

An Account of a Yorkshire Enclosure

Staxton 1803

By BRIAN LOUGHBROUGH

THE belt of country that extends from Dorset through the English scarp-lands to North Yorkshire contains some of the most interesting examples of early land-use planning. In the eighteenth and nineteenth centuries the open fields and commons of over two thousand parishes were enclosed by Act of Parliament. In addition to the details given in these Acts and the subsequent Awards, further evidence of the way in which individual enclosures took place can be obtained from various other papers. Among these, minute books of the enclosure are perhaps the most valuable, for they help to fill in details of the events that took place between the framing of the Bill and the registration of the final Award.¹

The notebook which was kept by the solicitor to the enclosure of the East Yorkshire village of Staxton has survived and has made possible a study of the process in this particular case.² This brief paper is intended to show how the problem was tackled in this instance, using both the notebook and the award itself. Full as the information is, there are many tantalizing gaps, and one often finds oneself wishing to see the claim papers of the respective occupiers. Nevertheless, it has been possible to build up a picture of the changes that took place in the township and to throw light on events in neighbouring townships.

THE SETTING

Staxton is one of a line of townships whose

settlement nuclei are situated in the Vale of Pickering at the foot of the chalk scarp of the Yorkshire Wolds. It shares in the successive types of soil that are contained within the elongated boundaries of each township. The chalkland, which rises to about 550 feet above sea level on Staxton Wold, once presented a much more open appearance than it does today. The steep dry valleys, separated by smoothly curving wolds, were covered with a close sward derived from continuous sheep grazing. Few fences or trees and no settlements obstructed the views across the higher northern part of the Yorkshire Wolds. There was a certain amount of cultivation on the wold because of the lack of available field land in the vale itself, so that the wold formed a type of 'outfield', which was cultivated not more often than once in six years. After harvest the sward was allowed to regenerate naturally.

On the lower scarp slopes and on the post-glacial sands and gravels at their foot lay the open field. The writer has found no evidence to show whether it was divided into two, three, or more 'fields'. It is possible that there was no formal division, the whole forming a complementary 'infield' to the extensive area on the wold.

To the north of the village lay the ings on a subsoil of post-glacial sands and gravels and lacustrine deposits of the glacial and post-glacial Lake Pickering. Although the ings were elevated but a few feet above the floor

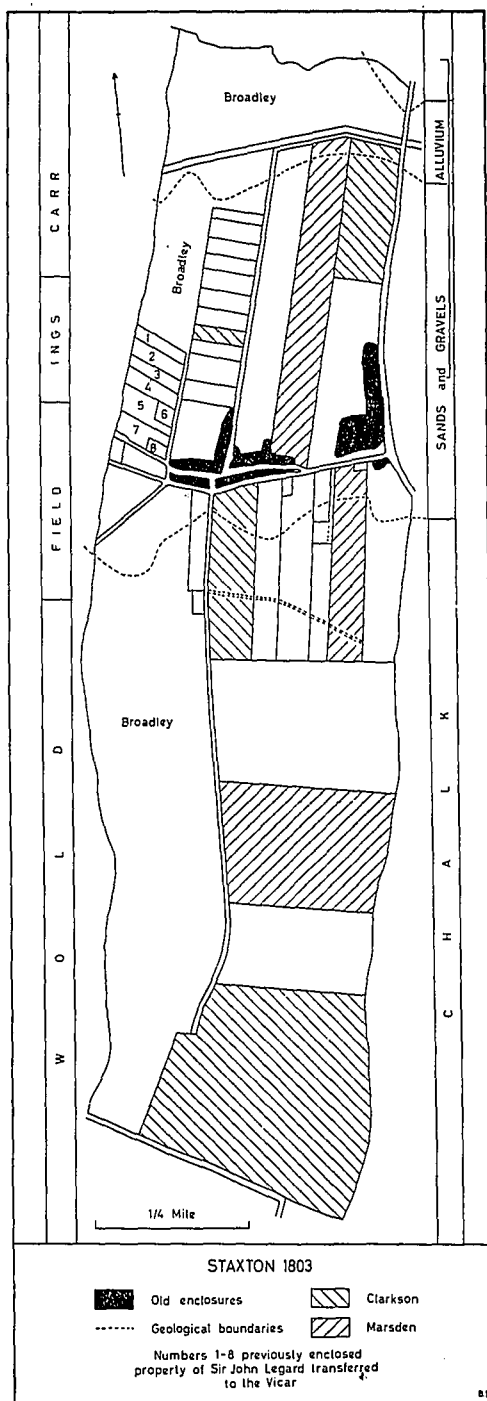
¹ For general references on parliamentary enclosure see W. H. Chaloner, 'Bibliography of recent work on enclosure, the open fields, and related topics', *Agric. Hist. Rev.*, II, pp. 48-52; H. G. Hunt, 'The parliamentary enclosure movement in Leicestershire, 1730-1842', Leicester University Ph.D. thesis, especially Chapters 2 and 3; A. Harris, *The Rural Landscape of the East Riding of Yorkshire*, 1961, Chapter III; B. Loughbrough, 'Some geographical aspects of the enclosure of the Vale of Pickering in the eighteenth and nineteenth centuries', Hull University M.A. thesis.

² Enclosure Award enrolled in the Registry of Deeds, Beverley, CA, 235, 32.

of the vale, they were able to escape the worst consequences of flooding whilst deriving benefit from the occasional waters that stood upon them in winter. This land provided the chief source of hay and 'afterfeed'. Beyond the ings to the north lay the carrs comprising an ill-drained peaty area at an almost uniform height of about 80 feet above sea level. Until the beginning of the nineteenth century every winter had seen them waterlogged so that their chief value lay not in grazing but in fisheries and reed beds. When the waters receded it is recorded that the carrs provided a "kind of ordinary pasturage for young beasts."¹

Such then were the physical and agricultural divisions that were to become the sites of the changes during the years 1800 to 1803. After 1800, the year of the Muston and Yeddingham Drainage Act whereby powers were given for the draining of some 10,000 acres in the east of the vale, nine contiguous townships were enclosed. Staxton lies approximately in the middle of this group and many of the problems encountered there can be paralleled by examples from neighbouring townships.

The prime movers in the schemes for drainage and improvement were the landowners, many of whom were locally resident. The enclosure may be seen as the logical consequence of the improvement in drainage, for the newly enclosed grounds when drained were turned to arable land and so provided cash crops which helped to pay for the large initial expense of enclosure. The desire for enclosure was prompted by one other factor. Arthur Young in his *Northern Tour* of 1770 noted a letter from Sir Digby Legard of Ganton in the next parish to Staxton.² The letter contains an account of the experiments carried out by Sir Digby on the wold section of his estate that had hitherto been considered infertile and incapable of improvement. From the figures that his researches gave, he concluded that by enclosure and the use of suitable crop rotations it was possible to ob-



¹ Sheffield Public Library, Wentworth Woodhouse Muniments, F.11.

² A. Young, *A Six Months Tour through the North of England*, II, 1170, pp. 10-36.

tain good yields of corn and turnips. Densities of stock could then be raised, and fencing and the planting of shelter belts would help to protect both crops and stock on the upland as well as provide much needed timber.

There was, therefore, the added attraction of an improvement in the wold land as well as the possibility of cultivating the carrs and ending the system of open-field husbandry which would have cramped these efforts. In seeing the possibilities described above the owners at Staxton were but a few among the many who sought the general improvement of the vale at this time.

THE ENCLOSURE

At a meeting held on October 29th 1800, the parties to the intended enclosure met to discuss the matter. They were Rev. Wm Legard for Sir John Legard, R. C. Broadley, Rev. A. Jacques as vicar and also for himself and for D. Brown and Francis Cockerill. These agreed unanimously that there should be an enclosure and they then adjourned their meeting until December 5th. On that date the parties agreed to the setting up of the Bill and the appointment of commissioners, subject to the approval of the cottagers and of Broadley who was absent from the second meeting. There is no record of the cottagers' reaction to the meetings, but from the claims which they subsequently submitted to the commissioners it may be inferred that there was some dissension.

On the 6th of February 1801, a meeting was held to discuss and frame the Bill and the following terms were agreed:

1. that Denison¹ should make a fixed money payment to Jacques as vicar for tithe on his land;
2. that compensation should be made to the vicar for the tithe at Binnington, a township to the west which was also being enclosed by means of allotments in Staxton, and that any deficiency should be made up by fixed money payments;

3. that the 'Horse Car' be divided among the cottagers according to their respective estates and interests therein;

4. that the 'Common Car' and wastes be divided thus: two-thirds to the owners of the ancient messuages and cottages which carried right of common—any messuage or site thereof being deemed to have a double portion of interest; and one-third to the owners of open field and enclosed land who were owners of such houses according to the value of the field;

5. that the vicar's allotment be fenced at the expense of the impropiators under the direction of the commissioners;

6. that all other disputes relating to the tithes be left to the commissioners;

7. that the commissioners be John Hall, John Dickinson, and Isaac Leatham, the last named being the author of the *General View of the Agriculture of the East Riding of Yorkshire*, published in 1794;

8. that Thomas Barron of Welton and Ralph Burton of Salton be the surveyors;

9. that John Lockwood of Beverley be the solicitor to the enclosure.

A final memorandum was added that Mr Denison as Lord of the Manor of Seamer claimed one-twentieth part of the common and wastes of Staxton, to which the other claimants objected. Since Denison sold his interest no record of the decision on this claim exists.

The appointments made are interesting because each of the commissioners had been concerned with other awards in the immediate neighbourhood of Staxton. It may be concluded that the method they adopted to deal with the reallocation of the land was part of a long process of trial and error which culminated in later years when allotments were set out in a manner much more convenient for the management of holdings.

The Bill was read for the first time in the House of Commons on Friday, the 8th of May 1801. After the second reading on the

¹ W. J. Denison was Lord of the Manor of Seamer and appears to have owned land in Staxton at the enclosure, but by the time the Award was made his name had vanished and it seems likely that he sold his interest to Broadley before the Award was made.

TABLE I

SCHEDULE OF PRE-ENCLOSURE OWNERSHIP

<i>Name</i>	<i>No. of Messuages</i>	<i>No. of Cottages</i>	<i>No. of Oxgangs</i>	<i>Owner of Tithes of Corn & Hay Wool & Lamb</i>	
Sir John Legard	1	2	6	self	R. C. Broadley
R. C. Broadley	1	4	7	Mrs Young	self
Wm Nesfield (Folkton)	1	1	16	Ed. Dickinson	R. C. Broadley
Mrs C. Young (Scarborough)	1	2	10	self	vicar
H. Marsden (Hovingham)	1	1	9½	self	R. C. Broadley
S. Clarkson (Bridlington)	1	1	9	self	R. C. Broadley
Wm Mosey (Burton Agnes)	—	—	2	self	R. C. Broadley
Rev. A. Jacques, vicar, entitled to certain small tithes and as freeholder has	2	1	—	Sir J. Legard	R. C. Broadley

TABLE II

SCHEDULE OF PRE-ENCLOSURE OWNERSHIP: COTTAGERS' TITHE

<i>Name</i>	<i>No. of Messuages</i>	<i>No. of Cottages</i>	<i>No. of Oxgangs</i>	<i>Owner of Tithes of Corn & Hay Wool & Lamb</i>	
Francis Cockerill (Staxton)	—	1	—	Sir J. Legard	R. C. Broadley
Aaron Frankish (Staxton)	—	1	—	Sir J. Legard	R. C. Broadley
Elizabeth Smith (Staxton)	—	1	—	Sir J. Legard	R. C. Broadley
John . . . (Seamer)	—	1	—	Sir J. Legard	R. C. Broadley
Joseph Bland (Scarborough)	—	1	—	Sir J. Legard	vicar
Rev. A. Jacques, formerly D. Brown (Snainton)	—	1	—	Sir J. Legard	R. C. Broadley
Elizabeth Clarkson (Buckton)	—	1	—	Sir J. Legard	R. C. Broadley
John Patrick (Staxton)	—	1	—	Sir J. Legard	R. C. Broadley

12th the Bill passed into the Committee stage on the 1st of June. It was returned to the House on the 8th and was read a third time on the 15th. On the same day the first reading was given in the Lords and a further reading followed on the 16th. Witnesses were sworn to appear before a House of Lords committee on June 19th and a report of the proceedings was given on the 22nd. The Royal Assent was ultimately given on June 27th, 1801.

Following the passing of the Act a meeting was held at Sledmere on August 3rd when R. C. Broadley and Sir Christopher Sykes were appointed as bankers and with whom £50 was deposited under the terms of the Act. The commissioners ordered that the same course of husbandry should be followed

during the preparation of the Award lest anyone should exploit or neglect any portion of land that might change hands. Neither the cutting of thorns nor the removal of furze was to be permitted without the consent of the commissioners. At the meeting which had been advertised in the *Hull Packet* and the *York Courant* the owners presented their claims (Tables I and II).

Two days later the commissioners moved "to perambulate the boundaries of the said township of Staxton" for the purpose of studying the land and considering the possible improvements in value that were entered in the notebook from an assessment made in 1794, reproduced here as Table III. They then moved to more convenient quarters at

TABLE III

COPY OF ASSESSMENT OF VALUES BEFORE AND AFTER ENCLOSURE c. 1794
ENTERED IN THE NOTEBOOK

Area in Acres	Description	Present value		Improved value	
		per acre s. d.	annual £ s. d.	per acre s. d.	annual £ s. d.
60	"Old enclosure"	15 -	45 - -	15 -	45 - -
130	"Field land below the hill on the south side of the road"	7 6	48 15 -	15 -	97 10 -
25	"Field land between Spital House and the Inn"	5 -	6 5 -	12 -	15 - -
5	"Field land at Staxton Town End"	2 6	1 12 6	7 6	1 17 6
60	"Ings ground exclusive of the Pits"	7 -	21 - -	16 -	48 - -
92	"Horse Car"	2 6	11 10 -	5 -	23 - -
316	"Common Car (but if the water can be got off, then the improved value of both the Horse and Common Cars would be 7/6 an acre)"	2 6	39 10 -	5 -	79 - -
872	"Field land above the hill" [i.e. the wold] "This land would be improved 2/6 an acre by ringfencing only upon this ground, then one shepherd would then be able to take care of all sheep, whereas there are now three shepherds."	1 -	43 12 -	2 6	109 - -
1,460			£216 - -		£428 - -

the inn at Seamer, where on the 21st of September, following further advertisements, the remainder of the claims were submitted. A list was made of the claims of each estate and the parties were required to present any objections by October the 3rd 1801. As might be expected the majority of objections relate to tithe claims and so lengthy were the discussions that subsequent meetings were held at Sledmere on 16th October and for a further four days from the 17th November, when the vicar's own case was heard. Having listened to the evidence the commissioners retired to Beverley to consider the proportional claims shown in Tables I and II and to decide which of the objections could be sustained.

The next record in the notebook is dated January 4th 1802 from the Tiger Inn at Beverley, where the surveyor presented his requirements for road construction and alteration. It is interesting to see that at this time the commissioners considered road provision as the first item in their planning and, having first decided the course of the roads, they turned to claims and objections (See Table I and the Appendix). Setting out the allotments took from the 11th to the 16th January.

On the 22nd of February all the tithe rights were declared to be extinguished and in the following three weeks the holdings were staked out on the ground. The owners whose land lay on the commons and waste were allowed to enter it immediately in order to plough and cultivate. Allotments on the common fields were subject to the removal of the offgoing crops by the previous occupants, but the new owners were at liberty to sow grass to follow corn. All fences and ditches were to be constructed as soon as possible.

On July 20th 1803, the commissioners read and satisfied themselves that the Award was in order and that its provisions had been carried out and on the next day it was read at the 'Buk Inn' at Scarborough and legally executed. The following Sunday saw the

proclamation of the Award in the parish church of Willerby. The final action was the registration of the Award with the Clerk of the Peace in Beverley on the 20th of September 1803, almost three years after the first official meeting to discuss the enclosure.

THE AWARD PLAN

A preliminary reading of the contemporary literature on improvement and enclosure would suggest that many people thought that enclosure would bring unqualified benefits, but William Marshall, who was familiar with the area, noted twelve years earlier that "many men of comfortable fortunes have in this district been beggared and the fortunes of others injured by the inclosing of land which have not yet paid."¹ Leatham too, was not fully convinced of the benefits and in the nearby coastal township of Hunmanby had attempted a scheme which made it possible to grow turnips on the open-fields in a six-course rotation.² It is reasonable to suppose, therefore, that the plan for Staxton was one which was the result of some careful thought on the part of its authors.

An enclosure road was constructed south from the village up the scarp face and, as in the case of many roads climbing to the wolds, it was forced to deviate from the customary straight path by the steepness of the slope. It is possible that the line of an old drift or unmetalled grass track was followed in this case, for the commissioners did not always abandon old routeways. On the wold the road separated two sections of land, the western one being allocated to Broadley whose share was so large that it was practicable to give him a continuous section over the varied types of soil. Each of the other major owners had allotments on the eastern section of the wold, which was divided proportionally by the construction of fences at right angles to the line of the main access road. At this period it was recognized that the capital cost of improving wold land could only be met by the

¹ W. Marshall, *Rural Economy of Yorkshire*, 1788, I, p. 84. See also W. Marshall, *On the Appropriation and Inclosure of Commonable and Intermixt lands*, London, 1801, pp. 11-34.

² East Riding Record Office, Hunmanby by-laws, DDHU.

owners of large areas. The lesser claimants had, therefore, no allocation on this upland.

Below the scarp crest the grounds were similarly divided and, as on the wold, Broadley was given the western portion, so that his land was contiguous with that on the wold. East of the road the divisions were laid out up and down the slope and were awarded to the other main claimants. The resultant pattern of long narrow fields extending up the scarp face is a common one on the whole of the sixteen mile section that forms the southern rim of the Vale of Pickering.

Small blocks of relatively high value were allotted to the cottagers and minor common-right holders on the ings and the upper or 'Horse Car'. These small blocks have survived to the present time as a distinctive feature of the township. A similar solution was reached at Filey where small holders were given portions of high value near the main settlement. From the beginning it must have been realized that these holdings were not sufficiently large to provide an adequate income for their owners and it was thus desirable that the holdings should be near the village where these men would live, supplementing their income by working on the larger farms or by following their trades.

Eastward of the main carr road the land was staked in north-south sections on the same principle as that adopted on the scarp face, so that each person received a progressively poorer share of the land in the direction of the River Hertford.

It will be seen that the approach of the commissioners was based on the subdivision of each of the pre-enclosure land-use areas, each being treated like a separate compartment. With the exception of the blocks made over to the owners of small shares, they took each pre-existing unit of wold, ings, common field, and carr and gave each claimant a portion of it. They did not make a single compact allocation to each individual based on their assessment of the total improved value for all parts of the township. Whether they distrusted the estimates of the potential im-

provements or whether the individual owners wanted this kind of division is not clear, but it is possible that the owners did not think of the land being worked from any other centre than the village itself. The problem of water supply on the wold must have caused doubts about moving farms there from the village nucleus and elsewhere there were difficulties in finding a dry site.

One can see that from this approach the enclosure in a sense only served to introduce new variations on old problems. J. Clarkson, for example, was given one portion of land on the carr, another on the ings, a third on the former field land below the brow, and a fourth and last portion in the very south of the wold. Other owners were given portions situated in the different parts of the township in the same way as Clarkson. In each case the village remained the focal point from which farming could be carried out just as it had been under the open-field system. In other words, although there had been a proportional redistribution according to the respective claims, it consisted essentially of a series of consolidations within the former land-use areas. The disadvantages of this practice hardly need further emphasis and they must soon have become apparent, for in later awards made in the Vale of Pickering there was less fragmentation of individual lots. Moreover, the later allotments extended across pre-enclosure boundaries, thereby hastening the dispersion of settlement and reducing the delays brought about by complex journeys to and from scattered fields.

The figures in Table III give some impression of the probable increase in value per acre on the different parts of the land. As might be expected, there was no change in the value of the home close, but it is interesting to note that this land which had the highest value before enclosure remained among the highest afterwards. While the value of the field land was doubled, it was the ings that showed the greatest increase, proving not only their potential fertility but also the demand for grass created by the increase in cattle-keeping in the area. It was not, there-

fore, only the demand for new rotations based on the introduction of the turnip that was behind the desire for enclosure.

In terms of the relative increase in value, the 'Horse' and 'Common' carrs showed the most notable gains—it was not long after enclosure that the carrs were put down to arable. By the 1840's the tithe maps for the adjoining parishes show that only the very wettest areas were left uncultivated.

Improvements far beyond the scope of the 'ring fencing only' mentioned in Table III followed the introduction of methods of improvement pioneered in this area by Legard and Leatham. It must not be supposed that all the wold was as good or was improved as rapidly as that of Sir Digby Legard at Ganton noted above, but the policy of occasional catch crops and natural regeneration of the turf was over. There is no need to dwell upon the benefits derived from husbandry in severalty. Those who wanted to improve their stock were able to do so and were at liberty to introduce more varied crop rotations.

From the foregoing account it may be seen that the enclosure by no means solved all the problems which faced the small agricultural community of 125 persons recorded in the Census of 1801. With the new holdings came changes which fall into two categories. First, farmhouses were removed to the new holdings, and second, the large allotments became subdivided into more manageable fields. One notable feature at Staxton is that unlike many of its neighbours no significant dispersion of farmhouses took place to the north of the chalk brow.

Tithe allocations were large and were mostly in lay hands and as such meant an absolute loss of land to all but the tithe owners. However, the fact that the matter had been finally adjusted must have helped to make up for the loss. Certainly the claims against the tithe were pressed strongly. The question of how fair the award was to the

individual owners must remain open. The major landowners and tithe-holders were given large portions, but the basis for the allocations to claimants with smaller areas was narrowed by the refusal to allow their claim to an unlimited right of common. We may presume that under the open-field system they had exercised such rights whether they had had them or not. The award removed this particular element of flexibility by clearly prescribing the rights of each individual. Marshall believed that the small allocations to the lesser claimants were ultimately a wasteful use of the land, yet the pattern of small fields laid out on the former 'Horse Car' has survived to the present time.¹

CONCLUSION

Clearly the most striking change brought about by the enclosure was the division of land that had formerly been held in common and its allocation to the various owners in severalty. It saw the removal of tithe payment as a source of social and economic grievance. The principal land holders were able to work their land in larger and better consolidated units though a considerable measure of inconvenience remained. The apportionment to the lesser claimants did little to improve their situation and it seems very likely that they were the poorer as a result. On the larger holdings a dispersion of farm houses and further field subdivision followed.

When considered in this way the term 'agricultural revolution' is no misnomer, for although new methods came to be known in neighbouring areas, it was not until each township was enclosed that a general application of such methods was made. It has been shown that enclosure was not absolutely necessary to agricultural improvement and that the cottagers probably suffered as a result of it, yet the owners preferred their own judgement to any communal system which they believed could only move at the pace of the slowest farmer.

¹ W. Marshall, *Rural Economy of Yorkshire*, 1788, I, pp. 48-105, especially pp. 56-8.

APPENDIX, PART II: DECISIONS ON CLAIMS

1. "Clarke and Wilmot not allowed claim of two cottages—a half right allowed for each."
2. "Legard claim not allowed—tithes not construed to extend to Thornton's land (except for Haslewood's cottage) or to Broadley's and Reeve's land or to the messuages and cottages."
3. "Claims of Jacques and Catterson to messuage occupied by Thos. Coates that it be exempt from tithe disallowed—now property of Broadley for tithe."
4. "Claims by Frankish that cottage be exempt from tithe disallowed—now property of Broadley for tithe."
5. "Thornton's claim to messuage occupied by Richard Nicholson disallowed, the same being only a cottage."
6. "Whin Fall—claims of unlimited common and mowing disallowed, the same therefore to be allotted under the terms of the Act."
7. "Claims in the Ings and Turf grafts in respect of any messuage or cottage disallowed, the same being mown by the owners of the oxgangs exclusively each year and only being in common after harvest."
8. "No claims allowed to the vicar of Willerby in respect of unlimited grazing on the common and carr of Willerby or of tithes of wool and lamb in Willerby or any payments other than those already paid in lieu of ecclesiastical dues, in Willerby and Staxton other than those usually paid."
9. "Vicar of Willerby; no claims allowed in Ness, except when ploughed and sown."
10. "Vicar; no claim allowed for tithe in kind from close called Town Close in occupation of Thos. Woodall."

The residue of the claims were allowed.

NOTES AND COMMENTS (*continued from p. 105*)

day, 28 March or Monday, 4 April, that is either immediately before or following the Economic History Society's conference at Manchester. Will all those members who wish to receive further details please return the enclosed slip?

AGRICULTURAL HISTORY REVIEW:

INDEX AND TABLE OF CONTENTS

An unforeseen difficulty has arisen with the *Table of Contents* and the cumulated *Index* of the REVIEW. The first table of contents covered volumes I–V, and thereafter it was issued every two years; the last to be printed covered volumes X and XI. The indexes, however, are being issued every five years and the latest index, therefore, covered volumes VI–X. In order to avoid now and in the future the problem of issuing an index that is out of step with the bound volumes, we are issuing with this number of the REVIEW separate tables of contents for volumes X, XI, XII, and XIII, and will continue to issue them yearly in future.

BACK NUMBERS OF THE REVIEW

Members of the Society who have back numbers of the REVIEW which they do not wish to keep are invited to sell or give them to the Society. There is a demand for back numbers, particularly for the earliest volumes up to volume VIII. Correspondence on this matter should be addressed to the Secretary.

GLOSSARIES OF AGRICULTURAL TERMS

A valuable glossary of French agricultural terms has been appearing since October 1960 in *La Revue Norois*. It is being published intermittently: letter A appeared in issue number 28 (Oct.–Dec. 1960), letter B in issue number 30–31 (April–Sept. 1961), letter C in 1962–3, and letters D and E in 1963–4. Some common terms in other European languages are included, for example, the English word *croft*, but the majority of terms are French and include many provincial words. *La Revue Norois* is published at Poitiers, and the author of the glossary is Paul Fénélon of the Collège Littéraire Universitaire de Tours.