act.

1. They were West Haddon, Welton, Braunston, Burton Latimer, Raunds, Wellingborough, Sulgrave, Nassington, Yarwell and Apethorpe, and Great and Little Weldon. The enclosure of Hannington may also be included here for the counter-petition brought to the Commons from that parish was the work of one man who owned a cottage and a quarter yardland, who may well have opposed the enclosure because he stood to lose his common rights. Other reasons - tithe compensation and manorial rights - were also given in three of these counter-petitions: Braunston, Nassington, Yarwell and Apethorpe, and Great and Little Weldon. For source in HCH, see Table 6.2 above.

2. They were Ledgers Ashby, Barnack with Pilsgate, Rothers-thorpe, Weston by Welland and Sutton Bassett, and Cottingham and Middleton.

3. W.E. Tate, "Parliamentary counter-petitions..." EHR, lxx (1944), p.402.

4. Some of the difficulties are dramatically described in a pamphlet entitled The History of a Secret Committee, 1768, Berkshire Record Office D/EHy08/1. For a discussion of the difficulty of opposition to enclosure in general, see below Ch. 7, "Conclusion".

When the class that usually petitioned for an enclosure decided instead to petition against one, the interests of small landowners were carried along in their luggage. Often these men and women owned little land in the parish, but laid claim either to waste or other rights belonging to lords of manors, or to a better recompense for the loss of tithe. To strengthen their cases they brought into the petition small landowners, who were afraid of the high cost of enclosure and the loss of commons. It was a familiar alliance, but one of no value to the commoners of Sulgrave, the Weldons, Nassington, Yarwell and Apethorpe, and Braunston - all of which were enclosed (some with amendments which may have safeguarded the opposing gentry's claims) despite it.¹

1. Sulgrave's petition was one in which three people claimed to share the title to the manor and wanted recompense for the loss of waste land; HCJ February 7th 1760. The counter-petition from Great and Little Weldon was brought principally by William Raye, the Rector, alledging that the Bill prejudiced his claim to half the great tithes, a common right (for a cottage?) and 80 acres, but at least three others joined with him who are not described; HCJ February 20th 1792, March 26th and 30th 1792. Opponents of the Braunston Bill included the Lord who owned only three quarters of a yardland and 2 cottage commons, the Rector, who owned 2 yardlands and the tithes, and "Owners of 9 other yardlands, one quarter and five sixths of a yardland; and Owners of 7 Cottage Commons" who were not named; HCJ February 20th, February 22nd, and March 29th 1775. The counter-petition from Nassington was led by the Reverend James Ibbetson who was entitled to compensation for 172a 3r 24p of glebe land and the great tithes of all four parishes to be enclosed. Petitioning with him were two small proprietors who were named, and more, who owned 17a Or 27p and 4 cottage commons, who were not named. An amendment compensated Dr. Ibbetson for his waste as Lord of the Prebendal Manor but no indication was given of whether the smaller men and women won their case too. HCJ December 2nd 1777 and March 17th 1778.

But some commoners sent petitions to Parliament quite independently of their richer neighbours. The evidence of counter-petitions from Welton, Raunds and West Haddon shows that a solid group of small owners - especially in a large parish - could amass enough money to pay for the lodging of a counter-petition in Parliament. But the major expense of petitioning lay in the follow-up to the counter-petition when specially briefed counsel presented the case in Committee. This was the stage at which a number of opposing petitions foundered for the cost of defeating the bill could amount to as much as the cost of passing one. A number of parishes presented counter-petitions but did not engage a lawyer to argue the case, or did not incur the expense of appearing in the Commons themselves.¹ The force of a protest was desperately weakened when Members of Parliament could not question the counter-petitioners. The anticipation of high costs at this stage may have dissuaded the many other parishes that resembled Raunds and West Haddon from counter-petitioning at all.

Thus some commoners were represented by their more substantial neighbours while others owned enough land and numbered enough men to get as far as presenting a counter-petition themselves, even if they could afford no more. But for others there was no choice to make. The smallest owners of lands and cottages, and men from the smaller parishes, could not choose the Parliamentary route simply because it cost too much. Locally presented petitions and unlawful kinds of protest were the only means that were left to them.

1. For example, Rothersthorpe H CJ March 8th and 29th 1809.

In fact, counter-petitions may have been the least useful means of opposition open to commoners whose very reason for opposing enclosure was its high cost and the loss of common right it entailed. Firstly, counter-petitions cost yet more money. Secondly, no House of Commons would refuse an enclosure if most of the land belonged to those petitioning for it; and no counter-petition sent by small landowners from Northamptonshire persuaded the Commons to keep the waste alone open, or caused it to compensate commoners more adequately in other ways. Common rights were doomed by enclosure, compensation was unlikely to be augmented, and costs would certainly rise: in such circumstances the futility of the whole process is clear. In establishing the exaggerated significance given to the process by the Hammonds, W.E. Tate found that only one in sixteen enclosures in Nottinghamshire resulted in a counter-petition.¹ In Northamptonshire the ratio was higher, one in ten; and the number representing small landowners was also higher than in Nottinghamshire. So, despite the ultimate failure of every counter-petition, fifteen parishes sent them to Parliament anyway, of which half were sent by smaller landowners, farmers and tradesmen, and two-thirds represented their views. This contradiction between what commoners must have known to be the likelihood of success, and what a minority of open parishes

1. W.E. Tate, "Parliamentary counter-petitions" (1944), pp. 398-9; J.L. and Barbara Hammond, The village labourer, 1911, reprinted 1966, pp. 41-2, 50, 66-7, and Appendix A, pp. 1-3.

decided to do, can be resolved in one of two ways. First, counter-petitions were in some cases part of a whole strategy of opposition rather than the only form of resistance a parish might adopt. For instance, a number of parishes sent counter-petitions but also resorted to riot and threat. All the tactics taken together might have made enclosers more careful of the claims of commoners who showed such determination. In this case a counter-petition's value lay in its effect at home, on the enclosers, rather than any chance of success it might have in the Commons. So the counter-petition might have been a bargaining weapon.¹ But it might also have represented the belief of commoners that - despite the evidence of successful enclosures all around them - in their case Parliament might intervene and see that justice was done. Belief in the benevolent power of Parliament and the Law may have informed

1. See below Ch. 7. It has not been possible to examine the Commons Journal for evidence of bills that may have been brought in but later withdrawn in the face of a counter-petition or other opposition in the sixty years discussed here. Two Northamptonshire bills were withdrawn in their early stages but were immediately followed by a third which became law in spite of a counter-petition (all West Haddon; see Chapter 5). The Nottinghamshire evidence is of very few failed bills in this context: only two of nine counter-petitions delayed enclosure (but did not stop it): the other seven were not even delayed, and 169 other bills were passed without Parliament noting any counter-petition at all: see Tate, "Parliamentary counter-petitions...", EHR lix (1944), p. 399. Of 140 Bills presented between 1715 and 1774 from all counties which were withdrawn from Parliament only three were petitioned against; Sheila Lambert, Bills and Acts..., Cambridge, 1971, p. 133, n. 3.

many commoners' minds, even if its corollary was a belief in the ability of enclosures to subvert it. But the cost of such faith may well have been high both in terms of the financial cost of counter-petitioning, and the loss of the illusion that the Commons might represent them too.

Counter-petitions - as Tate has written - are a far from accurate measure of opposition to enclosure, although an illuminating one. They underestimate the size of resistance by a wide margin. Opposition expressed at the Report stage is a better gauge of the recalcitrance recognized by Parliament. And the politics of village communities, often expressed in riot and crime, is more revealing of the strength of that opposition than the arid and biased evidence of the official record.

Opposition at the Report Stage in the Commons

Analysis of the 40 bills presented to the House of Commons between 1774 and 1778, the height of enclosure in Northamptonshire, shows that 60% of the Bills passed were opposed with a full counter-petition or by refusal to sign the Petition for the Bill. Of these only two were counter-petitions, whereas in 25 cases a refusal to sign the bill was registered at the Report stage. Counter-petitioners occasionally sent counsel to attack the Bill in Committee, whereas in the latter instances no one appeared in Parliament to put the case against the enclosure,

and the enclosers themselves provided details of who supported and who opposed their Bill. Staverton's enclosure Bill, for example, was ingrossed on 18th March 1774 with the owners of land worth £51-3-8 per annum (5% of the parish) refusing to sign the Bill. Despite this lack of unanimity the Journal of the Commons recorded simply that "No Person appeared before the Committee to oppose the Bill."¹

This source thus indicates in which parishes enclosure was unsuccessfully opposed, but because it records only the value or the acreage of land owned by those refusing to agree to the enclosure, it is not a useful guide to the strength of that opposition. The enclosure of Walgrave, for instance, was opposed by "Owners of Fifteen Yardlands, or thereabouts, and Fourteen Cottages, who refused to sign the Bill". (The whole area of the parish was 53 yardlands, and the total number of cottages with rights of common was 49.)²

Usually there is no mention of how many owners opposed the enclosure, and, of course, no indication is given of tenant opposition. Occasionally a landowner was named personally - Ann Eaton of Clipston and Newbold for example - or described

1. H CJ March 18th 1774. A local petition was presented to the enclosers in Staverton; see above.

2. H CJ April 18th 1774.

more fully, as was one man in Duston who was

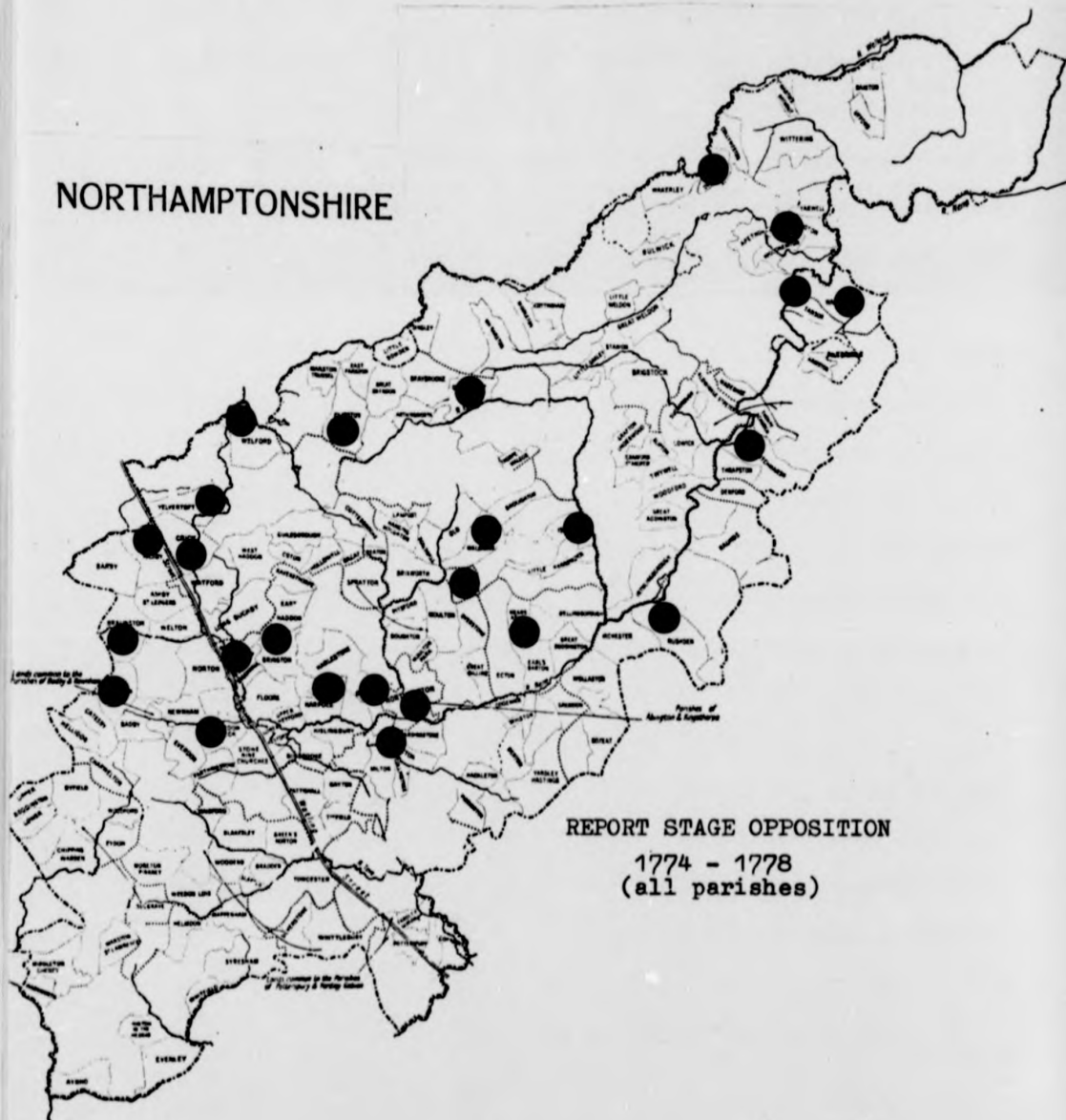
the Owner of 109 Acres, who lives in Ireland, and was applied to by Letter, but refused to consent to the Bill because he thought it would promote Monopolies; and that the Fields intended to be inclosed¹ contain in the Whole Eight Hundred Acres.

On the few occasions that numbers of opponents were noted they were always few. Even when we know from other evidence that there was substantial opposition the Journal failed to count it. The explanation appears to be that petitioners described their opponents when they were few but not when they were numerous, fearing in the latter case that the Commons would object to the Bill. On the other hand, noting a few opponents could give the impression that the enclosure was popular in the parish.

The Report stage, then, was a point in the parliamentary process at which the amount of land, cottages and rights owned by land owners opposed to the Bill but unable or unwilling to fight it, was weighed--but in a way that tells us virtually nothing about the number of commoners affected. Nonetheless the widespread nature of opposition can be seen: 25 of the 40 Northamptonshire enclosure acts passed in Parliament in 1774-1778 noted such opposition.

1. H CJ April 25th 1776 (Clipston and Newbold); H CJ February 24th 1774 (Duston).

NORTHAMPTONSHIRE



NORTHAMPTONSHIRE



Extent of opposition at the Report Stage

1) All Acts, 1774-1778

The proportion of land held by those refusing to sign the Bill was between 18% and 28% of the whole in seven enclosures of the forty. In none of these cases do we know how many commoners were represented by these proportions. But the gross percentage also underestimates the real proportion of land held by opponents because the total parish land at the Report stage included the waste. It could be as much as one-third of the total, and (for want of "owners") must have been attributed to the Lord of the Manor, who usually supported the Bill. All estimates of land owned by opponents of the enclosure and noted at the Report stage are thus minimum proportions of the parish land, as noted in Table 6.8. In addition to the seven enclosures in which owners of at least 18% of the land did not sign the bill, there were seven more where the minimum proportion was between 10 and 17%, and ten more where it was less than 10%. Taking together Bills opposed and Bills unopposed, one-third of all enclosures were not approved by the owners of at least 10% of the parish lands.

Map 6.3 Opposition to enclosure at the Report stage, 1774-1778



GE OPPOSITION
- 1778
(parishes)

Table 6.8 Enclosure Bills opposed at the Report stage in the Commons: 1774-1778

Date	Parish(es)	"Minimum Proportion" of acreage, or of annual value, in hands of opponents (%)	Number of landowners against the enclosure where known	Proportion of total cottage common rights opposed (%)	Number of commoners against the enclosure where known
24.2.1774	Duddington	14	1	--	--
18.3.1774	Staverton	5	--	--	--
28.4.1774	Warmington	0.1	1	9	1
29.5.1775	Braunston*	32 (plus 6t. Tithes)	--	64	--
22.2.1776	Desborough	18	--	--	--
27.2.1776	Duston	9	2	9	--
18.4.1776	Walgrave	28	--	29	--
25.4.1776	Yelvertoft	21	--	60	3
25.4.1776	Clipston & Newbold	1	1	--	--
6.5.1776	Weedon Bec	12	--	21	--
7.5.1776	Crick	19	--	25	--
29.1.1777	Tansor	1	1	--	--
13.2.1777	Holcot*	15	3+	11	--
17.5.1777	Nassington	5 (plus 6t. Tithes)	--	3	--
16.4.1777	Welford	14	--	15	--
25.4.1777	Whilton, Norton, & Brockhall	0.4	1	--	--
25.4.1777	Kilsby*	12	--	48	--
2.5.1777	Mears Ashby	5	--	--	--
4.2.1778	Great Billing	3	2	--	--
1778	Titchmarsh	17	--	26	--
5.2.1778	Rushden	15	--	--	--
24.2.1778	Isham	3	--	14	--
24.3.1778	Harpole	19	--	24	--
3.4.1778	Northampton Fields	13	--	--	--
13.4.1778	Wootton	11	1	--	--

* In Holcot the proportion of opponents was greater (19% or 7 owners) if those who "did not object, but would not sign the Bill" are included. Similarly, Kilsby's proportion of land owned by opponents would rise from 12% to 22%, and the proportion of commoners would rise from 48% to 53%. At Braunston the amended figures would be 38% and 71% respectively.

Source: HCL at dates given.

More cottage owners were opposed to enclosure. Nowhere did opposition amount to less than 10% of all cottages with rights. But this sort of opposition at the Report stage occurred in only half of the places with landed opponents - or only one third of all enclosers between 1774 and 1778. So this sort of opposition was less general but more intense in the places where it did occur. In Yelvertoft, for example, 60% of all cottages recognized as having rights were held by opponents of enclosure, in Braunston it was 64%, and in Harpole 24%. In Warmington, Duston, Weedon Beck, Welford and Isham the figure fell to between 9 and 21%. Unfortunately the number of owners represented by these figures are not known, except in Isham and Warmington where one owner held all the cottage rights in opposition and in Yelvertoft, where 3 owners held the 60% of cottages with rights noted as opposed to the enclosure at ingrossing. Again, the practice of noting the number of owners when that number was small, seems to have occurred.¹

2) Random Sample of Acts, 1727-1801

A sample of one in three Acts (46 of the total 138) was taken in order to see how typical the opposition of the 1770's was of the whole parliamentary enclosure period.²

1. In Isham one owner held 14% of all cottage common rights, H CJ February 24th 1778. In Warmington one owner held 9% of all cottage rights, H CJ April 22nd 1774.

2. The sample was made using a table of random numbers. The list of Acts used was that made by Gilbert Slater in The English Peasantry and the Enclosure of Common Fields, 1907, pp.291-8.

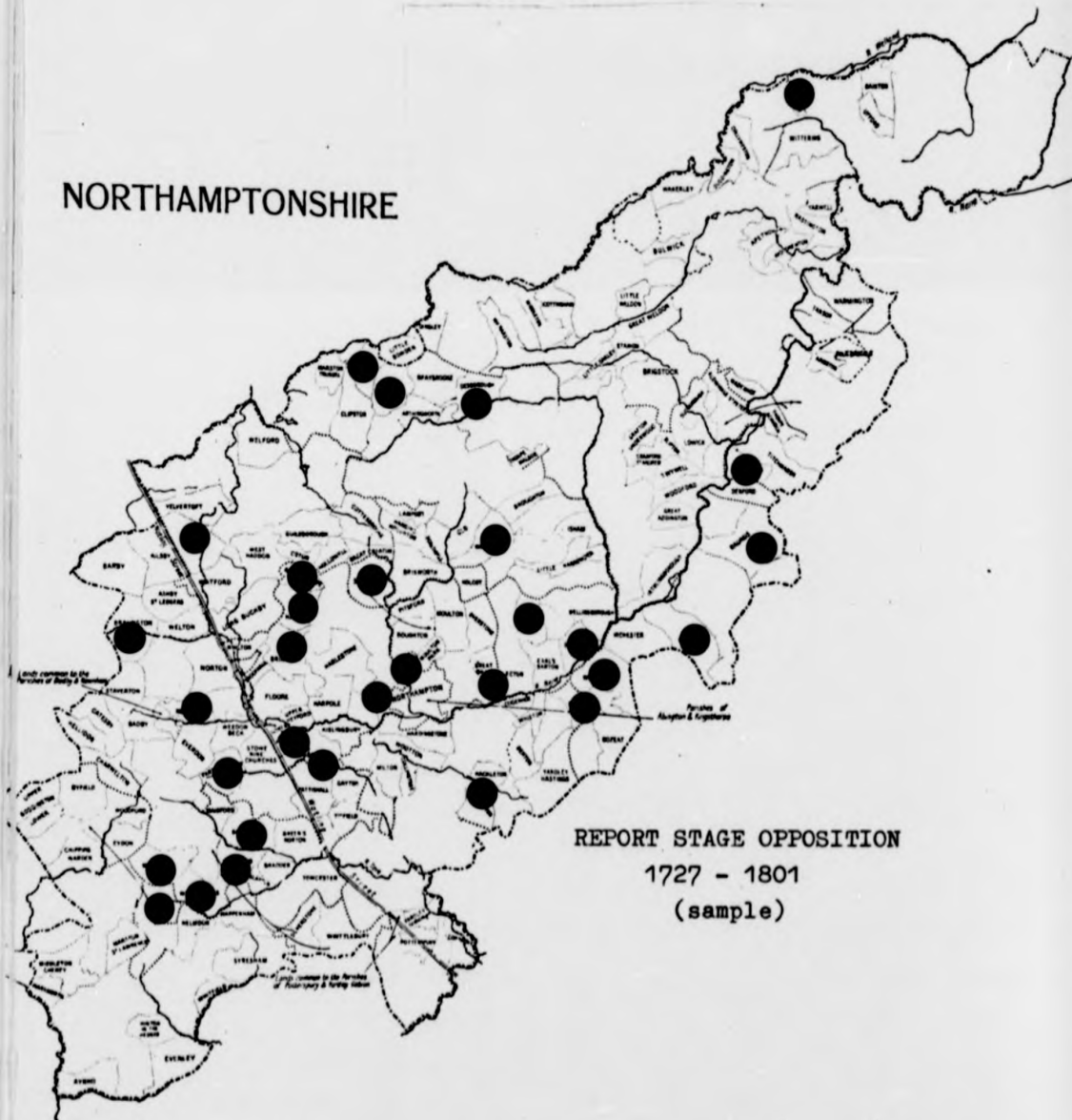
Table 6.9 Enclosure Bills opposed at the Report stage in the Commons: random sample 1727-1801

Date of Report Stage	Parish(es)	"Minimum Proportion" of acreage to be enclosed, or of annual value (%)	Number of landowners against enclosure, where known	Proportion of total parish common rights opposed to enclosure (%)
24.1.1743	Gr. Brington	3	1	
22.3.1750	Nether Heyford, Stowe and Bugbrooke	5	6	
25.4.1751	Farthingstone	14	3	
7.2.1760	Sulgrave	28	10	
2.5.1760	Blakesley	4	2	
2.2.1761	Moreton			
	Pinkney	Proprietors of £54 p.a. value of Old Inclosures		
21.3.1765	Spratton	9	3	
16.3.1764	Newnham	1	2	
29.1.1766	Great Doddington	0.3	2	
1.5.1766	Kingsthorpe	8		
18.5.1767	Great Oxendon	9	7	
17.4.1771	Weedon or Weston	0.5	1	
3.3.1773	East Maddon	5		
29.3.1775	Braunston*	32		64
18.4.1776	Walgrave	28		29
7.5.1776	Crick	19		25
27.2.1776	Duston	9	2	8
22.2.1776	Desborough	18		
2.5.1775	Mears Ashby	5		
5.2.1778	Rushden	15		
4.2.1778	Great Billing	3	2	
27.1.1779	Bugbrooke	10		
22.3.1779	Woodend	9	1	
13.3.1780	Grendon	5		
13.3.1780	East Farndon	1	1	
10.4.1780	Thrapston	2		
28.5.1782	Piddington and Hackleton	11		
3.3.1788	Wollaston	10		
8.6.1795	Ravensthorpe	6	1	
13.2.1795	St. Martin			
	Stamford Baron	2		13
30.6.1797	Raunds	15 (neuter)		

*See note to previous table. See also P. Mantoux. The industrial revolution in the eighteenth century, 2nd ed., 1961, p.174 on the meaning of a refusal to sign a Bill despite the landowners "not objecting". Cf. the Raunds Bill, opposed by counter-petition and riot, but where the opposition was characterized as "neuter" at the Report stage.

Source: HCJ at dates shown.

NORTHAMPTONSHIRE



REPORT STAGE OPPOSITION

1727 - 1801

(sample)

NORTHAMPTONSHIRE

REPORT STAGE OPPOSITION
1727 - 1801
(sample)

1727 - 1801

(sample)



GE OPPOSITION
- 1801
mple)

Somewhat more Bills were opposed in the longer period: just over two thirds of them compared with three fifths between 1774 and 1778.¹ But these opponents tended to own less land: in a third (compared to a half of them in 1774-8) the opposition owned a "minimum proportion" of 10% or more. Bills were opposed by landowners holding between 10 and 20% of the land in another 6 cases. Opposition from the owners of rights rather than land was less widespread but more intense, as it was in the parishes enclosed in 1774 to 1778.²

Overall the sample of Acts in the longer period shows that 66% of enclosure Acts passed between 1727 and 1801 were opposed at the Report stage in the Commons. About 10% of all Acts were opposed by owners of 20% or more of the land to be enclosed. Another 20% of all Acts were opposed by owners of between 10 and 20% of the land. And 36% of all Acts were opposed by owners of less than 10% of the parish land.

Reasons for opposition at the Report stage were given in only 4 of the 32 sample Bills, and in 5 of the 25 Bills opposed between 1774 and 1778. Indeed, there was no need to explain in the Journal why there was opposition at all. Generally, the reasons given were either of little real importance - and

1. 32 of the 46 Acts in the sample were opposed at the Report stage, and 25 of the 40 passed between 1774 and 1778 were opposed at the same point.
2. See Table 6.9.

emphasis the good sense of those proposing the enclosure - or were given because the opponents were wealthy men owning glebe land, tithes or waste. Opposition to the enclosure of Warmington came from "the Proprietor of 3 acres of land and One Cottage having Right of Common who is in Ireland, and the Owner of one such cottage who could not be found".¹ Similarly lightweight opposition was described at the Report stage of the bill for enclosing Clipston and Newbold: "One Person [opposed the Bill] possessed of half a Yardland who is in North America; and also except Ann Eaton possessed of Three Quarters of a Yardland who refused to sign the Bill".²

Often the opposition of more substantial men received more attention. In Denton in 1770 William Unwin, who owned 130 acres, had not signed the Bill. This omission, the House was told, was due to his failure to answer a letter sent to him.³ When the Earl of Sussex did not sign the Bill to enclose Nether Heyford, Stowe and Bugbrooke in 1750 his decision was carefully explained:

George Augustus, Earl of Sussex, who has a Right, as One of the Patrons of the Advowson of the Parish Church of Nether Heyford, to present thereto One Turn in Three, who, on being applied to, said he had no Objection to the Bill, but did not chuse to sign it..⁴

1. HCJ April 28th 1774.
2. HCJ April 26th 1776.
3. HCJ March 13th 1770
4. HCJ March 22nd 1750. See also Duddington, February 24th 1774; Sulgrave, February 7th 1760; Guilsborough, Coton and Nortoft, January 25th and 26th 1764.

Opponents of enclosure in Nassington and the Weldons were dissatisfied because their tithe compensation was inadequate; both places eventually produced Petitions against the enclosures.¹ But very often no explanations were given, or the failure to sign of some owners was explained (sickness, oversight, absence from home) while the opposition of many others was left unexplained.²

Examination of the support for Bills recorded at the Report stage in the Commons shows that more than half (probably two-thirds according to the sample) of successful enclosure Bills were opposed on the point of enactment. A significant proportion were opposed by the owners of more than one-fifth of the land and cottage commons, many were opposed by the owners of smaller properties. And until 1774 there was no legal obligation on the part of enclosers to inform all the landowners of the proposed change. Exactly how many owners stood against the bills cannot be counted with this sort of evidence. The smaller proportion of land owned by opponents could hide large absolute numbers of people opposed to enclosure - and so cannot be discounted as insignificant.³ (This was so in West Haddon.)

1. HCJ Nassington, Yarwell and Apethorpe 12.2.77; Great and Little Weldon, 30.3.92.

2. HCJ Welford, April 16th 1777, the proprietors of 7 yardlands "and some odd Parts" and "about 4 cottages" refused to sign the Bill - for reasons undisclosed - whereas the proprietors of 1 yardland, "some odd Parts of a Yardland and some odd Parts of a Cottage" could not sign because they lived at "so great a distance" they could not be reached. Similarly, Titchmarsh, Vol. 36, p.673, 1778.

3. At Wigston Magna's enclosure in 1764 the owners of 15 of the 96 yardlands in the parish objected to the enclosure. Hoskins suggests that this 16% of the land was owned by as many as 60 of the surviving peasantry, see W.G. Hoskins, The Midland Peasant, London, 1957, p.248. And see above, West Haddon, Chapter 5.

Similarly, the larger amounts of land may hide only a few owners - although this is less likely since the usual practice was to count heads when they were few or when they owned substantial lands. Tenants, of course, were not counted in any way at all; and (as the example of Welton shows) they stood to lose a great deal, and knew it. Geographically, the evidence seems to show more opposition from parishes on the western scarp and in the Nene valley - but these were both areas of concentrated parliamentary enclosure.¹ As a method of opposition, a refusal to sign the bill or the registering of a neutral view was common throughout the period rather than particular to any one decade.²

W.E. Tate's investigation of Nottinghamshire enclosure acts which were opposed at this stage concluded that half of the bills for that county were not unanimously supported by the

1. See Chapter 7 for a discussion of the geography of opposition.

2. The Standing Orders passed by the Commons in 1774 to correct abuses in the securing of Private Acts of Enclosure do not seem to have led to a significant increase in the number of Acts opposed at the Report stage. Between 1760 and 1773, 9 of the 15 Acts in the sample were opposed, between 1774 and 1800, 17 of the 25 Acts in the sample were opposed. Although this means that 60% were opposed in the earlier period and 68% in the later, this rise is not statistically significant. This may mean that the new Order to inform all landowners of impending enclosure was still ignored. If so the proportion of 2 out of every 3 Bills meeting opposition recorded at the Report stage may be an underestimate.

landowners concerned - a lower figure than the equivalent two-thirds in Northamptonshire. Tate also found that those who opposed the bills were "very rarely reported as having anything approaching 20% of the property in the parish in their possession". In Northamptonshire one third of all enclosures were not approved by the owners of at least 10% of the land; and one sixth were not approved by the owners of 18% to 28% of the parish lands. Thus substantially more enclosures were opposed at the Report stage by owners of more land than Tate found in Nottinghamshire. And, for reasons stated above, these proportions of land are minimum proportions; the real figures were larger.¹

More than any other source, opposition recorded at the Report stage shows that enclosure did not go unopposed even in the House of Commons - a place in which enclosers were more at home than commoners. This should not be surprising because it required least in terms of money or risk from small owners and cottage commoners who could afford neither but still wished to register their dissent.

But the opposition most likely to prevent a bill ever becoming an Act was that of tithe owners and large land owners such as the men who successfully opposed the enclosure of Aynho in Northamptonshire in 1766. Aynho's rector, the Reverend

1. W.E. Tate, "The Commons' Journals as sources of information concerning the eighteenth-century enclosure movement", Economic Journal liv(1944)pp.87-88. Unfortunately Tate found that the units used to express the size of consent and dissent varied too widely from bill to bill to tabulate his findings.

Dr. Garborough, demanded too great a compensation for his tithe and by doing so united a landowning opposition against the enclosure. Steward John Burton wrote to William Cartwright, the Lord of the Manor of Aynho, in November 1766 explaining this obstacle and listing the opinions of the bigger owners:

Letch will neither consent, sell nor exchange - Bower hath contracted for Mrs. Rait's share of the Estate; Manle hath refused to sell; Mrs. ---- [illegible] Son being a Minor cannot, and Mr. Longe will not sell - none of them will oppose the Bill. Baker will not sell but I believe will not refuse his consent; Winchles, the same; Coates will neither consent nor sell. I cannot think it adviseable to inclose part of ye field.¹

Burton ended his letter with a plea for greater resolution on the part of this employer; whether it was forthcoming or not the enclosure itself did not come about until 1792.² The enclosure of Ringstead, attempted in 1782, may have met similar opposition.³

Lesser pre-Parliamentary opposition might delay a Bill, or lead to its amendment or withdrawal in favour of another.⁴ But unless opponents owned at least half the land (and the great tithes too); or unless they resorted to sustained and damaging

1. NRO C(A)3408, John Burton, steward, to William Cartwright, November 23rd 1766.

2. Gilbert Slater, The English peasantry and the enclosure of common fields, 1907, reprinted 1968, p.293.

3. But see below Ch. 7. Ringstead was not enclosed until 1839. Announcement of the intention to enclose was made in the Mercury on November 18th 1782.

4. For example, the three bills presented for the enclosure of West Haddon, above, Ch. 5. See also the Nottinghamshire evidence in W.E. Tate, "Parliamentary counter-petitions...", EHR 11x(1944).

riot, they stood only a slim chance of preventing enclosure.¹ On the other hand petitioners for an enclosure could start proceedings without owning even half the parish.² Petitioners against the enclosure of Sympson in Buckinghamshire in 1771 complained that "but Four Persons have signed the Petition for the Bill, who together are not interested in One Eighth Part of the Lands proposed to be divided".³ However, the four proprietors must have gathered together enough support to satisfy the Commons, for the enclosure went through despite the vocal opposition. Posts, rails, mounds and fences were subsequently torn down in April 1775.⁴ And it was to this kind of illegal opposition to enclosure that many people turned either because counter-petitions and refusals to support the bills had failed, or because unlawful resistance was the only sort of resistance open to them.

1. See below Ch. 7.

2. See Sheila Lambert, Bills and acts' legislative procedures in eighteenth century England, Cambridge, 1971, p.143, on the origins of the misunderstanding that four-fifths of the land to be enclosed must be owned by the supporters of the enclosure. M.E. Turner incorrectly refers to "the necessary four-fifths majority" in "The cost of Parliamentary enclosure..." (1973) p.36, in showing that in a number of Buckinghamshire parishes the majority was insufficient but the enclosure went ahead anyway. Several parishes in Northamptonshire were also enclosed against the wishes of owners of more than one-fifth of the land; see above.

3. Anon., The case of the major part of the owners and proprietors of lands in Sympson, in the county of Bucks..., and The answer to the case of the petitioners..., 1771. Goldsmiths' Library [GL] 1770 fol.

4. NM April 24th 1775.

Chapter 7

Unlawful Opposition to Enclosure

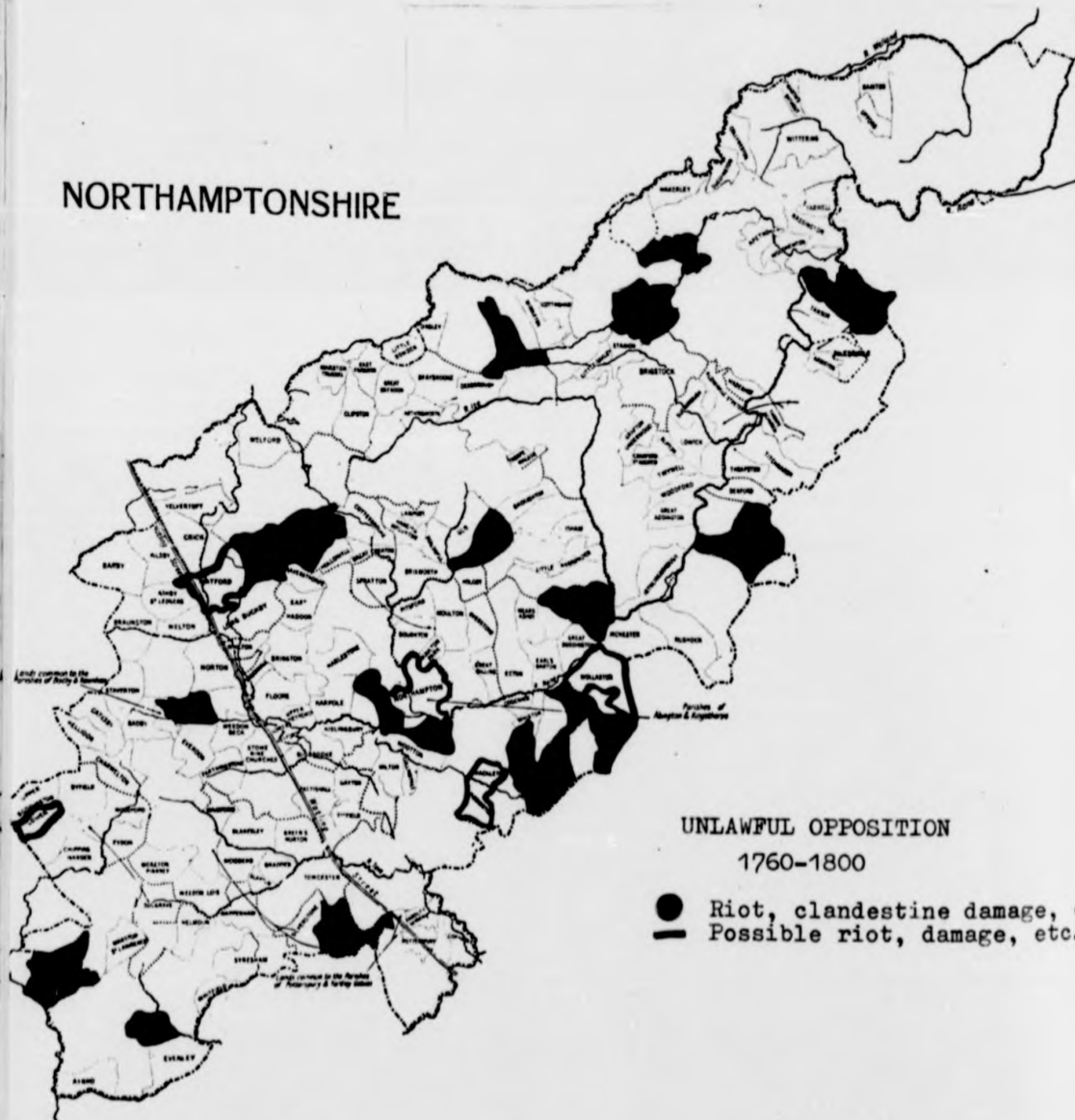
Sir William Meredith on Friday last moved that it might be a general order, that no bill, or clause in a bill, making any offence capital, should be agreed to but in a committee of the whole House. He observed, that at present the facility of passing such clauses was shameful. That he once passing [sic] a committee room, when only One member was holding a committee, with a clerk's boy, happened to hear something of hanging; he immediately had the curiosity to ask what was going forward in that small committee that could merit such a punishment? He was answered, that it was an inclosing bill, in which a great many poor people were concerned, who opposed the bill; that they feared these people would obstruct the execution of the act; and therefore this clause was to make it capital felony in any one who did so. This resolution was unanimously agreed to.

- Aris's Birmingham Gazette, Feb. 3rd 1772.

8. Extraordinary Expenses occasioned by the resistance of the Mob against the Commissioners and Surveyor on staking out the plain - including the expences of two troops of Yeomanry Cavalry. £105 5s 8d

- "The Account of Robert Edmonds, Robert Weston, and Thomas Eagle Gentlemen Commissioners..." n.d., c. 1799, NRO Wilbarston Parish Chest, photostat no. 743.

NORTHAMPTONSHIRE



Source: Chapter 7, passim.



UNLAWFUL OPPOSITION
1760-1800

ot, clandestine damage, etc
ssible riot, damage, etc.

Commoners also fought enclosure by destroying fences, damaging more personal property, and (in one Northamptonshire case) by stealing the Enclosure field book. After the defeat of their counter-petition the West Haddon commoners burned 1,500 worth of posts and rails. A year later, in 1766, the Wellingborough commoners followed much the same route from counter-petition to physical obstruction. Commoners in Wilbarston petitioned Lord Sondes, rather than the House of Commons, but when that failed they tried to destroy Sondes' fencing before it went up. Raunds commoners petitioned Parliament against the enclosure in 1797 and rioted when they were ignored. Many of the known or suspected riots were preceded by legal opposition in the form of a counter-petition or a refusal to sign the Bill; when that failed, commoners took direct action.

A chronology of unlawful protest

In some 16 parishes there is detailed evidence of such unlawful opposition.¹ Two riots were prosecuted in the 1760's - one at the Michaelmas Quarter Sessions, the other at the Lent Assize of 1766. In July an ostensible football match disguised a planned assault on the new enclosure fences of West Haddon, resulting in extensive damage. And only a few months later another attack on fences, this time at Warkworth,

1. West Haddon, Raunds, Wilbarston, Warkworth, Weldon, Warmington, Denton, Bulwick, Whittlebury, Guilsborough, Newnham, Duston, Hardingstone, Bozeat, Walgrave and Wellingborough. See Map 7.1.

Map 7.1 Unlawful Opposition to Enclosure, 1760-1800

on the Oxfordshire border, was defeated by an informal company of mounted gentlemen and their servants. The West Haddon riot has been dealt with at some length elsewhere.¹ Warkworth's enclosure, like West Haddon's, was a target for other men besides its own inhabitants. The enclosure had offended proprietors in three adjacent parishes. At the Ingrossing of the Bill in April, 1764 landowners in King's Sutton refused to sign the Bill because any allotment given in lieu of their "First Crop of about Ten Acres" in the meadows would be too small to divide. Half of the "inhabitants" of the Chapelry of Bodycott (Bodicote) in Oxfordshire were entitled to a right of common on another 7 acres of meadow, after the first crop was taken off, and refused to sign "for fear they should have no Allotment in lieu thereof". They were joined by the inhabitants of Middleton Cheney who had a right of common in all of Warkworth Meadow after the first crop was taken, eight of whom refused to sign but "said they would not oppose" the Bill.² The grass was of a good quality,

1. See above, Chapter 5. Most evidence of the West Haddon riot comes from a writ of information filed in Quarter Sessions by one of those acquitted at Assize, in which he accused the arresting J.P. of malicious imprisonment without bail. Events at Warkworth are recorded by the Northampton Mercury, and (to a lesser extent) the Quarter Sessions informations of Thomas Taylor accusing three men of intent to riot.

2. HCJ, April 2nd 1764. Whether all the inhabitants of Middleton were against (and only eight said they would not oppose, although nor would they sign), or all were opposed but only eight were interviewed, is not clear.

bordered by the Cherwell, and destined to have the Coventry-Oxford canal put through within two years.¹ The three hamlets of Grimsbury, Overthorp and Nethercote lay within the parish of Warkworth itself. Banbury lay a couple of miles to the west.² Grimsbury, most populous of the hamlets and closest to Banbury, was entirely surrounded by grass in the 1840's.³ Grimsbury was part of the Ellesmere-Bridgewater estate, whereas the manor of Warkworth itself (and over 1,000 of the parish's 1,700 acres) belonged to the Eyres. It was the Eyre fences that were threatened in September 1765.

Some attempt on the fences was expected. Dr. Richard Grey, a magistrate living at Astrop Wells, had written to the War Office asking for military aid early on the day that the riot occurred. London doubted the need for assistance but agreed to put a company of the 10th Regiment of Dragoons, then at Northampton, on the alert, and to send a detachment if the Banbury magistrates called for one.⁴ This reply came

1. The canal was completed in 1768; it ran along the southern boundary of the parish. The trustees of the Bridgewater estate built the canal and owned the newly enclosed land through which it ran. If there was any hostility to the canal, the loss of meadow land to enclosure may have caused it. J. Phillips, A general history of inland navigation, 5th ed. 1805, reprinted, N.Y. 1970; pp. 201-2.

2. In 1841 the populations of the three hamlets were returned as part of the parish of Banbury; see 1851 Census, p. 38. The total population in 1801 was 260; 1801 Census, p. 248.

3. Whellan, Directory, 1849, "Warkworth".

4. W.O. 4/77 pp. 420-21. The letter from Elles at the War Office was sent on September 10th; the attempted riot happened on the evening of September 9th.

late, for on the evening of September 9th a crowd gathered before the house of Thomas Taylor, a yeoman of the parish, and told him that they intended to "pull down and destroy the Posts and rails of Warkworth inclosure" and expected many more to join them.¹ Taylor, or someone else, found a way of alerting the already gathered local gentry as they sat down to dinner with Justice Grey in nearby Astrop Wells.² On hearing that the intention of the crowd was to destroy the fences and level the ditches -

A Motion was made, that the Gentlemen then present, with their Servants, should go and give them the Meeting: Earl Verney, _____ Wills Esq; _____ Bullock, Esq; and Major Lovett, instantly got on Horseback, with many more Gentlemen and went to Warkworth.

The crowd had gathered in Banbury - a convenient spot for men from all of the concerned villages and hamlets - and reached Warkworth at the same time as the Astrop contingent.

The Mercury continued its account -

The Levellers, in Sight about Thirty, came there at the same Time. The Gentlemen and Servants rode full Gallop up to them instantly, and by riding over them, broke their Disposition, and in a few Minutes took Six of them.³

1. NRO QS Michaelmas 5 Geo III, Grand File, the information of Thomas Taylor before Richard Grey D.D., J.P., taken on the 11th of September. Taylor named Richard Lambert, the younger, John Derry, and William Adams.

2. Astrop's 2,695 acres were enclosed later, in 1772.

3. NM, September 16th 1765.

Notwithstanding this total rout the principal leader "and Standard-Bearer" escaped and was never arrested. Six men were taken to gaol on September 10th. They were held for a month, until October 8th, when all but 2 were discharged for want to prosecution.¹ Similarly, the three against whom Taylor swore his information were not arrested. In dealing with the riot the concern of the proprietors was to prevent damage to property above all (even at the cost of summoning troops). A month in gaol for some of the offenders, and a gracious pardon to the others, was thought sufficient punishment.² Even if one or two were prosecuted at the Assize, at least seven known rioters were released. Riot had to be handled with care.

The enclosures of Warkworth and West Haddon were threatened by riots but Wellingborough's enclosure was more severely impeded by the theft of the enclosure field books from the house of William Craft in 1766.³

1. NRO QS Order Book, October 8th 1765, p. 257.

2. Two of the six were arrested (according to the Mercury) but not discharged (according to the Q.S. Order Book). They were Edward Hobley and Richard Kilby. Whereas the relatives of the other four arrested petitioned the magistrate on behalf of their men (in suitably penitent terms) they did not mention Hobley and Kilby. They may have been prosecuted at Assizes; or they may not have been arrested at all, there being no legal record of the arrest, only a newspaper account. NRO QS Michaelmas 5 Geo III, Grand File, October 5th.

3. NM, February 3rd 1766.

Wellingborough's open fields were extensive, covering 4,000 acres (exclusive of the town itself and the old enclosures) and they were bounded by a perimeter of some 16 miles.¹ In 1720 the town housed 700 families, but the fire of 1738 caused many tradesmen and artisans to mortgage their remaining property - including the land - to the extent that 25 years later they were still in debt. The expense of enclosure, and the loss of common right, were further "calamities" they could not afford.² The 1765 counter-petition was brought in by people variously identified as "Freeholders, Copyholders, Owners and Occupiers of lands and Houses" and "Owners and Occupiers of small Estates within the said Town and Manors" on behalf of themselves and of "many poor Inhabitants" or "Numbers of the poor People and Labourers within the said Town" who won a "small but comfortable subsistence, by their Labour, for themselves and Families". It was less a petition in the stock, measured terms of landowners, and more a plea for extra-legal mercy made on behalf of both owners and tenants, labourers and the poor.

At the Report stage in the Commons, owners of a tenth of the land opposed the Bill, owners of another seventh neither opposed or signed the Bill, and owners of four-fifths of the land supported it.³ The petition failed but early

1. John Bridges, History and antiquities of Northamptonshire, Northampton, 1791, Vol. 2, p. 149.

2. HCJ, February 26th 1765, counter-petition.

3. HCJ, March 4th 1765.

in 1766 - one year later - another attempt was made to wreck the enclosure when William Craft's house was broken into and the enclosure plans were stolen. The theft took place on the night of January 21st and it set back the allotment of land several months. This caused the loss of a year's "improvement" of the land "to the very great Damage of the Proprietors of the said Fields". A pardon was offered in return for the discovery of the principal offenders and a reward of £100 was put up by William Bateman of Wellingborough for information leading to a conviction.¹ Three weeks after the burglary the Northampton Mercury published a letter in the form of a poem, called "A Tragic-Epigram". It was unsigned but the author was clearly on the side of the commoners against the enclosure:

When grumbling Dudgeon seem'd to sleep,
Which late play'd wanton at Bo-peep;
When Jars, and Knotty Points were ended,
And patient Flamen's Panes were mended
When Pro and Con did well nigh cease,
'Sway'd by the Olive-Wand of Peace;
When drooping Ceres was half slain,
And Grass might grow instead of Grain;
When honest labour was struck mute,
And Av'rice gain'd the high Dispute;
When Act of Parliament was o'er
(As wise as hundreds made before)
When Fr--m--n had the Field survey'd,
And Numbers of Wise-Acres made;

1. London Gazette, February 8th 1766, No. 10600. Bateman was a feoffee of the Town Lands (73-0-4 after enclosure) and a Land Tax Assessor paying £2 19s6d tax in 1764. NRO Enclosure Awards, Wellingborough 1767, Book C, 119. LTA, Wellingborough, 1764.

When Town was lulled in sweet Composure,
And dream'd of Nothing - but In-cl---re; -
Forthwith fly VULCAN steps, and blows the Fire,
In which - Plan, Patience, Hope, and all expire.¹

The poem outlined the sequence of events, and the poet allied himself with "grumbling Dudgeon" and "honest labour" and against the enclosers to whom he refers as "Av'rice" winning the dispute in Parliament. Furthermore, he puns, these "Wise-Acres" the enclosure will produce are made by improvers whose pompous moralizing only disguises a real concern with profit. This contempt for the greed of money-making was felt by the West Haddon men and women who refused support for that enclosure, saying that they had "enough" to live on already.² But the poet's fear was that the Wellingborough fields would be turned over from corn to pasture when the "Wise-Acres" were finished.

Elsewhere retaliation was less precisely directed, and less gracefully extolled, though equally as earnest. A partition wall standing 8' high in a half-built house in the newly enclosed fields of Newnham was pulled down "by persons unknown" sometime between July 20th and 22nd 1765,

1. NM, March 10th 1766. "Freeman" was William Freeman, surveyor. Anscomb, "Abstracts of Enclosure Awards", Vol. 1, p. 36. The wording suggests an earlier riot also.

2. See Chapter 5 above. John Clare felt the same way: see especially "The Parish", 845-70, 965-1065, Elaine Feinstein, ed., Selected Poems of John Clare, 1968. Also see "The Mores" (often called "Enclosure") in Geoffrey Summerfield and Eric Robinson, Selected Poems and Prose of John Clare, 1967, pp. 169-71.

within months of the enrollment of the enclosure Award.¹ Although the house belonged to Daniel Amos of Daventry, the reward of ten guineas was advertised by Thomas Thornton of Brockhall, Lord of the Manor of Newnham and a major landowner in the parish. Amos may have been Thornton's tenant, or the squire may have thought it prudent to protect his own interests by protecting those of his neighbours.²

The year before the football match and riot in neighbouring West Haddon, the enclosure of Guilsborough, Coton and Nortoft in 1764 led to clandestine revenge in those parishes. Over 400 acres of waste was enclosed there including "the Heath-Way", "Broad Common" and other commonable pieces of land in the lanes.³ Before the Award was enrolled in September the two principal landowners of Guilsborough had suffered theft and arson. In Nortoft Richard Clarke's brakes were burnt, and the gate to his Home Close, two posts and their rails from his hayrick, and 70 perches of hedging from the open fields of Guilsborough went with them. He offered rewards of 5 guineas for the brakes, 3 guineas for the gate and the hayrick fences, and a half guinea "for every Offender" involved in destroying

1. NM, August 5th 1765.

2. Thornton owned much land in the locality and was patron of several Rectories and Lord of several Manors nearby. See NRO, J.W. Anscomb, "Abstracts of Enclosure Awards", Vol. 1, p. 30; and LTA Newnham, 1759 and 1769.

3. HCJ, January 25th 1764.

the hedging. This malicious damage had the dimensions of a successful riot. Ten days later John Bateman (the arresting Justice in the West Haddon riot the following year) lost four gates and their locks.¹ Possibly but by no means certainly associated with this kind of discontent was the wave of sheep stealing that swept the area between 1763 or 1764 and 1766. Richard Clarke lost a ewe in December 1766, for which he offered a reward of 5 guineas for the principal offender and another 5 for his accomplice. Clarke added a warning note to his Notice -

N.B. For Two or Three Years past several Graziers in this Neighbourhood have had sheep kill'd and taken away, and 'tis suppos'd by the same Villains.²

Conversion to pasture had its enemies and was synonymous with enclosure in many places. Anyone charged with killing Clarke's sheep stood to be charged with the other offences too. Eight years later Clarke's barn was broken into and his posts, rails, and other wood taken in the night, again perhaps in retaliation for the enclosure because such posts were quite likely the internal fencing of his new estate in Guilsborough, or perhaps from his even newer estate in Hollowell.³

The enclosure of Hardingstone, a parish on the

1. NM, February 27th 1764 and February 20th 1764. And see above, Ch. 5.

2. NM, December 29th 1766.

3. NM, February 28th 1774. Hollowell, adjacent to Guilsborough and Coton, was enclosed in 1774. G. Slater, The English peasantry..., [1907], reprinted, 1968, p. 292.

southeastern edge of Northampton, was greeted with similar hostility. In 1765, the year of the enclosure, the tops of some pales were broken off and the props of a young oak pulled down; the tree was then barked to prevent its further growth. Edward Bouverie advertised a reward of 5 guineas for the taking up of the offenders.¹ This was not an isolated act of private malice, for two years later Bouverie and the other proprietors of Hardingstone placed another notice in the Northampton Mercury that throws a different light -

Whereas divers Persons have wantonly or maliciously cut, Barked, killed, and destroyed, or otherwise greatly damaged, several of the young Trees now planted in and about the late inclosed Fields of Hardingstone, in the County of Northampton, and have also broke, thrown down, stolen, and carried away a great Number of the Polls and Rails for the inclosing of the said Fields; and as the Proprietors of Estates therein are determined to prosecute and punish any Person or Persons who is, are, or shall be guilty of any of the above Offences...

They offered 3 guineas per offender for information alone, not arrest and conviction. But they continued to have trouble. In April 1774 at the Easter Quarter Sessions one man was charged with destroying a live white thorn fence

1. NM, February 18th 1765.
2. NM, May 25th 1767.

and two more were accused of hedgebreaking.¹ In 1775 the proprietors appeared in the columns of the Mercury to warn of the future prosecution of those who had "of late dug SAND, in the Parish of Hardingstone" and had shovelled it up in the roads to their great injury.² Whether anyone was caught and tried for these offences (and no one appeared at Quarter Sessions to answer for them) it was possible to punish one wood stealer proper in 1781 in exemplary fashion. At the Easter sessions Nathaniel Hicks was convicted of stealing one sawn oaken post and 3 sawn elm rails from Edward Bouverie and in punishment he was publicly whipped in Hardingstone between the hours of twelve and two the following month.³

Where enclosure protest ends and the economic need for fuel takes over is hard to define. In a parish with a history of the first it is quite possible that motives were well mixed when it came to the second. The activity of the Walgrave Association for the prosecution of felons bears this out. Most of the prosecutions brought

1. NRO QS Easter File, 14 Geo 3, April 5th 1774.

2. NM, February 6th 1775.

3. NRO QS Easter File, 21 Geo 3, March 28th 1781; and Order Book, April 26th 1781, p. 606. A similar sentence was imposed on Mary Pywell (or Stamp) who was convicted of petty larceny in stealing rails from the Harlestone enclosure, the property of Robert Andrew, at the Easter Sessions in 1776. She, too, was taken to her home parish where the offence was committed, to be publicly whipped. QS Easter File, 16 Geo 3, March 20th 1776; and Order Book, April 18th 1776, p. 493.

between 1819 and 1834 were to do with wood. The original Minute Book has disappeared but one of the descendants of the Markham family of lawyers who administered the Association made some observations on its contents while it was in his hands. "It appears from the minutes" he wrote,

that persons were persecuted [sic] for pocket-picking, stealing horses, sheep or turnips, and for killing a sheep. The greater number of the proceedings were however taken against persons breaking or stealing hedge wood or throwing down a wall. Inasmuch as the greater part of the Inclosure Acts had then recently been passed, and the land inclosed, most of the offences were for hedgebreaking - the feeling of the working men against the inclosures being very bitter.

A reward of 5 guineas was payable on the conviction of anyone setting fire to any dwelling, warehouse, mill, barn, or other out-building, or firing a "rick of corn grain Hay Straw or Bark" or lighting a fire beneath any stack of wood, furze or other fuel. The same reward was offered in cases of animal maiming. Convictions of

1. NPL No. 281 "Walgrave Association for Apprehending etc.,- Thieves and Robbers, Notes made by Mr Markham". Prosecuting Associations customarily included a cluster of parishes: 7 parishes within 5 miles of Walgrave were enclosed between 1800 and 1815: Orlingbury (1808), Hannington (1802), Burton Latimer (1803), Finedon (1805), Wilby (1801), Warkton (1807), Cranford (1805), Weekly and Geddington (1807), Kettering (1804), and Rothwell (1812). The Badby and Daventry Associations advertised similar rewards in the 1780's. Both were surrounded by parishes enclosed in the previous decade; NM, March 17th 1783, April 28th 1783, and June 17th 1786.

breaking or stealing carried lesser rewards of 1 guinea per offender. They were meticulously detailed in the minute book (the common practice of prosecuting associations) -

- Breaking or stealing any doors Windows
Shutters Bars Locks Bolts or any
Hedges Gates Stiles Pens Herdles Fleaks
Stakes Posts Rails or any Iron work
belonging thereto or any Fuel or Firewood 1-1-0
- Robbing or maliciously damaging any
garden Orchard or Fish Pond or cutting
down barking or destroying any Timber
Fruit or other Trees Underwood or
Quicksets growing 1-1-0

A general dislike of enclosure might legitimize night raids for wood.

Five miles east of Hardingstone, in the wooded expanse of Yardley Chase, the inhabitants of Yardley Hastings, Denton and Grendon (in spite of being allowed to keep their "privilege" of picking up fallen wood in the Chase) extended their wood gathering to the fences of the newly enclosed fields and common of Denton. Men, women, and even children were said to be "audaciously and unlawfully" cutting and carrying away both the mounds and fences of the enclosures of Denton and Castle Ashby. In a public notice of February 1775 the Earl of Northampton (whose land lay in all three parishes) instructed his tenants to be vigilant and to assist in bringing the guilty to justice.¹ Denton was a parish of 1,970 acres, 1,400 of which were enclosed in 1771-1772 including a

1. NM, February 27th 1775.

large common of 700 acres.¹ Within the decade the Earl's lands in Yardley Hastings (with its Common and Yardley Pasture) and in Grendon were also enclosed.²

The trial at Assizes of Hamon Mundling (or Amon MUNDIN) in April 1788, for riot, trespass and misdemeanour, possibly concerns the ongoing enclosure of Wollaston. MUNDIN was an Irchester tailor living within a mile of Wollaston.³ Wollaston's enclosure was opposed at the Report stage of the Bill insofar as the owners of 8 yardlands "could not be met with or...were wrote to and returned no answer", another owner of 1 yardland refused his consent altogether.⁴ Two months later field marks were moved in

1. HCJ, March 13th 1770. At the Ingrossing of the Bill two men were listed as being against the enclosure: the first, Hubbard Flyer, was too ill to consent, and the second, William Unwin, had not replied to a letter sent to him about the enclosure. Between them they owned 172 acres or fully 25% of the open fields to be enclosed (the common was 700 acres, uncultivated, and the property of the Lord of the Manor, Earl Northampton).

2. The enclosure Awards for each parish shows that cottage commoners lost common rights at both enclosures. In Grendon four men who owned open field land and cottage rights were compensated with an acre or so each, a fifth received 3a 3r 0p; the others (who also lost a year's sheep commons when the fallow was sown a year early for which they were compensated fl 8s 0d) who owned only their rights and were still liable for tithe were presumably compensated in the 8-acre allotment given to the poor. NRO Enclosure Awards, Grendon, 1781, Award Cupboard, 33. Eleven cottagers with common right for 2 cows, 1 horse and 10 sheep were compensated with plots of land in Yardley Hastings in 1777; see J.W. Anscomb, "Abstracts of Enclosure Awards", Vol. 2, p. 84.

3. V.A. Hatley, Northamptonshire Militia Lists, 1777, 1973, p. 92. NM April 1783.

4. HCJ, March 3rd 1788. Altogether owners of 10% of the land did not sign the Bill.

the open fields and trees were cut down and carried away from the land of two major landowners.¹ Without the Northamptonshire Assize records no more of the trial is known.

Many forest parishes underwent enclosure in the early and mid-nineteenth century. But the best part of 9 Rockingham Forest parishes were enclosed before 1800, together with 5 or 6 in Whittlewood and 2 in Salcey.² Enclosure was opposed in all the Rockingham parishes.³ Counter-petitions were sent from Brigstock and Stanion, and from Yarwell, Nassington and Apethorpe; and riot (or near riot) broke out in the Weldons and in Bulwick. Whittlewood seems to have been much more quiescent, possibly because less enclosure was concentrated in the hungry 1790's. But there was one incident, in 1797, in Whittlebury itself, when a stack of thorn bundles belonging to the Reverend Henry Beauclerk was maliciously set on fire.

1. NM, May 31st 1788.

2. In Rockingham, part of Cliffe Bailiwick was enclosed late in the 1790's (Bulwick was enclosed earlier in 1784, so too were Nassington, Yarwell and Apethorpe in 1777); and the Weldons in 1792. In 1795 Brigstock, Stanion and part of Sudborough were also enclosed. In Whittlewood forest parishes enclosed in the eighteenth century were Potterspury and Yardley Gobion (1774), Syresham (1764), Wappenham (1760), Whitfield (1795) and part of Whittlebury (1797). Piddington and Hackleton were enclosed in 1781; they were in Salcey Forest.

3. The first eighteenth century enclosure riot appears to have occurred in Benefield in the forest of Rockingham, in May 1710. Max Beloff, Public order and popular disturbances, 1660-1714, Oxford, 1938, pp. 77-8.

(Beauclerk received tithe compensation of 337 acres and £373 rents from enclosure awards completed or in process that year). He offered a reward of £10 on conviction of the offender.¹

Two parishes in Rockingham forest may have seen full riots. The first happened in Bulwick in 1784 when two men were arrested and committed to stand trial at Assizes for "feloniously pulling down some fences". No further evidence survives.² The second occurred near Pen Green in the parish of Weldon in May 1794 when "some Evil-disposed Persons" set fire to and completely destroyed 70 yards of fencing, the property of George Finch Hatton, Esq., Lord of the Manor of Weldon - and since enclosure, owner of more than half the Parish. At the passing of the Act the common rights enjoyed in Hatton's woods were extinguished and they were closed to the parish as a matter of course. A generous 20^s was offered as a reward for information of the offenders.³ The offence

1. NM, November 25th 1797. Beauclerk was Rector of Whittlebury, Greens Norton and Silverstone; Greens Norton underwent enclosure at the same time as Whittlebury (NRO M. 36, Whittlebury enclosure Award, 1800). Whitfield, in Whittlewood Forest, was enclosed two years earlier in 1795, but without trouble, possibly because the commons (the "Moores", Little Hay Grove, Great King's Hills, Little King's Hills, Middle King's Hills, and the Assarts) were left open; Enclosure Awards (Flat folders). Whitfield Enclosure Award, 1797. Also Misc. QS Records 229/33.

2. NRO QS Order Book, 1782-96, July 15th 1784. They were John Dyson and Robert Cave.

3. NM, July 26th and August 2nd 1794. Steward William Boon, of Gretton, advertised the reward on behalf of Hatton. Hatton was also Patron of the Rectory, in NRO, J.W. Anscumb, "Abstracts of Enclosure Awards", Vol. 3, p. 129. He was not the only Manorial Lord in the parish: Lewis, Lord Sondes claimed to be Lord of Hunter's Manor in Little Weldon. Sondes was one of those responsible for the enclosure of Wilbarston, five years later, about which he received a counter-petition: see above, Chapter 6.

was committed in broad daylight and clearly more than one man was involved. The long gap between the date of the fire - May 12th - and the date of the reward notice - July 19th - suggests Hatton and Boon hoped to secure information locally, without need of a public advertisement. Large landowners preferred such private methods: the publication of reward notices might be an admission of defeat, and was often the last resort after a variety of inquiries and warnings had failed.

Weldon's was only the first disturbance of the 1790's in Northamptonshire. Raunds, Wilbarston and Bozeat followed. In the absence of Assize records evidence of the riot against the enclosure of Raunds survives only in the form of a Latin poem written in praise of enclosure by the Reverend James Tyley who was Rector of Great Addington, a parish three miles northwest of Raunds across the Nene. The poem was written in 1823, some 25 years after the riot. According to Tyley the assault on the fences was led by the shoemakers ("all whom St Crispin had shut in an evil-smelling prison and condemned for bad shoes") assisted by the village women. The fences were pulled down, gates dismantled, and other property damaged. Bonfires were lit with the wood from gates, carts, stakes and broken gateposts. The result of the disturbance was a delay

in the fencing of the enclosure and the imprisonment of some rioters. Tyley says no more than this, except to remark that some of the rioters paid for the damage while others went to gaol. According to the Rector, in the following years the land was sown for the first time with crops or turned over to pasture and woodland.¹

A year later, in July 1799, the Northampton and Althorp troops of yeomanry were summoned - at a cost to the enclosers of £105 5s 8d - to disperse a crowd of 300 in Wilbarston.² The commoners had successfully prevented the fencing of a small allotment granted to them on Wilbarston Plain, in lieu of their common rights over the whole area. For two days a waggon loaded with posts and rails had failed to get near the spot. The crowd had defied the magistracy, and at the approach of the yeomanry set light to a bonfire in the middle of the road. The troops drew up before the bonfire, with the waggon under strict guard, and waited an hour after the Riot Act was read to the 300. At the end of the hour they

1. Joan Wake, ed., "Inclosure of Open Fields in Northamptonshire", The Reminder, Feb. 1928. NRS Misc. Pamphlet No. 860. NRO Mollows Pamphlet. The poem is translated in the article by Miss Dorothy Halton. A counter-petition was heard in the Commons on June 19th 1797 but was unsuccessful; and on June 30th at Ingrossing the proprietors of 721 acres (15% of the parish, including in the total the waste) would not sign the Bill; H.C.J., June 19th and 30th 1797. For the poem, see

2. NRO Wilbarston Parish Chest, photostat No. 743, enclosure commissioners' account book.

escorted the waggon onto the common and forced some of the "most active of the mob" to unload it. Within two or three hours most of the commoners dispersed.¹ Neither a counter-petition to Lord Sondes nor a full-scale effort to defend the Plain had succeeded in Wilbarston.²

Bozeat, on the eastern border of the county not far from Raunds, was enclosed between 1798 when the Act was passed, 1799 when the Award was made, and 1803 when it was finally enrolled. There is some evidence of riot here in 1800. At the Epiphany Quarter Sessions Thomas Taylor, a labourer, was charged with an assault

1. [Annual Register, 1799 Chronicle, July 27th 1799].

2. Sondes also claimed to be lord of Hunter's manor in Weldon, a few miles west of Wilbarston. Both enclosures were opposed in the 1790's; for Weldon see above. Four Wilbarston men were committed to Oundle Bridewell in November 1798, charged with hedgebreaking, and found guilty in January 1799 and sentenced "to receive a severe Whipping and be then discharged". One of them, William Munton, appealed to Quarter Sessions two years later against the rate set by the enclosure Commissioners for fencing. He and Mrs. Mary Margaret Green alleged that they were forced to pay the costs of internal subdivision fences on the enclosed land as well as their own boundary fence costs. If Munton was prominent amongst the opponents of the enclosure, his hedgebreaking might have been opposition to enclosure too; as far as other motives go he had no need of fuel wood for at enclosure he owned 100 acres and rented more (NRO LTA Wilbarston, 1799). If so any overcharging for his fencing might reflect the anger of enclosers who had been forced to summon the Yeomanry at a cost of some £105 5s 8d. See QS Michaelmas Grand File, November 20th 1798, Epiphany Grand File, January 1799; Thomas a Becket Grand File, 1801; Wilbarston Parish Chest, photostat no. 743, "The Account of Robert Edmonds... Gentleman Commissioners..." n.d. [1799].

on his person by John Lewis, a yeoman. Lewis's witness was Thomas Hooton, one of Earl Spencer's substantial tenants in Bozeat. But Taylor was also accused of another offence taking place only two days after the assault. He "and divers others unknown" were alleged to have assembled illegally and riotously in the parish. Again Lewis prosecuted, and again his witness was Thomas Hooton.¹ This is the extent of information available. Given the unsatisfactory nature of court records as a source (a point discussed below) we can only note the conjunction of enclosure and riot, and the involvement of two men who undoubtedly viewed enclosure very differently.² And, of course, conjunction in time does not prove that the riot was a response to the enclosure. On the other hand there is much evidence to suggest that in many parishes where criminal protest followed the enclosure by many years (or in some cases, preceded it) there was such a close connection.

1. NRO QS Epiphany 1800, Grand File. Taylor pleaded guilty to riot and not guilty to assault.

2. NRO LTA Bozeat 1802, 1803. Hooton was one of Spencer's biggest tenants, renting over 200 acres; Lewis had owned between 30 and 40 acres in 1793 and rented a similar amount, but by 1802 and 1803 he owned 75-80 acres - enclosure did not adversely affect either of them. Thomas Taylor was one of several Taylors in Bozeat; two rented "houses" according to the Land Tax Assessments of the 1790's, possibly cottages; one owned a cottage and about 3 acres of land.

Enclosure protest, and popular memory

A considerable length of time between an enclosure Act and an incident does not exclude the possibility that they were connected. In Northamptonshire the number of years elapsing between the passing of an Act and the enrollment of the enclosure Award was usually two, or at most three.¹ Proprietors were usually given another year to fence their estates from their neighbours'. But a parish on the eve of enclosure would have already experienced many changes which were a necessary preliminary to the Act. Opinion would have been canvassed, land may have been bought and sold, cottages and their rights become concentrated in fewer hands, and probably the game laws and the law of trespass more rigorously enforced.² So resentment of enclosure began early and lasted long. The true "enclosure period" of any parish might extend over as many as ten years from the time the change was first discussed, and opinion canvassed, to the erection of the last internal fences on the old common or waste, or the first planting of young trees on a cleared wold. Hostility to an enclosure could last even longer, as the series of incidents over thirty years at Guilsborough and

1. NPL List of Inclosure Awards and Enrolments of Awards now in the Office of the Clerk of the Peace in the County of Northampton, Northampton, 1904, passim.

2. See above, Ch.1, "Fuel, browse and nuts from commons, forests and woods"; also Ch.8.

Hardingstone show.¹ Moreover, the loss of commons and open fields would have seemed especially oppressive at certain times in the years that followed - when employment was particularly scarce, when food prices rose, or when a neighbouring parish also underwent enclosure.² Popular memory was long.

In Piddington and Hackleton - the two Salcey Forest parishes enclosed in the eighteenth century - posts, rails and gates were destroyed in October 1797. They belonged to the farm rented by Thomas Rowe, a tenant of Lord Hinchbrook. But whether this was connected to any anger at the loss of the commons and loss of rights to cut furze in the parish is uncertain, because a gap of 15 years separated the incident from the enclosure Act.³ Eight gates, posts and rails, and two broad-wheeled carts were wrecked on the night of April

1. See above. As late as 1793 the principal inhabitants of Hardingstone suffered the "pulling up, breaking down, and otherwise destroying and damaging" of their mounds, posts, rails, and fences. NM, January 12th 1793. Attacks on the newly planted quicksets of Earl Spencer at Lower Boddington in 1776 may also fall into this category. The parish was enclosed between 1757 and 1759. See NRO QS Epiphany 1776, Grand File for incidents taking place between 1774 and 1776; and QS Epiphany 1779, Grand File.

2. See below, "The economic context of opposition."

3. NM, October 14th 1797. At the Report state of the Bill in 1782 the owners of 171a 2r 24p refused to sign the Bill. HCJ, February 4th 1782.

9th 1775 in Spratton, in much the same way as the damage done in Piddington. It could have been the work of a number of men; and the reward offered was quite substantial at 5 guineas.¹ But again there is no way of knowing whether these examples of malicious damage were part of a series of attacks inspired by enclosure - or whether they were the isolated work of individuals with private grievances. The same is true of another incident in Northampton in March 1786 - six years after the enrolment of the enclosure Award - when most of the stiles and several gates on the footpath and horse-way between Northampton, Abington and Weston Favel were sawn down.² Northampton's enclosure had been extremely unpopular throughout 1776 and 1777. Opponents organised themselves as "The Committee" and published denunciations of the plans (which were answered by the enclosers) in the Northampton Mercury. The attempt to introduce a Bill in

1. NM, April 24th 1775. Spratton was enclosed in 1765.

2. NM, March 4th 1786. The Northampton Association for the Prosecution of Felons offered a reward of 1 guinea, and the Rev. Mr. Griffiths of Gayton offered another 5 guineas. Griffiths was one of the principal landowners at the time of the enclosure; see J.W. Anscomb, "Abstracts of Enclosure Awards", Vol. 2, p. 105. In another case, Robert Andrew of Harlestone offered a £10 reward in 1791 for an information of the offenders men destroying "3 whole GATES and POSTS, with the IRON WORK...stolen from the Inclosure in the Liberties of Harlestone... several large SCOTCH FIRS have been cut down, and others much damaged; and also the BRANCHES of OAK, ASH, and ELM trees etc have been sawed off...", NM, April 9th 1791. Harlestone was enclosed many years earlier in 1766.

1777 failed but was followed the next year by a successful one.¹

Other incidents occurred some time after enclosure in many other parishes. Two young trees in a new plantation fenced in Warmington field were cut down in December 1777, three years after the passing of the enclosure Act. Lord Carysfort offered a reward large enough to suggest the incident was one of a number - he offered 20 guineas ^{annual} (a labourer's/wage) on conviction or discovery.²

Similarly, posts and rails were broken down and carried away from the new fences in Duston (enclosed by an Act of 1776) in December 1780.³ And at Hinton-in-the-Hedges Sarah Howard was convicted of "unlawfully taking and carrying away part of the fences of the Quick from the inclosure

1. For the argument see NM, December 9th, 16th, 23rd, 30th 1776; January 20th 1777; February 3rd, 10th, 17th, 24th 1777. For the delayed Bill see Misc. QS Records, Northampton Inclosure, Accession 1969/14/91, August 1776 to January and February 1777, especially the account entry for 3 guineas identified as being spent for "A Journey with Mr Griffiths to consult with Mr Peach at Leicester and took a written Authority to Proceed notwithstanding the Strong Opposition agst. the Bill..."

2. NM, December 22nd 1777. The enclosure Act was enrolled on April 19th 1775, NPL List of Inclosure Awards and Enrolments of Awards now in the Office of the Clerk of the Peace in the County of Northampton, Northampton, 1904.

3. NM, December 11th 1780. The reward was advertised by William Fox, steward to Lord Mellburn [the Right Honourable Peniston, Lord Melbourne, in the Kingdom of Ireland].

of the inclosed grounds...belonging to Thomas Cartwright Esquire" three years after the enclosure Award for Hinton was enrolled.¹

Protest could also precede the passage of an Act. Rumours of enclosure may have provoked pre-emptive strikes in the same way that they provoked local counter-petitions in Brigstock, Staverton and Wilbarston, and a public resolution to resist enclosure in Parliament, in Flore and Ringstead.² They may have caused Silsworth crowds to gather in Watford in 1768, led by two West Haddon men, to pull down posts and rails three years before the Act of enclosure was passed.³ There was little to stop an enterprising landowner, confident of a forthcoming enclosure, from fencing some of his land

1. NRO QS Grand File, Epiphany 1770, she was convicted on December 6th 1769.

2. See Ch. 6; and below.

3. NM, February 15th 1768.

in anticipation.¹ And experience may have provoked early action too: both Silsworth and West Haddon had suffered from enclosure in the past.²

The official record of protest

For good reasons few traces of violent opposition to enclosure remain. By no means all riots were prosecuted in the first place, for if it was true of food riot that discretion in prosecution yielded better returns than

1. This happened in Burton-on-Trent where it proved impossible to prosecute the leaders of a very large enclosure riot in 1772 because the fences they destroyed had been erected before the passage of the Act. See Douglas Hay, "Crime, Authority and the Criminal Law: Staffordshire, 1750-1800", unpublished PhD thesis, Warwick, 1975, pp. 259-262. The petition of William Toke on behalf of himself and other owners opposing the enclosure Bill presented by Thomas de Grey for Tottington in Norfolk in 1774 alleged that Grey had encroached on the considerable commons of the parish intending to "claim a much larger Proportion in the proposed allotments than the said Thomas De Grey would otherwise be entitled to", nor had he given public notice of the enclosure. The petitioners asked for time to try the issue of encroachment at law, but were unsuccessful and the Bill was ingrossed the following month. H CJ, February 7th, March 4th, 1774. Such action could easily provoke fence breaking before enclosure.

2. Silsworth was a "lost village", West Haddon was enclosed between 1764 and 1766; see above, Ch. 5. See also NM, June 9th 1783 for notice of "divers wilful and illegal Trespasses, and other unjustifiable proceedings... depredations" committed on George Clerke's land by Roger Haynes, a Watford weaver. Clerke was Lord of the Manor and a major landowner in Watford. Similarly, in Wootton posts, rails and ashpoles were destroyed in 1772; the parish was enclosed later in 1778. NM, February 10th 1772.

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zeal, it was certainly true of enclosure riot.¹ Too ardent a pursuit of offenders might lead to a decade of malicious damage to property. Northamptonshire's wealth of aristocracy, and resident gentry, may have preferred an informal exercise of justice too: enclosure riot, or the threat of it, might be best dealt with by an Earl and his steward privately.²

But even when unlawful opposition to enclosure was prosecuted at law the record that remains is thin. First, the loss of Northamptonshire's Assize records means that as much as two-thirds of the evidence of all riots prosecuted in the enclosure years has been lost.³ Second, the summary conviction of enclosure protesters for breaking and damaging fences and hedges - possibly the most common form of protest - was a private concern of J.P.'s who recorded their convictions only occasionally

1. E.P. Thompson, "The moral economy of the English crowd in the eighteenth century", Past and Present, No. 51 (1971), pp. 120-22.

2. The nineteenth century concentration of great estates and country seats is discussed in F.M.L. Thompson, English landed society in the nineteenth century, 1963, pp. 30-32. But the concentration is much older, encouraged by the sale of crown lands and grants of royal forests in the seventeenth century; see M.E. Finch, The wealth of five Northamptonshire families 1540-1640, 1966. Publications of the Northamptonshire Record Society, Vol. 19, and H.J. Habakkuk, "English landownership, 1680-1740", Econ. Hist. Rev. 1st series X (1940), pp. 2-17.

3. In 13 sample years in Staffordshire between 1742 and 1802 there were 32 indictments (some with many accused) for all kinds of riot, of which 10 (31%) were at Quarter Sessions and 22 (69%) were at Assizes. Information from Douglas Hay.

at Quarter Sessions. There is no direct way of knowing how many people came before them on such charges.¹ This is a point of no small importance, for if the most common way of prosecuting hedgebreakers was in the private rooms of J.P.'s, and if hedgebreaking was the most common tactic of enclosure protest, we have lost most of the evidence of whether enclosure was widely opposed. X

From time to time Justices did file their convictions with the Quarter Sessions, partly to ensure that they could punish second offenders with the stricter penalties enacted for them. But when they did so they recorded the mere skeleton of the event. For example, at the time of the enclosure of Brigstock and Stanion, Sarah Kilbourn of Stanion was convicted of breaking and taking away part of a hedge belonging to Lord Cardigan. Her conviction was entered at Quarter Sessions by the two justices who tried her. Three days before her trial Thomas Levis of Stanion was found guilty of taking wood with the intention of stealing it from the property of the Duke of Buccleuch and the Earl of Beaulieu. A year later two Corby men were convicted of "Cutting and breaking certain Timber Trees called Oaks", and again they were the property of

1. See Douglas Hay, "Poaching and the Game Laws on Cannock Chase", in D. Hay, P. Linebaugh and E. P. Thompson, Albion's Fatal Tree, 1975, p. 251, n. 2. Hay estimates that one in ten convictions was recorded at Quarter Sessions in the 1770's in Staffordshire, and there is no reason to suppose that convictions for wood theft in Northamptonshire were recorded more frequently.

the Earl Cardigan, growing in Stanion.¹ All three offences were committed during the period between the passing of the enclosure Act in 1795 and the enrollment of the Award in 1805. Ten years is an unusually long period of time between Act and Award, which suggests that the enclosers were having trouble of some sort.² But the official record of the conviction of the four men and women, entered at Quarter Sessions after the event, gives no more information than that they were prosecuted.

Moreover, some protest that did find its way into Quarter Sessions or Assize records may well have been prosecuted in such a way as to make certain identification as enclosure opposition impossible. Prosecutors brought charges of whatever was most likely to secure a conviction: assault or woodstealing charges might cover events such as riotous assembly and destruction of fences. Similarly, the prosecution of one man for hedge-breaking may hide the participation of a number of men and women in pulling down new quicksets. It cannot be emphasized too strongly that the legal records are evidence of prosecutions brought, not of the events themselves. For example, William Payne of Warkton, a labourer, was charged with cutting and spoiling a hedge

1. NRO QS Grand File, September 17th and 20th 1800; December 22nd 1801 (the case of William Mears and William Rowlett).

2. They had received a counter-petition already; see Ch. 6 above.

in Kettering in 1804, the year of its enclosure. His reasons remain unknown. And at Hinton in the Hedges, in 1769, Sarah Howard was convicted of "unlawfully taking and carrying away part of the fences of the Quick" from the "inclosure of the inclosed grounds" of Thomas Cartwright who was a member of one of the most substantial landowning families of southern Northamptonshire, owning lands in a number of Hinton's neighbouring parishes.¹ And Hinton's own enclosure Award was enrolled two years previously.²

Finally, extant judicial and private papers are a poor guide to the incidence of such offenders because detection itself was difficult. Where communities were active in opposition, witnesses and informers were hard to find. Posts taken down at night, gates smashed, and trees stripped of bark were familiar means of revenge often mentioned only in Reward notices printed in the Northampton Mercury, if at all.

But full-fledged riots were prosecuted in West Haddon, Warkworth, Wilbarston and Raunds in the 1760's and 1790's; and more may have occurred at Watford, Bozeat, Bulwick, Wollaston, and Weldon. Malicious damage done to fences, gates, posts and rails was more widespread,

1. NRO QS Grand File, Epiphany, December 26th 1804. QS Grand File, Epiphany, December 6th 1769.

2. NPL List of Inclosure Awards and Enrolments of Awards..., Northampton, 1904.

and less concentrated, than riot in the '60's and '90's, although more common then than at other times.

The distinction between riot and malicious damage is clearest when the former was an illegal gathering prosecuted at law and the latter the clandestine work of one man. But some enclosure protest falls into neither category: the crowd that burnt the fences at Weldon in 1792 was never prosecuted for riot, but nor did it act in secret. Similarly, the gates and locks stolen, the brakes burnt, and the sheep killed in Guilsborough between 1764 and 1766 were probably the work of more than one man, although each offence was committed secretly, under cover of dark. There were illegal assemblies that were never prosecuted as riots and so were never recorded as such at Quarter Sessions or at Assizes. Many rioters may have gathered, completed their work, and dispersed before a magistrate could act. If this was true of large crowds working in open day, it was even more true of activity after dark, when small gangs could effectively sabotage fencing or gates without fear of detection. Examples of such activity are to be found largely in the local newspaper as Reward notices or in estate correspondence.

In some parishes the target of an incendiary or vandal or rioter suggests the link with enclosure. This is the case in Piddington and Hackleton, Northampton Fields,

Wollaston, Watford and Lower Boddington. Fences, mounds, new hedging, gates, gate-posts, new trees on old commons, and trees planted along hedgerows - these were the targets of the most explicit enclosure protest, rather than the more personal property of farmers and landlords, their fishponds, windows, or their sheep and horses. Consequently when there is a conjunction of pulling down fences, and enclosure, or even one of breaking the mounds of boundaries fifteen years after an unpopular enclosure, a good possibility of a connection to enclosure exists.¹

In other records there is more definite evidence that enclosure in Northamptonshire was not a peaceful process. 64 of the 120 successful enclosure Acts passed between 1760 and 1800 were opposed at some stage; 16 of them were opposed by illegal means, and in these cases

1. Stow's account of the 1607 risings against enclosure in Northamptonshire record the same exact aim of the protesters: "These riotous persons bent all their strength to level and lay open enclosures, without exercising any manner of violence upon any man's person, goods, or cattle." The annales or generall chronicle of England..., John Stow, 1615, p. 889, quoted by W.E. Tate in "Enclosure movements in Northamptonshire", Northamptonshire Past and Present, 1 (1949), p. 23. Identifying the motives of the most common forms of anonymous rural protest - maiming animals, damaging property, breaking fish-ponds, etc. - remains as remote a possibility for the eighteenth century as for any other period. Some must have been enclosure protest.

the object of the protest is not in doubt. When malicious damage was so clear in intent, the crime was legitimised to many other parishioners and may have encouraged them to close ranks: the proliferation of rewards and the paucity of convictions suggests that little information about the crimes was forthcoming. The specific nature of much revenge also made the reason for it clear to its victims. Perhaps the most precisely aimed of all threats was one made in Bedfordshire in 1794. An incendiary letter found "in a Mortise-Hole, in one of the Posts of the New Fences" in Milton Bryant threatened to "SET FIRE to MR COOKE'S FARM, in that Parish". At this the proprietors of the new enclosures put up a reward of 50 guineas, announced in the Northampton Mercury, for discovery of the anonymous writer.¹ No such letter appears to have survived for Northamptonshire, but anonymous threatening letters are rare survivals in any case. A study of the richest source of them - the London Gazette - found only 9 incendiary letters dealing with enclosure and common rights in all

1. NM, March 22nd 1794. E.O. Payne has described the village as one belonging to five large owners, undergoing consolidation in the 1790's, probably at the expense of cottage holdings; see E.O. Payne, "Property in land in south Bedfordshire, 1750-1832", Publications of the Bedfordshire Historical Record Society, Vol. 23 (1941) pp. 69-70. In 1796 the right of commoners to cut peat or turf from the moor at Maulden in Bedfordshire was defended against Enclosure Commissioners as they supervised its enclosure. See Joyce Godber, History of Bedfordshire, 1066-1888. Luton, 1969, pp. 417-418.

England in the period 1750-1811.¹ There were often good reasons for not advertising such a letter - including the fear of giving notoriety to a protest and thereby encouraging others. Such a fear may have been the response to other kinds of protest also.

The single most important reason for believing that the full extent of enclosure protest will never be known is that evidence of both legal and illegal opposition is almost always found in the papers of the authorities dealing with it, or in those of the enclosers themselves. Commoners did not leave family correspondence behind them when they died, nor did they have stewards whose account books passed down from one generation to the next. Without the family papers of arsonists and rioters the history of many seemingly isolated incidents of damage, fire and threats will remain unknown. Instead we have to rely on the observations of men who were victims or who could not know the complexity of reasons and feelings leading to opposition. Nor do such observations survive for every parish. The parishes which stood to lose most from enclosure - those on the scarp and in the

1. E.P. Thompson, "The crime of anonymity", in D. Hay, P. Linebaugh, E.P. Thompson, Albion's Fatal Tree: Crime and Society in Eighteenth-Century England, London, 1975, p. 260. Letters were gazetted only when the Secretary of State agreed to offer a pardon to accomplices.

valley, in the outwork hundreds, lying on land better suited to pasture than corn, and enjoying wastes and wolds - these were marked more by the presence of small landholders than large estates, evidence of whose management at enclosure still survives. Smaller resident squires lived here, or men whose families might later enjoy a status as yet unknown to them. Much of the record of their experience of enclosure does not survive either. When even these observations are lost, all record of opposition to enclosure is lost with them.

The value of enclosure protest

It is possible that the threat of violence was an effective bargaining tool of a kind familiar in the century. Examples of the successful postponement of enclosures are to be found in Burton-on-Trent in Staffordshire and Otmoor in Oxfordshire.¹ A combination of active opposition to enclosure, and economic good fortune in the war years, may have led to the success

1. For Burton-on-Trent see Douglas Hay, "Crime, Authority and the Criminal Law: Staffordshire, 1750-1800", unpublished PhD thesis, Warwick, 1975, pp. 259-262. One of the series of riots over the enclosure was reported in the Northampton Mercury on June 10th 1771. The long-delayed enclosure of Otmoor is described by Bernard Reaney in The class struggle in 19th C Oxfordshire: the social and communal background to the Otmoor disturbances of 1830 to 1835, History Workshop Pamphlet No. 3, Oxford, 1970. And see the case of Flore, Northants, Ch. 6 above.

of enclosure protesters in Eaton Bray and Totternhoe in Bedfordshire, and Ringstead in Northamptonshire. A move was made to enclose the two Bedfordshire parishes in 1794. However the opponents of the enclosure acted quickly in calling a meeting in nearby Dunstable "to adopt such Legal Steps...towards preventing the sd Act being obtained".¹ Eaton remained open until 1860, Totternhoe until 1891.² This success may have been due to the large number of owner occupiers in these parishes. Having avoided enclosure in the 1790's, such men continued safe from it until after the war - thanks in part to their war-time prosperity.

The proceedings for the enclosure of Ringstead in Northamptonshire in 1782 went no further than the announcement of a forthcoming meeting of the enclosers in Thrapston at which "the Heads of a Bill will be produced for their Approbation". Ringstead underwent enclosure eventually in 1839.³ The presence of a number of small owners and tenants, supplementing their living with shoemaking, and sharing a general antipathy to enclosure,

1. NM, November 22nd 1794. Payne illustrates the war-time prosperity of small owner occupiers and tenants in south Bedfordshire, "Property in land...", p. 91.

2. G. Slater, The English Peasantry..., [1907], (reprinted N.Y., 1968). Appendix B: Private Acts enclosing common fields, p. 269.

3. NM, November 18th 1782. This may explain the pre-enclosure riot in Watford; see below. This time the opposition lost.

may have caused the late enclosure of a number of Nene valley parishes like Ringstead. Stanwick stayed open until 1834, Higham Ferrers until 1838, Bafield on the Green until 1827, Irthlingborough and Chelveston cum Caldecott were enclosed between 1800 and 1810.¹ And there may have been delays in the onward progress of the movement elsewhere.²

There were degrees of success in these conflicts. If enclosure was delayed altogether in some parishes, its immediate effects may have been softened in more. When Wilbarston commoners demanded the retention of their Plain in 1799, and went as far as resisting the magistracy to make their determination clear, they may have succeeded, for the common was still uncultivated in 1834, and remained so until the 1940's when it was taken over by the Ministry of Defence for military use.³ Similarly, in Bow Brickhill, near Stony Stratford on the Buckinghamshire

1. See below. People of the shoemaking parishes of the Nene valley were exceptionally active opponents of enclosure.

2. Short delays of a year or so are not discussed here: they were less serious threats to an encloser's plans. See above, Ch. 5, for West Haddon, and also above, Ch. 7, for Northampton.

3. NRO YZ 6325/1-4 Report from HM Commissioners for inquiring into the state of the poor laws in England and Wales, 1834, Answers to rural questions, Vol. xxx. [Northamptonshire evidence abstracted] Also L.D. Stamp and W.G. Hoskins, The common lands of England and Wales, 1963, p. 124; and Royal Commission on Common Land, 1955-8, Report, p. 218 [Cmnd. 462].

border, an unruly set of commoners had won an allotment of 230 acres of waste (an "unparalleled act of Benevolence" according to the newspaper account) before they gathered riotously to further augment it with old enclosure in 1791. The outcome of the riot is unknown.¹ It is possible that similar demands made elsewhere in riot, or by threat of riot or arson, were met with a grant of some sort of grazing or fuel gathering - one given in generosity (and wisdom) and interpreted by the donors as a privilege, not a right. In places where enclosure was less actively resisted, fewer bargains had to be struck.

The economic context of opposition

At least 64 of the 120 Northamptonshire enclosure Acts passed between 1760 and 1800 were opposed either legally or illegally. 11 parishes presented counter-petitions, a minimum of 55 Acts were recorded as being opposed by landowners at the Report stage in the Commons, and in at least 16 parishes riot or malicious damage signalled that discontent had not died with the passing of the Act. Altogether it is likely that 2 out of every 3 Acts were opposed at the Report stage.² This figure represents a base level of opposition - at least a further 7 parishes expressed opposition without having it recorded

1. NM, April 9th 1791.

2. See Chapter 6.

at that stage.¹

Table 7.1 Numbers of Enclosure Acts meeting Opposition, 1760-1800

Counter-petitions	Commons: Report Stage	Unlawful protest
11 (9%)	55+ (26 in the sample of 39, or 66%)	16++ (13%)

Total Acts: 120

+An underestimate based on a sample of 1 in 3 of all Acts passed between 1727 and 1801, and a survey of all Acts passed between 1774 and 1778 (inclusive), and 10 other Acts known to have been opposed at the Report stage. The true figure is probably nearer 80 than 55 if the sample of 1 in 3 Acts is representative (the total number of Acts passed between 1760 and 1800 was 120); see Chapter 6 "Opposition at the Report stage".

++An underestimate: possible enclosure protests in Northampton, Wollaston, Piddington and Hackleton, Watford, Boddington and elsewhere were not included.

Sources: see Chapters 6 and 7, passim.

The 1770's saw the height of the enclosure movement in Northamptonshire, but not the height of the protest against it. Although opposition recorded at the Bill's Report stage in the Commons followed the pattern of the movement between 1760 and 1800, opposition from

1. Warkworth, Bozoat, Hardingstone, Bulwick and Ledger's Ashby enclosures were opposed, though not at the Report Stage. Wilbarston and West Haddon enclosure Acts were petitioned against and may have been opposed at the Report stage too, although they did not fall into either sample (1727-1801) or survey (1774-1778); see Chapter 6.

counter-petitioners, and illegal protest against enclosure, did not.

Table 7.2 Incidence of Enclosure Acts and Opposition to Enclosure by decade, 1760-1800

	% Enclosure Acts (total 120)	% Counter- petitions (total 11)	% Acts opposed at Report stage (Sample only; total 28)	% Acts un- lawfully opposed (by incident date; total 16)
	% No.	% No.	% No.	% No.
1760's	27 (33)	36 (4)	29 (8)	37 (6)
1770's	51 (62)	27 (3)	43 (12)	25 (4)
1780's	8 (10)	0 (0)	18 (5)	12 (2)
1790's	13 (15)	36 (4)	11 (3)	25 (4)

Source: The list of Acts used for this calculation was Gilbert Slater's in The English Peasantry and the Enclosure of Common Fields, [1907], reprinted 1968, Appx. B, pp. 292-3. The Report stage figures are taken from the random sample of 1 in 3 Acts referred to below in "Opposition at the Report Stage", the true number of Acts opposed at this stage was greater than 27, probably nearer 80 or 66% of all Acts.

Although the small numbers involved make generalization difficult, one third of the petitions against enclosure were made in the 1760's and more than one third of all illegal protests were made at the same time. In the 1770's - as half of the county enclosure Acts of the period were made - only one third of the counter-petitions and a quarter of illegal protests took place. In other words the 1760's saw as active opposition as did the 1770's despite the

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difference in pace of enclosure. This level of opposition was equal to that of the 1790's, when only 13% of all enclosure Acts were passed. This suggests that while enclosure was generally unpopular enough to be opposed at the Report stage consistently over the period, parishes enclosed in the 1760's and 1790's saw more protest for additional reasons.¹ Both decades were marked by disastrous harvests leading to high prices.² At such times enclosure and the consequent loss of common right agriculture or arable land must have seemed especially ominous. The two were popularly connected in the poor harvest year of 1766: one letter to the editor of the Mercury urged "a total Stop, for the present at least, to an Evil, that must eventually be the Ruin of this Nation", namely enclosure, and an end to the occupation of very large farms and the conversion of tillage to pasture.³ Food riots and enclosure riots were attempts to hold off this process

1. The difference in the level of illegal protest in the 1760's and 1790's, compared to the 1770's and 1780's, is significant at the .05 level, if randomness is assumed.

2. E.P. Thompson, "The moral economy of the English crowd in the eighteenth century", Past and Present 50 (1971), passim. The 1770's and 1780's were generally less riotous decades according to R.F. Wearmouth in Methodism and the common people of the eighteenth century, London, 1945, pp. 37, 40.

3. NM, November 10th 1766. Proclamations of the laws against forestalling were made in the Northampton market place in March 1765, and witnesses were urged to give information of instances of lawbreaking. NM, March 18th 1765.

of engrossing corn and engrossing land - or at least to gain some concessions. They were the concern of the same people and shared common characteristics as a result. First, the trade solidarity of artisans helped organize the pulling down of fences as efficiently as it did the seizure of corn. Second, women figured as leaders in both food riots and enclosure protests. Third, the same exactness of aim, and belief in its legitimacy, identified them: commoners pulled down fences in defence of their common rights, and food rioters captured wheat supplies in order to set a just price. And it is possible that the farmers and landlords who supported enclosure were also the men who held back grain from the market or sold it secretly for a high price. Little Weldon's enclosure, for example, was opposed in 1792 both in Parliament and by the burning of enclosure fences.¹ Three years later Lydia Dexter and Mary Pridmoor, two women from the parish, were found guilty of riotous assembly on the road outside Weldon, with seizing a waggon carrying flour, and assaulting Joseph Chapman, the parish constable.² Chapman was none other than the sole tenant of George Finch Hatton and the man whose fencing was pulled down and burnt in

1. See above.

2. NRO QS Grand File, Easter 1795.

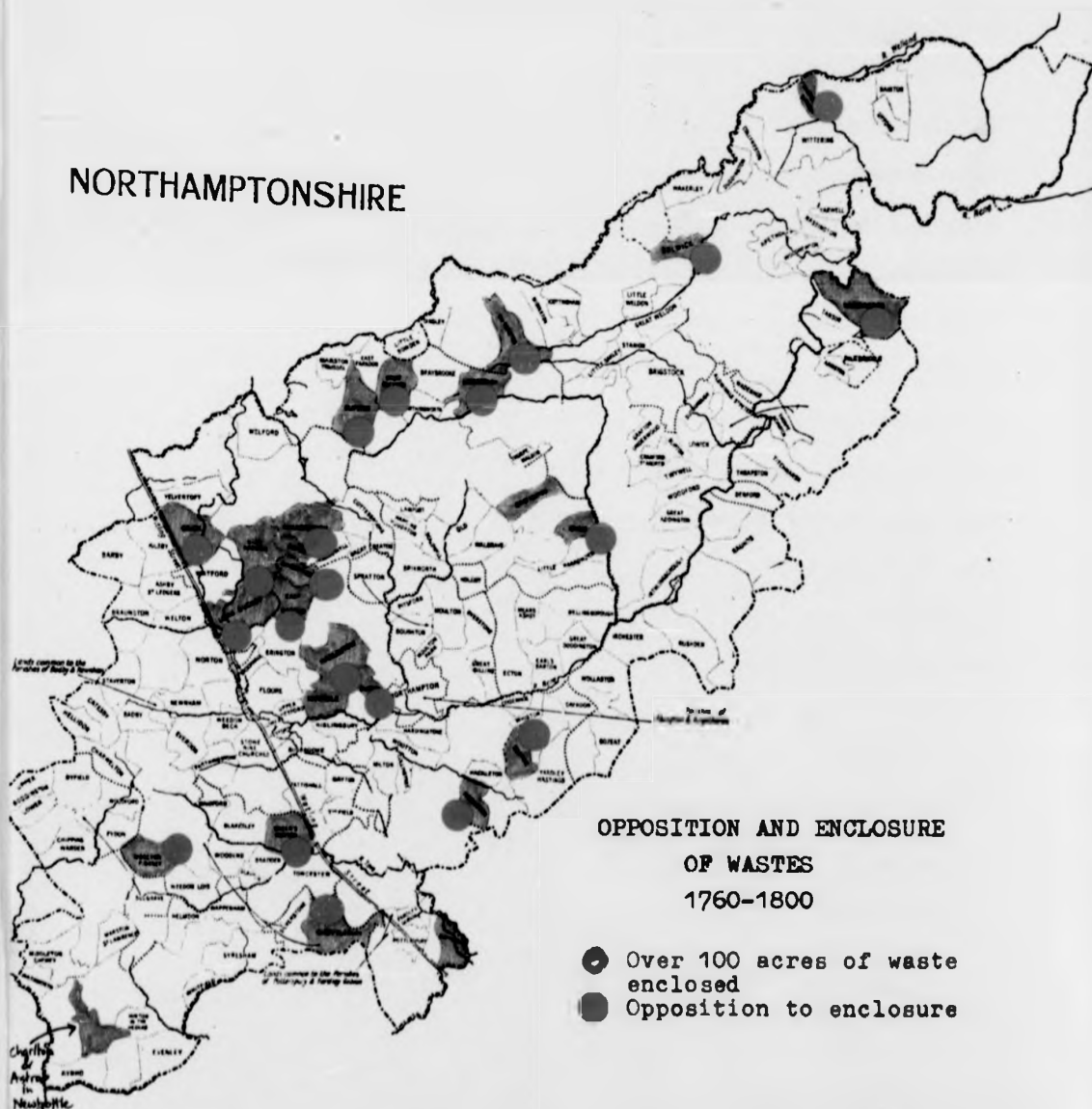
1792.¹ In circumstances such as these it is likely that more than the price of flour encouraged the two women to set upon him.

At least 15 parishes made more than one attempt to defeat or alter the provisions of an enclosure Bill, and many did so both legally and illegally. Counter-petitions from West Haddon, Raunds, the Weldons and Wilbarston, for example, were all followed by riots; and the Wellingborough counter-petition was followed by the theft of the field book from the surveyor's house.

Some areas of the county were more opposed to enclosure (or more active in their opposition) than others. The Nene valley and the western scarp were the two regions most heavily enclosed between 1760 and 1800. Enclosure opposition was most common here partly because of this very concentration, but for three other reasons too. More wasteland stood to be turned over to individual farmers on the scarp than elsewhere; more arable was ready for conversion to pasture in both areas than in other parts of the county; and more weavers, shoemakers, and other artisans and tradesmen living here were able to make a living from a combination of outwork, labouring and farming than was the case almost anywhere else.

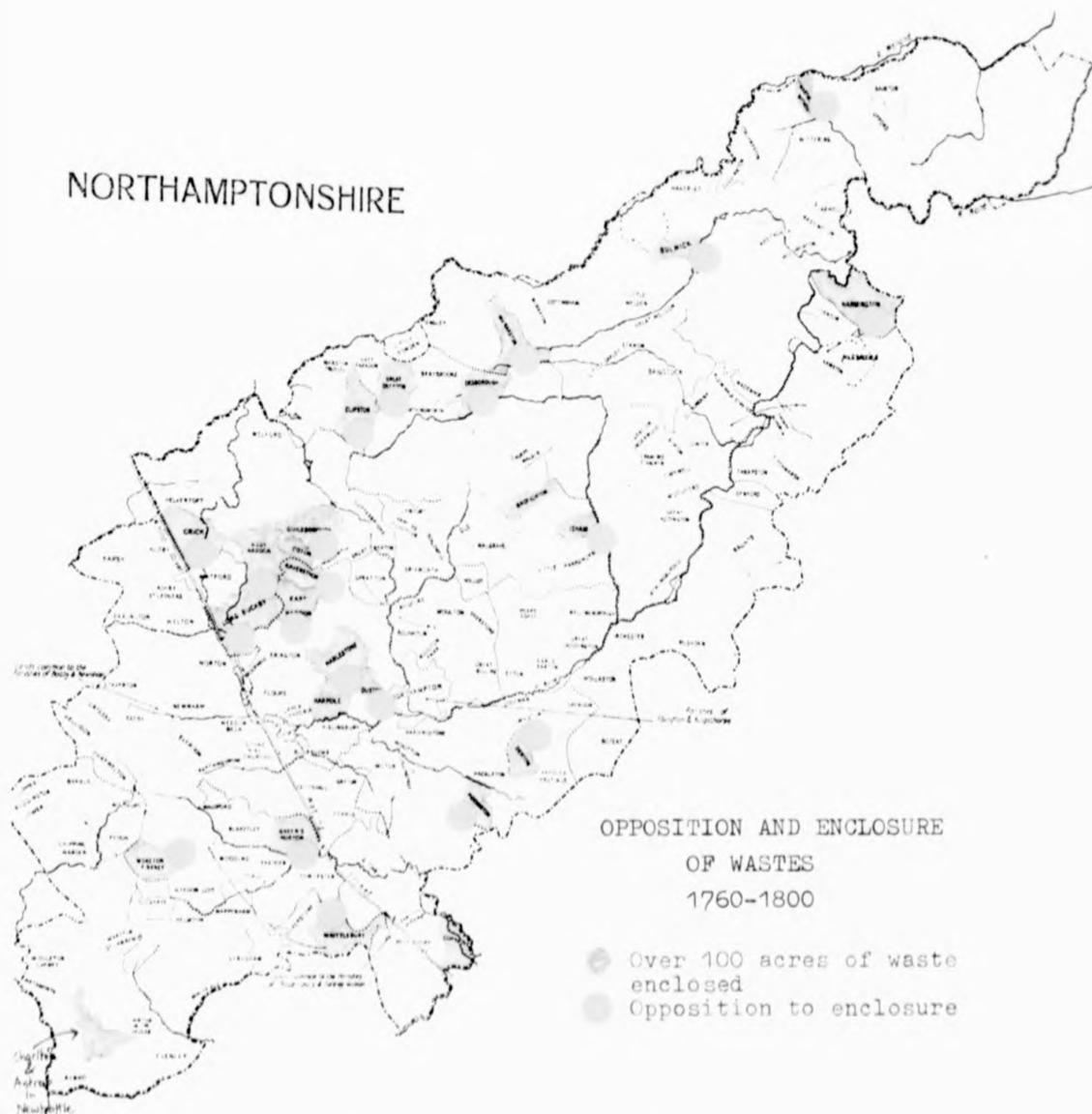
1. NRO LTA Little Weldon, 1787, 1788.

NORTHAMPTONSHIRE



Source: General report on inclosures, 1808;
and Chapters 6, 7, passim.

NORTHAMPTONSHIRE



Source: General report on inclosures, 1808;
and Chapters 6, 7, passim.

(In the early nineteenth century the forests and fenland were enclosed in similar circumstances.)

Thus, all but 4 of the 25 parishes identified to the Board of Agriculture in 1808 as having lost wastes of more than 100 acres each, made some objection to enclosure. (See map 7.3) Some of them are properly called forest parishes (Whittlebury, Piddington, Cosgrove, Denton and Bulwick) but most were scarpland parishes, or lay on the border land between the scarp and the western Nene valley at Northampton. Between them they lost 5,241 acres of wasteland; and Ravensthorpe, Harpole, Clipston and Wilbarston each saw the enclosure of over 800 acres of waste.



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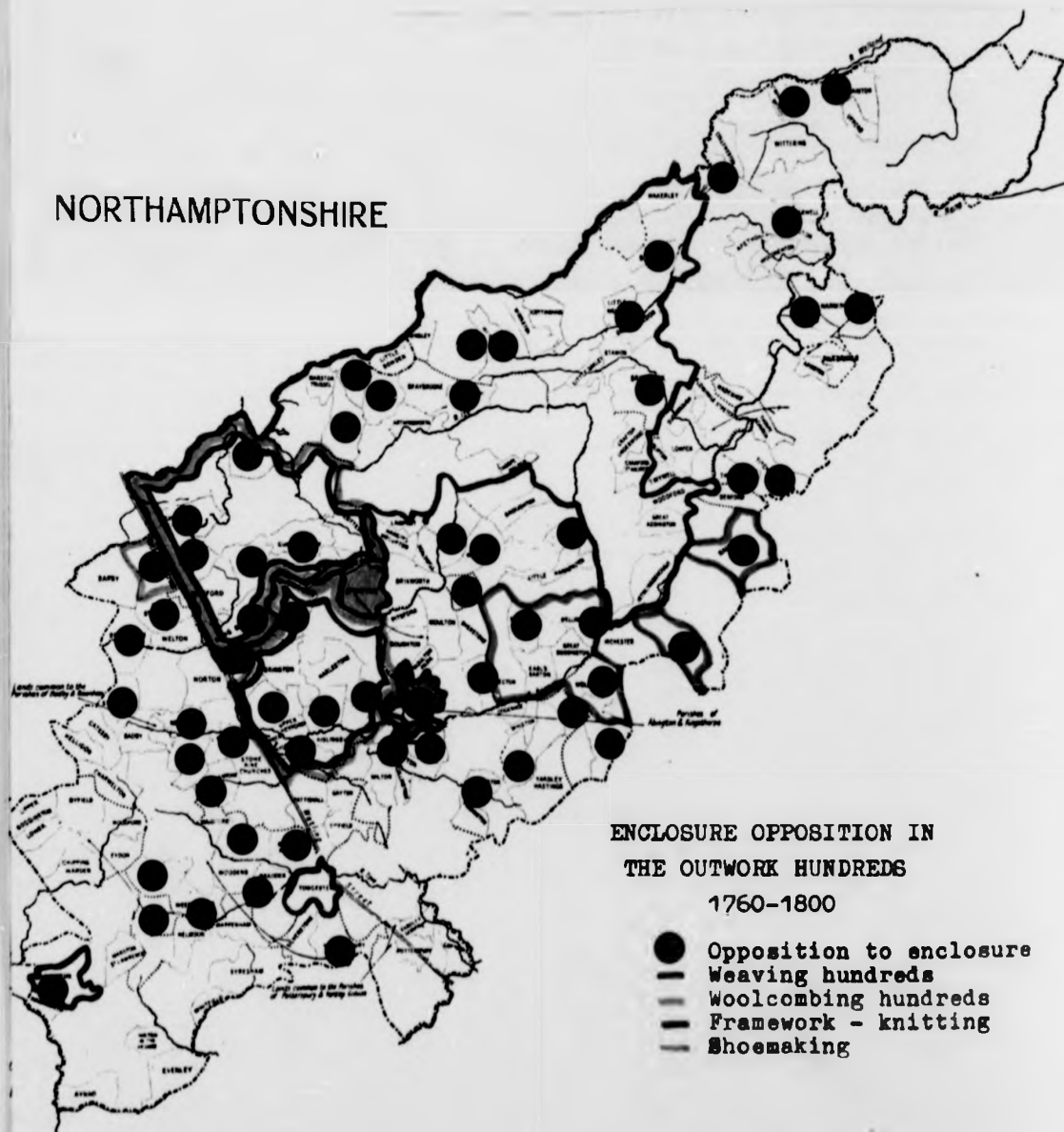
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Map 7.3 The Enclosure of Wastes and Opposition to Enclosure, 1760-1800

NORTHAMPTONSHIRE



ENCLOSURE OPPOSITION IN THE OUTWORK HUNDREDS 1760-1800

- Opposition to enclosure
- Weaving hundreds
- Woolcombing hundreds
- Framework - knitting
- Shoemaking

Source: V.A. Hatley, ed., Militia lists, 1772, 1793; and
 Chapters 6, 7, passim.

NORTHAMPTONSHIRE

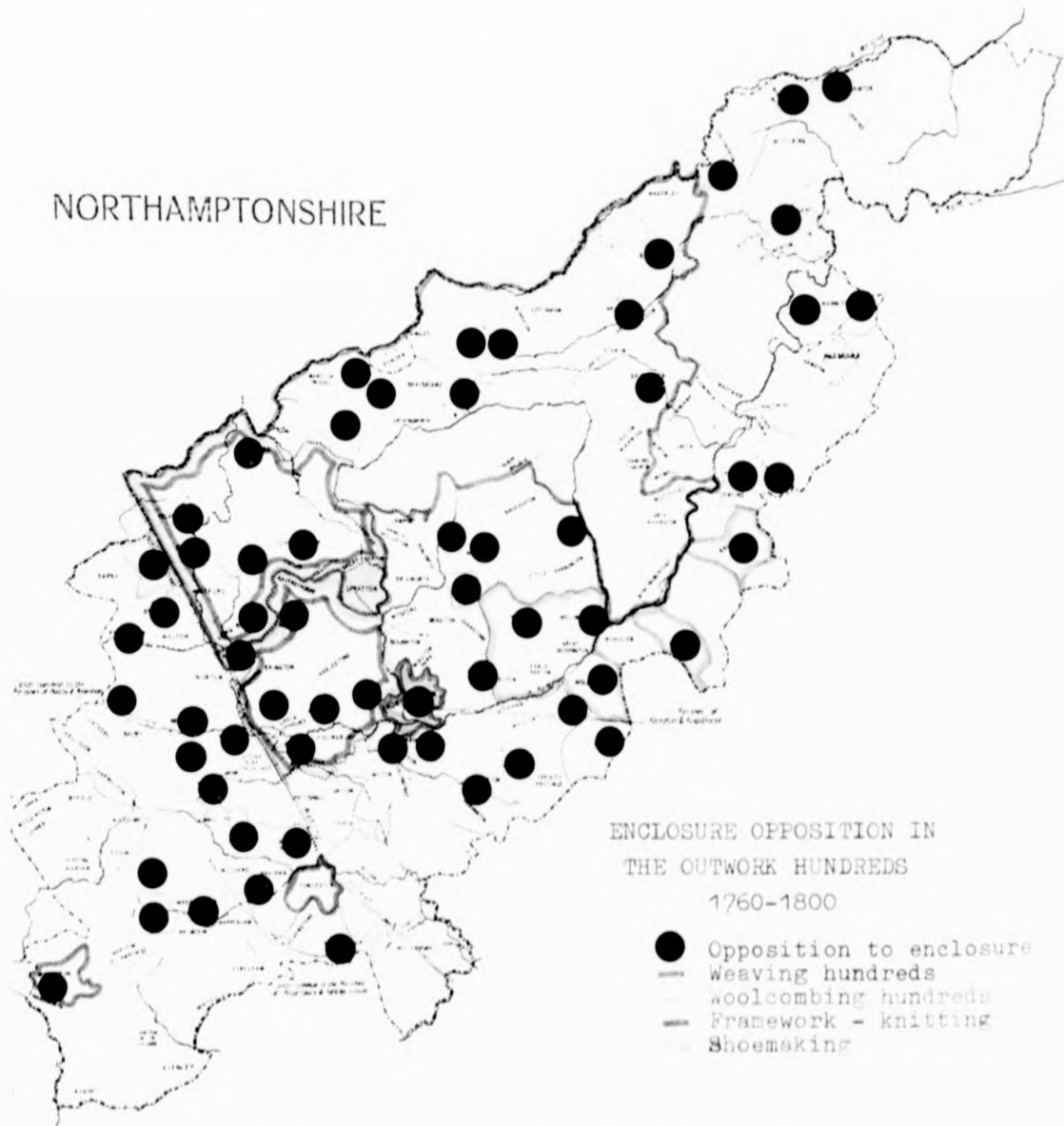
ENCLOSURE OPPOSITION IN
THE OUTWORK HUNDREDS
1760-1800

- Opposition to enclosure
- Weaving hundreds
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- Shoemaking

- Opposition to enclosure
- Weaving hundreds
- Woolcombing hundreds
- Framework - knitting
- Shoemaking

Source: V.A.Hatley, ed., Militia lists, 1777, 1973; and Chapters 6, 7, passim.

NORTHAMPTONSHIRE



Source: V.A.Hatley, ed., Militia lists, 1772, 1793; and
Chapters 6, 7, passim.

Table 7.3 Scarp and Nene Valley wastes enclosed, 1760-1800

Date	Parish	Wasteland (acres)	Opposition
1765	Coton (Guilsborough)	420	Yes
1765	Harleston	180	No
1765	Crick	100	Yes
1765	West Haddon	800	Yes
1767	Gt. Oxendon	200	Yes
1772	Clipston	800	Yes
1773	East Haddon	200	Yes
1776	Desborough	231	Yes
1776	Duston (Nene)	160	Yes
1778	Harpole (Nene)	930	Yes
1778	Isham (Nene)	140	Yes
1782	Long Buckby	300	Yes
1795	Ravensthorpe	920	Yes
1798	Wilbarston	800	Yes

Source: General Report on Inclosures, 1808, and see Chapter 1.

By the standards of the north of England, or Wales, these wastes would not be abundant - nor might forest and fen commoners in Northamptonshire itself find them generous. But their existence contributed much to the livelihood

Map 7.4 Enclosure Opposition in the Outwork Hundreds, 1760-1800

POSITION IN

HUNDREDS

1800

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work - knitting
aking

; and

of the shoemakers, weavers, framework-knitters and woolcombers who lived near them, and protested at their enclosure. Fuel for a woolcomber's pot and space for a tenter came from common waste along with pasture commons, wood and browse. In the eighteenth century weaving, framework-knitting and woolcombing were most common in four hundreds: Guilsborough and Rothwell on the western scarp; Corby, which was further north and included Rockingham forest; and part of Huxloe which lay south of Corby^{and} was bounded by the Nene. More weavers, and a higher proportion of framework-knitters and woolcombers lived in Guilsborough hundred and in Nobottle Grove hundred, an area between the scarp and the river near Northampton. Shoemaking was most concentrated in Hamfordshoe hundred in the Nene valley and in three other parishes enclosed between 1760 and 1800 - Wollaston, Rushden and Raunds.¹ This broad area contains both the western scarp and the Nene valley. Within the weaving

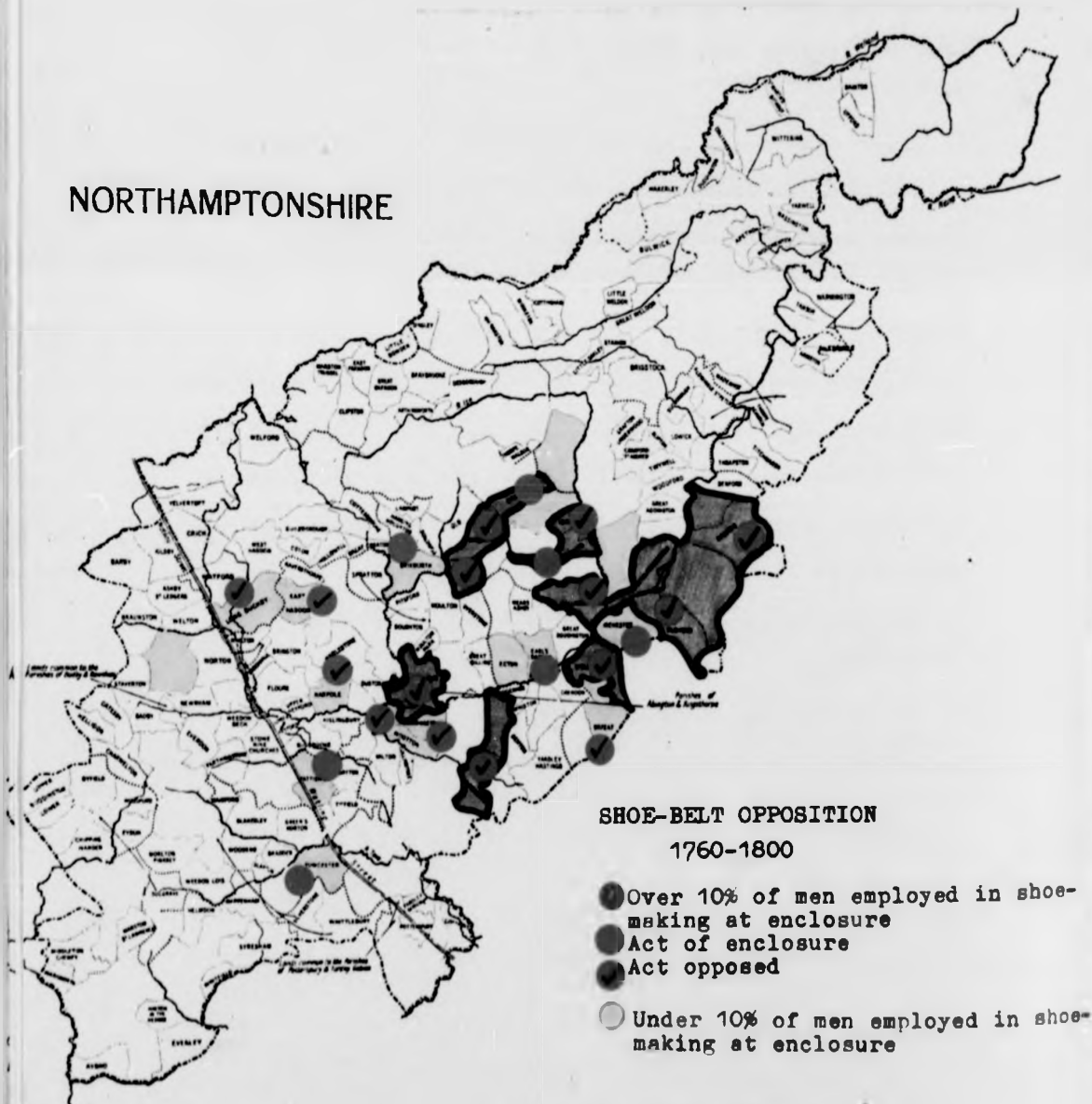
1. V.A. Hatley, Northamptonshire Militia Lists, 1777, Publications of the Northamptonshire Record Society, Vol. 25, 1973, pp. xv-xviii. V.A. Hatley and Joseph Rajczonek, Shoemakers in Northamptonshire, 1762-1911: a Statistical Survey, Northampton, 1971. In these hundreds between 18 and 28% of the occupations of men eligible for the Militia in 1777 were given as weavers and framework-knitters or shoemakers when occupations were listed; in Nobottle Grove hundred and Guilsborough hundred 6.4 and 7.2% of the men who were identified were called woolcombers.

and shoemaking areas here 71% of all the parishes enclosed in this period made some kind of objection to enclosure, whereas outside them only 40% of the parishes resisted it.¹

The eighteenth-century shoe-belt lay along the Nene valley between Northampton and Wellingborough, extending further northeast along the river to Ringstead and forking to the north along the Ise as far as Kettering. Hamfordshoe and Higham Ferrers hundreds, and part of Orlingbury and Huxloe hundreds, were the areas of greatest concentration. Two smaller outlying outwork regions lay south of Northampton at Towcester and Pattishall, and on the scarp near Daventry. In parishes here where more than 10% of the men worked as shoemakers at the time of enclosure, resistance was the rule: 9 of the 11

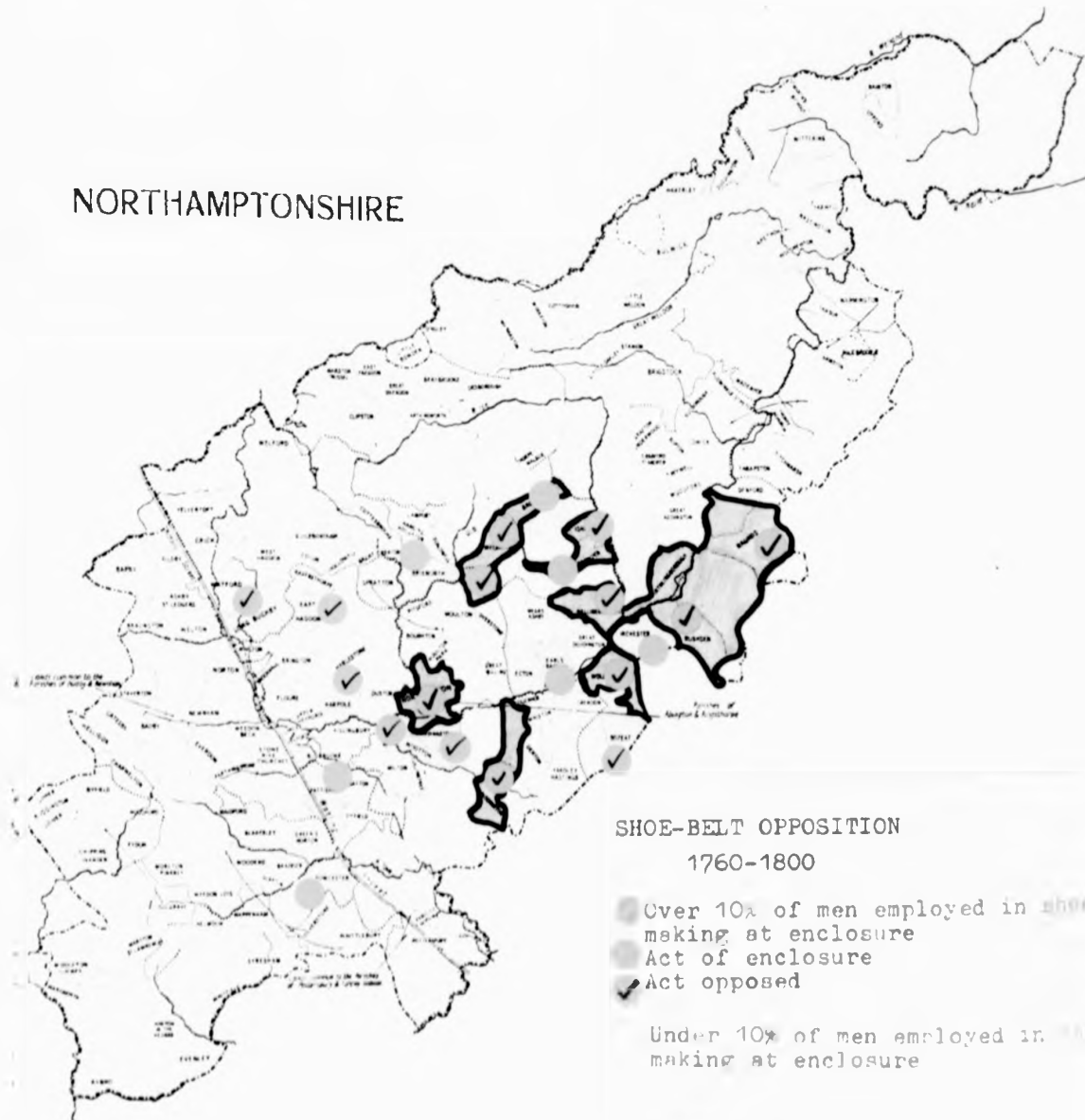
1. 34 of the 48 parishes in the former opposed enclosure; 30 of the 76 parishes in the latter opposed enclosure. These figures include Hardingstone and Wootton directly south of Northampton, and Bozeat and Grendon which abut on the shoe-belt and Hamfordshoe hundred: although not in the particular hundreds characterised as industrial, these parishes bordered them closely and were consequently as well-populated by weavers and shoemakers (and lacemakers too) as any parishes within. When excluded, the figures drop a little to 63% of all parishes within the industrial hundreds being opposed to enclosure, and 45% of all parishes outside these hundreds being opposed to it. Similarly half of Huxloe hundred was not well populated by weavers, although the other half was so populated; for this reason the parishes of Twywell, Lowick, Islip and Aldwinckle St. Peter have been included in the non-industrial part of the county's quota of enclosure Acts; Sudborough was part-enclosed with Brigstock and Stanion, and is counted within the industrial county as part of that one enclosure.

NORTHAMPTONSHIRE



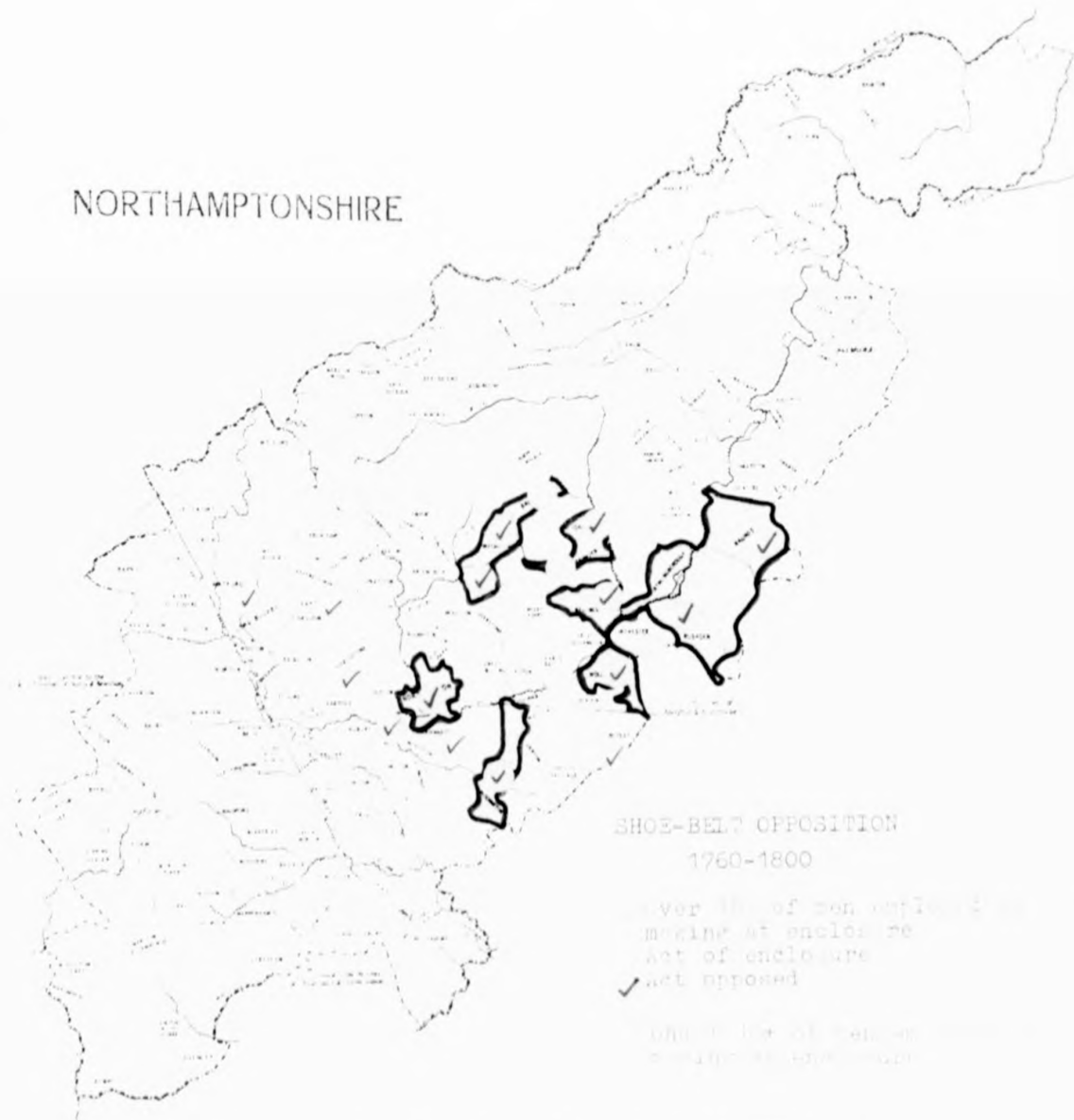
Source: V.A.Hatley, ed., Militia lists, 1777, 1793; and Chapters 6, 7, *passim*.

NORTHAMPTONSHIRE



Source: V.A.Hatley, ed., Militia lists, 1777, 1973; and Chapters 6, 7, passim.

NORTHAMPTONSHIRE



SHOE-BELT OPPOSITION 1760-1800

over 10% of men employed in shoe-making at enclosure
Act of enclosure
✓ Act opposed

over 10% of men employed in shoe-making at enclosure

Source: V.A. Hatley, ed., Militia lists, 1800, 1974; and
Charters p. 7, passim.

parishes like this saw opposition in one form or another. The Raunds shoemakers, for example, were credited with inspiring and leading the riot there late in the 1790's.¹ Protest was less common in the more slowly growing outwork parishes: opposition formed in only 5 of the 11 parishes enclosed between 1760 and 1800 where shoemakers were less than 10% of the male population at the time of the enclosure.² (See Map 7.5)

But nearly one third of the shoemaking parishes were enclosed after 1800, and several of them remained open until the 1820's and 1830's.³ An attempt was made to enclose Ringstead earlier, but it failed.⁴ In light of the intense opposition to enclosure in the other shoe-making parishes, one reason for late enclosure in so many other outwork areas might be a fear of too great a resistance.⁵ After enclosure outworking spread rapidly

1. See above.

2. V.A. Hatley and Joseph Rajczonek, Shoemakers in Northamptonshire, 1762-1911: a Statistical Survey, Northampton, 1971.

3. 11 were enclosed after 1800: Ringstead, Hargrave, Finedon, Stanwick, Chelveston, Higham Ferrers, Daventry, Pytchley, Kettering, Irthlingborough, and Brafield on the Green.

4. See above.

5. There were 6 other towns with over 10% of their men working as shoemakers at enclosure which underwent enclosure after 1800; 2 were enclosed in the first decade of the nineteenth century (Chelveston and Irthlingborough) but the other 4 remained open until 1827 and later (Brafield on the Green, 1827; Stanwick, 1834; Higham Ferrers, 1838; Ringstead, 1839).

OPPOSITION

1800

of men employed in shoe-
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of men employed in shoe-
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73; and

NORTHAMPTONSHIRE

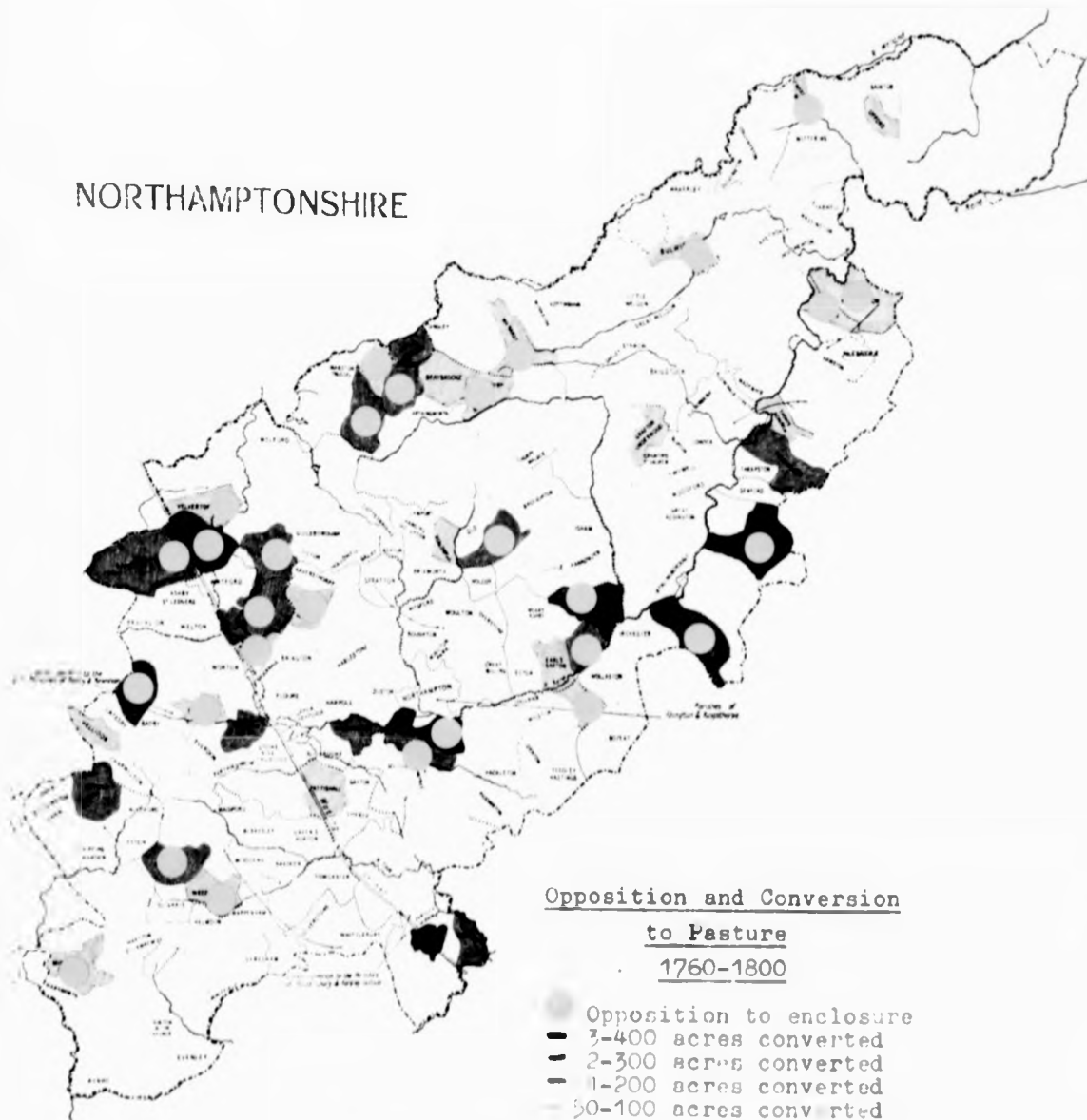
Opposition and Conversion
to Pasture
1760-1800

- Opposition to enclosure
- 3-400 acres converted
- 2-300 acres converted
- 1-200 acres converted
- 50-100 acres converted

Opposition and Conversion
to Pasture
1760-1800

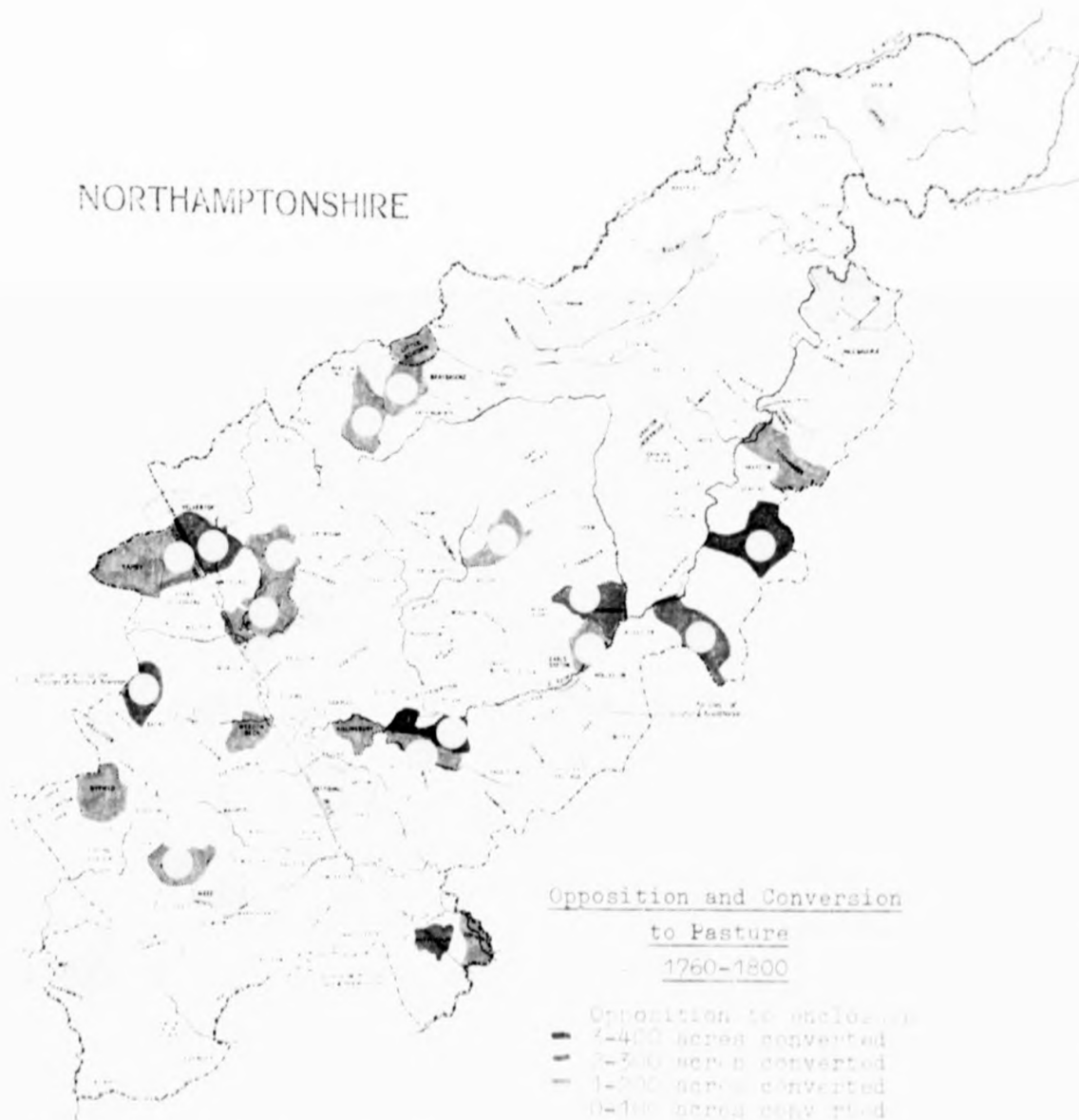
- Opposition to enclosure
 — 3-400 acres converted
 — 2-300 acres converted
 — 1-200 acres converted
 — 50-100 acres converted

NORTHAMPTONSHIRE



Source: General report on inclosures, 1808; and Chapters 6, 7, passim.

NORTHAMPTONSHIRE



Opposition and Conversion to Pasture 1760-1800

- Opposition to enclosure
- 2-400 acres converted
- 3-700 acres converted
- 1-200 acres converted
- 0-100 acres converted

Source: General Report on Inclosures, 1804; and
Chapters 6, 7, *passim*.

in all parishes, for reasons internal to the trade but perhaps also because outworkers were more dependant than ever on shoemaking as a source of employment, having lost their common pasture rights, and possibly having found small pieces of land harder to rent.

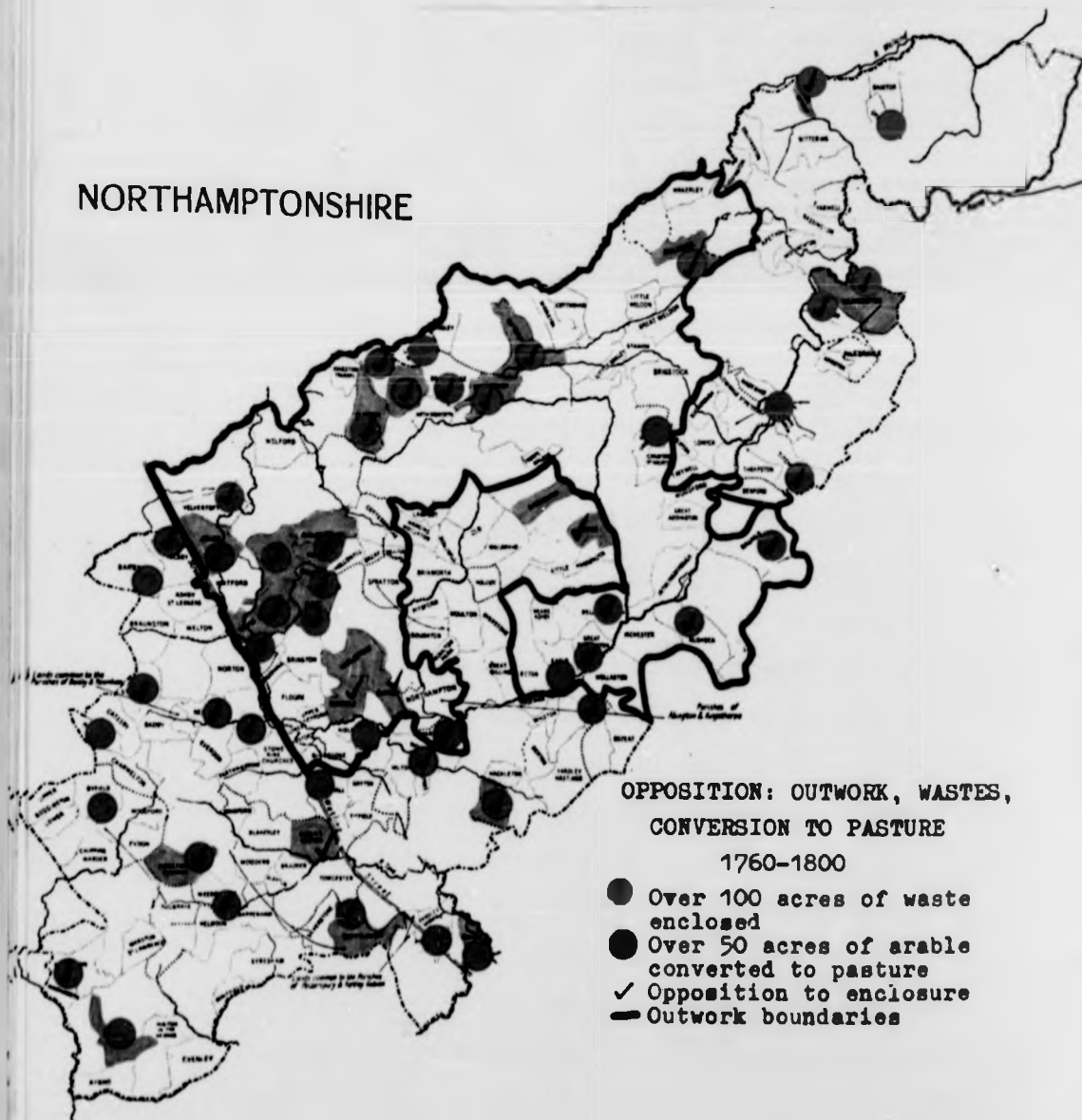
Loss of employment may have been the fate of commoners living in a number of parishes on the scarp and in the valley which underwent conversion of the land from arable to pasture after enclosure. This was a fear expressed by both Welton and West Haddon counter-petitioners living on the western scarp and by Raunds men in the heart of the Nene valley. But the scarp saw most of this kind of change between 1760 and 1800. Of the 22 parishes there reporting a conversion of more than 50 acres of arable to pasture, 16 fought enclosure too. In the Nene valley another 13 parishes lost land in this way, 10 of which resisted their enclosure.¹ Protest was most common in parishes likely to lose most arable land to pasture. Hardingstone and Raunds each lost over 300 acres of arable land; Raunds lost the greater amount, nearly 400 acres. Both enclosures were opposed. 4 of the 5 parishes that later lost between 200 and 300 acres to pasture also resisted enclosure. The incidence of opposition fell with the

1. See below, Ch. 8.

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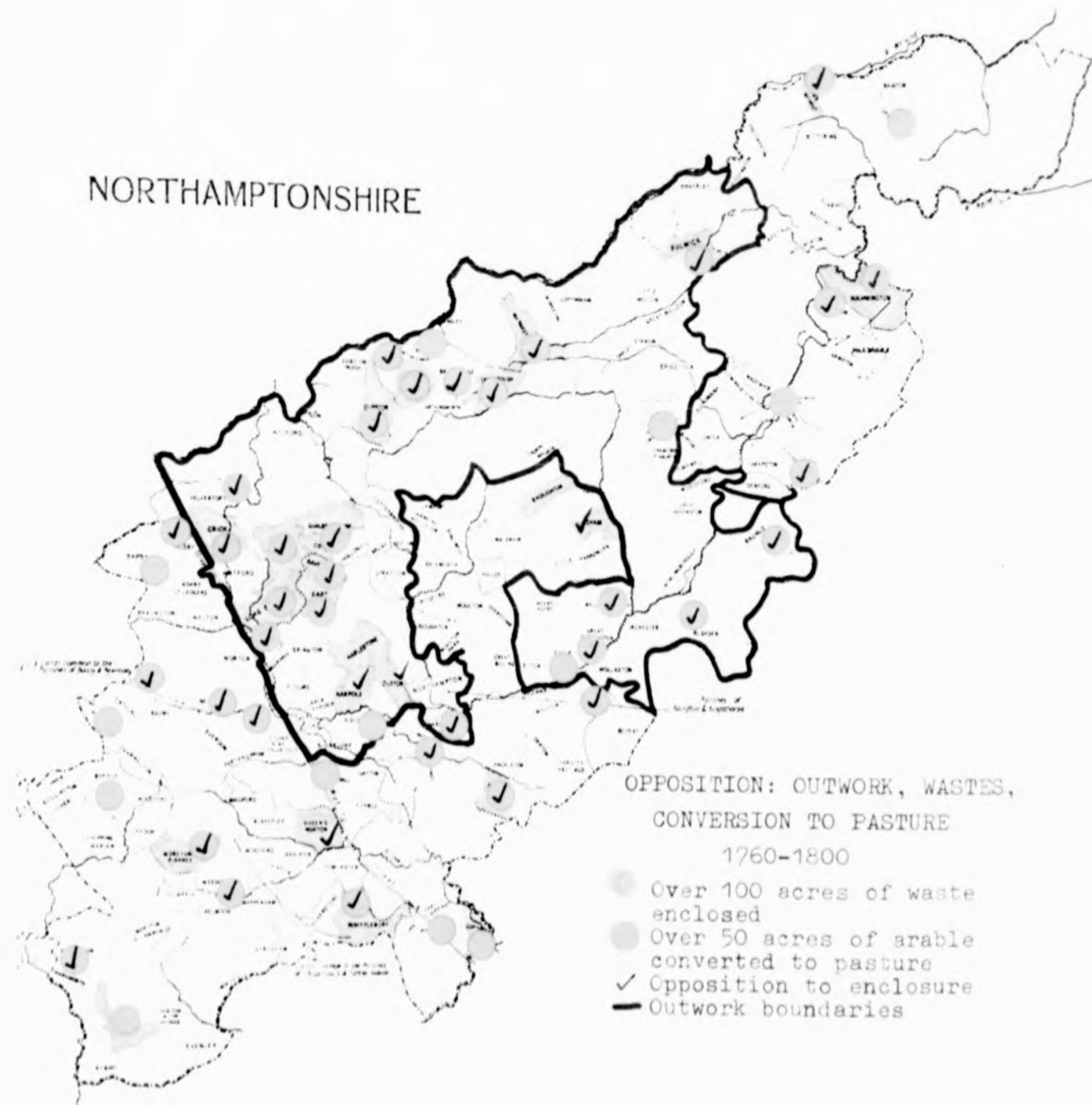
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NORTHAMPTONSHIRE



Source: see maps 6.1, 7.3-7.6; and
 Chapters 6, 7, passim.

NORTHAMPTONSHIRE



Source: see maps 6.1, 7.3-7.6; and
 Chapters 6, 7, passim.

size of land lost: only half of those parishes which lost between 50 and 200 acres stood out against the change.¹

The intensity of enclosure opposition increased with the coincidence of these factors. Wherever a waste was lost, and land was likely to be converted after the enclosure, and outworking shoemakers and weavers made their livings - in such places enclosure was resisted without exception.² Outside the outwork hundreds the coincidence of loss of land to pasture and loss of waste with enclosure opposition was still high - but not as complete as within them.³ Finally, the outwork parishes which stood to lose either waste or arable land resisted enclosure in larger numbers than similar parishes in which outwork was not part of the parish economy.⁴ Overall the loss of waste land was more completely opposed than the future loss of arable

1. Crick, Staverton, Potterspury, Wellingborough and Rushden lost 200 to 300 acres each; West Haddon, Barby, Byfield, Weedon Beck, Moreton Pinkney, Cosgrove, Kislingbury, Great Doddington, Walgrave, Wootton, Titchmarsh, Clipston, Great Oxendon, Little Bowden, Kilsby, and Long Buckby lost 100-200 acres each; and 23 others lost 50-100 acres each.

2. See Map 7.7. Crick, Long Buckby, Guilsborough and Coton, West Haddon, Ravensthorpe, Clipston, Great Oxendon, Desborough, Wilbarston, Bulwick and East Haddon.

3. 8 parishes outside the outwork hundreds lost both waste and arable land, but only 5 of them resisted the loss.

4. Only 4 such failed to oppose enclosure within the weaving and shoemaking hundreds, whereas 11 seem to have shown no resistance outside them.

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to pasture: conversion was less certain and less immediate than the enclosure of a wold or common.¹

Conclusion

Northamptonshire commoners did not wait quietly while enclosure changed the face of their countryside. There is evidence instead of a tense, lengthy struggle in many towns and villages on the scarp, in the valley, and elsewhere. Enclosure produced a conflict fought by both sides, not a bloodless coup in which enclosers reorganised the society and economy of a parish unchallenged.

The difficulties of opposing enclosure legally were very great: the high cost and the low rate of success were two of them. But hitherto the particularly alien nature of Parliament may have been stressed too much. There is some evidence that small farmers and tradesmen were prepared to have petitions drawn up, ready to express their opposition to Bills at the Report stage, and to confront the enclosers when interviewed before the Bill went to the Commons. In Northamptonshire

1. In the outwork hundreds all but one of the 14 enclosures of sizeable rough wastes was opposed whereas 4 of those parishes which were to undergo conversion show no opposition. Outside them 3 of the 10 wastes enclosed were not protested and 11 of the 25 parishes which underwent some conversion later on seem not to have opposed the enclosure.

many such men were, at least, on respectful terms of acquaintance with squires, rectors and lords of manors, and with stewards and greater gentry too in some cases. Certainly forest parishioners were used to petitioning Lords Hatton, Gowran, and Cardigan. Distance between Northamptonshire villages and London ways may not have been the obstacle we often suppose it to be.¹ In most villages there were men who had travelled to the capital, and others who could express on paper some of the reasons for resisting enclosure felt in the parish, and still others who knew attorneys. The variety of men who enjoyed common right, and did not want to lose it, made co-operative action possible: poor squatters alone may have had no conception of "Parliament", but other commoners had quite a good one. And when Parliament ignored them (or they ignored it, knowing the slim chances of success there) they were ready to use greater force.

One measure of the determination of the commoners comes from the enclosure of Hannington (Northants) in 1802. Only one man, the owner of a cottage and a quarter yardland (9 acres), opposed the Bill at the Report

1. P. Mantoux, The industrial revolution in the eighteenth century, 2nd ed., 1961, pp. 166, 174; W.G. Hoskins, The midland peasant, 1957, pp. 249-250; and elsewhere.

stage. His opposition must have taken some courage because the Bill itself was fortified against opposition more so than most. Two amendments were proposed in the House of Lords. The first was that any person dissatisfied with the Award was to take his case to law within two months of its publication. It was to go first to Assizes and then to Westminster. The case would be regarded as a test case and the decision made upon it would "lie for all such cases". The second amendment was that any who opposed the Bill whose claims, objections or complaints were disallowed were to pay a levy to aid and benefit the party or parties in whose favour "the awards and determinations were made"; the levy would be raised by distress and sale of the opponent's goods and chattels.¹ The Lords threw out the second amendment, but it was unnecessary by this time anyway for it would have already scared off much parliamentary opposition to the Bill.²

But why should such measures have been necessary unless there was more danger to the Bill than the opposition of one cottager? The open countryside in the eighteenth century was not the depressed and isolated countryside of later years: the commoners of the period

1. HLJ, 1802, p. 677a.

2. HLJ, 1802, p. 695b.

were men working at more than one occupation, who enjoyed independence from wage labour at some seasons. Common rights were part of their household economies as surely as work in the harvest, or outwork in weaving or shoe-making. Defending them meant defending this partial - but critically important - independence. Also at stake was an old solidarity: the communal nature of common right and open field farming led to a community of interest between small farmers, cottagers and artisans with pasture rights, some tradesmen, and occasionally tenants of middling-size farms. Together they opposed the enclosure of land because they had worked it together, despite the customary difficulties of such co-operation. To a greater or a lesser extent such men shared common needs and common work. After enclosure this communal experience was broken. Enclosure helped destroy an important solidarity of the rural poor - one deplored by pamphleteers who saw in it a disruptive, disorderly power¹ - and in destroying this solidarity enclosure may have left them exposed to the indignities of the poor laws that followed.

1. See Timothy Nourse, Campania foelix, 1700, Ch. VII "Of Commonage and Enclosures"; commoners, according to Nourse, were "a Brood of Terrae-Fillii, or lawless Rogues", p.98. See also Sir John Sinclair, The code of agriculture, 5th ed., 1832, p. 79. Sinclair also refers to William Marshall, The landed property of England..., 1804, p. 105. Also "On Large Farms", Commercial and Agricultural Magazine, July, 1800.

Chapter 8

Conclusion: The loss of rights

Stand (says the Philosopher) from betwixt me and the Sun, lest thou take away what thou can'st not give me. For, in those Places where the Poor are deprived of their Common Pasturage, the most precious and comfortable Gift of a Free Country is taken away...

- Thomas Andrews, An enquiry into the encrease and miseries of the poor of England..., 1738, p.38

The value of common rights to landless and smallholder commoners

The united opposition to enclosure demonstrated in a number of Northamptonshire parishes goes some way to correct a misconception about the nature of eighteenth century commoners and common rights. Hitherto, historians have identified the poor who could not prove their rights as the main victims of the loss of common right, but the co-operation and resistance of landless commoners, cottagers, small farmers, tradesmen, artisans and even middling tenants shows that the loss was more general than has been supposed.¹ Thus an eighteenth century definition of the poor suits commoners better than the historian's: deploring the loss of common of pasture in particular Thomas Andrews defined the victims of that loss as "the Poor (by which I mean, not only the Poor, strictly so called, but also our poorer Sort of Freeholders, Farmers, and Manufacturers.)"² One aim of this study has been to show

1. One example, J.D. Chambers, in a major re-interpretation of the effects of enclosure wrote that it removed a protective "curtain" of common right which protected the poor from even greater poverty, "thin and squalid" though that protection was, see J.D. Chambers, "Enclosure and labour supply in the industrial revolution", Econ.Hist.Rev. 2nd ser. v(1953), and in E.L. Jones, ed., Agriculture and Economic growth in England, 1650-1815, 1967, p.117. Similarly in J.D. Chambers and G.E. Mingay, The agricultural revolution, 1750-1880, 1966, pp.96-7, the loss of common right is dealt with only as a serious loss on the part of a minority of cottagers, some of whom could prove no legal right anyway.

2. Thomas Andrews, An enquiry into the encrease and miseries of the poor of England; which are shewn to be, i, Taxes...ii, Luxury...iii, Absence of great men from their Counties..., iv, Inclosures of Commons..., 1738, p.38.

that common rights were not valued by landless labourers and virtually landless cottagers alone; on the contrary, common of pasture in particular was considered to be of great importance by owners of as much as forty acres, occasionally more.¹

But smallholders in particular opposed enclosure for two reasons. Chapters 1, 2 and 3 attempt to explain why they opposed the loss of common right at enclosure by showing that the value of common of pasture - the right most supportive of their economies - was maintained throughout the century. Chapter 4 sets forth a second reason for opposition to enclosure: the loss of land. Twice as many small owners in Northamptonshire sold their lands during an enclosure period as in still open neighbouring parishes. Furthermore, a third of those who survived lost more than 20% of their land in the process - more than was awarded to the tithe owner in compensation for tithe, and enough to constitute a serious fall in the size of holdings of the old generation of commoner-smallholders.²

1. See above, Ch.5, pp.259, 262, for tables in which the size of holdings worked by owner-occupiers who opposed the loss of commons at enclosure is described: most owned twenty acres or less; several owned between 18 and 45 acres.

2. It might be argued that the men who sold land got a good price for their land, and so they might. But before we assume that they suffered no loss several other issues must be settled. First, why many still opposed enclosure despite the possibility that they could sell up. Second, whether small owners who sold could easily invest the price of their land in other land nearby, or in some other producer of useful dividends. Third, whether they felt driven to sell in the face of the new agriculture which required a bigger holding (at least initially) to make up for loss of common right. A holding with right attached may not have been an ideal unit for a smallholder, but one without common pasture in other parts of the parish to expand its size was no adequate replacement. And fourth, whether a "good price" could replace the way of life that had gone.

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Thus smallholder commoners opposed enclosure on two counts, fearing the loss of common rights as much as the loss of land, and joining landless commoners in drawing up parliamentary petitions and in making local representations to the enclosers.¹

Commoners were both landed and landless and both considered common rights essential to their economies; but this distinction ignores the ease with which commoners moved from one state to the other in the course of a lifetime. At the cottage-commoner level, those with holdings of five acres may have held no land at all for some periods of their lives. Similarly, those with no land might expect to inherit a cottage or to rent a few acres when times were favourable. Landless and landed commoners made up different generations of the same family - a smallholder father might have landless commoner sons, or might divide his land between them even before his death so becoming "landless" himself. Some of the longevity of landless commoners' rights - fuel, feed for pigs, furze, and all the rest - and the persistence of relatively generous access to pasture for small occupiers, may be explained by

1. See above, Ch.6 "Lawful opposition to enclosure" for petitions in which the loss of rights was opposed as much or more than the cost of the enclosure.

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this ease of access to land.¹ Protection of rights came from fathers and brothers with more land than their immediate relatives; and it also came from a body of small landholders who had been landless as well as landed in their own lifetimes. It is possible - though by no means certain - that smallholders helped each other in this way.

Nevertheless, common experience does not always lead to communal protection; and even if it had in open-field parishes the self-interest of richer landowners might have defeated it. But evidence from Northamptonshire manors suggests that poor commoners' rights were not seriously reduced in value in the interest of more substantial yeomen and tenants.² Orders

1. Some of this ease of access disappeared over the century, perhaps at enclosure especially. Winchelsea remarked on the speed with which farmers rented every spare acre of a parish, allowing the custom of labourers keeping cows "to fall into disuse, as has been the case to a great degree in the Midland Counties", George Finch, 9th Earl of Winchelsea, 4th Earl of Nottingham, Letter to the President of the Board of Agriculture on the advantages of Cottagers renting land. Drawn up for the consideration of the Board of Agriculture and Internal Improvement, 1796, p.17. See Ch.4 for examples of gradual consolidation of land and decline of smallholdings in Chelveston cum Caldecott, Weston by Welland, and Sutton Bassett. But farmers could not use the common rights attached to cottages they might buy unless they lived in them. Furthermore, in many parishes the large numbers of smallholders at enclosure show that farmers had not succeeded in controlling such lands before enclosure, see Ch.4 for examples of the survival of smallholders in Rushden, Wollaston, Greens Norton, and others.

2. See above, Chs.2 and 3 passim., especially "The land: stints", pp.87-102.

remained protective of smallholders' rights, and most restrictive of the overstocking of men with the biggest flocks and herds. It is possible that the greatest threat to the richer commoners came from the stock of their fellow farmers, not from the smaller numbers pastured by cottagers and small occupiers. And even if juries were habitually filled with richer rather than poorer commoners, or if fieldsmen were often the most substantial yeomen farmers, they might still recognise a greater danger in the neglect of orders by larger commoners like themselves, rather than in the enjoyment of right by smaller commoners.¹ In the Northamptonshire manors studied here there is much evidence of the survival of small commoners' rights, and of the protection of all common rights - including their progressive restriction by stints.

Moreover, courts baron, vestries, or other customary courts may have enforced field orders more effectively than courts of Quarter Sessions and Assize could enforce the criminal law. First, prosecution was a public matter, set in motion by publicly appointed field officers, as well as by private individuals. In contrast, prosecutions under the criminal law depended on charges brought by private individuals

1. The social class of jurymen and fieldsmen is not discussed here. Such a study (now in progress) might reveal an unchanging composition of juries over a number of years, in terms of individual members as well as class. But the absence of any reduction of poorer commoners' rights indicates that juries were less concerned with them either because they were no threat to their own use of the pasture, or because they would not compromise a right of long usage. See also, Ch.3 p.186.

alone - victims, their patrons, or (later in the century) prosecuting Associations. Second, there were administrative controls to prevent the breaking of orders as well as purely punitive deterrents: officers, common herds, brands and drifts were some of them.¹ Third, commoners enjoyed a powerful summary restraint on law-breaking in the form of impounding trespassing or overstocked animals.² Fourth, the law-makers themselves enforced the laws, added or altered orders twice a year (sometimes more), and were supported by the self-interest of perhaps half the population of the parish who owned land and used common right. It is not suggested here that there was a clockwork regulation of pasture commons before enclosure in which all rights were honoured, all stints observed, all thistles weeded, ditches scoured, moles caught, gaps stopped and wells cleared. Some men consistently broke the stints, ignored orders and tried to subvert the agreed management of the land - although in the manors studied none of them was more than a nuisance. Nevertheless, it is suggested that courts baron and their juries and officers in these manors worked within a set of agreed rules to ensure that pasture was kept in good heart and improved, that animals were protected, and that access to the right of pasture was usually left open to all occupiers of no matter how little land.

1. See above, Ch.3, pp.142-62.

2. See above, Ch.3, pp.179-82.

The loss of independence

It was the loss of rights by these little men of property that was regretted by opponents of enclosure. The loss of common right was part of a gradual loss of "independence" (or, more commonly, "freedom" in contemporary terms) observed throughout the century and attributed to more than enclosure. Independence was sometimes seasonal, perhaps always partial, based on working at a variety of occupations, or at one that gave some control of the product. Shoemakers and weavers who could depend on the produce of their smallholdings as well as the income from their trades were more independent of wage labour and the poor rate than those who had no land and no access to rights. Such independence varied with regions and the value of common pastures and wastes; it may have suffered from the rapid growth of population in some parishes.¹ The Northamptonshire poet

1. Northamptonshire's population remained stable until mid-century. But it rose 20% between 1750 and 1780, thereafter it remained steady until the end of the century. Most pressure on common right would have been felt after mid-century then, and stinting agreements multiply thereafter. The overall rise in population was relatively moderate, and slowed by emigration. But some areas - notably the forests - did experience rapid growth in population in some parishes, though the overall rate of increase in Rockingham was 22%, or the county average. Population rose by 37% in the century in the southern forests of Whittlewood and Salcey. See J. Bridges, History and antiquities of Northamptonshire, 1791 (compiled c.1720), for forest parish populations; also Census, 1801; and Phyllis Deane and W.A. Cole, British economic growth, 1688-1959, 2nd ed., 1967, pp.103, 109, Tables 23, 24. Also the "Return of the numbers of conformists, papists and non-conformists for the province of Canterbury", (Compton census) William Salt Library, Stafford. P.A.J. Pettit in The royal forests of Northamptonshire..., 1968, Appendix iv, sets out the populations of forest villages in 1676, 1720 and 1801. These figures were the basis for the conclusions drawn here, amended with reference to Bridges who sometimes counted families, sometimes houses.

John Clare attributed the rigid separation of labourers and farmers to the loss of common rights at enclosure -

Enclosure came and trampled on the grave
Of labour's rights, and left the poor a slave
And memory's pride, 'ere want to wealth did bow
Is both the shadow and the substance now.¹

Independence led to the servile state; Pratt made the same observation in Cottage Pictures, and named the same cause -

The social level of the land is gone,
Alike the farm and farmers are o'ergrown;
While the spurn'd cottagers and cottage, whirl'd
With all their claims, are into chaos hurl'd.²

And Thomas Andrews wrote that in losing their pasture rights the poor lost "the most precious gift" - a free country.³

It was from this loss of independence on the part of the "poor" that Arthur Young recoiled; the development of a new generation of the poor who accepted dependence on the parish poor rate with resignation led him (and many others) to find ways of giving the poor "those principals of independence which are banished". Significantly, the means of restoring independence was the grant of plots of land, although Young was careful to limit the acreage to no more than would support a cottage.⁴

1. Quoted in Robert Waller, "Enclosures, a poem by John Clare", Mother Earth: Journal of the Soil Association, p.237.

2. Pratt, Sympathy and Other poems including Landscapes in verse, and Cottage Pictures, revised, corrected and enlarged..., 1807, p.188.

3. Thomas Andrews, An enquiry into the encrease and miseries of the poor..., 1738, p.40.

4. "An inquiry into the propriety of applying wastes to the better maintenance and support of the poor", Annals of Agriculture and Other Useful Arts 36 (1800) p.507.

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Finally, when enclosers were cursed by those who felt impoverished by enclosure they were promised the same fate - Thomas Andrews saw no redress for the dispossessed unless "Almight GOD...should send his Blessing on the Poor and his Curse on the Rich; and so make the Penury they prepare for others, be the Portion of their own Posterity".¹

Likewise, John Clare mocked them: "They dreamed of riches in the rebel scheme And find too truly that they did but dream".²

Similarly John Cowper reported that it was common talk that "he who incloses a Common either seldom lives to see the hedges grow up, or at most the estate seldom remains in the family's name many years".³ Other pamphleteers who supported enclosure felt the need to explode the curse as a myth, lest it deter enclosers. One described its origin at length -

some old Good wife...(famous in her Generation for singular demureness, and frightening little Children with stories of Spectres, Daemons, and Apparitions) pronounced Inclosing to be a very heinous and detestable Crime, and such as draws down the particular and

1. Thomas Andrews, An enquiry into the encrease and miseries of the poor of England..., 1738, p.40.

2. John Clare, "Enclosure", in Selected poems of John Clare ed., J.W. and Anne Tibble, Everyman edition, 1965, p.115.

3. John Cowper, An essay...inclosure of commons and common field lands is contrary to the interest of the nation, 1732, pp.19-20.

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distinguishing Marks of God's immediate Vengeance on the Promoters of it...[saying] "The chief Man... was struck stone dead with The----- and Light--g: Another...died Childish; and a third Childless, no Heir being left to inherit...But that audacious Wretch who set the first Spade into the Ground, God Almighty did not suffer him to live to pluck it out again.¹

But, true or not, the claim that the curse existed, and the desire that it should exist, were significant: the loss of rights and land at enclosure led to the loss of independence, and enclosers themselves were threatened with the same fate.

Closing-up the countryside

After enclosure the lands of a parish became individually owned in more ways than the obvious one of extinction of common rights over fields and waste, or the fencing of individual farms. Some evidence suggests that the laws of trespass were invoked more frequently, and that any attempt at continuing usage of pasture rights on roads, greens and uncultivated lands was resisted.

After enclosure, despite the public ownership of the highway itself, herbage on roadsides was claimed by the owners of adjacent lands. Thus Earl Spencer's agent, Richard

1. Anon., The True Interest of the Landowners of Great Britain or the Husbandmen's Essay..., n.d. [c. 18thC.] pp.24, 27. J. Lee's Vindication..., 1656, also challenged the curse, see Thomas Scrutton, Commons and common fields..., 1887, reprinted New York, 1970, for other instances of the curse on enclosers, pp.84, 131-3.

Judge, successfully prosecuted James Treadgold of Brington in 1798 for poundbreach of animals distrained for trespass in a lane running between Whilton and Newbottle. The Earl was "intitled to the Grass and Herbage growing in and upon the lane" - it might be loosely described as his "common right".¹

Furthermore, access along old roads was occasionally stopped up by the Acts. For example, continued usage of a footpath over the fields of Ravensthorpe and East Haddon was rightly called trespass in a warning notice published in 1785 - "Act of Parliament" had closed it.² Enclosers in Geddington in 1807 were petitioned by the inhabitants of Newton to keep

1. NRO QS Grand Files, Michaelmas 1798. According to John Steane in The changing landscape of Northamptonshire, 1975, grass growing on stone plots and roadsides was often awarded to the Surveyor of Highways in payment of the upkeep of public roads. Wherever it was awarded, it was not open to the parish. Wollaston's enclosure Award granted all roadside herbage to the owners of adjacent lands; anyone who put animals to graze on the land was liable to a fine, NRO Wollaston enclosure Award, Book I, pp.5-6. A.W. Ashby noted that the Tysoe Award of 1796 gave the herbage "growing or renewed upon these public roads to be the property of the owners and occupiers of the adjoining allotments from the respective boundary ditches to the middle of the road", see A.W. Ashby, Poor Law in a Warwickshire village p.13.

2. NM October 22nd 1785. Of the two parishes East Haddon alone was enclosed. Persistent use of the lane probably sprang from the continued use of the part of the path in the open parish of Ravensthorpe. Many adjacent open and enclosed parishes must have shared similar conflicts.

open the bridle road running across the fields of Great Weldon into the southern part of Newton village, across the Mill Field and into the open fields of Weekley. The petitioners claimed that it had been "a Bridle Road from time immemorial, [and] is a great Convenience to those going to or from Newton, being nearer than any other Road by a Mile".¹ And John Clare also observed the closing up of access across the fields and woods, and the development of notices of trespass whose legality he questioned -

There once were lanes in nature's freedom dropt,
There once were paths that every valley wound -
Inclosure came, and every path was stopped;
Each tyrant fix'd his sign where paths were found
To hint a trespass now who cross'd the Ground:
Justice is made to speak as they command;
The high road now must be each stinted bound.²

Elsewhere old usage was not the reason for the use of short cuts across private land; rather a lack of respect for new property rights, or a habit of moving freely, explain the disregard of the law of trespass. "Old Tom Lynes" who knew Tysoe before its enclosure could describe the old freedom with regret -

In the old days you could walk all through the parish and all round it by the balks and headlands and cut wood on the waste, if there was any. "And what can you do now, Jasper," asked Lynes. "Make a farmer mad and you be done".³

1. NRO Mont. B.Box 823, Geddingtion Inclosure papers "Petition of the Inhabitants of Newton", October 26th 1807.

2. John Clare, The village minstrel, in Selected poems..., ed. J.W. and Anne Tibble, 1965, p.50.

3. M.K. Ashby, Joseph Ashby of Tysoe..., 1961, p.38.

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Such a habit explains the illegal making of paths over enclosed lands in Rushden, Wootton and Abington in the 1780s and 90s.¹ And occasionally path-making was done with some damage to property, and some malice too perhaps.² Clearly, commoners were not completely deterred: they continued to cross land rather than follow roads, and they continued to pick up browse, fuel, or nuts, and to lay snares when the opportunity arose. But they did so in the face of more certain prosecution or other punishment, and they could no longer claim a right of usage.

Gleaning

The only common right to survive enclosure intact was that of gleaning the harvest fields. Gleaning was attacked early and late in the century, and its legality as a right was denied in several law suits.³ Further assaults came from agricultural improvers who promoted a variety of technical changes that would

1. NM November 11th 1797, December 2nd 1796, March 22nd 1788, respectively.

2. For example, NRO 618/497, Harlestone Association for the Prosecution of Felons, Minute book, Vol.1, p.11 "Ordered that the Solicitor do forthwith commence an Action against Benjamin Timms and William Hill both of Wootton Labourers for a Trespass lately committed by them in trampling down and breaking the Hedges and Fences in some Closes at Wootton belong to and in the Occupation of Mr Francis Evans a Member of this Association and forcibly making a Road over the said Closes". Minute dated February 13th 1800.

3. See above, Ch.1, "Gleaning".

restrict or eliminate gleaning. Two examples are the swathe-rake (or "Dow-rake" as it was known in Essex), and the Hainault scythe (one of a number of similar scythes). The Reverend Mr Comber of East Newton near York described the advantages of the rake in a letter to the editors of the Museum Rusticum et Commerciale in 1764. Tied to a labourer's waist, the rake could be drawn in great swathes across the harvested fields, gathering up all loose straw; the rakings were then left to dry before being piled up and taken home. This process left too little stubble to attract gleaners, who had turned the practice into stealing according to Comber, and so deserved no access anyway.¹ Several Northamptonshire farmers, writing in 1763, praised the low-cutting ability of the Hainault scythe in much the same terms, although they felt more sympathy for gleaners than Comber. The scythe cut closer to the land, leaving little straw or fallen ears for gleaning, although the farmers had been informed that where the scythe was routinely used the poor "who would otherwise collect the straggled corn, have it delivered to them ready collected".² But such delivery would

1. "Further Observations on Mowing of Wheat, in a Letter from the Reverend Mr Comber to the Editors", Museum Rusticum et Commerciale Vol.2 (1764), No.viii, p.31. Comber also reported that gleaners were known to stone landowners off their own lands.

2. "A Certificate from several intelligent Farmers, and others living in Northamptonshire, respecting the Advantages of the Hainault Scythe, which they saw tried last Harvest, in mowing wheat", Museum Rusticum et Commerciale Vol.2 (1764) No.xxvi, p.86. See also No.ix, pp.35-5 "A Letter to the Editors, on the Advantages of mowing Wheat and a Method of Stacking Corn in the Field so as to preserve it from being damaged by Rain (by Y.Z.)", in which the scythe is again described as leaving less shed corn.

have been an act of benevolence, far from a right. Scythes were used increasingly in the following years but despite them gleaning continued for at least another century. Nor was it stopped by the animosity of farmers who feared that gleaners would steal more than they gleaned, or would return to their barns in winter to steal more to feed their poultry and pigs. David Morgan has explained the persistence of the right by describing the "psychology" of harvesting itself. At harvest-time the fields belonged to the harvesters and gleaners in a widely acknowledged way; to deny them their right to glean the fields would be to ignore a strong tradition of harvest-time democracy.¹ But other common rights - furze gathering for example - share the same respect as gleaning in village communities before enclosure, though none but gleaning survived.² Apparently nothing could sustain the rights of fuel gathering, access over fields, grazing on roadsides, or nutting and all the rest, after enclosure. Gleaning may have continued because it was protected as much by the harvesters for whom farmers had an overriding economic need at harvest time, as it was by the tradition of democracy: an attack on gleaning might jeopardise the gathering in of the harvest itself. As Morgan himself has shown harvest was a time when farmers were unusually vulnerable

1. David Morgan, "Harvesters", in Raphael Samuel, ed., Village life and labour, 1975, p.

2. For the protection afforded the right of gathering furze by the poor, see above Ch.1 "Fuel, browse, and nuts, from commons, forests and woods".

and labourers were unusually powerful. During the negotiations of what price he would pay for bringing in the corn a farmer issued no ultimatums about price or speed because he could not afford to waste time in dispute. It follows that farmers may have believed that an attempt to deprive gleaners - some of whom would be wives and children of harvesters - of their customary right would be too great a risk to the safe gathering in of the corn itself.

Benevolence and dependence

Gleaning survived as a customary right, but all other rights to the product of other men's land were extinguished and turned into privileges dispensed by vestries and vicars. The independence of the poorest commoners was turned into reliance on benevolence or charity. The Northampton Mercury printed a number of suggestions for the relief of the poor, late in the century, directing them increasingly to large farmers and graziers rather than squires and greater gentry. Allowing labourers enough land to plant potatoes was one plan. Another was equally dependent on the good will of farmers: the sale of milk.¹ Throughout the high price

1. Thus "Benevolus" (aptly so called) wrote to the editor in 1792 with an open letter addressed to the "Gentlemen Graziers and Farmers of Northampton County" asking them to sell their milk to the poor rather than feed it to their hogs. Milk would prevent "distempers" and tea-drinking, the taking of a dram and "eating Onion Porridge" resorted to when milk could not be had. Some Magistrates, he wrote, refused relief to the tea-drinking poor, failing to realise that they drank it for lack of milk. With the poor healthy, the poor rate would decline. See also NM January 28th 1792, Benevolus wrote again, forecasting an end to dearth, despite the self-interest of farmers.

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years of the mid-1790s the newspaper reported the charitable efforts made to help the poor, commending each for adoption in other parishes. Finally, in 1797 came a report from Little Dunham in Norfolk which was newly enclosed. The poor of that parish had been compensated with an estate valued at £20 a year but let for £50. Rents from the land were to be laid out in fuel for their winter fires. It was reported that the poor were satisfied with the scheme, although initially hostile -

Although the prejudices of the poor, against the inclosure, were very great before it took place, the moment they saw the land inclosed, and let as the poor's estate for 21 years by auction, at the rate of 5l a year, (although estimated by the Commissioners at 20l a year) they were highly gratified; and have indeed great reason to rejoice, as they will be now most amply supplied with that great comfort of life.¹

The writer concluded with the common observation that the poor wasted their own labour where they cut their own fuel. The same time spent working for a farmer would buy twice the amount of flags, peat or whins gathered personally. Furthermore, owning an estate administered for them by the vestry fostered in the poor the values of careful landowners who were entrusted with an inheritance for their children: these values were the supremely useful ones of industry and content. So the poor too (and their presumably equally poor heirs) were to have their land, though not to waste their time on it but to work for those who held the land in trust for them and apportioned it revenue.

But benevolence increasingly took the form of granting some access to land to the labouring poor - ironically, a restoration

of some of the pre-enclosure smallholders' economy. By the 1790s prominent landowners and agricultural improvers advocated the provision of gardens or land for rent.¹ In Northamptonshire William Pitt could report in 1806 that "The Lamport Society are of the opinion, that, ...the honest and industrious labourer should be accommodated with land, at a fair rent, sufficient to keep a cow; but, where that is not practicable, with sufficient to grow potatoes for their family, and to enable them to feed a pig."²

Remedies such as these were ordered for a changed social structure on the land; they were designed to help a landless labouring population, and they were directed at a class that owned all the land and all access to it. Enclosure, and the loss of common rights in particular, speeded up the process of replacement of an economy of rights and customs with one of benevolence and dependence.

1. "An inquiry into the propriety of applying wastes to the better maintenance and support of the poor", (Annals of Agriculture and Other Useful Arts 36 (1800) pp.497-547, Arthur Young's investigation of the possibilities of letting land to labourers; also Earl Winchelsea, Letter to the President of the Board of Agriculture..., 1796; and Sir G.O. Paul's suggestions in his "Observations on the General Inclosure Bill" in the General report on inclosures, 1808, pp.16-20, especially p.19. See also J.D. Chambers, "Enclosures and labour supply in the industrial revolution", in E.L. Jones (1967), p.118, Chambers refers to a number of advocates of the benevolent provision of land at the turn of the century.

2. William Pitt, General view of the agriculture of the county of Northampton, 1809 (compiled, 1806). Much later, in 1833 Peterborough parish vestry minutes indicate that this course was under consideration, NRO Mellows (Transcripts) Vol.6, p.2, Peterborough parish vestry minutes, November 18th 1833. In 1855 the overseers applied for 100 acres of land for allotments, a reply was deferred, June 11th 1855.

Appendix A

Problems of using Land Tax returns

Two major problems make the use of Land tax returns for the study of landholding difficult. First, the need to find an accurate acreage equivalent - a sum of tax representing acres - which can be used for all the land in a parish. Second, the need to be certain that all, or nearly all, landholders were taxed, allowing the influx (or exit) of particular groups of landholders to be identified and measured.

Acreage equivalents

A sum of tax paid per acre, or acreage equivalent (AE), is calculated by dividing the total parish tax sum by the number of acres of taxable land in the parish. But the accuracy of the result depends on a satisfactory answer to four questions. First, whether the tax on tithes was included in the pre-commutation returns. Second, whether common land or waste was taxed before and after its enclosure. Third, whether differing values of land in a parish led to different tax assessments and thus to different rates of tax per acre. Fourth, whether the inclusion of unidentified houses and buildings (with their lands) on the returns, and their mis-identification as land, undermines the study of changes in smallholdings.

a) Taxation of tithes -

The evidence of Northamptonshire Land tax returns shows that before enclosure the value of the tithes was taxed, and that after enclosure wherever the tithe was commuted for land it was taxed also. In the returns of the parishes of Raunds, Eye, and Abthorpe, the exact sum paid for tithe before enclosure is listed, and distinguished from the other taxes paid by the tithe-owner. Expressed as a percentage of the total parish tax the tithe was 14.5% in Raunds, 10% in Abthorpe, and 2% in Eye.¹ Elsewhere, in five parishes where the tithe-owner paid tax on glebe land and tithe together (but paid tax on no other land) the acreage equivalent (AE), and the proportion of his tax paid on tithe alone, may be calculated using the evidence of the total parish tax, and the tithe-owner's tax in the returns, the evidence of the size of the glebe land in the enclosure Award, and the evidence of the total parish acreage

1. The low percentage in Eye may indicate that only the tax paid on small tithes was identified, instead of the tax paid on both small and great tithes.

in either the Award or the 1851 Census (whichever more accurately represents the size of the parish). Thus -

$$\text{Since AE} = \frac{\text{glebe tax}}{\text{glebe acreage}} \quad (1)$$

$$\text{and AE} = \frac{\text{total tax} - \text{tithe tax}}{\text{total acreage}} \quad (2)$$

$$\text{and glebe tax} = \text{AE} \times \text{glebe acreage} \quad (3)$$

$$\text{and tithe tax} = \text{tithe-owner's tax} - \text{glebe tax} \quad (4)$$

Substituting in (2) above,

$$\text{AE} = \frac{\frac{\text{total tax}}{\text{total acreage}} - \frac{\text{tithe-owner's tax}}{\text{total acreage}}}{1 - \frac{\text{glebe acreage}}{\text{total acreage}}} \quad (5)$$

Using the acreage equivalent calculated in formula (5) above, tithe tax as a percentage of total tax may be calculated:

$$\text{AE} \times \text{total acreage} = \text{tax on land} \quad (6)$$

$$\text{total tax} - \text{tax on land} = \text{tithe tax} \quad (7)$$

$$\text{tithe tax as \% of total tax} = \frac{\text{tithe tax}}{\text{total tax}} \quad (8)$$

In this way the tax paid on tithe before commutation may be calculated for the following parishes: Newton Bromshold (28%), Rushden (20%), Wadenhoe (12%), Green's Norton (7%), and Hannington the (18%). Thus/exact sum paid for tithe was known for each of eight parishes in the survey of 22.

The returns of the other 14 parishes¹ listed tithe, glebe, and other land belonging to the tithe-owner, in one sum making separation of the tax paid on tithe alone impossible.

This problem is one not usually dealt with by those using the Land tax as a source. J.M. Martin alone offers the opinion that "Enclosure would...leave [the relationship between the tax assessment] and the acreage unchanged (except insofar as it was slightly affected by the intake of common or exclusion of land granted in lieu of tithe)".² Northamptonshire returns, however, taxed the tithe before commutation in the pre-enclosure returns. And they also taxed the land given to the tithe-owner in lieu of tithe after enclosure. Thus the relationship between the return, and the acreage, is affected by the transformation of tax on tithe into tax on land. (Of course, neither the total acreage in the returns, or the global sum of tax paid, changes). Leaving the tithe tax in the pre-commutation returns, and so calculating acreage equivalents which include a sum of tax paid on money not land, underestimates the size of holdings before commutation (and enclosure) by a proportion equal to the proportion that the tithe tax is of the total parish tax. The evidence of the eight parishes in which the size of the tithe tax is known suggests that this

1. For the purpose of the survey Weston by Welland and Sutton Basset, enclosed together in 1802, were computed separately but their results were consolidated because their landholders often held land in both parishes.

2. J.M. Martin, "Landownership and the land tax returns", Agricultural History Review (1966) p.99. My emphasis.

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underestimate would vary from 2% of a man's holdings to 28%. A mean of all eight parishes would produce an underestimate of 14% per holding.¹ Thus a pre-commutation holding of five acres would appear from the uncorrected land tax to be one of 4.3 acres. The size of the error grows with the size of the holding: for instance, a 50 acre holding, when diminished by the 14% of the tithe, would appear to be only 43 acres; 100 acres would become 86 acres.

If the error is allowed to remain in pre-commutation calculations it produces another distortion when pre- and post-commutation acreages are compared.² When a comparison of one man's holdings of 100 acres before and after commutation is made it appears that he has paid tax on a holding of 86 acres before commutation, but that after it he pays tax on a larger holding of roughly 100 acres. Thus he would seem to have gained land in the process of enclosure and commutation.

Even if the amount of land "lost" before commutation

1. The exact figure is 13.9%. The median is 13.25%. The tithe tax of Wollaston was discovered too late for inclusion in the calculation of this mean and median of tithe tax as a proportion of total parish tax. As a proportion the tithe tax in Wollaston was 8%. Similarly, Islip's tithe was accurately calculated, by glebe formula at 18%, too late for inclusion here. If both Wollaston's and Islip's percentages had been included the mean would have changed from 13.9% to 13.75% and the median would have remained unchanged at 13.25%. In view of the advanced stage of the work at that point, and the closeness of the new mean and median to the former figures, Wollaston's and Islip's tithe figures were left out of the calculation of the mean.

2. Post-commutation acreage equivalents are accurate simply because in most returns the tithe tax has been replaced with tax paid on land awarded in lieu of tithe.

(because tithe was included in the calculation of the acreage equivalent) was equal (at 14%) to the amount each owner gave to the tithe owner on commutation, the fall shown in the uncorrected records would underestimate the real change. For instance the 100 acre holding would actually have fallen to 86 acres, but because it would have appeared to be an 86 acre holding to begin with, no change would be revealed. More likely, the value of land given in exchange for tithe was higher than the original tithe. If each land owner gave 20% of his land, the apparent change would be from an 86 acre holding to an 85 acre one instead of from a 100 acre holding to an 85 acre one - again, the drop is grossly underestimated by the uncorrected returns.¹

The effect of leaving the tax on tithe in Land tax returns before commutation and enclosure is to minimise the change in the size of farms after enclosure, and (if little was lost in compensation to the tithe owner) even to show an increase in the size of holdings. Even when the probable loss of land given in lieu of tithe is calculated at 15 or 20% the effect of leaving the earlier records

1. At the other end of the ownership scale an owner of 10 acres would appear to own only 8.6 acres before enclosure and commutation, falling to 8 acres after. But the real drop would have been from 10 acres before to 8 acres after. At this end of the scale the importance of the error lies more in the way the figures are interpreted, than the actual size of loss. A ten acre owner would be thought to have undergone little change in size of holding, (probably none at all when considerations of tithe compensation are included) whereas, in fact, he lost land.

uncorrected is to underestimate the real fall in size of farms.

For this reason in each of the fourteen parishes for which the size of tax paid on tithe was not available a deduction of 14% of the total parish tax (the mean figure where the tithe was known) has been made from the tithe-owner's tax. An acreage equivalent based on the reduced parish tax was then made. The inaccuracy resulting from the use of one proportion (14%) for all parishes is less serious than that of leaving pre-commutation returns uncorrected. Similarly, in open parishes used for comparative purposes, tithe tax has been deducted where possible both before and after enclosure.¹

If the 14% estimate is too great in a minority of parishes it will exaggerate the size of holdings before commutation and enclosure, but probably by no more than about 7% or so because at least 7% of parish tax would have been paid on tithe. In this case a 100 acre holding would rise to one of 107 acres, or a ten acre holding to 10.7 acres. But these overestimates are small in comparison to the possible underestimate of 14% in the pre-enclosure size of holdings, and the resultant minimisation of change, if tithe were not accounted for. If anything an overestimate

1. See Appendix B "Acreage equivalents of open and enclosing parishes". In two open parishes (Roade and Lutton) the tithe had to be left in the return, but the effect of this is constant because no commutation took place. Of the enclosing parishes: Whitfield and Whittlebury continued to pay a corn rent which was taxed, tithe tax was not subtracted either before or after enclosure; tithe was also left in the pre-enclosure returns of Helpstone and Maxey.

produced by allowing too much for tithe tax would exaggerate the shrinkage of estates a little. Thus a holding of 100 acres would appear to be one of 107 acres, which on enclosure might fall to 80 acres, if compensation to the tithe owner took 20% of the holding. Instead of dropping by the true percentage of 20% the holding would then seem to drop by 25%. Such an exaggeration is smaller than the underestimation which results from leaving tithe tax in the pre-commutation returns. Moreover the results of changes in the size of an individual's holding in the eight parishes where the exact tithe tax is known may be used to check exaggeration in the parishes where the tithe tax has been estimated.

A deduction for tithe tax of 14% might also underestimate the proportion of tithe tax in some parishes - in four parishes where the exact tithe tax is known it was more than 14%.

But in either case the alternative of not deducting tithe tax would underestimate the size of holdings before commutation and enclosure in all parishes; and it would underestimate the degree of change in the size of holdings over the ten year period. It would produce a stable pattern of landholding despite all the other evidence of a reduction in the size of holdings due to land sales for payment of compensation to the improPRIATOR, the cost of securing the Act, paying for the Award and building fences.

b) Taxation on uncultivated common -

Doubts that the common was taxed before and after enclosure arise

on two counts. First, the land itself was poor and in need of serious investment if it was to become more than rough pasture. Any tax put upon it might seem a deterrent to improvement, or a penalty upon it. According to David Grigg the fact that the global assessments were never increased was due to a desire not to penalise improvers.¹ Second, as land it was not owned or rented in the way that cultivated land was owned and rented. If anyone paid the tax it would have been the Lord of the Manor. But if the tax was assessed locally by the assessors on the basis of the then current rental of the land how could they assess the value of, for example, the 800 acres of heath, common, wasteground, and two rye hills in West Haddon? Unless a nominal sum was based on some other way of assessing the value of such land, it seems likely that it was not taxed before enclosure.

But what of after the enclosure, when the land was fenced and potentially marketable? J.M. Martin, in discussing the likelihood of general re-assessment of taxes after enclosure, has written that "small differences [in taxation] can be accounted for by the addition of common or subtraction of land in lieu of tithe".² But, in

1. David Grigg, "A source on landownership: the land tax returns", Amateur Historian vi (1964) p.154. Also William Pitt General view... 1809, pp.150-51. Pitt thought that Whittlebury forest should be sold in one hundred 300 acre sections, re-imbursing landowners and freeholders for their common rights and arranging the Land Tax so as to encourage cultivation and penalise the leaving of the land in its natural state or leaving it as pasture for longer than seven years.

2. J.M. Martin, "Landownership and the land tax returns", Agric. Hist.Rev. xiv (1966) p.98, n.2.

Northamptonshire, the returns themselves do not mention the inclusion of waste land after enclosure. Nor is there any evidence of the kind of thorough-going re-assessment this would have required. If common land was not included before enclosure, it seems safe to guess that it was not included after. Enclosure awards corroborate this insofar as the new estate of the waste-owner (the lord of the manor) and his new tax seem to correspond very closely to the parish acreage equivalent. Unless the enclosed waste was newly assessed at the same value as much better, well-cultivated, land it seems unlikely that the waste was newly taxed. Comparison of awarded acreages and the amount of tax a man paid in the same year is a useful check for this problem.¹

c) Changing rental values -

When land was first assessed for taxation the rental values on which the assessment was based would have varied with the type of land and the kind of tenure. For this reason D.B. Grigg has stressed

1. When this is not a satisfactory check it is possible to estimate two acreage equivalents and compare the structure of landholding each produces. For example, in West Haddon an acreage equivalent after enclosure which assumed that no common was newly included came to 1s 5d per acre; an acreage equivalent that included the common as taxed land came to 1s 2d per acre. Holdings estimated at 10 acres using the former acreage equivalent rose to 12 acres using the latter. In this survey greatest attention is given to holders of less than 100 acres, thus this size of difference is unimportant. At its widest, the gap between the two acreage equivalents puts a 103 acre estate (no common included in acreage equivalent) at 120 acres (when common was included).

the need to look at places with "a fairly uniform rent per acre within the parish".¹ In all parishes, anywhere, closes and good meadow would have been worth more than open field land. But, beyond that, in Northamptonshire there were few parishes with greater contrasts of land types within them. Even the forest assarts of the Royal forest parishes were well cultivated by the eighteenth century.² (Land tax returns from Northamptonshire towns are not included in this survey because buildings and land within them would be impossible to distinguish).

Furthermore, there was no recognition of the change in the rental value of land after the first assessments of the 1690's, despite the fact that recently enclosed or newly drained land would have risen in value. Thus enclosure did not change the basis on which the tax was assessed, and this makes comparison of pre-and post-enclosure returns possible.

Nevertheless some differences of tax rates per acre may have existed within a Northamptonshire parish. Good closes and rich meadow may have been assessed at a higher value than tilled land. And a uniform parish acreage equivalent would smooth out these distinctions by assuming that the same tax per acre was paid for good land as for poor. But perhaps this problem is not as great as it appears. Rent may well reflect value. If so, although the calculations of relative acreage would be wrong the conclusions

1. D.B. Grigg, "The land tax returns", Agric.Hist.Rev. xi (1963)

2. P.A.J. Pettit, The royal forests of Northamptonshire..., 1968, p. 3.

drawn of relative value would be accurate. Thus a man paying more per acre for five acres of meadow than another paying tax for five of arable, would (using a uniform parish acreage equivalent) appear to own seven acres of land instead of five. In fact his five of meadow would have been worth seven of ordinary land; so the comparison of values is accurate. Of course, land improved after the assessments of the 1690's would not have been re-assessed so the problem remains of differences in value between land undergoing little improvement and other land undergoing much. Again, during the enclosure period, the comparison of land tax returns with the enclosure Award serves as a means of avoiding gross exaggeration of individual holdings.

The same kind of comparison of two sources makes it possible to estimate the margin of difference in tax rates per acre paid by large and small landowners. G.E. Mingay has shown that in one Nottinghamshire parish the landlord, who owned much of the parish, paid a lower rate of tax than the smallest landowners. From this he has argued that the structure of land ownership cannot be deduced from Land tax returns.¹ In response to Mingay, J.M. Martin has found that the margin of error in a study of Warwickshire landowning is small, although it increased the smaller the amount of land owned. The maximum error Martin found was 33%: one

1. G.E. Mingay, "The land tax assessments and the small landowner", Econ. Hist. Rev. 2nd ser. xvii(1964) pp.381-3.

Cubbington man owned 21 acres but an estimate based on his tax put it at 28.¹ A similar check made for the Northamptonshire parish of Burton Latimer shows the same degree of error -

Table A.1 Acreages owned compared to acreages estimated from Land tax returns

Name	Acres owned	Acres estimated from Land tax	% Error
J. Harper	591.25	576	2.6
Rev. Hanbury	156	147.3	5.7
J. Sudborough	86	85.5	0.5
Buccleuch & Cave	64.5	58.25	9.6
Rev. Knight	48	37.5	21.3

ZA 891 in X3872 Source: NRO LTA Burton Latimer 1803; List of allotments, 1803.

But the degree of error in estimating the acreage grows rapidly when the smaller holdings are considered. In Burton Latimer Henry Eady owned 5.3 acres in 1803 but an estimation based on the land tax gives him a holding of eight acres - a margin of error of 56%. Other holdings of a similar size showed the same degree of exaggeration.

The exaggeration is greatest at the sub-20 acre level, but it need not prevent use of the land tax returns to investigate the changes in these holdings. First, the exaggeration is not enormous: a five acre holding appears to be seven or eight acres. Second, it is constant over time which enable comparison of a man's pre-enclosure holding with his post-enclosure one. Third, although the acreage is wrongly inflated it may reflect the value of the

1. J.M. Martin, "Landownership and the Land tax returns", Agric. Hist. Rev. xiv (1966) p. 102.

land to its owner - home closes, meadow land, paddocks adjoining inns, etc., were all worth more than the equivalent acreage of tilled land, probably as much as the inflated acreage produced by the use of a uniform parish acreage equivalent. Finally, it is still possible to record the disappearance of landholders from the returns (on sale of land or death) over the enclosure period, or at any other time.

d) Tax on houses and buildings

Although originally assessed on office, "the yearly value of houses, land quarries, mines, iron and salt works, profits from land" and personal property, the land Tax became a tax on land almost immediately.¹ As such it was very unpopular: Walpole tried to lower the rate to a minimum 1s in the pound in 1733, declaring "No man contributes the least share to this tax but he that is possessed of a landed estate". The difficulty of continually assessing any goods and property other than land played a large part in changing the original balance of the tax from personal property to office and land alone.² Despite this, writing of the Kentish parish of Ripple in 1816, H.G. Hunt supposed that "The assessments of four shillings and under were most likely for buildings and adjacent land".³ In Northamptonshire some houses

1. Stephen Dowell, History of Taxation and Taxes in England, 1884, 3rd ed., 4 vols., 1965, Vol. II, p.47.

2. Dowell, ibid., p.98. Davies, p.88 "with the exception of easily detected taxes on office it had become a pure land tax.

3. H.G. Hunt, "Land Tax Assessments", English Historical Review Short Guides to Records, 16, p.284.

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were taxed and identified as such in the returns, and so pose no problem. Others may have been taxed without identification. These would have had closes, plots of old inclosure, maybe even rights over common land, so the unit would not have been purely residential. Thus taxed houses were economic units, and inclusion on the present survey of such dwellings is⁵ desirable.

But their inclusion and representation as land in this survey exaggerates the amount of land smallholders worked. However, this affects only those men whose dwellings were assessed along with their land, not all smallholders. Moreover, the mis-representation occurs in all returns and thus forms a constant error, not a variable one.¹ Finally, the inclusion of buildings exaggerates the acreage of the cottage owner, rather than the value of his holding.

Escaping the tax

a) The law of 38 Geo. III c.5 -

By a law of 1797 (38 Geo. III c.5) smallholders of land who paid less than twenty shillings in rent for it every year were excused from payment of Land tax. M.K. Ashby, writing of Bledington in 1807, says that the parish's 1,539 acres were divided into nineteen holdings "beside some very small ones which did not pay land-tax".² Similarly, in Bucklebury, Berkshire, where enclosure was resisted

1. After 1797 holdings worth less than 20/- a year may have been tax-exempt, but few cottages were worth as little as this by that time; see below "Escaping the tax".

2. M.K. Ashby, 1974, p.219.

in 1834 by petition, there were "sundry small proprietors not assessed to the Land Tax".¹ Such men were often the owners of small old-enclosed bits of land lying near their cottages. For example, there were five men (possibly more) in Burton Latimer in 1803 who each owned between a half rood and three roods of old enclosures and who paid no land tax.² Owners of very small old enclosure were to be found in most parishes, and those who owned the very smallest may have paid tax before 1797, and not after; or they may never have paid the tax at all on such tiny holdings; or they may have gone on paying the tax if the law was never put into practice.³

But even if the law was enforced, and owners or occupiers of lands worth less than twenty shillings a year did escape the tax after 1797, it applied to only the tiniest of holdings. Land worth less than twenty shillings a year came in very small plots indeed. Sarah Chown's 1a 3r 17p in Chelveston was worth £2 6s 5d a year

1. Berkshire Record Office D/EHy E9/2 "Bucklebury Inclosure A Statement of the Property of Persons claiming Rights over the Land to be enclosed and of the proportions which the Consents Dissents and Neuters bear to each other". Owners of 4-1-9 acres opposed the Bill, owners of 0-2-17 supported it, and owners of 3-2-4 acres were neutral.

2. They were George Braybrooke (3 roods). Thomas Vorley (2r), John Nearl (1/2r), Nathaniel Daniel (1/2r), and Benjamin Ireland (1r). NRO H(BL)813 "Burton State of Property"; LTA 1803. This list was drawn up for Joseph Harpur, Lord of the Manor, and may not have been exhaustive.

3. M.E. Turner suggests that the law was not observed, or even uniformly enforced, in every Buckinghamshire parish, in "Parliamentary and land ownership change in Buckinghamshire", Econ.Hist.Rev. 2nd ser. xxviii (1975) p.570, n.3.

in 1806; Gibbard Pywell's 1a 3r 6p was worth £2 4s 8d. In Chelveston at the time of enclosure anyone holding land worth less than twenty shillings a year was working less than an acre. Similarly, land worth 16s 11d per annum in Wadenhoe in 1793 amounted to a little less than three-quarters of an acre (2r 34p) and 3r 37p awarded to the constable was worth 19s 9d; and this seems to have been generally true of lands awarded at enclosure during the 1790's and 1800's.¹ Of course, open field land was worth much less per acre, but few may have held less than the two or three acres that were most useful for a cottage holding. James Donaldson set the average open field rent at eight shillings an acre in the early 1790's; and William Pitt put it higher in 1806 - when the Act was in force - at between ten and fifteen shillings, depending on the location and quality of the land.² The early estimate would put the size of an open-field holding worth twenty shillings a year, at 2 1/2 acres. And the later estimate, closer to the date of the working of the Act would put

1. NRO X3475, Chelveston draft enclosure Award 1806. Book K, 109, Wadenhoe enclosure Award 1793. In Wootton, on the Land Tax returns of 1779 and 1784 owners of lands worth less than 20s per annum (Book G, 65, Wootton Enclosure Award) were taxed. Each owned less than an acre. Book I,1, Woollaston Award, 1788, one acre was valued at one guinea rent per annum.

2. James Donaldson, General view of the agriculture of the county of Northampton, with observations on the means of its improvement, Edinburgh 1794, Appendix, p.4. William Pitt, General view of the agriculture of the county of Northampton, 1809 (compiled 1806), pp.38-9.

the size at between one and two acres.¹ Thus it is possible that owners or tenants of up to 2 1/2 acres (but more likely, less) of open field land escaped paying land tax after 1797. Owners of closes were probably still eligible for tax because their lands were worth more per acre; although some who owned less than an acre may also have been excused payment. Such non-tax-paying smallholders must join those commoners who enjoyed commons without entitlement of right as they too slip through the most commonly used surviving records. Owners of very small old enclosures are to be found in most parishes and as such did not suffer from the cost of enclosure fencing, or obtaining the Act and Award. But they did use large unstinted commons (800 acres of wold in Burton Latimer for example) and suffered from its loss on enclosure.

The effect of the Act on the results of the survey made in Chapter 4 is not serious. First, very few smallholders of one or two acres appear on the returns anyway - so their possible disappearance after 1797 does not distort the overall nature of change. Second, parishes whose returns span the passing of the Act from which a number of the smallest landholders might have disappeared may have experienced no such exodus. If land was immediately re-valued at

1. The rental value of twenty shillings mentioned in the Act refers, of course, to the current rental value and not to the old rental value of the 1690's. Had it referred to the older value detecting its effects would be simple: every landholder who paid four shillings or less (the tax was set at four shillings in the pound of the old rent) who appeared on the tax before 1797 should have disappeared after the Act.

its post-enclosure rental value after the Award then smallholders of one or two acres, who might otherwise have disappeared, would remain on the returns.¹ If re-assessment did take place parishes whose survey returns were both post-1797 may show an increase in the number of very small landholders. But as the survey does not attempt to make a case for the rise or decline of smallholders as a class this does not affect its conclusions.

b) Compensation to landless cottagers at enclosure -

Some cottagers who could prove their right of common were compensated with small plots of land at enclosure and so are to be found on the Land tax returns after the making of the enclosure Award.² Because they were not taxed before enclosure their sudden appearance after it leads to an artificial increase in the number of landowners after enclosure. The problem is made worse by their possible disappearance after the act of 1797 excused owners of lands worth less than twenty shillings a year from the tax.³

1. William Pitt, General view..., 1809, p.39, even the poorest enclosed land was worth 15 shillings an acre, the majority of it was worth 25 shillings. Using Burton Latimer as an example again: two owners of two or three acres each of "oddlands" (open-field lands) were not taxed before the Award of 1803 allotted them 2 1/2 acres each, on which they were immediately taxed, see the allotments of Robert Capps and Samuel Wright in NRO YZ 4594; also LTA Burton Latimer 1797, 1798, 1803, 1808; and H(BL)813 "Burton State of Property".

2. See G.E. Mingay "The landtax assessments and the small landholder", Econ.Hist.Rev. 2nd ser. xvii (1964) p.383; J.M. Martin, "Landownership and the land tax returns", Agric.Hist.Rev. xiv (1966) p.97; and D.B. Grigg, "The land tax returns", Agric.Hist.Rev. xi(1963) p.83.

3. See above, "The law of 38 Geo III c.5".

At its worst the cottagers were untaxed before enclosure, taxed after enclosure, and untaxed again after 1797. Such men may be identified by comparing the enclosure Award with the Land tax returns. Their numbers were small for cottagers² were overwhelmingly the property of more substantial men by enclosure, who let them to much poorer occupiers.¹

The survey described in Chapter 4 is not concerned with the relative numbers of landholders before and after enclosure - a number that would be slightly inflated by the addition of compensated cottagers - but with the disappearance of individual landholders after an enclosure, and with the impoverishment of those who remained. Thus, in this particular survey, the problem does not present itself. (If it did, the numbers of individuals involved would be insignificant).

1. A study of twenty enclosures made between 1778 and 1807 produced only 27 landless commoners who were compensated with land (6 of whom may have held land in addition), nine of them shared 7a Or 38p together: NRO Book G, 65, Wootton Award; Book F, 238, Rushden Award; Book F 336, Isham Award; D 1085 (ML679), Badby Award; Book G, 548 Bugbrooke Award; Award Cupboard, Grendon Award; Book I, 1, Wollaston Award; Book I, 357, Polebrooke Award; Book K, 109, Wadenhoe Award; Flat folder, Whitfield Award; Book K, 215, Bozeat Award; M 36, Whittlebury Award; Award Cupboard, Weston by Welland and Sutton Bassett Award; Book K, 251, Islip Award; Book K, 327, Newton Bromshold Award; Book K, 370, Raunds Award; Book K, 297, Hannington Award; Book L, 163, Hargrave Award; Award Cupboard, Greens Norton Award; X3475, Chelveston cum Caldecott Award.

Appendix B

Acreage equivalents of open and enclosing parishes

Table B.1 Acreage equivalents of enclosing parishes before and after enclosure¹

Parish	Total parish acreage (Award) C(1851 Census)	Total parish Land tax (minus etc.) (£)	Tax on tithes (£)	Acreage Pre-Enclosure (£)	Equivalents Post-Enclosure (£)
Rushden	3,425 (A)	172.06 (1774) 225.28 (1783)	33.68	0.0404	0.0658
Bugbrooke	2,420 (C)	153.67 (1774) 204.90 (1784)	21.25	0.055	0.085
Nollaston	3,640 (C)	275.94	24.67	0.0758	0.083
Wadenhoe	1,170 (C)	88.60	10.56	0.0667	0.0757
Whitfield	1,210 (C)	30.75	not subtracted	0.0254	0.0254
Whittlebury	2,870 (C)	88.51	not subtracted	0.0308	0.0308
Raunds	4,700 (A)	302.86	44.00	0.0551	0.0644
Greens Norton	1,895 (1851 Acreage, minus 595a waste)	168.18	11.97	0.0824	0.0902
Islip	1,370 (C)	83.16	15.06	0.0497	0.0683
Newton Bromshold	841 (A)	49.53	14.18	0.042	0.0589
Chelveston	1,730 (C)	87.82	13.85	0.0508	0.0572
Hargrave	1,210 (A)	79.00	11.06	0.0561	0.0653
Hannington	1,270 (C)	84.35	15.18	0.0544	0.0664
Weston by Welland	959 (A)	70.95	9.93	0.064	0.074

1. See Bibliography: "Sources for the landholding survey", and Appendix A.

Table B.1 (cont'd)

Acreage equivalents of enclosing parishes before and after enclosure

Parish	Total parish acreage A(Award) C(1851 Census)	Total parish Land tax (minus tax on houses etc.) (£)	Tax on tithes (£)	Acreage Pre- Enclosure (£)	Equivalents Post- Enclosure (£)
Sutton Bassett	711 (A)	46.80	6.55	0.056	0.065
Maxey	2,280 (C)	167.04	not subtracted	0.0732	0.0732
Helpstone	1,860 (C)	91.79	not subtracted	0.0495	0.0495

Table B.2

Acreage equivalents of open parishes¹

Parish	Total parish acreage (A) Award (C) census	Total parish Land Tax (minus tax on houses etc.) (£)	Tax on tithes (£)	Acreage equivalents (£)
Roads	1,570 (A)	70.80	constant left in	0.045
Naseby	3,255 (A)	88.87	unknown but subtracted with tax of J. Maddock	0.0273
Eye	2,670 (C)	252.05	6.00	0.0922
Abthorpe	1,919 (C)	87.15	7.77	0.0414
Stanwick	1,830 (C)	140.00	25.63	0.0625
Lutton	1,509 (C)	80.60	constant left in	0.0534

1. Ibid.

Appendix CCorrection and editing of Land tax returns

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Correcting the returns

~~W~~^Slight changes of name between tax years (William Brown and William Browne), and mis-codings (Wm. Allen, and William Allen) were corrected when the individual involved was clearly the same person.

Editing individual names on the Land tax returns

Many landholders disappeared from the returns over the ten year period because they had died, or had given their land to sons or other relatives in old age. Their land was not sold, it was inherited. Thus the returns were edited in order to assess the disappearance of owners who had sold their land more accurately.

Inheritance was assumed if:

- a) a former landowner no longer appeared in the later return;
- and b) a person with the same family name appeared on the later return;
- and c) the newcomer owned at least one parcel of land which was taxed at the same sum as the former owner, and a total holding which was very nearly the same.

Similarly, incumbents who changed from the earlier return to the late, who owned the same amount of land, and paid the same tax, were treated as one man. Publicly held lands (charity land, towns lands etc.) were counted as the same from one return to the next. Editing of this kind is obviously a source of error, but one that

remains constant between open and enclosing parishes, thus
conclusions as to relative change remain reasonably accurate.¹

1. M.E. Turner in "Parliamentary enclosure and landownership change in Buckinghamshire", Econ.Hist.Rev. 2nd ser. xxviii(1975), edited his returns in a similar fashion: "where it can be established that a son or widow inherited the land it is counted as uninterrupted ownership", church land and land belonging to university, school and charity estates was treated in the same way. In Turner's opinion this is a source of error "but minimal as a percentage of the total change". (p.567).

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Award Cupboard:

Greens Norton, 1807

Grendon, 1781

Weston by Welland, and Sutton Bassett, 1800

Awards in Flat Folders:

Whitfield, 1797

Awards on Microfilm:

M 36 Whittlebury, 1800 CP43/373

Enrolled Enclosure Awards:

Book B, West Haddon, 1765

C, Wellingborough, 1767

F, Rushden, 1778; Isham, 1779

G, Wootton, 1779; Bugbrooke, 1781

I, Wollaston, 1788; Polebrooke, 1791

K, Wadenhoe, 1793; Raunds, 1797; Bozeat, 1799;
Islip, 1800; Newton Bromshold, 1800

L, Burton Latimer, 1803; Hargrave, 1807

Militia Lists:

Burton Latimer, 1777, 1781

Raunds, 1762

West Haddon, 1771, 1774

Wilbarston, 1777, 1781

Quarter Sessions Records:

Grand Files 1755-1806

Order Books 1754-1806

Misc. QS Records, Accession 1969/14/91, 92, 97

Sources for the Landholding Survey: Land Tax Returns:

Enclosing parishes -	Returns	Awards
Rushden (enclosed - 1778)	1774, 1783	Book F, 335 1779
Bugbrooke (1779)	1774, 1784	Book G, 548 1781
Wollaston (1788)	1783, 1793	Book I, 74 1789
Wadenhoe (1793)	1788, 1798	Book K, 109 1793
Whitfield (1796)	1791, 1801	Award Cupbd. 1797
Whittlebury (1797)	1794, 1804	C.P. 43/373 (M36) 1800
Raunds (1797)	1791, 1802	Book K, 370 1800
Greens Norton and Duncott (1799)	1794, 1804	Award Cupbd. 1807
Islip (1800)	1795, 1805	Book K, 251 1801
Newton Bromshold (1800)	1795, 1805	Book K, 327 1800
Chelveston cum Caldecott (1801)	1796, 1806	X3475 1801
Hargrave (1802)	1797, 1807	Book L, 197 1804
Hannington (1802)	1794, 1804	Book K, 297 1802
Weston by Welland and Sutton Bassett (1802)	1797, 1807	Award Cupbd. 1804
Maxey with Deep- ingate, North- borough, Glington with Peakirk, Etton and Helpstone (1809)	1803, 1804 1804, 1813	
Open parishes:		
Roade (1816)	1786, 1796	Anscomb, p. 183
Naseby (1920)	1806, 1814	" p. 188
Eye (1820)	1804, 1813	
Abthorpe (1823)	1794, 1804	Anscomb,

Stanwick (1834) 1790, 1800 Anscomb, p. 198

Lutton (1864-67) 1796, 1806

Other Land Tax Returns:

Bereat, 1802, 1803

Burton Latimer, 1797, 1798, 1803, 1808

Guilsborough, 1759

Newnham, 1759, 1769

Raunds, 1751

Wellingborough, 1764

West Haddon, 1759, 1756

Wilbarston, 1798, 1799, 1803

¹
Sources for Field Orders:

Honor of Grafton:

X2609 - 2612 (G3261-3647), 1723-77

1. These records survive most abundantly in the papers of the largest estates like those of the Dukes of Grafton. They must also exist for the many manors of the Earl Spencer in the western scarplands of Northamptonshire but, unfortunately, access to the records at Althorp was not granted to me by either the late Earl or his successor. For this reason discussion of scarpland manors is confined to incidental references to individual manors, and contains no close study of one in particular. Western Northamptonshire - with the exception of the Spencer lands - was remarkable for its small gentry; thus field orders survive patchily. The recently catalogued Daventry collection held in the Northamptonshire Record Office may enable more intensive study although investigations made before cataloguing was done produced only isolated orders.

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Glington, Alwalton, Peterborough, Longthorpe:
Church Commissioners' Records, 178573, 1700-08,
1723-25

Raunds:

X2371-2373 (QCR 5, 36, 41, 46-74, 76-92), 1716-
1788

BSL 1184, 1432, 1433, 1503/2-4, 1506/4-6,9,11,
1740-55

XYZ 2075, 1753

YZ 8875-8904, 1729-1863

Overseers of the Poor's Accounts, 1747-1806

Other Collections:

Bateman (Guilsborough)

B(G) 28-9, 50, 40, 45, 176, 177, 250

Brooke (Great Oakley)

B67

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H(BL) 649, 656, 804, 805, 806, 808, 812, 813, 816

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