

Parliamentary Enclosure in the Uplands: the Case of the North York Moors

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I

IN the analysis of Parliamentary enclosure which has taken place in recent years, the effects of the process in the great upland moors of this country have been comparatively little considered. For the most part, attention has been focused on the elimination of common fields, the common pastures and wastes being considered as minor parts of the system. While this may well be a reasonable view in lowland England, where by the eighteenth century pastures and wastes were normally of no great size, enclosure in the high moors was a very different matter. The total moorland area allotted to an individual was not infrequently considerably larger than the whole of the rest of his holding, and the quality of the land was often admitted to be low, even by ardent advocates of improvement. Distance was a further problem, for although the fragmentation of holdings was often perpetuated by field enclosures,¹ the difficulties were rarely on the same scale as in the moors, where in extreme cases small allotments might be several miles from the home farm. The task of integrating these areas into the normal farming pattern was therefore considerably greater than that presented by the reorganization of the existing improved land. Thus although, for financial and administrative reasons, moorland and field enclosures were frequently included in the same Parliamentary Act, they were normally treated as entirely separate units from the point of view of the allotment, and the clauses dealing with the moorland might show significant variations from those concerned with the fields.

The prime necessity was to allow a greater degree of flexibility than in field enclosures, where the whole area affected was almost invariably enclosed compulsorily, with strict time limits for fencing the new plots. To impose similar conditions on moorland enclosures would have seriously strained the resources of many of those involved, so that, although the standard compulsory form was sometimes adopted, in other cases various devices were used to circumvent this difficulty. One principal method was to permit the Commissioners to exclude such areas, scheduled to be enclosed, as they considered unsuitable for improvement. Reference is made to these powers in certain Acts, while in others, although no specific mention appears in the Acts, areas were nevertheless excluded at the award.² Such "partial enclosures," as they may be termed, had the advantage that a detailed investigation of the quality of the land could be carried out, and, theoretically, no one should have been burdened with the cost of fencing land which was of no real

¹ See, for example, Maps 15 and 30 in J. Chapman, 'Changing Agriculture and the Moorland Edge in the North York Moors, 1750 to 1960', unpubl. M.A. thesis, London, 1961.

² E.g. Allerston.

value. In addition, the opportunity was often taken to clarify or reorganize the administration of the excluded areas by imposing a stinting system or formalizing a structure for their management, thus increasing the value of the pasture rights. On the other hand the fencing and improving of these excluded lands was now strictly prohibited by law, which had not always been the case before. Thus this method suffered from the grave disadvantage that the Commissioners were required to make an irrevocable decision about the potential of the land for improvement, a feature which depended more on economic and social factors than on innate physical ones. Their task was impossible, and their decisions inevitably appeared either excessively cautious or excessively optimistic in the changed conditions of a later period.

A second, more successful, method of overcoming the problem was the use of "permissive enclosure." The idea was extremely simple, for all that was required was for the enclosure Commissioners to set no fixed date for the fencing of the new land, and to allow any owner to continue to depasture his stock on the unenclosed allotments until such time as he chose to fence off his own lands. In practice the regulation of a permissive enclosure was usually rather more complex, but this scarcely altered the real merit of the arrangement, namely that it permitted enclosure and improvement to proceed at a pace determined by each individual, and he was therefore able to tailor his progress to the general economic climate and to his own personal resources. Thus it might be reasonable to suppose that a permissive enclosure would be followed by a much more rational and logical exploitation of the new lands than a compulsory one, where the heavy initial outlay would demand some attempt to extract an immediate return. In fact permissive and compulsory enclosures frequently occurred on the same moor, the less valuable areas being covered by the former, the rest by the latter, so the effect was to focus the earliest efforts at reclamation on one area of a township at the expense of another. It is not clear how widely permissive enclosure was adopted, for the phraseology of the clauses is often such that only a most detailed study of the award will detect it. However, it was commonly used in the North York Moors, and Edwards records one specific example, and implies the existence of others, in Denbighshire.¹ It also occurred on the Berkshire chalklands, at West Ilsey.² It was thus more than a purely local phenomenon, though it appears not to have been used in areas to which it would seem excellently suited.³

II

The North York Moors provide an interesting study in these different forms of upland enclosure, for a large number of separate Acts was involved, spread over a

¹ See Chapman, M.A. thesis, pp. 126 f., and J. W. Edwards, 'Enclosure and Agricultural Improvement in the Vale of Clywd, 1750-1875', unpubl. M.A. thesis, London, 1963.

² Berks. R.O., Q/RDc 70. I am grateful to Miss T. Smolaga for drawing my attention to this record.

³ For example, it was not used in Monmouthshire. See J. Chapman, 'Agriculture and the "waste" in Monmouthshire from 1750 to the present day', unpubl. Ph.D. thesis, London, 1972. Neither S. R. Eyre nor J. C. Crossley refer to it: S. R. Eyre, 'The upward limit of enclosure on the East Moor of North Derbyshire', *Trans. Inst. Br. Geog.*, 23, 1957, pp. 61-74; J. C. Crossley, 'On the rural landscape of Middle Wharfedale', unpubl. M.A. thesis, Sheffield, 1955.

period of more than a hundred years, and both permissive and partial enclosures, as well as wholly compulsory ones, occur. It is therefore possible to investigate the reasons for the differences in the form adopted, to examine the results of the use of these different forms, and to observe whether variations occur through time. Some problems of definition arise, for many of the awards included certain lands other than the open moors with which this article is concerned. Thus six of the twenty-three awards subjected to detailed analysis contained open field lands, and a twenty-fourth award, that for East Ayton, had to be excluded from the analysis as it proved impossible to distinguish accurately between field and moor allotments.¹ Five of the awards also covered extensive areas of low-lying marsh common in the Vale of Pickering, land physically of a very different nature to that of the moors. The principal problem of definition occurred with the remaining commons, often listed as stinted pastures, which might be adjacent to, and physically indistinguishable from, the moor, as in Cropton; or adjoining the village in the lowlands, as at Middleton, or at any point in between.² Inspection of the commons suggested a division at a height of 400 feet, lands below this being included only where they were merely parts of moors which were predominantly at a higher altitude. The figure is arbitrary, but in practice served well to exclude those lowland commons with little resemblance to the moors.

In the common moors, so defined, considerable physical variations occur. Most significant is the contrast between the soils of the bulk of the area, developed on the Deltaic series, and those of the southern strip, bounded roughly by a line from Burniston to Nether Sifton, and developed on the Corallian series. The former are predominantly thin and highly acidic, often waterlogged due to iron-pan development, and lacking not only lime but also other essential nutrients. While normally not totally incapable of improvement, they demand considerable effort and capital, and are agriculturally marginal under economically unfavourable conditions. The latter, in contrast, are on the whole lime-rich, well-drained Brown Earths of considerable agricultural potential. Between the two, both literally on the ground and in terms of agricultural value, lie the gleyed podsols of the Oxford Clay and Kelloways Rock. The deficiencies of the Deltaic soils were well known to contemporary agriculturists, and this may have been a determining factor in the absence of Parliamentary enclosure from the higher central and west-central Moors. In the lower areas these physical factors seem to have had remarkably little influence on the enclosure process. The decision to use permissive or partial enclosure seems to have been independent of the physical contrast, and even the actual division between compulsory and permissive areas within a parish often shows little correlation with this major pedological divide.³

The motives behind the Parliamentary enclosure movement in the North York Moors are difficult to evaluate in all cases, but there were undoubtedly several

¹ North Riding Registry of Deeds (N.R.R.D.), BA 13, 119-35. ² N.R.R.D., AT 1, 1-142.

³ A modern soil analysis appears in G. Anderson, 'Soils of the North-Eastern Moors of Yorkshire', unpubl. M.A. thesis, Newcastle, 1956. For contemporary comments, see J. Tuke, *General View of the North Riding of Yorkshire*, 1800, p. 206.

objectives, of differing importance from parish to parish. Although the preamble to every single Act makes reference to the desire to improve the land concerned, this was merely a conventional phrase and cannot necessarily be taken at its face value as the real reason why the enclosure processes had been set in motion. Furthermore, "improvement" did not have to imply reclamation in the usual sense of the word, for the act of fencing moorland, without any alteration in the quality of the pasture, was held locally to be an improvement, while there were possibilities for non-agricultural "improvements," such as timber-planting, which may have been in the minds of the promoters.¹

One motive for which clear evidence emerges was the desire to deal with the tithe situation. From the point of view of the tithe-owner, claims for stock kept on open moorland, often with no clearly defined parish boundaries,² were a constant source of dispute, especially where, as in much of the south-eastern moors, farmers frequently owned rights in respect of lands in two or more parishes. The situation was even worse when, as for example in Thornton Dale,³ the tithes themselves were split between several owners. The tithe-owners therefore had a strong incentive to back an enclosure and accept land in lieu of tithes, even if they had no intention of reclaiming their allotment. The landowners subject to tithe were sometimes equally in favour, since they saw the opportunity of freeing lands already held in severalty at the small cost of a part of their moor grazing. In the Roxby and Scaling enclosure of 1813 this seems to have been the sole objective of the proprietors, for on completion of the award all allotments, plus a number of old enclosures, were transferred to the tithe-owner in exchange for the extinguishing of charges throughout the parish.⁴ In others, such as Ebberston, it was at least a subsidiary motive, and the opportunity was taken to abolish tithes on old enclosures by means of a compensatory allotment on the moor.⁵ Such arrangements were not, however, universally popular with the landowners. The Act for Cropton made provision for abolition in the same way, but at the award all but two of the eighty individuals concerned opted to receive their full allotments and to make tithe payments in cash.⁶

The desire to obtain complete control over game-shooting was also significant, at least locally, as a motive for enclosure. Grouse-shooting rights were highly valued in the nineteenth century, as can be seen from contemporary sale catalogues,⁷ and their existence must be suspected as the reason for several large compulsory enclosures of land regarded at the time as unimprovable. This is implied in the case of the Lockton enclosure of 1866, for a letter of 1870 complaining of the delay in implementing its terms lists indiscriminate shooting as one of the principal abuses which the writer wished to have stopped.⁸ Egton, enclosed in 1848, would

¹ Chapman, thesis, pp. 102, 230 f. ² E.g. between Cropton and Pickering. N.R.R.D., AT 1, 1-142.

³ N.R.R.D., CS 7, 39-110. ⁴ Northallerton R.O. (N.R.O.), ZPA 645.

⁵ N.R.R.D., BE 3. ⁶ N.R.R.D., AT 1, 1-142.

⁷ E.g. sale catalogue of Beckhouse Estate, 1878, described as "an essentially sporting property." BM, Maps 137, c 1 (1).

⁸ Crown Estate Office, DL 45 10/6.

seem another likely example, though no similar specific reference has been traced.

In spite of these other motives, it does seem that the principal one in the majority of cases was to permit reclamation for agricultural purposes. A letter from the Crown Agent in Cloughton, setting out the advantages of the enclosure, clearly envisaged the improvement of the whole area, including the permissive sector, and the calculations of increased income were based on this assumption.¹ There is also evidence that at least some major landowners were preparing contingency plans for reclamation while the awards were in progress, even though these might not be fully carried out. The plan for the layout of the Duncombe allotment in Beadlam has survived, and the speed with which the Pickering reclamation was carried out suggests similar forethought.² The accounts of Marshall and Tuke provide clear evidence that belief in the possibilities of agricultural improvement, over-optimistic though this proved to be, was the driving force behind the Kildale enclosure,³ and the careful spacing on farmsteads of Pickering High Moor and Muffles Rigg, Cropton, leads one to the conclusion that reclamation of the intervening areas was the eventual aim. In respect of motivation, therefore, it would appear that the North York Moors differed little from England as a whole.

On the question of the timing of the movement, the situation is rather different. The view has frequently been advanced that the high prices of the Napoleonic period were a trigger to Parliamentary enclosure and to land reclamation, but this cannot be substantiated from the Moors. Of the thirty-five Acts relating to significant areas of moorland, twenty were passed before the outbreak of war and a further six after peace had returned. Expressed in directly comparable terms, enclosure Acts were passed at an average rate of one every 2.1 years between 1748⁴ and 1775, one every 2.6 years between 1775 and the start of the French wars, and one every 2.2 years during the hostilities, the most concentrated periods being 1769-75, with seven Acts, and 1784-90, with six. It must be concluded therefore, that the wars were of little significance; if the promoters of the Acts saw profits in reclamation, they saw them in ordinary peacetime conditions as much as during the wars. The postwar period was certainly characterized by a much slower rate of Parliamentary activity, with an average of only one Act every 8.8 years,⁵ but even here the impact of the postwar depression must not be over-emphasized, for two Acts were passed in 1813, when prices were already falling,⁶ and two more followed in 1817 and 1818. Only then did a significant gap occur, which lasted until 1848. Furthermore, the actual process of reclamation of land enclosed earlier does not appear to have been seriously interrupted in the postwar years.

The tracing of support for, and opposition to, enclosure is a major task beyond the scope of this paper, but it is worthy of note that no one class was exclusively

¹ P.R.O., DL 41/72.

² See manuscript plan of the proposed use of the Duncombe allotments, 1818, formerly in the Duncombe Park Estate Office, recently transferred to N.R.O., and Tuke, *op. cit.*, pp. 204-14.

³ W. Marshall, *The Rural Economy of the County of Yorkshire*, 1788, pp. 283-5, and Tuke, *op. cit.*, 202-3.

⁴ 1748 was the first, Faceby (P.R.O., L 210/127). ⁵ Up to the last, Lockton, in 1866 (C.R.O., ZPC).

⁶ See L. P. Adams, *Agricultural Depression and Farm Relief in England, 1813-1852, 1932*, pp. 30 f.

involved, and there is evidence that the initial moves were made by different groups in different parishes. R. W. Crosland has demonstrated that in the field enclosures of the neighbouring townships of Fadmoor and Gillamoore the initiative came from the lord of the manor in the former, and from the small freeholders in the latter.¹ The same variations seem to have applied to moorland enclosures. Certainly there is ample evidence that the small freeholders had been concerned over the activities of squatters for a long period of time, and there were frequent demands that the lord take action against them.² Many freeholders must have welcomed enclosure as a means of preventing finally this erosion of their rights.

III

In theory Parliamentary enclosure should have resulted in the abolition of multiple rights over the same piece of ground, and the creation of compact block holdings. In practice it is well known that the latter objective was rarely achieved, and that certain vestigial rights over the new allotments, particularly in respect of minerals, were usually reserved to the lord. The North York Moors appear to have been especially prone to these divergences from the theory. It is perhaps not surprising, in view of the known mineral wealth of the area, that particular attention should have been paid to minerals, for example by the writing in of specific way-leaves in the event of their future exploitation, as at Moorsholm.³ More unusually, other residual rights often remained after enclosure. Compensation for turbary, in particular, seems to have defeated many of the Commissioners, for if a small area were set aside as a common turbary it would rapidly be stripped of its turf and become useless, while individual allocations of land in lieu of the rights were likely to be so small as to be of little value. Common turbaries were in fact set aside in three awards, the size ranging from an inadequate two acres at Easington to 250 acres, made possible by the retention of much of the High Moor as common at Ebberston; while in two parishes compensatory allotments were given, in East Ayton a standard 2 acres per person, in Beadlam an individually determined amount ranging from 0.89 to 2.85 acres.⁴ In a further five cases, however, multiple rights were retained, land being allotted to one individual with the proviso that those with turbary rights could enter it to cut turf or peat. Sometimes they were subject to constraints, as in Snainton, where they were restricted to a stated number of wagon loads per year, or in Harwood Dale, where the peat-cutter was obliged to leave the cut areas provided with drainage ditches; but in others, for example Egton, the turbary-right owner was apparently free to do as he pleased.⁵

The right to dig building stone occasionally produced similar remnants. This problem was less intractable, for it could be readily solved by setting aside a public quarry, a solution adopted in six awards. Ebberston additionally had separate public allotments for lime and sand quarries.⁶ Nevertheless, in Lockton, Moorsholm, and

¹ R. W. Crosland, *Yorkshire Treasure*, York, 1947. ² E.g. P.R.O., LR 2/186 (1610).

³ P.R.O., MAF 1/973 and 1/505.

⁴ N.R.O., ZPA 645; N.R.R.D., BE 3; N.R.R.D., BA 13, 119-35; N.R.O., Enc. 16.

⁵ N.R.R.D., BE 1-47; P.R.O., MAF 1/284; P.R.O., MR 807. ⁶ N.R.R.D., BE 3.

Snainton the inhabitants were given the right to dig stone, and in Snainton also limestone, in specified allotments made to individuals, thus again perpetuating a system of multiple rights.¹ The Lockton arrangement was particularly surprising, for it allowed the stone-diggers freedom to exploit any allotment, though compensation had to be paid for any diminution of value which resulted.

In regard to the land available for agricultural purposes, it has already been noted that in the North York Moors permissive, partial, and compulsory enclosures were all used. Of the twenty-three enclosure awards subjected to detailed analysis, five were partial, excluding areas deemed unsuitable for improvement, and eight contained permissive clauses, Allerston and Eskdaleside being both permissive and partial. These figures underestimate the real importance of permissive enclosure, for four of the permissive Acts covered more than one parish, as against only two of the compulsory ones, and the permissive Acts in general covered larger acreages. Of the fifteen awards involving over 1,000 acres of moorland, seven were permissive, and 37·65 per cent of the total area enclosed by the twenty-three awards was covered by permissive clauses (see table 1).

The question arises as to why it was determined to make some Acts permissive. From what has just been said it is clear that a large total area was one prerequisite, especially since Dunsley Moor, the only permissive enclosure under 1,000 acres, was distinctly abnormal. Only one allotment, assigned to the principal landowner, had such a clause, and the whole arrangement has the appearance of being devised to meet a specific requirement of a single powerful individual in a situation where permissive enclosure was not considered generally necessary.² However, size was not the sole criterion, for although the two largest were permissive, the third, Egton, was compulsory, as also were the other large enclosures at Harwood Dale and Sneaton.³

The additional distinguishing feature seems to have been the number of owners involved. An average of fifty-two allottees was concerned in each permissive enclosure, as against an average for all awards of only twenty-nine, and, in spite of the larger average acreage per permissive award, the average allotment per person was only 70·68 acres against the general average of 81·40. More significantly, the median allotment sizes for permissive awards are strongly clustered within a small sector of the overall range. While medians for the former all fall between 7·50 and 30·00 acres, only four of the remaining thirteen are within the same range.⁴ The implication is that permissive enclosure was normally likely to be put into effect only if a substantial number of individuals were entitled to allotments of a reasonable size. Where the overwhelming majority of allotments was under about 3 acres it was usually found possible to place them adjacent to an existing enclosed holding of the same owner, thus facilitating absorption and making permissive clauses unnecessary. Similarly, this device was not needed where the award was

¹ N.R.R.D., BE 1 1-47. ² N.R.O., ZPA 645.

³ P.R.O., MR 807; P.R.O., MAF 1/284; L.R.R.O., 60/1441.

⁴ Excluding Faceby and Harwood Dale, which each had only two owners.

TABLE I
DETAILS OF AWARDS

<i>Parish</i>	<i>Date of Act</i>	<i>Date of award</i>	<i>No of allotments</i>	<i>No of allottees</i>	<i>Total area enclosed</i>	<i>Permissive</i>	<i>Compulsory</i>
Allerston*	1809	1818	8	3	4,745·38	4,745·38	—
Beadlam	1817	1817	23	8	673·44	—	673·44
Cropton (a)	1765	1766	164	80	7,826·92	3,472·51	4,354·41
Easington	1808	1817	38	11	719·94	—	719·94
Ebberston*	1769	1775	29	21	1,675·88	—	1,675·88
Egton	1848	1854	147	16	6,888·82	—	6,888·82
Eskdaleside*	1760	1760	83	47	1,518·21	1,518·21	—
Faceby*	1748	1748	2	2	170·00	—	170·00
Hackness (b)	1818	1818	37	3	1,785·98	—	1,785·98
Harwood Dale	1858	1861	8	2	3,360·26	—	3,360·26
Kilburn	1813	1828	113	57	1,051·21	—	1,051·21
Kirbymoorside (c)	1788	1793	68	32	1,454·37	526·23	928·14
Moorsholm*	1862	1864	95	33	939·59	—	939·59
Mulgrave (d)	1776	1782	81	42	1,203·59	—	1,203·59
Newholme(e)	1793	1803	45	28	768·37	34·58	733·79
Pickering*(f)	1785	1789	393	140	8,210·33	5,908·56	2,301·77
Roxby	1813	1813	29	10	838·24	—	838·24
Scalby(g)	1771	1777	150	73	1,735·51	1,209·24	526·27
Silton, Nether	1794	1799	24	19	522·80	—	522·80
Snainton	1768	1773	6	3	968·75	—	968·75
Sneaton	1802	1802	15	5	2,742·40	—	2,742·40
Staintondale	1829	1829	80	20	1,453·02	—	1,453·02
Wykeham	1785	1787	58	15	3,286·30	3,124·19	162·11
Totals			1,696	670	54,539·31	20,538·90	34,000·41

* Partial enclosures. (a) inc. Cawthorne, Hartoft, Middleton, Wreton. (b) inc. Broxa, Silpho, Suffield cum Everley. (c) inc. Fadmoor, Gillamoor. (d) inc. Barnby, Ellerby, Hutton Mulgrave, Lythe, Mickleby. (e) Dunsley Moor. (f) inc. Newton. (g) inc. Burniston, Cloughton.

primarily concerned with one or two very large units. At least one side, at the point of contact with the old enclosed land, would usually be fenced already, and the owner might, in addition, be freed from the duty of fencing where his land met the parish boundary, so that the length of fencing per acre was normally small.¹ No great burden was placed on such an owner by compelling him to fence.

That there were exceptions to these rules seems to have been due to local whim rather than any other specific cause. Permissive enclosure was devised early, and there is no reason to suppose that later enclosers were ignorant of the idea.² Indeed the same Commissioners or landowners might participate in permissive enclosures,

¹ E.g. Sir J. Vanden Bempde Johnstone, exempted from fencing his Harwood Dale allotments along the boundary with Fylingdales Moor.

² Eskdaleside (1760) was the second Act.

and subsequently in compulsory ones where permissive clauses might have seemed appropriate. Thus the Dean of York was a party to both the Cropton award and later the Ebberston one, while Sir Charles Duncombe was involved simultaneously with Kirbymoorside and Cold Kirby.¹ Areally, permissive awards were concentrated in the south-east, but as the earliest, Eskdaleside, and the later Dunsley Moor award were both in the north, the idea cannot be regarded purely as a highly localized one. Nor was the perceived quality of the land a major determining factor, for the excluded land at Ebberston can hardly have been thought worse than its immediate, permissively enclosed, neighbours in Allerston and Wykeham.

IV

Mention has already been made of the fact that the details of permissive enclosure were not always uniform from parish to parish, and this applies even to the type of land subjected to it. In Eskdaleside and Allerston the poorer lands were excluded, all the better areas being permissively enclosed; in the other six the whole moor was enclosed, the better areas compulsorily, the rest permissively. Moreover, the care with which good and bad were distinguished varied greatly. Though a value of 3s. per acre per annum was often specified as the dividing line, in four cases the lower figure was rather arbitrarily assigned to certain traditionally defined areas, normally the "High Moors" of each township, and only in Kirbymoorside and Pickering do detailed examinations appear to have been made. In Pickering the line ran through the Low Moor, while in Kirbymoorside a complex division cutting across a series of traditionally recognized commons was devised.² Adjoining lands, divided only by a parish boundary, might thus be treated differently, as on the Cropton-Pickering border.

The rules governing the permissive areas varied greatly in complexity, and appear to have evolved through time. The earliest award, Eskdaleside, is couched in identical terms to a compulsory one, the only difference being the absence of any time limit on the fencing of the allotments.³ Areas deemed unimprovable were specifically left common, and on the remaining moor fencing was to be carried out "with all speed," no regulations being issued for its use while it remained open. It was thus clearly envisaged that the allotted area would be taken up within a short period, and the absence of a time limit was intended merely to allow the owners to proceed more slowly than normal. In practice the enclosure took on a permissive character, with some allotments apparently never fenced.

The second award, that for Cropton, shows a much more developed system.⁴ A distinction was made between the High Moors and all other commons within the townships concerned, the owner being compelled to enclose allotments on the latter within twelve months on pain of forfeiture, but being specifically allowed to decide if and when he wished to fence the former. The clauses applied to the per-

¹ N.R.R.D., AT 1, 1-142 (1765) and N.R.R.D., BE 3 (1769); N.R.O., ZEW 266 (1788 Act to 1793 Award) and N.R.O., AL 213/1 (1789).

² See maps, C.R.O., Enc. 9, and C.R.O., ZEW 266 respectively.

³ N.R.O., A.G. 19. ⁴ N.R.O., AT 1, 1-142.

missive area are of particular interest in that the Commissioners initially followed the normal compulsory practice of determining who was to pay for which fence in the event of enclosure. Any individual wishing to enclose could activate these clauses by giving a year's notice of his intentions, thus forcing his neighbours to fence those sides of his allotment. However, in the face of protests from the High Moor allottees the Commissioners were forced to back down, and the later part of the award states that, if the neighbour objected, the fencing charges were to be determined by agreement between the parties. The fencing clauses thus became purely guidelines, and faced with a total refusal to co-operate a would-be encloser had no choice but to fence the whole of his own allotment. Until enclosure was carried out the permissive area was to be regarded as common grazing, the number of rights due to an individual being determined by his acreage of unfenced land.

The essentials of the Cropton award were repeated in all the later ones, with occasional embellishments. Most complex of these was the Pickering Award of 1785, which incorporated a highly detailed series of regulations for the management of the unfenced portion of the moor.¹ A paid inspector was appointed to oversee the day-to-day running of the system and overall control was vested in an annual meeting of all right-owners, with one vote per common right. This marks a major evolution from the time of the Eskdaleside award, for such a structure could have been created only where those concerned believed that unfenced land was liable to persist for a long period of time. The twenty years' experience of neighbouring Cropton may well have convinced them of this, the more so since some individuals held land in both parishes.

V

Partial and compulsory enclosures show much less variety. Awards of the former type might incorporate either compulsory or permissive clauses for the land actually to be enclosed, and these parts are in no way distinctive. Their uniqueness derives from the decision to exclude certain areas of moor as unimprovable, and thus to perpetuate common rights, though on the poorer land only. A qualitative assessment of land value is implied, but in practice, as with permissive enclosures, the degree of care used in valuation varied. Thus in Ebberston the whole North Moor was arbitrarily excluded, while in Moorsholm some attempt was made to distinguish between "improvable" and "unimprovable" areas of the High Moor, only the latter being excluded.²

The enabling Acts are of little help in determining the extent of enclosure in these cases, for it was normal practice to include the whole moor, leaving exclusions to the Commissioners. Thus the Allerston Act stipulated 14,000 acres, whereas in practice less than 5,000 acres of moor, plus about 500 of open field, were included.³ Similarly, in Eskdaleside only about 1,500 out of the specified 3,500 acres were in fact enclosed.⁴ Furthermore, whether Parliament stipulated exclusions or not, there

¹ N.R.O., Enc. 9. ² N.R.R.D., BE 3; P.R.O., MAF 1/975 and 1/505. ³ N.R.O., ZJQ.

⁴ N.R.O., AG 19.

was no guarantee that the Act would be followed. Partial enclosure provides the best-documented case of Commissioners overriding the terms of the Act. The Snainton enclosure was to have been partial in form, excluding the High Moor, but when the Commissioners followed these instructions objections were raised by the three owners left with common rights on the unenclosed area. Finally, and highly reluctantly, the Commissioners accepted the written requests of the owners as conferring the necessary powers, and Snainton High Moor was compulsorily enclosed.¹

Compulsory enclosures, including the compulsory sections of permissive and partial ones, require few comments, for the variations were of little real significance. Only the differing restrictions on the uses of the new enclosures produced any impact on agricultural practice. It was usual to ban sheep, and sometimes other stock, for a period of seven years, a clause which created few difficulties in lowland situations but which, in the context of a poor upland area with a sheep-based economy, was likely to cause serious problems.² This was eventually recognized, and some later awards, for example Beadlam, omitted this ban, thus causing the minimum of upset to the existing farming system.³ Even then, however, the onus of protecting a neighbour's hedges from the sheep remained on the sheep-owner, in contrast to the permissive enclosure, where it normally lay on the encloser himself. Apart from this, variations apply to such minor details as to whether twelve months or 18 months were to be allowed for fencing.⁴

VI

Attempts to generalize about the pattern of allotments for the Moors as a whole produce little of value. Details of the sample by parish are incorporated in tables I and II, and the wide range of different situations can be readily appreciated. Information about the average and median size of allotments, 81·61 and 18·17 acres respectively, is in itself of little significance, for the range was considerable with a standard deviation of 373·19, and quartiles of 5·00 and 44·81. More significant is the number of allotments in the extreme ranges, 11·34 per cent falling below 2 acres, and 13·43 per cent over 100 acres. Even this is not necessarily as significant as might appear, for although many of the former were undoubtedly local smallholders and cottagers, this was not necessarily so. Some were landowners of considerable status elsewhere, whose holdings within the parish concerned happened to be insignificant, as for example Dr Turton, allotted a mere 0·19 acres in Mulgrave, but a total of 393·17 in Roxby and Sneaton, quite apart from any lands he may have owned elsewhere.⁵ Others were farmers from outside the area who had bought upland rights some distance from their home farm, as in the case of John Bell, a yeoman of Bank Head, Northallerton, allotted 3·97 acres in Nether Silton.⁶ Finally, some apparently small men were in fact merchants and traders, who by

¹ N.R.R.D., BE 1, 1-47. ² E.g. Allerston, N.R.O., ZJQ. ³ N.R.O., Enc. 16.

⁴ E.g. Moorsholm, P.R.O., MAF 1/975; Egton, P.R.O., MR 807.

⁵ N.R.R.D., BR 26, 32-74; N.R.O., ZPA 645; P.R.O., L.R.R.O. 60/1441. ⁶ N.R.R.D., CP 40/33.

TABLE II
ALLOTMENT SIZES

<i>Parish</i>	<i>Largest</i>	<i>Upper quartile</i>	<i>Median</i>	<i>Lower quartile</i>	<i>Smallest</i>	<i>Largest as percent. of total</i>
Allerston	4,709.36	—	27.28	—	8.74	99.24
Beadlam	530.39	28.41	15.96	13.16	6.46	78.76
Cropton	1,278.28	111.97	26.49	10.39	1.61	16.33
Easington	622.71	18.94	4.68	2.03	1.33	86.49
Ebberston	710.98	43.29	22.25	12.50	8.50	42.42
Egton	6,080.28	125.97	12.68	1.46	0.50	88.26
Eskdaleside	324.38	39.87	16.60	6.56	1.00	21.37
Faceby	130.00	—	—	—	40.00	76.47
Hackness	—	—	76.25	—	15.41	94.87
Harwood Dale	3,245.26	—	—	—	115.00	96.58
Kilburn	242.10	22.86	3.55	2.15	0.01	23.03
Kirbymoorside	921.82	23.19	8.79	4.77	0.72	63.38
Moorsholm	271.34	27.24	14.25	1.93	0.34	28.88
Mulgrave	713.61	10.81	5.22	1.41	0.19	59.29
Newholm	336.38	15.81	9.73	5.64	0.84	43.78
Pickering	968.09	53.34	29.05	21.68	0.29	12.01
Roxby	342.63	202.18	7.28	2.06	0.13	40.87
Scalby	417.45	19.03	7.61	2.86	0.43	24.05
Silton, Nether	330.69	24.86	5.89	1.32	0.09	63.25
Snainton	623.89	—	317.54	—	27.32	64.40
Sneaton	2,571.21	—	50.28	—	15.00	93.76
Staintondale	185.41	108.90	83.36	22.78	0.15	12.76
Wykeham	2,890.07	27.56	13.53	13.42	1.11	87.94
Of all allotments		44.81	18.17	5.00		

Figures refer to total land allotted to one individual.

virtue of their dwelling place were entitled to a share in the common, men such as Robert Knaggs, an alum manufacturer, allotted 0.34 acres at Moorsholm.¹

Further problems are created by the long-time-span covered by the Acts, and by the active market in land. The latter is hinted at by the numbers of exchanges and sales recorded in the awards, both while the enclosure was in progress and immediately afterwards, as in the case already mentioned at Wykeham, where Richard Langley acquired the whole High Moor by exchange.² More typically, Pickering recorded sales of just over 19 per cent of the moor allotments, involving in total slightly under 11 per cent of the whole moor. While a certain number of such sales were clearly primarily intended to reorganize the new holdings for the greater convenience of the owners, such as the complex of sales between John Woodill and Hodgson Stonehouse, or Thomas Harrison and the King, in Scalby,³

¹ P.R.O., MAF 1/975. ² N.R.R.D., CA 2, 11-28. ³ N.R.R.D., BQ 1/1.

a few individuals took the opportunity of building up substantial holdings. Thus William Huggitt, described as "yeoman," who had no land allotted to him, purchased almost 260 acres of Pickering High Moor from five different individuals.¹ There is no reason to suppose that this process stopped immediately the award had been completed, and an analysis of the surnames of owners in Kilburn shows that only nine of the thirty-seven allotments made in 1828 were still totally owned, and a further seven partially owned, by individuals of the same name in 1848.² Even allowing for some descent through a female line, a great deal of sale and exchange must have taken place. Hence it is difficult to determine the size and boundaries of units which were actually available for development and reclamation.

Nor can the total influence of individual estates be accurately determined. While it is theoretically possible to calculate the total allotments to institutional landowners, such as the King or the Dean and Chapter of York, the problem of sales remains; and in the case of individual owners only detailed family histories, with detailed studies of bequests and gifts, could possibly establish the truth. Furthermore, while the relationships between the George Vanden Bempde, involved in the Scalby (1777) and Wykeham (1787) enclosures, the Richard Vanden Bempde Johnstone of Hackness (1818), and the John Vanden Bempde Johnstone of Harwood Dale (1861) might present no major problem, the numerous Dobsons, Hodgsons, Hayes, and Allansons present almost insuperable difficulties.

VII

The significance of these problems may be appreciated by a study of the subsequent reclamation history of the enclosed parishes, from which it is clear that, although the contrast in enclosure form, whether permissive or compulsory, was indeed a major influence, the question of total size of an individual's allotments was also of importance. The different types of situation may be represented by four parishes, Kilburn (enclosed 1828), Sneaton (1802), Pickering and Newton (1789), and Allerston (1818), the first two compulsory, with many moderate allotments and a single dominant one respectively, the second pair demonstrating the same contrast in permissive enclosures.

In Kilburn improvement seems to have been extensive and rapid.³ All allotments were in fact fenced in the prescribed manner, and the smaller landowners, in particular, appear to have been active in improving them. So, too, do a number of individuals who bought up allotments to create larger holdings. Only one new farmstead was founded, the whole of the remaining area being attached to existing farms on the old improved land. It is impossible to be certain exactly how much land was improved at the maximum extent, or how much was subjected to unsuccessful attempts at improvement, but twenty years after enclosure, of the former moor recorded in the tithe award 62.75 per cent was in the arable, meadow, and pasture categories, 6.05 per cent was woodland, and 31.20 per cent was classified

¹ N.R.O., Enc. 9.

² N.R.R.D., ES 147/51 and Tithe Redemption Commission (T.R.C.), 42/198.

³ *Ibid.*

as moor or rough pasture. The description of a number of fields as "pasture and ling" strongly suggests that reversion was already under way, but the quantity was small, and 1848 seems to represent more or less the maximum extent of improvement.

However, it rapidly became apparent that the reclaimers had over-reached themselves. The First Edition Six-inch Ordnance Survey, mapped in 1856, shows a decrease in the improved area of 140 acres, or 25.97 per cent, and while there may be differences of interpretation between the tithe and Ordnance surveyors, all the evidence available from the Moors indicates that they were very minor.¹ Furthermore, successive editions of the Ordnance Survey over the next hundred years show a continuing story of steady reversion, so that by 1950 only about a quarter of the moor remained as improved land.²

An interesting contrast is provided by the parish of Sneaton, in which there were only five owners, one of whom, John Miles, received 93.76 per cent of the total area.³ Of the remaining four, two, with 22 and 50 acres, rapidly improved their lands while the rector, who may have had extensive holdings elsewhere, and John Brown, part of whose allotment presented physical obstacles to improvement, did nothing. Miles, the principal owner, proceeded at a measured pace. By 1856, when rapid reversion was already in progress in Kilburn, the reclamation schemes on his land were still proceeding.⁴ Little was done to extend existing farms, for the few acres of reclaimed land adjacent to the main area of the parish seem to have been taken in principally with the object of straightening the moor fences. The significant reclamation was concentrated on three new farms, New May Beck, Doves Nest, and Soulsgrave, of which only the first had achieved its final form by 1856. Doves Nest was built and had a good deal of improved land attached to it, though more was to be added in succeeding years, while Soulsgrave existed only in field plan, with no farmhouse, and only a very small acreage improved. Here improvement persisted well into the latter half of the nineteenth century, though almost all of Doves Nest, and three-quarters of New May Beck, were lost by 1950.

The two permissive enclosures show much less variation. In Allerston four owners were theoretically involved, but one, the King, was compensated entirely by a grant of old enclosures, and thus had no part of the moor.⁵ Of the other three, one, George Osbaldeston, received 99.24 per cent of the moor. Osbaldeston, like Miles, proceeded slowly with a planned expansion, and thirty years after the Award only about a tenth of the South Moor was enclosed, and only 178 acres, or 3.78 per cent of his allotment, was actually improved.⁶ Osbaldeston was fortunate in that Allerston moor was broken by a number of areas of improved land, notably Staindale and Crosscliff, but also by small patches near the former rabbit-warren. The Moor Cock Inn also provided a base. Thus he was able to incorporate substantial areas of his allotment in existing farms, or to provide new farms with a nucleus

¹ Chapman, M.A. thesis, pp. 207-8. ² Ordnance Survey, 1:25,000, Provisional edn.

³ P.R.O., L.R.R.O. 60/1441. ⁴ Ordnance Survey, 6 inches to 1 mile, 1st edn.

⁵ N.R.O., ZJQ. ⁶ T.R.C., 42/9 (1846).

of improved land from which to work. One Staindale farm of 40 acres received a further 113 acres of moor, and a 275-acre Crosscliff farm received an extra 9 acres, while a new 50-acre farm unit was created from a former "intake island" of 25 acres, plus 25 acres of moor. He also took advantage of the contemporaneous reorganization of the open fields to create Warren Farm from 200 acres of fields and 100 of moor, and the Moor Cock Farm from 6 acres of fields and 43 of moor. This process was almost complete by 1846, and in so far as the intention was to have the moor improved, was not particularly successful. For example, only 10 acres of the land given to the Staindale farm were reclaimed.

Only three farms were created from the moor without an initial base, all in the 25- to 30-acre range in 1846. This was a later phase of expansion and was not yet completed, for both Givendale Head and Black House were subsequently expanded. By 1856 a further 30 acres had been added, and during the rest of the century the area was more than doubled.¹

The Pickering and Newton case is especially interesting in that it incorporated extensive areas of both compulsory and permissive enclosure, and progress in the two can therefore be compared directly.² We have the evidence of Tuke that, as in Kilburn, the compulsory area was rapidly improved. He quotes the example of Richard Simpson who was allotted 315 acres of the Low Moor at Saintoft Grange and who reclaimed almost the whole of this between 1787 and 1791, beginning with 120 acres of the best land in the first year.³ Simpson's neighbours were obviously equally active, and by 1817 the entire compulsory area had been not merely fenced but improved, apart from some steep lands in Gundale Slack and Newton Dale.⁴ In contrast, the permissive allotments had received little attention, and even some of the better land remained unfenced. Reclamation was under way and the nuclei of many, though not all, of the later planned farms already existed, but extensions to these were normally undertaken at a leisurely pace compared with the burst of activity in the compulsory areas. Apart from the Stape and Raindale areas, where some urgency was shown, farms in the permissive area normally expanded at about 5 to 10 acres per decade, often with long periods of stagnation. Significantly, however, this slow process persisted through to the agricultural depression of the 1880's, while in the compulsory area reversion had already set in by 1856. Some 420 acres of land in the permissive area were reclaimed between 1856 and 1892, while the compulsory area lost approximately 160 acres to rough grazing.⁵

These results may be amply supported from other parishes. The Gillamoor and Fadmoor areas of Kirbyside (enclosed 1793), and Cropton and Hartoft (1766), show the same contrasts between compulsory and permissive areas; and purely compulsory enclosures, such as Nether Siltan (1799), follow closely the Kilburn

¹ Ordnance Survey, 6 inches to 1 mile, 1st edn (1856), and 25-inch series, 1st edn (1892).

² N.R.O., Enc. 9. ³ Tuke, *op. cit.*, pp. 204-14.

⁴ J. Greenwood, Map of the North Riding of Yorkshire, surveyed 1817.

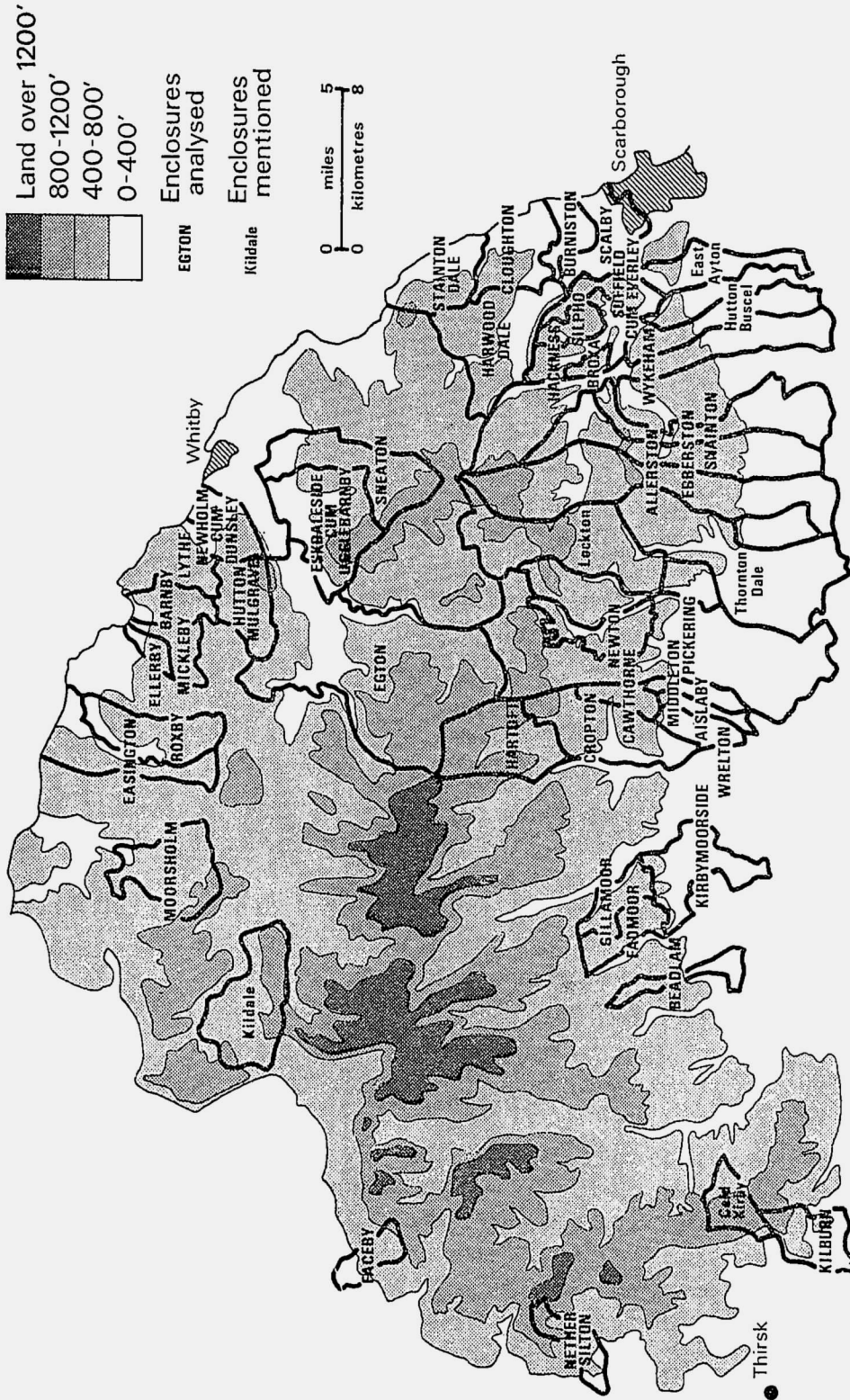
⁵ Compare Ordnance Survey, 6 inches to 1 mile, 1st edn (1856) with the 1st edn 25 inch (1892), and subsequent revisions.

pattern. In Cloughton (1777), where the moorland of the Scalby enclosure lay, the compulsory area had largely been improved by 1817, but little had been done to the permissive area, apart from extensions from such existing bases as the Falcon Inn. Only two new farms, Providence Heath and Moor Lodge, had appeared, and once again it is not until 1856 that extensive work on the new planned farms can be detected. In all about 374 acres of the permissive area, or 30·93 per cent, had been reclaimed by 1856. The date of the enclosure seems to have been irrelevant except in one respect: the handful of awards from the 1860's and 1870's produced comparatively little result. In so far as reclamation was the real objective of these late enclosures, a supposition upon which doubt has already been cast, it must be presumed that owners were overtaken by the depression and were unwilling to risk capital at a period when prospects of receiving any return were highly uncertain.

VIII

Though the Parliamentary enclosure movement in the North York Moors was contemporary with, and often legally incorporated in, the enclosure of neighbouring lowland areas, specific adaptations were made to take account of the problems of the environment. The most significant of these adaptations were associated with permissive enclosure, a system which freed the landowner from any compulsion to enclose or improve his allotments. This appears to have developed in complexity in the light of experience with earlier examples, and especially with the growing realization that permissively enclosed areas might remain open for long periods of time. Its use is not completely predictable, for the prejudices of individual landowners had to be considered, but it was by no means randomly applied, the normal prerequisites being over 1,000 acres of moorland, at least 15, and normally many more owners, and a considerable proportion of allotments over 10 acres.

The effect on the rate of improvement was usually to spread it over a long period of time. While reclamation under compulsory enclosures was as a rule a very hurried process, completed in the space of a few years, in permissive ones it usually ceased only about 1870, allowing anything up to a hundred years for the completion of schemes. Many individuals waited for a number of years, probably to accumulate the necessary capital, before embarking on any improvement, and when they eventually did so a complete new farm on a grid-iron pattern was often the result. Only where a single large landowner obtained substantial tracts of moor did compulsory enclosures exhibit these characteristics. It would seem that the time-lag was put to another good use in investigating carefully the quality of the land in the new allotments, for until the end of the nineteenth century reversion of permissively enclosed land was negligible, in contrast to compulsory areas, where considerable reversion is visible after about 1850. Thus many of the apparent anomalies in the process of reclamation and reversion in the Moors can be attributed purely to the form of the enclosure award.



MAP I
North York Moors Enclosures