

Urban common rights, enclosure and the market: Clitheroe Town Moors, 1764–1802

by H. R. French

Abstract

The social and agrarian impact of parliamentary enclosure is again in dispute. However, the effects of enclosure on urban agriculture and commons have yet to be examined. This detailed case study of the small borough of Clitheroe, Lancashire, examines the usage and the social profile of users between 1764 and 1779. It also depicts the local enclosure process, and argues that little redistribution of land or extinction of rights occurred. Access rights and stints had been subverted before enclosure by the creation of a 'market' in entitlements that reflected the distribution of property and resources in commercial agriculture beyond the commons. Urban sources provide unique detail to illustrate how fundamental change could occur in the management of commons *before* their abolition by enclosure.

Historians are once again debating the social and economic effects of enclosure. Studies by Shaw-Taylor and Chapman and Seeliger have questioned the existing historical consensus that enclosure of common lands produced immiseration among the labouring poor.¹ Examining the identity of commons' users in some detail, these two studies have suggested that by the late eighteenth and early nineteenth centuries, only a minority of labourers – approximately 15 per cent in Shaw-Taylor's study of 11 villages in central England – were exercising common rights.² Chapman and Seeliger have shown that in a number of instances the initiative for enclosure came from tenant farmers, and was occasionally opposed by landlords – a reversal of most previous historical assumptions.³ These studies have depicted eighteenth-century enclosure as the final, tidying-up stage after the extinction of small-scale 'peasant' proprietors, not a primary cause of their demise. As Shaw-Taylor has observed: 'Parliamentary enclosure did not, therefore, represent the last decisive stage in the development of agrarian capitalism. Capitalist farmers and proletarian labourers dominated English agriculture before parliamentary enclosure'.⁴ Clark and Clark have argued that because of this, enclosure had minimal effects on the bulk of the labouring population. Access to common grazing or wasteland was extremely restricted across England as a whole. 'In most parishes there would be too little common waste per family to

¹ L. Shaw-Taylor, 'Labourers, cows, common rights and parliamentary enclosure: the evidence of contemporary comment, c. 1760–1810', *Past and Present* 171 (2001), pp. 95–126; id., 'Parliamentary enclosure and the emergence of an English agricultural proletariat', *JECH* 61 (2001), pp. 640–62; J. Chapman and S. Seeliger, *Enclosure, environment and landscape in southern England* (2001); their line is supported by G. Clark and A. Clark, 'Com-

mon rights to land in England, 1475–1839', *JECH* 61 (2001), pp. 1009–36, although they dispute Chapman's claims that significant amounts of private, non-Parliamentary enclosure occurred.

² Shaw-Taylor, 'Agricultural proletariat', p. 654.

³ Chapman and Seeliger, *Enclosure, environment and landscape*, pp. 27, 52–3, 71–2, 93, 137.

⁴ Shaw-Taylor, 'Agricultural proletariat', p. 659.

allow the landless to keep cows'.⁵ Therefore, they too conclude that the landless had little to lose in the enclosure process.⁶

One form of common right has been excluded from existing debates – the urban common – and the rights of access linked to borough franchises. These rights existed within a significant number of towns (perhaps 160 out of c. 600 towns in eighteenth-century England), even if their total agrarian importance was, necessarily, limited.⁷ Access to urban commons provides an interesting variation on the themes debated by Neeson and Shaw-Taylor.⁸ Access rights to commons in villages and unincorporated towns were usually vested in manors, with formal entitlement to common being held by manorial tenants, sub-letting being based on this right. In corporate towns, rights of common were vested in the borough, and exercised by the enfranchised population, the burgesses, or their assigns. In both cases, access tended to become restricted over time. Population pressure, whether in the thirteenth, sixteenth or eighteenth centuries, provided an impetus to introduce stints, or to limit access altogether⁹ by making distinctions between residents and manorial tenants, or residents and burgesses, and vesting rights in the latter in both instances.¹⁰

The interesting question is whether access rights to urban commons were more or less extensive than those in rural settlements. This has important implications for the use and users of urban commons, and the degree to which they were affected by enclosure. As yet, there is little research to guide us.¹¹ Once again, the disparate nature of borough franchises makes it difficult to generalize. Rights of common could be vested in all the householders of a corporate town, whether free or unfree, as in Chester, Lincoln, Cambridge, Beccles, Sutton Coldfield, Lancaster, Arundel, Okehampton, Bodmin and Marlborough.¹² They could be linked to rights of freedom held by individuals, as in Nottingham, Leicester, Coventry, Warwick, Northampton, Huntingdon, Bath, Bedford, Marlborough, Malmesbury, Chippenham, Oxford, Tewkesbury, Gloucester, Stafford, Shrewsbury, Derby, Doncaster, Beverley, Berwick-upon-Tweed, Durham, Gateshead, Morpeth, Newcastle, York, Preston

⁵ Clark and Clark, 'Common rights', p. 1033.

⁶ In contrast to Clark and Clark, Chapman and Seeliger argue that poor labourers and cottagers were disadvantaged most (numerically and financially) by the enclosure of wastes and moors, and the extinction of squatters' rights. *Enclosure, environment and landscape*, p. 27.

⁷ See H. R. French, 'Urban agriculture, commons and commoners in the seventeenth and eighteenth centuries: the case of Sudbury, Suffolk', *AgHR* 48 (2000), p. 173.

⁸ J. M. Neeson, *Commoners: common right, enclosure and social change in England, 1700–1820* (1993), pp. 55–81.

⁹ See, for example, the regulation of the town lands of Calne, Wilts., 1657, in R. C. Richardson and T. B. James (eds), *The Urban Experience: a sourcebook. English, Scottish and Welsh Towns, 1450–1700* (1983), pp. 54–5.

¹⁰ Restrictions were imposed in Northampton in 1556, Victoria County History (hereafter VCH) *Northamptonshire*, III, p. 22; in Marlborough burgesses only were

allowed to cultivate the open arable fields, but all inhabitants could depasture livestock after harvest, VCH *Wiltshire*, XII, p. 207; in Oxford, common rights belonged exclusively to freemen, but stinting was abandoned about 1680, VCH *Oxfordshire*, IV, p. 280; in Tewkesbury in the seventeenth century burgesses enjoyed exclusive access to one common field, and rights to depasture double the numbers of animals in the other fields compared to the freemen, VCH *Gloucestershire*, VIII, p. 138.

¹¹ I have suggested that in Sudbury, Suffolk, only about 33% of freemen actually exercised common rights. French, 'Urban agriculture', pp. 182–3.

¹² *Reports from the Commissioners on the Municipal Corporations in England and Wales* (1835) (hereafter *Reports on Municipal Corporations*), App. I, pp. 85 (Marlborough), 447 (Bodmin), 559 (Okehampton); II, pp. 673 (Arundel); III, pp. 1610 (Lancaster); IV, pp. 2034 (Sutton Coldfield), 2193 (Beccles), 2190 (Cambridge), 2358 (Lincoln) and 2627 (Chester).

and Wigan.¹³ By the eighteenth century such rights were often reserved for resident freemen or burgesses, as the number of non-residents increased.¹⁴ However, not every resident freeman enjoyed equal rights. Financial differentials could be introduced, as in Sudbury, Suffolk, to reserve access to the commons to the wealthier 'better sort' of freemen, or introduce extra entitlements for senior corporation members.¹⁵ In other instances, common rights were vested in burgage properties, rather than being held as personal rights. This occurred in Hertford, Basingstoke, York, Godmanchester, Congleton, as well as in Clitheroe, the subject of this research.¹⁶ Sub-letting of personal or property entitlements further complicated this distribution of common rights.¹⁷ Elsewhere, rights were often shared with other inhabitants, or commons divided between those over which all inhabitants had rights (often half-year grazing rights), and lands reserved to the burgesses alone. Such divisions occurred in Calne, Marlborough, Colchester, Beverley, Lichfield, Lincoln, Cambridge, Southampton, Basingstoke, and Christchurch.¹⁸

This study is a first attempt to examine the issues of access rights to urban commons and

¹³ J. D. Chambers, 'Population change in Nottingham, 1700–1800' in L. S. Presnell (ed.), *Studies in the Industrial Revolution* (1960), p. 99; W. G. Hoskins, 'An Elizabethan provincial town: Leicester', in id., *Provincial England. Essays in social and economic history* (1964), p. 89; VCH *Warwickshire*, VIII, p. 199 (Coventry); A. D. Dyer, *The city of Worcester in the sixteenth century* (1973), p. 135; VCH *Northamptonshire*, III, p. 22 (Northampton); *Reports on Municipal Corporations*, IV, pp. 2110 (Bedford), 2289 (Huntingdon); VCH *Wiltshire*, XII, p. 207 (Marlborough); *Reports on Municipal Corporations*, I, p. 78 (Malmesbury); II, p. 1248 (Chippenham); VCH *Oxfordshire*, IV, p. 280 (Oxford); VCH *Gloucestershire*, VIII, p. 138 (Tewkesbury); *Reports on Municipal Corporations*, III, pp. 1459 (Beverley), 1500 (Doncaster), 1850 (Derby), 2014 (Shrewsbury), 2028 (Stafford); Berwick-upon-Tweed, S. and B. Webb, *English Local Government: The Manor and the Borough* (5 vols., 1906–22), II, p. 518; Gateshead, *Reports on Municipal Corporations*, III, pp. 1526 (Gateshead), 1628 (Morpeth); Newcastle, E. M. Halcrow, 'The Town Moor of Newcastle Upon Tyne', *Archaeologia Aeliana*, 4th ser., 31 (1953), pp. 149–64; VCH *The City of York*, p. 499; Bath, Durham, Gloucester, Marlborough, Preston and Wigan, evidence from British Parliamentary Papers (BPP), LV (1870), *Return of all boroughs and cities in the United Kingdom possessing common or other lands, in respect of which the freemen or other privileged inhabitants claim any exclusive right of property or use ...*, pp. 3–31.

¹⁴ This distinction in rights was drawn in Berwick-upon-Tweed, *Reports on Municipal Corporations*, App. III, pp. 1443, 1459 (Beverley), 1500 (Doncaster), 1515 (Durham), 1526 (Gateshead), 1647 (Newcastle-upon-Tyne), 1745 (York), 1993 (Nottingham); IV, p. 2110 (Bedford),

2539 (Stamford).

¹⁵ French, 'Urban Agriculture', p. 180. Senior corporation members enjoyed larger stints in Arundel, Tewkesbury and Oxford (until c. 1600). VCH *Sussex*, IV, p. 58; VCH *Gloucestershire*, VIII, p. 138; VCH *Oxfordshire*, IV, p. 280.

¹⁶ VCH *Hertfordshire*, III, p. 498; *Reports on Municipal Corporations*, II, p. 1106 (Basingstoke); III, p. 1745 (York); IV, pp. 2236 (Godmanchester), 2652 (Congleton).

¹⁷ Subletting of common rights by burgesses was probably endemic in towns even before the sixteenth century, being mentioned in Nottingham, Tewkesbury, Arundel and Calne, allowed in Doncaster and Chippenham but forbidden in Coventry. R. M. Butler, 'The common lands of the borough of Nottingham', *Proc. Thoroton Soc.*, 54 (1950), p. 55; Chambers, 'Population change', pp. 101–2; VCH *Gloucestershire*, VIII, p. 138; VCH *Sussex*, IV, p. 58; Richardson and James (eds), *Urban Experience*, p. 55; *Reports on Municipal Corporations*, II, p. 1248 (Chippenham); III, p. 1500 (Doncaster); VCH *Warwickshire*, VIII, p. 199.

¹⁸ Richardson and James (eds.), *Urban Experience*, pp. 54–5 (Calne); *Reports on Municipal Corporations*, I, p. 85 (Marlborough); VCH *Essex*, XI, p. 255 (Colchester); VCH *East Riding*, VI, p. 214; VCH *Staffordshire*, XIV, pp. 110–4 (Lichfield); *Reports on Municipal Corporations*, IV, p. 2358 (Lincoln); *The Common Lands of Cambridgeshire* (Cambridge County Planning Department Survey Reports, 1956), pp. 16–17; A. Temple Patterson, *A History of Southampton 1700–1914* (3 vols, 1966–75), I, p. 11; L. Ellis Tavener, *The Common Lands of Hampshire* (1957), pp. 52–3, 55–8.

the effects of subletting and enclosure by exploring in detail the experience of the small borough of Clitheroe, Lancashire, in the third quarter of the eighteenth century. Common field agriculture and enclosure in the pastoral north of England have not received the historical attention paid to them in the arable south.¹⁹ Yet, as Elliott has noted, across the north-west ‘small towns retained their common fields little disturbed by engrossing and enclosure until the eighteenth century’.²⁰ He distinguishes a series of small towns, possessed of commons; Penrith, Workington, Whitehaven and Wigton in Cumberland; Kendal and Kirkby Stephen in Westmorland; Dalton, Ulverston, Clitheroe and Prescott in Lancashire; and Stockport, Wilmslow, Macclesfield and Sandbach in Cheshire. These were all small settlements, with fewer than 2,500 inhabitants before the late eighteenth century. While they acted as market centres, and contained diverse small scale industries, they were still connected to and dependent upon the agrarian hinterland, and their lands and commons.

I

Clitheroe provides a useful case study in several respects. It was a tiny urban settlement, even by the standards of the under-urbanised north-west. In 1801 it contained only 1,370 inhabitants, in 283 households.²¹ That year an unsympathetic observer noted that it was ‘a mean town, with little or no trade ... altho’ the houses are in general indifferent, there are a few good ones, inhabited by persons of some prosperity ... agriculture seems to be but imperfectly understood in that country: the farms being chiefly grazing farms’.²² Yet, despite its diminutive size and lack of dynamism, it possessed all the institutions and functions of a borough; two MPs, a corporation, civil courts and petty sessions, a market and four fairs.²³ Clitheroe Castle was the administrative centre for the Honour of Clitheroe, formerly part of the Duchy of Lancaster. It was a local retail and distribution centre, and developed yarn spinning and lime burning through the eighteenth century.²⁴ These distinct urban functions, allied to its small population, make it a convenient settlement to study in detail.

In Clitheroe, the enclosure award of 1786 measured the commons at 335a 3r 16p (customary)

¹⁹ The most detailed case studies are: G. Rogers, ‘Custom and common right: waste land enclosure and social change in west Lancashire’, *AgHR* 41 (1993), pp. 137–54; J. F. Broadbent, ‘Dewsbury Inclosure, 1796–1806’, *Yorkshire Arch. J.* 69 (1997), pp. 209–26; G. Scurfield, ‘Seventeenth-century Sheffield and its environs’, *Yorkshire Arch. J.* 58 (1986), pp. 147–71 and the general survey by G. Elliott, ‘Field systems of northwest England’, in A. R. H. Baker and R. A. Butlin (eds.), *Studies of field systems in the British Isles* (1973), pp. 41–92.

²⁰ Elliott, ‘Field systems’, p. 54.

²¹ Lancashire RO, MBC 650.

²² Lincolnshire RO, Brownlow Estate (hereafter BNL), Box ‘Clitheroe (C.J.s)’, ‘Mr G’s observations on the estate of Lord R[ibblesdale] within this Borough, for

the purchase whereof Lord B[rownlow] is in treaty’, 19 June 1801.

²³ The four fairs were 7–9 December, 24–26 March, 2 August and early October. T. D. Whitaker, *An history of the original parish of Whalley and Honor of Clitheroe ...* (4th ed., 1876), p. 77.

²⁴ Two purpose-built yarn-spinning ‘manufactories’ were built in the town in the late 1780s, Yorkshire Archaeological Society, Leeds (hereafter YAS), MD 335/81, Henry Waddington to Thomas Lister, 3 Mar. 1787 and below, p. 66. In 1778, it was reported that 500–1000 loads of lime per day were transported through the town. *The trial at large of Nicholas Wilkinson, Doctor Herd and Henry Worswick ... 3 April 1778* (6th edn, Lancaster, 1830), p. 23.

TABLE 1. Proportion of land in the Borough of Clitheroe with and without common rights, pre-1788 (in customary acres)

<i>Land type</i>	<i>acres</i>	<i>roods</i>	<i>perches</i>	<i>%</i>
Common land ^a	335	3	16	24
Corporation land	49	2	34	4
Crown land	24	0	0	2
Lands with common rights	568	2	0	41
Lands without common rights	400	3	13	29
TOTAL ^b	1378	2	23	100

Sources: Lincs. RO, BNL, box 'Est. BNL Subs (BQ23)', List of Freehold Estates paying no borough rent, n.d. with 'Peter Rents payable out of lands within Clithero to the lords and lady of the Wapentake of Blackburn', [Copyhold rents]; correlated with Lincs. RO, DDHCl Honour of Clitheroe Map 18 (Map of the Borough of Clitheroe, 1781).

Notes: ^a This figure is given in Lincs. RO, DP 440 (Acc. 4026), Clitheroe Commons Allotment Book, 1786. However, the initial award, Lincs. RO, MBC 1 Clitheroe Enclosure Award 1786, contradicts this by giving a total figure of 290 acres.

^b Total is broadly in line with other surveys: 1,318a 2r 32p in Lincs. RO, DDHCl Clitheroe Survey 1781 (8 acreages missing), 1,322a in Lincs RO, DDX 1464/1 Survey of Township of Clitheroe, 1797.

or 427a (statute), 24 per cent of the land area in the borough (Table 1).²⁵ The commons, or 'town moors' were located in three distinct areas around the town. The largest moor was High Moor (121a 1r 21p customary) to the south of the town on rising ground bordering the townships of Great Mitton and Pendleton Hall.²⁶ The next in size was Low Moor (120a) on lands sloping down towards the River Ribble (which formed the county boundary with Yorkshire and the northern extent of the borough). The third moor, Little Moor (13a 2r 27p) lay between Low and High Moors, to the south-west of the town. On the north-east side of the settlement was another small common, Salthill Moor (24a), which surrounded six burgage plots lying on the road to Settle. In addition, Clitheroe possessed a number of wayside greens, characteristic of urban pasture commons, forming trackways connecting Low and Salthill Moors, Little and High Moors, and comprising 24 acres in total.

These commons may once have been larger. Low Moor, Little Moor and Salthill Moor were all adjacent to copyhold land, which was not abundant in the borough, and which was denied rights of common. Low Moor surrounded a 32-acre copyhold on three sides, and was adjacent to Bawdlands, a copyhold farm of 18½ acres. Little Moor was next to 14 acres of copyhold which lay between it and the western boundary of the borough. The small central Salthill Moor was next to (and the same width) as the Crown land called Salthills which was in turn adjacent to the largest unit of land owned by the borough (also called Salthills).²⁷ Three large contiguous

²⁵ Lincs. RO, MBC1, Clitheroe enclosure award, 28 Nov. 1788. George Lang, land surveyor of Leyland testified in 1784 that customary measure in Clitheroe was 7 yards to the perch, while statute units were 5½ yards to the perch (a ratio of 1.27:1), Lincs. RO, BNL, box 'Curzon & Lister BQ 23' (Chancery suit, Assheton Curzon & Penn Assheton Curzon v. Thomas Lister 15 Mar. 1784). In practice in eighteenth-century Clitheroe sources customary acreages were translated into statute in a variety of ratios.

For the sake of clarity and consistency, customary acreages will be cited hereafter.

²⁶ Acreages calculated from Lincs. RO, MBC 1.

²⁷ The crown's holding was the subject of a number of court cases after the Interregnum to determine whether it was crown land or the demesne of a messuage called The Alleys. See, for instance, PRO, E 134/22 Chas. 2/Mich. 26, 22 & 23/Chas. 2/Hil. 17.

copyhold farms (Horrocksford, Riding Hey and Hardhill) fanned out eastwards from the Salthill lands amounting to 289 acres of rough grazing and lime pits. They dwarfed all other holdings in the borough.²⁸ While there is no documentary evidence, we may conjecture that Low Moor and Little Moor had suffered encroachments or alienations, while Salthill Moor may have been broken up at an earlier date between crown, corporation and commoners.²⁹

In the period discussed in this paper, the use of the Clitheroe commons is recorded in a series of commons marking books.³⁰ These provide information for nine separate years between 1764 and 1779. There are 1,133 entries, which include details of the property for which right of common was being exercised, the extent of the right and the number of horses and ‘beasts’ allowed for each property. The books also record whether any rights were assigned to third parties without real property entitlements, and (if rights were divided), how many animals were assigned and to whom. In six of the years they also record the number of geese turned out on the moors.³¹ No other animals were allowed to graze the moors. Sheep had been prohibited from the commons in 1642, and were again ejected in 1696.³²

The information from the marking books has been entered into a database, together with all available information about the ownership and tenancy of the 127 properties within the borough entitled to exercise common rights during the period 1764–1802, to help identify those exercising pasture rights, even where their names are omitted by the marking books.³³ By these means, it is possible to identify ownership, tenancy and hiring of pasture rights, the numbers of animals involved, and to compile some information about the social profile of the commons’ users. Obviously, this data is incomplete, since we have information about only nine out of sixteen years, but its chronological distribution allows a representative sample to be made of commons’ use and users.

The marking books provide a full record of the actual extent of commons use. In no year examined were fewer than 125 of the 127 entitled burgages entered in the books. Between 2 and 9 per cent of burgages entered in the books each year were not recorded as exercising or assigning pasture rights.³⁴ A further 5 to 12 per cent of burgages entered each year had fractions

²⁸ Lancs. RO, DDHCL, map 18 (Clitheroe Survey 1781). Although Horrocksford possessed no common rights, the seventeenth-century owners, the Andertons of Lostock, were charged with providing a bull for the commons. This appears to have been in return for lands granted to them out of the commons. W. Self Weeks, *Clitheroe in the seventeenth century* (1927), p. 35.

²⁹ This must have been before the sixteenth century, however, because from at least the 1542 Horrocksford was leased by the Talbot family to Giles Parker of Eddisford. A charter of 1307 mentioned the ‘manor of Salthill’. VCH *Lancashire*, VI, pp. 364–5, 366.

³⁰ Lancs. RO, MBC 27–33 (covering the years 1764, 1766, 1769, 1770, 1773, 1775, 1776 and 1777), and DDX 28/9 (1779).

³¹ In 1766, 1770, 1773, 1776 and 1777.

³² Self Weeks, *Clitheroe*, pp. 25, 27 citing courts of inquiry of 1642 and 1696.

³³ Ownership and tenancy on these properties has

been established by identifying ownership of the 78 ‘free borough houses’ in Lancs. RO, DDHCL, box 108, ‘General state of the Borough of Clitheroe, 1782, corrected and enlarged by the same hand, 1785’, a listing of the ownership history of the 102 burgages in the borough; the remaining 49 properties have been identified on Lancs. RO, DDX 1464/1, survey and valuation of Clitheroe, 1797 (which gives owner and tenant), and correlated with overseers’ assessments for 1785 and 1789, Lancs. RO, MBC 634, 730 and DDHCL, box 120, survey of joint Clitheroe estate of Thomas Lister and Assheton Curzon, 1783.

³⁴ In 1764 eleven out of 126 burgages entered in the Marking Book had no numbers of horses or beasts recorded for them, or any note of rights assigned to third parties. This may simply be due to defective recording. There are no more than 5 burgages where no animal numbers or assignments were recorded in 1770, 1773 and 1779.

TABLE 2. Number of commons users in property ownership categories, 1764–1779

	1764	1766	1769	1770	1773	1775	1776	1777	1779	mean
Owners of property with commons access rights	33	31	34	33	32	33	32	32	31	32.3
Owners of property exercising rights of common in person	3	3	3	2	2	3	3	2	1	2.4
Tenants of property with access rights	52	58	58	55	56	54	58	57	60	56.4
Tenants of property exercising access rights in person	18	22	21	26	22	14	19	18	17	19.6
Persons leasing access rights for property to which s/he is <i>not</i> also a tenant or owner	64	48	45	45	39	58	60	58	55	52.4
Total number of persons exercising rights of common	85	73	69	73	63	75	82	78	73	74.6

Source: Lancs. RO, commons marking books, MBC 27–33, DDX 28/9.

of their rights assigned to third parties based on the subletting of an acreage, rather than the assignment of animals directly.³⁵ These have been excluded from the study, in order to focus on actual animals assigned, rather than a minority of theoretical rights. In each year, therefore, the figures are based on the rights exercised by between 85 and 89 per cent of burgages.³⁶

Of these 127 properties, 76 were described as ‘free borough houses’, possessing both rights of common and the parliamentary franchise in the borough. A further two ‘borough lands’ were vested with common and voting rights.³⁷ The remaining 49 properties were mainly parcels of land, whose owners or occupiers had rights of common only. In total, 568.5 (customary) acres of land, or 41 per cent of the land area within the borough, possessed access rights to the town moors. Table 1 shows the acreage and proportions of land in the borough with and without common rights.

Each of the 76 free borough houses was entitled to one ‘gate’ on the moors. The remaining 49 properties were entitled to one ‘gate’ in proportion to every 4 (customary) acres.³⁸ Between 1764 and 1779 a ‘gate’ was only one horse and one cow, and borough jury verdicts from a century earlier show the same stinting custom.³⁹ Accumulation of rights had occurred among users. Although 127 properties possessed commons’ rights at this time, an average of only 74 people exercised these rights annually (as shown in Table 2).

In the period under discussion, those using a cow gate paid the corporation 12s. *od.* per

³⁵ The properties where these acreage assignments took place were among those 49 unenfranchised plots, where common rights were based on one horsegate and one beastgate for every four acres.

³⁶ Only in 1773 and 1779 did the proportion of burgages in these two excluded groups reach 15 per cent. The lowest proportion was 11 per cent, in 1769.

³⁷ Lancs. RO, DDHCl, box 108, ‘General state ... 1782’, fo. 1.

³⁸ Self Weeks, *Clitheroe*, p. 24.

³⁹ Lancs. RO, MBC 364, Clitheroe borough court of inquiry verdict, 9 Feb. 1665; this was repeated in another verdict on 16 Apr. 1680, MBC 366.

annum; a horse gate 8s. 0d.⁴⁰ In 1784 the land surveyor James Standen estimated that such grazing rights on the unimproved commons were actually worth £1 16s. 0d. per annum.⁴¹ Burgages with one 'horsegate' and one 'beastgate' between 1764 and 1779 (between 42 and 51 per cent of all properties from year to year)⁴² may therefore have gained access to this land at only 56 per cent of its market value.⁴³ As will be shown more fully below, the contemporary perception was that these common lands were not being employed to their full agricultural and financial potential. Standen also estimated that on any division of the commons, each full 'gate' or entitlement would be equivalent to 3a 1r 38p (statute).

The commons were usually stocked with animals from the first or second week of May until early March. The interval between March and May allowed the spring grass to grow, and enabled landowners or tenants to repair boundary hedges, ditches and walls (at the borough's expense after 1688).⁴⁴ During this hiatus the town held a two-day fair on 24–25 March, which allowed stock to be sold and replenished.⁴⁵ When stocked, the commons were managed by the 'four men' or pinders (one for each of the main moors?) chosen by the court of inquiry each March, with a pinfold in High Moor.

Table 2 also demonstrates that by the third quarter of the eighteenth century, ownership and exercise of rights of common were almost completely separate. In each year, only two or three owners of land (normally William Leigh, George Eastham and Richard Eddlestone sen.) actually exercised rights of common on properties they possessed. Absentees owned most other entitled properties in this period, and conveyed their common rights to tenants of these properties or those who merely leased rights of common. This reflected the gradual accumulation of enfranchised properties and rights by two gentry families (the Listers of nearby Gisburn Park and their relatives, the Curzons of Kedleston Hall, Derbyshire) after 1722.⁴⁶ By 1764, the two families owned (individually and jointly) 56 out of the 127 properties (44 per cent). By 1779 they owned

⁴⁰ Pricing stints of cows above those of horses contrasted to the differentials in pricing in most boroughs. By 1835 horses cost more to depasture per head than cows in a number of towns; *Reports on Municipal Corporations*, II, pp. 1106 (Basingstoke), 1248 (Chippenham); III, pp. 1745 (York), 1972 (Northampton), 2001 (Nottigham), 2034 (Sutton Coldfield); IV, pp. 2230 (Dunwich), 2289 (Huntingdon).

⁴¹ Lincs. RO, BNL, 'BNL Subs (BQ23)' (Chancery suit, Assheton & Penn Assheton Curzon v. Thomas Lister), deposition of James Standen, Poulton, Lancs., land surveyor, 15 Mar. 1784. Standen believed his estimates were accurate at the time he gave evidence, but would only remain so for a further 5–10 years if the lands remained unenclosed.

⁴² Between 1764 and 1779 the distribution of entitlements was as follows. Between 11% and 15% of properties were recorded as exercising no entitlement in any of the years; between 7% and 16% exercised less than one horse and one beastgate; between 41% and 51% exercised one horse and one beastgate; between 22% and 32% used more than one horse and one beastgate. Lancs. RO, MBC

27–33 and DDX 28/9.

⁴³ French, 'Urban agriculture', p. 180. In Sudbury, Suffolk, commoners gained access to the commons after paying less than one-third of the market value of the lands, although gross over-stocking seriously diminished the actual value of these lands.

⁴⁴ Self Weeks, *Clitheroe*, pp. 25–8.

⁴⁵ *Trials at Large*, p. 3. The fair on the 24 March was known as the 'Feast-Fair', the next, the 'Head-Fair', where cattle were bought and sold.

⁴⁶ The Listers of Gisburn Park lived within five miles of Clitheroe, and had long exerted influence in the borough as minor gentry. The Curzons were based at Kedleston Hall, Derbyshire, and their lead mines gave them greater wealth and prominence than the Listers. In 1716 Thomas Lister (1688–1745) and Nathaniel Curzon (1676?–1758) married the daughters and co-heirs of Sir Ralph Assheton of Whalley, acquiring Assheton's Clitheroe burgages, and forming an electoral alliance that continued until broken by Thomas Lister (1752–1826, cr. Lord Ribblesdale, 1797) in 1780. R. Sedgwick (ed.), *The House of Commons, 1715–1754* (2 vols, 1970), II, pp. 219, 599.

66, or 52 per cent. By 1785, on the eve of enclosure, they owned 95, or 75 per cent.⁴⁷ All these properties, and their rights of common, were in the hands of tenants and lessees.

In fact, by 1785 these 127 properties were owned by only 24 people, and occupied by 79 tenants.⁴⁸ That year, only two out of 24 landowners can be identified as principal ratepayers for these properties.⁴⁹ Sixty-eight of the tenants can be found on the overseers' assessment, rated at a median of 1s. 11¼d. (the median for all 98 ratepayers was 2s. 0d.). This implies that just before enclosure almost all these lands were in the hands of tenants, and that many of their rights were exercised by third parties who were not themselves occupiers of the soil.

The prevalence of tenancy affects the reliability of the data used in this study. While the number of property owners and lessees can be established securely from the 1781 Borough Survey and the marking books, there are no complete records of tenancy, particularly for the smaller estates in the borough. This means that the numbers of tenants cited in all subsequent analyses are *minima*. A mean of 56 tenants per year have been identified in the marking books, as indicated in Table 2, but the evidence from 1785 suggests that there may have been as many as twenty more. This suggests that some of the people cited below as leasing rights of common without real property entitlements, may in fact have been tenants as well.

II

Table 3 shows the gross totals for animals depastured during the nine years covered by the marking books. In general, the moors supported between 260 and 280 animals per annum in the period.⁵⁰ Cattle always outnumbered horses, usually in the ratio 2.5:1. This differs from the use of other town commons, such as Sudbury (where horses outnumbered cattle by between 1.1:1 and 2.6:1 between 1710 and 1728),⁵¹ and in Beverley and Northampton, but not on the 'strays' of (larger, more urban) York in the nineteenth century.⁵² This imbalance suggests that in Clitheroe the town moors were integrated closely into the surrounding *agrarian* pastoral

⁴⁷ In 1764, the Lister family owned 17 properties outright, the Curzons 3, and the two families had joint tenure of 36. In 1779, the Listers owned 19, the Curzons 3, and 44 were held jointly. By 1786, after rapid accumulation of burgages because of electoral rivalry between the two families, and the subsequent division of their joint estate, the Listers owned 58 properties, the Curzons 31, and there were still 6 owned jointly, mainly under a lease of Whalley Glebe.

⁴⁸ Calculated by cross-referencing commonable lands in the 1779 marking book (Lancs. RO, DDX 28/9) with 1785 overseers' assessment (MBC 634) to create a listing of tenants for these properties in 1785, with their poor rate assessments. Owners identified from Lincs. RO, BNL, Box 'Clitheroe Est. BNL (Lister & Curzon etc.)' 'Names of Persons interested in Commons and Wastes' (immediately prior to enclosure agreement, 1786).

⁴⁹ The two were John Parker, an attorney, shortly to invest in one of the first cotton spinning mills in the town, and Colonel Rigby, an army officer who had

married the daughter of Richard Sclater, Assheton Curzon's estate steward. Sir Lewis Namier and J. Brooke (eds.), *The House of Commons 1754-1790* (3 vols, 1964), II, p. 250; Lancs. RO, DDX 54/104.

⁵⁰ The mean number of horses and cattle depastured per year between 1764 and 1779 was 254, depastured on commons and wastes totalling 427 statute acres, allowing 0.6 animals per acre, or 1.68 acres per animal. This stocking rate may have been too dense to be sustained for the whole of the period for which the commons were open.

⁵¹ Sudbury ratios calculated from Table 2 in French, 'Urban agriculture', p. 186.

⁵² VCH *East Riding*, VI, p. 215; in Northampton there were 280 horses and 103 cows depastured in 1693, and 233 horses and 221 cows in 1698, VCH *Northamptonshire*, III, p. 23; in York in 1846 (after enclosure of larger outlying pasture commons), 484 cows and 201 horses and mares were depastured, VCH *The City of York*, p. 505.

TABLE 3. Total number of animals depastured on commons, with number of people exercising rights, 1764–79

	1764	1766	1769	1770	1773	1775	1776	1777	1779	mean
<i>Horses only</i>										
No. All Horses	22	27	22	25	18	12	30	20	14	21.1
% All Animals	8	11	8	9	7	4	12	7	6	8.0
No. Horse Owners	18	19	16	19	12	11	18	14	13	15.6
<i>Cattle only</i>										
No. Cattle only	75	92	96	108	55	102	136	105	87	95.1
% All animals	28	38	34	41	21	38	52	37	34	35.9
No. Cattle owners	36	29	27	31	22	35	42	34	30	31.8
<i>Horses + Cattle</i>										
No. Horses	55	48	54	47	61	64	49	56	59	54.8
No. Cattle	112	78	110	84	130	90	45	102	93	93.8
% All Animals	63	51	58	50	72	57	36	56	60	55.9
No Horse and cattle owners	31	25	26	23	29	29	22	30	30	27.2
<i>TOTALS</i>										
Total number horses	77	75	76	72	79	76	79	76	73	75.9
Total number horses	187	170	206	192	185	192	181	207	180	188.9
Total number animals	264	245	282	264	264	268	260	283	253	264.8
Total number people	85	73	69	73	63	75	82	78	73	74.6
Ratio Horses:Cattle	2.4	2.3	2.7	2.7	2.3	2.5	2.3	2.7	2.5	2.5

Source: Lancs. RO, commons marking books, MBC 27–33, DDX 28/9.

economy, and did not function as dedicated grazing for urban traction animals. Given the borough's very small population, and weak urban functions, it is unsurprising that the rural economy extended into the town itself, or that demand for grazing for traction animals was limited.

Table 3 also indicates that while between thirty to forty per cent of owners depastured both animals in each year, their holdings comprised more than half the total number of animals on the moors. Most commons users turned out both horses and cows. Only about ten per cent of users specialised in horses, with almost all having single animals. A further one-third of users depastured only cows. Only in 1776 did horse or cow specialists outnumber those who owned both types of animal, apparently because the latter group depastured many fewer cattle that year. The fluctuations in the different ownership categories (horses only, cattle only, horses and cattle) suggest two possibilities. The first is that the stock of animals held by commons' users varied considerably from year to year. In a pastoral economy, with annual stock rearing and spring sales, this would appear likely. The second is that the commons were used to supplement existing grazing rights on lands rented from private or institutional landlords. Fluctuations in the ownership categories in the marking books may capture different parts of the user's stock 'portfolio' in different years.

TABLE 4. Percentage distribution of use, horses and cattle, on Clitheroe commons, 1764–79

	1764	1766	1769	1770	1773	1775	1776	1777	1779	mean
Horses										
1	74	64	66	72	66	71	58	64	70	67.1
2–3	16	27	24	14	19	15	28	27	21	21.2
3–6	10	9	5	14	13	7	12	7	7	9.2
7–10	0	0	5	0	2	7	2	2	2	2.2
	100	100	100	100	100	100	100	100	100	
No of owners	49	44	42	42	41	40	40	44	43	42.8
Cattle										
1	46	44	30	44	43	42	44	36	48	41.9
2–3	34	31	36	27	31	33	31	37	23	31.6
4–6	12	15	21	15	14	16	17	13	18	15.7
7–10	4	4	7	6	4	5	3	9	7	5.4
11–15	0	2	0	2	2	3	5	5	2	2.3
≥16	3	4	6	6	6	1	0	0	2	3.1
	99	100	100	100	100	100	100	100	100	100.0
No of owners	67	54	53	54	51	64	64	64	60	59.0

Source: Lancs. RO, commons marking books, MBC 27–33, DDX 28/9.

In the years surveyed, individual commons' users depastured a median of one horse per annum, and a median of two cows, reflecting the basic stint for most free borough houses. In general one-third of the commons' users depastured two-thirds of the horses and cattle on the moors each year. Those who turned out higher than average numbers of horses and cows comprised roughly a quarter of the total commons' users, but generally supplied almost half of the animals on the commons. This accumulation was achieved not by commons' users exceeding their stints, but by individuals amassing leases of the rights associated with individual properties, or fractions of them. As will be shown below, this is central to understanding the economy of the Clitheroe Town Moors.

Table 4 shows the percentage distribution of animal holdings among commons' users in the period. Roughly two-thirds of those depasturing horses on the moors depastured only one animal, while under half those depasturing cows did so. This confirms the findings of Table 3, showing that horse ownership among commons' users appears to have been a minority trait, and that very few users commoned more than one horse.⁵³ Cows were commoned in greater abundance, with 40 to 50 per cent of those depasturing cows turning out between two and six per annum. Approximately ten per cent of commons' users depastured more than seven cows

⁵³ Extrapolating from Table 4, only about 30 per cent of horse owners depastured more than one horse. A mean of 43 people per year depastured horses in these nine years, so only approximately 14 people per year depastured more than one horse.

each year. Since no individual property possessed rights to depasture more than seven animals (one horse and six cows), this was a clear sign of the accumulation of rights by a minority of commons' users.

The town moors also supported large gaggles of geese.⁵⁴ Records of geese rights survive in the marking books for 1766 and 1770–77. In these years a mean of 177 geese were depastured on the commons, being allotted (like the other livestock) in 'gates' – one 'goose gate' generally equalling eight geese.⁵⁵ Twenty-nine different individuals turned out geese on the commons in this period, the median number doing so each year being twelve. The median number of geese depastured by users during these six years was 14. Poultry rights were substituted for part of the 'beastgates' accorded to particular properties, but only one of those exercising poultry rights was a specialist who did not also exercise livestock rights. These figures show poultry farming was conducted on a commercial scale by approximately 16 per cent of commons' users each year.⁵⁶

III

While use of the commons was highly varied, it was not wholly equitable. The most intensive users of the commons were a relatively small group of people, who had accumulated rights and depastured large numbers of animals per annum. In the period 1764–79, 206 individuals are recorded in the marking books.⁵⁷ Table 2 divided commons' users into three categories – those who exercised rights of common by virtue of owning entitled properties; those who had common rights by renting these properties; and those who hired rights of common, without any tenure of an entitled property. As the table indicated, the number of property owners who exercised rights of common in person was very small, generally only two or three in each year.⁵⁸ This group (of 16 persons in total) has been amalgamated with those who rented properties endowed with common rights,⁵⁹ to create a single group of commons users by real property tenure. The other group is the lessees, commons users without (known) real property entitlements.

Table 5 analyses the use made of the commons by the two categories of property holders. It

⁵⁴ Dining on geese featured in the civic ceremonies of the borough in this period. See F. R. Raines (ed.), *Miscellanies, being a selection from the poems and correspondence of the Rev. Thomas Wilson BD* (Chetham Society, old ser., 45, 1857), pp. 24, 44–48. Wilson's Poem XIX was entitled 'The Goose', in which he noted 'And hence, too, in boroughs together they choose/A bailiff, or mayor, with a Michaelmas Goose', p. 44. In his correspondence, Wilson used the image of fat geese as a metaphor for the candidates for bailiffs in the borough, introduction, pp. xxviii–xxix.

⁵⁵ Geese gates had been larger in the seventeenth century. Lancs. RO, MBC 364, court of enquiry verdict, 1665 states that 16 geese constituted a gate that year; MBC 366, court of inquiry verdict, 1680, held that 12 geese constituted a gate, costing 1d.

⁵⁶ A mean of 12 commons' users out of a yearly mean of 75 exercised geese rights.

⁵⁷ These 206 people were comprised of 183 persons

who were tenants to property carrying entitlements and who hired such rights from others, plus 23 who exercised common rights only by virtue of their property entitlements during the years 1764–79.

⁵⁸ Ownership was established for free borough houses by cross-referencing with borough rentals, see n. 33 above, and Lancs. RO, DDHCl, box 108, 'General state ... 1782'. For other lands, properties were identified on DDHCl, map 18, Clitheroe Survey 1781 and DDX 1464/1, survey and valuation of Clitheroe, 1797.

⁵⁹ These tenants have been identified in a number of ways. For the 78 free borough houses, tenants can be identified by cross-referencing with Lincs. RO, BNL, box 1 Clitheroe Borough rentals 1760, 1761, 1764, 1767, 1770 & 1771, with BNL, box 'Clitheroe (C.J.'s)' Borough rental 1778, and Lancs. RO, MBC 5, Borough rental 1776. For other commonable lands the marking books provide the only clues.

TABLE 5. Percentage distribution of animals on Clitheroe commons and median numbers of animals owned per person, by property ownership categories, 1764–79

	<i>Owners or tenant of property exercising rights in person</i>		<i>Lessees (persons leasing access rights for property for which s/he is not also a tenant or owner)</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Horses				
1	8	13	84	46
2–3	24	41	49	27
4–6	16	27	26	14
7–10	4	6	11	6
≥10	8	13	13	7
Total	60	100	183	100
Median number of horses per person	3		2	
Cattle				
1	9	15	59	32
2–3	8	14	50	28
4–6	12	20	24	13
7–10	6	10	22	12
11–15	6	10	13	7
≥16	19	31	15	8
Total	60	100	183	100
Median number of cattle per person	7		3	

Source: Lancs. RO, commons marking books, MBC 27–33, DDX 28/9.

illustrates that those exercising common rights by real property entitlements tended to depasture larger median numbers of animals, particularly cattle, than those who lacked property. They were also more regular users of these rights, being entered in the marking books on a median of eight occasions, compared to the lessees' three entries per person over nine years. These trends imply that those holding property rights were also involved in the agrarian economy to a greater extent than those who hired common rights. This point is amplified by a breakdown of the cumulative patterns of use of the commons by these two groups. Unsurprisingly, the table suggests that individuals exercising commons rights by property entitlement had more consistent patterns of use than did lessees of these rights. While three-quarters of lessees depastured fewer than three horses in nine years, only half the tenants and owners did so. The trend was more pronounced in the use of cattle. Half the lessees depastured fewer than three cows, whereas 71 per cent of the property-entitled group depastured more than four cows in total during the sample years. In some years, such as 1766, 1770 and 1773 the latter group depastured a disproportionate number of cattle – more than 40 per cent of all the cattle on the commons, when they comprised between 33 and 38 per cent of users.

This was achieved by the accumulation of rights by a few individuals, such as James Whittaker,

TABLE 6. Median parish poor rate assessments (in shillings) of persons in property ownership categories, 1764–1779, 1785 and 1789

	<i>n</i>	1785		1789	
		<i>n</i>	(s.)	<i>n</i>	(s.)
Owner or tenant of property exercising rights of common in person	59	31	2.2	25	3.3
Lessees (persons leasing access rights to which s/he is not also a tenant or owner)	147	30	1.4	25	0.9
All commons users	206	61	1.8	50	2.2
All commons users and entitlement holders <i>not</i> exercising rights in person	302	84	2	75	3.1
All ratepayers	201	97	2	104	2.9

Source: Lancs. RO, commons marking books, MBC 27–33, DDX 28/9; MBC 634 (overseers' rate, 20 Aug. 1785), 730 (overseers' rate, Jan. 1789).

John Robinson and Nicholas Wilkinson, who turned out 15, 16 and 26 cows respectively on the commons in 1766. Whittaker had no property entitlements, and hired the rights of 11 different properties, which were owned by seven different people and in the hands of eight different tenants. Robinson rented one property, entitling him to one horse and one cow. He leased the rights of this property to two other people, and hired the rights for his 16 cows from seven properties, owned by seven people, and held by three tenants. Wilkinson was the only one of the three to make personal use of the common rights of a property that he rented, for one horse and two cows. However, he hired rights for 4 horses and 26 cattle from 16 different properties, owned by 11 different people and occupied by 11 separate tenants. For these three, and the five or so per cent of users who depastured more than ten head of cattle per annum, accumulation of common rights was a necessary prerequisite to pastoral farming on a commercial scale in the borough.

Table 5 also confirms what was seen in Tables 3 and 4, that horses were depastured in smaller quantities than cattle, presumably because individual commons' users owned fewer of them. A majority in both groups owned fewer than three horses per head. By comparison, in the more industrial town of Sudbury, commons' users depastured an average of 3.1 horses per person, and horses comprised the majority of animals on the commons.⁶⁰ This emphasizes again that the town moors of Clitheroe were used primarily as an agrarian resource (for pastoral agriculture), rather than as an adjunct to urban transport requirements.

Table 6 supports this picture of economic polarisation among commons users. It correlates the two categories of commons user to the two most proximate overseers' rates.⁶¹ Neither of these is wholly satisfactory for this purpose because they were made, respectively, six and ten years after the last marking book in the series. This reduces the number of users who can be identified, particularly among the apparently less static group of lessees. Despite the relatively

⁶⁰ French, 'Urban agriculture', Table 5, p. 190.

⁶¹ Lancs. RO, MBC 634 (overseers' rate, 20 Aug. 1785), MBC 730 (overseers' rate, Jan. 1789).

TABLE 7. Clitheroe commons users by occupational categories, 1764–1779

	Owners and tenants exercising rights in person		Persons leasing access rights for property to which s/he is not also a tenant or owner	
	<i>n</i>	%	<i>n</i>	%
Labouring	3	5.1	11	7.5
Agricultural	4	6.8	6	4.1
Woodworks	1	1.7	3	2.0
Textiles	1	1.7	6	4.1
Leatherworkers	6	10.2	7	4.8
Food Producers	3	5.1	7	4.8
Metalworkers	2	3.4	4	2.7
Medical	1	1.7	3	2.0
Services	4	6.8	5	3.4
Clothing	2	3.4	5	3.4
Misc. Crafts	4	6.8	6	4.1
Gents	0	0.0	2	1.4
Clerics	2	3.4	0	0.0
Unidentified	26	44.1	82	55.8
Total	59	100.0	147	100.0

Key to occupational categories:

Agriculture = yeoman, husbandman, farmer; Woodworkers = carpenter, joiner, turner; Textiles = cotton spinner, cotton rover, cotton manufacturer, weaver; Leatherworkers = shoemaker, cordwainer, clogger, tallow chandler, skinner; Food producers = butcher, innkeeper, miller, grocer; Metalworkers = blacksmith, whitesmith; Medical = physician, surgeon, apothecary; Service = attorney, sergeant-at-law, estate steward, army officer, schoolmaster; Clothing = tailor, mercer, hatter; Misc crafts – limeburner, potter, servant, plasterer.

Sources: Lancs. RO, MBC 671 (Clitheroe militia return, 23 Dec. 1763); W. F. Irvine (ed.), *An index to the wills and inventories now preserved in the probate registry at Chester from AD 1761 to 1789* (2 vols, Record Society of Lancashire and Cheshire 37–8, 1898–9); id. *An index to the wills ... at Chester from 1781 to 1790* (Record Society of Lancashire and Cheshire, 44, 1902); id. *An index of wills ... at Chester from 1790–1800* (Record Society of Lancashire and Cheshire, 45, 1902); R. Stewart-Brown (ed.), *Wills and administrations ... at Chester for the years 1801–1810* (Record Society of Lancashire and Cheshire, 62–3, 1911–12); Lancs. RO DDX 28/259 (Clitheroe militia return, 12 Nov. 1802).

small sample sizes a pattern emerges, with those possessed of real property entitlements assessed at slightly higher median poor rates than those who hired these rights, or the parish as a whole. Presumably, this difference reflected the additional value of these real property entitlements, and (perhaps) the deeper, more extensive economic roots of the owners and tenants in the borough. More significantly, lessees appear to have been assessed for poor rates somewhat lower than the median for the parish as whole, suggesting that they were not (or were not perceived to be) as wealthy as the bulk of ratepayers. Although population turnover weakens any arguments about the exact social profile of those who hired their rights of common, they may have been less likely to have paid rates, and to have paid less when they did so, than those entitled through real property tenure.

Analysis of the surviving occupational evidence for those depasturing animals, shown in

TABLE 8. Mean and median numbers of horses and cattle pastured by occupational groups, Clitheroe commons, 1764–79

	<i>n</i>	<i>Horses</i>		<i>Cattle</i>		<i>Number of entries per person in marking books</i>	
		<i>mean</i>	<i>median</i>	<i>mean</i>	<i>median</i>	<i>mean</i>	<i>median</i>
Labouring	14	5.7	1.5	20.9	3	12.8	3
Agricultural	10	11.2	3.5	12.1	14	13.2	7
Woodworkes	4	7.7	8	10.8	8.5	13.3	8.5
Textiles	7	4.8	1	7.3	6.5	5.6	3
Leatherworkers	13	3.2	3	7.6	9	7.8	6
Food Producers	10	7.3	2.5	7.2	4	9.9	4.5
Metalworkers	6	3.2	3	7	5	7.7	7.5
Medical	4	2.0	1	3	3	3	2
Services	9	4.9	3	33.9	12	25.1	13
Clothing	7	2.2	2	6	1	2.9	2
Misc. Crafts	10	4.8	4	6.6	4	7.9	7
Gents ^a	2						
Clerics ^a	2						
All users	206	4.6	2	9.9	4	7.9	4

Key to occupations as Table 7.

Note: ^a Numbers too small to be meaningful.

Table 7, blurs this picture of polarisation. Occupational evidence exists for just under half of all commons' users,⁶² and results from these data can only be indicative, not conclusive. However, certain trends are evident. The proportion of labourers among the lessees was 50 per cent greater than amongst the property-entitlement group. There were also more textile producers, food producers (particularly – and obviously – butchers) and clothing workers (particularly tailors). These were generally low status trades, although textile producers (handloom weavers) were relatively prosperous in late eighteenth-century Lancashire. Those with property entitlements included higher proportions of agricultural occupations, leather processors, services (particularly legal professionals) and the miscellaneous (mainly construction) crafts. However, labourers, and most other crafts were also well represented among tenants exercising rights in person. The occupational differences between commoners possessed of real property entitlements, and those without, were marginal. The rating evidence suggests that differences were ones of wealth, or scale, rather than between economic sectors.

The small occupational samples make it difficult to analyse the extent of the use of the moors by these groups. Table 8 examines the mean and median numbers of animals depastured by these occupations over the nine years of the study. The median figures are subject to less distortion than the means. None of the occupations examined were very heavy users of the commons, with

⁶² Ninety-eight out of 206 commons users (48 per cent).

only woodworkers and the service sector featuring regularly in the marking books. Not surprisingly, the most intensive users of the commons, particularly for cattle, were the agricultural occupations. The four woodworkers in the sample also used the commons frequently, both for horses and cattle, and were quite heavily involved in assignments of commons' rights, while the leather working trades and the service or professional trades concentrated on cattle, accumulating rights in order to do so. Across the nine years examined, the bulk of the occupational groups using the commons – textile, leather and metal workers, food producers and the miscellaneous crafts – turned out relatively small numbers of horses and cows (with a bias towards the latter). Significantly, perhaps, labourers appear to have depastured fewer animals than the median for all users. Their use averages out as only one horse per labourer every six years, and one cow every three years. This pattern of use was similar to the (rarely wealthy) clothing trades – tailors, mercers and hatters – and the non-agrarian medical professions.

While Tables 5–8 are not, in themselves, conclusive, they point to some degree of polarisation in the use of the commons. Those who used the commons by virtue of real property entitlements depastured the largest numbers of animals, and accumulated the greatest number of rights to allow them to do so. Significantly, however, they hired many of these additional rights, instead of expanding the number of properties they leased. Like other commons' users, they engaged in frenetic exchanges of all these access rights to meet their pasture requirements. They also possessed a similar wealth profile to most ratepayers in the town, and engaged in the (limited) variety of trades practised in this small market centre. Those who hired their rights of common without any real property entitlement depastured far fewer cattle (in particular) than did the property holders. They also seem to have been assessed at lower rates for poor relief, rates that were at, or below, the average for the parish as a whole. Some of them may not have been regarded as prosperous enough to contribute to the relief of the poor. These appear to have been differences of wealth, rather than of occupation. There was a similar distribution of occupations among tenants and lessees, with labourers being represented in both groups, but only in the same proportions that Shaw-Taylor has identified in central England.

Users of the commons represented a broad swathe of the ratepaying and (relatively) prosperous labouring householders of the borough. At their top extent, they included a handful of minor property owners – unusual for their residence in the borough and their direct use of their commons rights. They encompassed a band of tenants, mostly tradesmen and agriculturalists, who often combined the direct exercise of their leasehold common rights with rights hired from other tenants. Below them extended a long tail of those who hired their rights in a particular year, some of whom might (in the two decades of the study) occasionally rent a property with commons rights as well. This group were also practitioners of trades and crafts, small farmers, and day labourers. Many were still recorded on the overseers' rates half a decade or a decade after the last marking book, but some (an unknown proportion) may have been more likely to receive than to pay poor rates. This fragmentary evidence, and the overlaps in wealth and status, makes it difficult to impose sharp distinctions between different types of commons user – particularly between tenants and lessees. It is better to visualize users as ranged along an extended, but largely uninterrupted, spectrum of property rights and access to resources. Undoubtedly this included perhaps 20 per cent who were landless labourers, as well as craftsmen of modest (and wholly non-landed) means. However, the cost of a 'beastgate', as

well as of the stock itself, must have excluded those on the margins of economic independence, or those becoming immersed in ‘shallow poverty’.⁶³

Differences based on the property entitlements of commons users become even more difficult to sustain when we examine the actual patterns of use by a particular individual, chosen at random from the database. Clement Proctor, a nail maker, used the commons between 1764 and 1777, depasturing a total of seven horses and four cows in the years for which the marking books survive.⁶⁴ In order to do this, however, he exchanged all the entitlements of the three properties to which he was tenant – Almonds, Croasdale Fields and Taylors – rather than exercising them in person. Over these years, he conveyed the rights of Almonds to seven different individuals; those of Croasdale Fields to one person; and those of Taylors to three different people. Meanwhile, he hired the entitlements of five other properties, in the hands of five other tenants, and owned by three individuals. In sum, Proctor assigned 14 full entitlements from the three properties to which he was tenant, and needed one full entitlement and 9 half entitlements from five other properties to meet his pasture requirements.

In 1764, for example, he depastured three cows and two horses. He hired one cow (half the entitlement) for Dale’s (late Holcroft’s) burgage, from the tenant Henry Hayhurst, and one cow (the full entitlement) from his Croasdale Fields – both owned by Lister and Curzon jointly. He also hired the full rights (one horse, one cow) of Longfield’s burgage (owned by Thomas Lister), from the tenant Nicholas Bailey who did not depasture cattle that year. At the same time he assigned his rights for Almonds to Hannibal Swales, who received three other horses and two cows from assignments from three other properties that year, but who was not a tenant to any of them. Meanwhile, Henry Hayhurst leased all the rights for the one property to which he was tenant, and hired rights to depasture one horse from another tenant of Lister and Curzon, Thomas Brown.

These transfer arrangements appear unnecessarily complicated, but their existence may reveal the crucial operating principles on which the pastoral economy of the Clitheroe Town Moors was based. Proctor could have depastured the same number of animals using his own entitlement, without exchanging rights with any other people. However, such an exchange was necessary in order to establish a market in commons’ rights. To create ‘liquidity’ in rights, people like Clement Proctor needed to offer some or all of their own rights, and trade with others to meet their own requirements. Such a market was necessary because of the tiny proportion of owners, and relatively low numbers of tenants exercising their rights of common in person.

While we lack complete records of tenancy on these 127 properties, it is possible to make some extrapolations. Evidence of tenancy exists for a mean of 56 per cent of these properties over the nine years of the sample. In general, tenants exercised their commons’ rights in person on about one in three of these properties.⁶⁵ If this ratio applied to the remaining properties,

⁶³ The distinction between occasional or ‘shallow’ and chronic or ‘deep’ poverty is made by P. Slack, *Poverty and Policy in Tudor and Stuart England* (1986), p. 39. I have encountered no evidence for cow hire or the leasing of dairies in Clitheroe sources in this period.

⁶⁴ Occupation derived from W. F. Irvine (ed.), *An Index to the wills and inventories now preserved in the*

Probate Registry at Chester from AD 1790 to 1800 (Lancashire and Cheshire Rec. Soc., 45, 1902).

⁶⁵ In 1764, for example, evidence about tenants’ identity exists for 65/127 properties, or 51%. Of these 65 properties, on only 21 (or 32%) did tenants exercise their rights of common in person.

then each year approximately 89 out of the 127 properties would lack tenants willing or able to depasture animals. Clearly, therefore, the town moors were not functioning according to the assumptions inherent in the customs that governed them. Most burgage tenants, in particular, did not require access to the commons, presumably because they did not engage directly in animal husbandry. Rights were assigned to those who could use them, rather than to those who possessed formal property entitlements to them.

While this explains the prevalence of lessees of rights among users of the commons, it does not explain the complexity of Clement Proctor's behaviour. Contemporaries agreed that the actual value of commons' rights was greater than the fees for 'beastgates', providing a margin to be exploited by the user. No evidence exists that tenants exploited this margin when they traded rights. Even so, Proctor's behaviour might be explained by inferring that he sublet the grazing rights to which he was entitled as a tenant for a higher price than the cost of the rights that he hired from the other tenants. The fact that one-in-three tenants seem to have exercised a portion of their real property entitlements directly suggests that the 'market' in commons rights operated as single trades between individuals, rather than through collective reapportionment. If it had been the latter, we might have expected to see the pooling of all formal entitlements, followed by a general reassignment.

Presumably this 'market' occurred when the commons were closed (between March and early May). We might expect prices to have risen as the day of opening approached, and individuals competed to accommodate all their stock in time. The four Pinders recorded these complicated transfers in the margin of the marking books so that they knew by what entitlement individuals exercised rights of common. This hidden market in commons' rights was the economic mechanism by which rights that were tied to properties could be detached and linked to people, without the properties themselves changing hands – either through sale or lease.⁶⁶ It reconciled the fluctuating annual pasture requirements of commons' users with fixed (customary) property entitlements, an almost wholly inflexible land market, and with a majority of leasehold tenants who had no cattle to depasture.

This was an effective, if *ad hoc*, system of management, accommodating those who could afford livestock even if it circumvented stinting arrangements, breaking the link between rights and property tenure, and ignoring earlier seventeenth-century strictures against assignments to non-tenants. In practice, it offered access to the Town Moors to any inhabitant with the money to pay for it. The social profile of these users seems to have been broadly similar to that of the bulk of rate paying householders in the borough. The policy of relatively open access may have reflected a low or medium pressure agrarian regime, as a function of the borough's small total population. Only about one-third of the 250 households in the town at this time used the commons each year.⁶⁷

⁶⁶ Another example of actual practice belying theories about tenure and agrarian history, albeit in a radically different environment, occurs in S. Hipkin, 'Tenant farming and short-term leasing on Romney Marsh, 1587–1705', *EcHR* 53 (2000), pp. 646–76.

⁶⁷ Lancs. RO, MBC 650 (draft of 1801 census) gives 283 households in the borough. There were probably no more than 250 households there before 1779. See also Self Weeks, *Clitheroe*, p. 5.

IV

This was the situation that existed before the Enclosure Act of 1786 and the process on the ground that extended into 1788. Agreement to enclose was swift and largely uncontentious, and although the reasons behind enclosure are unclear, there is little evidence that enclosure was provoked because pressure on the commons had increased or that they had become impossible to manage (although the surveyor James Standen's comments noticed earlier imply overgrazing). Enclosure seems to have been contemplated for several years before the 1786 Act. In his March 1784 deposition, Standen had remarked that the commons were 'so circumstanced as to be very proper for inclosure and division and that the said inclosure and division would be in a very great degree advantageous to the owners of the tenements having rights of common thereon ... on account of the goodness of the land or soil of the said commons ...'.⁶⁸ Two other land surveyors, George Lang and Matthew Oddie, echoed this opinion. All agreed that enclosure would increase the rental value of the lands, with Standen estimating the increase (excluding enclosure costs) at about 44 per cent per annum. These expectations had been evident a year earlier, when the joint estate of Lister and Curzon was surveyed by Standen. He noted that by the terms of the lease of a free borough house, Robert Haworth was to be allowed £1 4s. *od.* per annum in lieu of his common rights (worth £1) should an enclosure take place.⁶⁹

In fact, the financial motives behind enclosure were less obvious than they first appear. Enclosure stemmed from the electoral dispute that had flared up between the Listers and the Curzons in the summer of 1780. Their dominant ownership of the enfranchised properties in the town had allowed the two families to nominate one each of the borough's two MPs. The Listers owned more burgages individually than did the Curzons, but had always previously co-operated in selecting candidates.⁷⁰ In 1780, nursing various personal grudges, Thomas Lister vetoed nomination of burgesses to vote for these jointly owned properties and used his own burgages to out-vote the Curzons.⁷¹ He repeated the manoeuvre in 1782. The rivalry between the families created a sudden, dramatic seller's market in burgages as the two families bought up as many voting rights as they could.⁷² In return, the Curzons claimed voting rights for some

⁶⁸ Lincs. RO, BNL, box 'BNL Subs (BQ 23)', deposition of James Standen, 15 Mar. 1784.

⁶⁹ Lancs. RO, DDHCL, box 120, Survey of the joint estate of Thomas Lister and Assheton Curzon in Clitheroe, 1783.

⁷⁰ *An answer to the apology for the conduct of Thomas Lister esq.: respecting the Borough of Clitheroe* (c. 1781), pp. 47–8.

⁷¹ Lancs. RO, DDHCL, box 108, 'General state ... 1782', fo. 14. 'Owing to some ill treatment Mr. Lister had received from Mr. Curzon [his uncle and guardian] soon after he came of age [1773]; having reasons also for suspicion and dissatisfaction from the conduct of Sclater, Mr. Curzon's agent, and withal born and possessed with the idea that Mr. Curzon had enjoyed a seat for this borough entirely thro' the favor of his family'. This last

opinion was apparently shared by Lister's father and uncle who sat for Clitheroe 1761–73. Lincs. RO, BNL, box 1, 'Mr. Whetiker's Observations' about 1780 Election; YAS, MD 335/23, Nathaniel Lister to Nicholas Winckley, 1 Jan. 1764.

⁷² Between July and Sept. 1780, Richard Eddleston (Lister's election agent in Clitheroe) purchased 8½ burgages for Lister (and c. 90 acres of land), and sold him 4 of his own, for a total sum of £24,490. Eddleston admitted that he sold three of his burgages with an annual rental value of £4 10s. *od.* to Lister for £600 (a rate of 107 years' purchase!). Lincs. RO, BNL, box 'Subs (BQ 23)', deposition of Richard Eddleston, sen., gent., 15 Mar. 1784. In the period 1726–75, the two families had spent only £9,013 5s. *od.* purchasing 54 burgages. *id.*, deposition of John Addison, Inner Temple, London, gent.

of their properties which possessed rights of common (like 78 of the burgages), but for which there was little prior evidence of enfranchisement.⁷³

The dispute took five years to resolve. Resolution required agreement to stop buying burgages, a division of the families' joint estate,⁷⁴ and an undertaking that 'both parties shall consent to and concur in a division of the Commons and wastes in Clitheroe by Act of Parliament or otherwise as shall be deemed necessary'.⁷⁵ Presumably, this last action was to prevent any repetition of the Curzons' efforts to expand the franchise by claiming voting rights for commonable properties.⁷⁶

These disputes had also left the two families heavily in debt. In the mid-1780s, Lister's advisor, Rev. Thomas Collins, calculated that Lister was in debt to the tune of £48,000 on an annual income of £5–6000.⁷⁷ In April 1786, Lister wrote urgently to his steward indicating his desire to sell his Clitheroe estate. 'Don't mention a word to anyone that I have any intention to sell the Clitheroe estate till the commons are divided [as] it may injure the allotment I may get[,] but upon the whole I think it will be getting rid of a great many incumbrances'.⁷⁸ In fact, Lister did not sell this estate until 1802, but financial pressures may have made the anticipated return from the enclosure appear to be a small, but welcome financial benefit. Meanwhile, between 1760 and 1777 the Curzons had spent £42,000 on the building of Kedleston Hall in Derbyshire. In 1779 they had sold their London estate, with an annual rental value of £1,100.⁷⁹ The purchase of 28 burgages at highly inflated prices can only have added to their financial burdens at this time.⁸⁰

The dominance of these two families within the borough ensured little opposition to the enclosure. A public meeting in August 1785 resolved unanimously that enclosure would 'be greatly advantageous to the proprietors and beneficial to the publick'.⁸¹ An Act was to be sought in the next session of Parliament – presumably by Thomas Lister, one of the borough's two MPs. The corporation was to have one-twentieth of the final allotment, and would contribute £100 towards the expence of the Act and enclosure (implying an anticipated total cost of £2,000). Three enclosure commissioners were chosen, to represent Lister, Curzon, and all other inter-

⁷³ Ibid., 'Second part of the brief for Thomas Lister and John Parker esqs. sitting members against the petitioner Assheton Curzon esq. and the petition of Alexander Rigby and others in the interest of Mr. Curzon claiming freehold estates there and to vote in respect thereof'.

⁷⁴ In 1785 Lister sold 25 burgages to Curzon for £10,000. Lancs. RO, DDHCl, box 108, 'General state ... 1782', fo. 121v.

⁷⁵ Lancs. RO, DDFr 5/63 (Book of agreements respecting the Borough of Clitheroe, 1785–1824), pp. 1–6.

⁷⁶ Lancs. RO, DDHCl, box 108, 'General state ... 1782', fos. 115–18, suggests Curzon appealed to parliament to vest election rights in all the freeholders in the borough.

⁷⁷ YAS, MD 335/81, Rev. Thomas Collins to Thomas Lister, n. d. Collins calculated that if Lister sold two properties valued at £7,000, his gross income would be

£5,450 per annum. In 1781 Nathaniel Lister warned his nephew that Assheton Curzon was claiming that Lister was £60,000 in debt! MD335/23, Nathaniel Lister to Thomas Lister, 4 May 1781.

⁷⁸ YAS, MD 335/81, Thomas Lister to David Kaye, 4 Apr. 1786.

⁷⁹ Namier and Brooke (eds.), *House of Commons, 1754–1790*, II, pp. 287–8.

⁸⁰ In addition to the 28 burgages, between 1780–82 Curzon purchased at least 90 acres of land in the borough. Lincs. RO, BNL, box 1, Richard Eddleston jun. to Rev. Thomas Collins, 2 Nov. 1780.

⁸¹ YAS, MD 335/81, 'Meeting of the Corporation and other persons having interests in the moors and wastes within the borough', 30 Aug. 1785. There is no record of the names of those who attended this meeting, but there were only 24 individual and institutional owners who possessed common rights.

ested parties respectively. In fact, the decision to enclose may not have been wholly unanimous. A pre-enclosure survey of ownership rights in 1785 indicates that seven out of twenty four owners of commonable properties had not yet given formal consent to the enclosure.⁸²

The allotment process was more contentious than the agreement to enclose. Allotments to individuals were made by calculating the annual monetary value of the number of beastgates owned by each proprietor, then awarding a share of the common land of equivalent annual rental value.⁸³ Lister's Clitheroe attorney and advisor, Richard Eddlestone sen., manoeuvred to ensure his client secured the best deal from the allotment process, or at least kept pace with the Curzons. He foresaw two points at which Lister's interest might be damaged. In the valuation of common land equivalent to the number of beastgates, he warned that 'four to five hundred pounds may easily be lost or gained in point of valuing such parts of the common'.⁸⁴

The second point of danger came early the following year, when the actual allotments were staked out. On 31 January 1787 Eddlestone expressed his frustration to Lister. 'Yesterday, I privately viewed your allotments ... with which I am greatly dissatisfied, thinking you much injured ... for Mr. Curzon hath *more* and *better* land allotted than you have, and *twice as good* in point of situation'.⁸⁵ Eddlestone argued that Lister's allotment on Little Moor, was obstructed by a grant to Lord Petre. On Salthill Moor he lamented that Lister's allotment was 'the worst part of it'. The High Moor allotment was 'tolerable good land', but without a supply of water in summer. Eddlestone advised an exchange with the well-watered land allotted to the corporation, asking uncharitably 'what matters it, whether the borough allotment makes £5 or £10 a year to be idly spent[?]'.⁸⁶

Eddlestone reported lobbying the third commissioner for an exchange with some of Curzon's allotments, because these were situated closer to the town, and would have a higher rental value. Enclosure had altered land use, and so values. Lister's existing estate was concentrated close to the town, and had benefited previously in rental value by having open access to common land.⁸⁶ Eddlestone feared that after enclosure, Lister's existing properties would be worth less because his biggest contiguous allotments were now at a distance on Low and High Moors – unless common land of higher intrinsic value could be obtained.

Such an exchange was made, and Lister's allotment was the only one that increased markedly in worth between the valuation of the beastgates, and the award of lands of equivalent annual value. His total claim, based on the valuation of 125 beastgates was 2012.05s. (or £100 12s 0d.). His final award consisted of 60 plots of land, valued at £159 4s. 0d., or 158 per cent of the beastgate valuation.⁸⁷ The mean variation between the two valuations for the other 23 proprietors was only 3.8 per cent. Between the two, Lister gained 50 acres, while Curzon, Lord Petre and

⁸² Lincs. RO, BNL, box 'Clitheroe Est. BNL (Lister v. Curzon)', 'Names of persons interested in commons and wastes', n.d. These seven included John Aspinall (an infant), the Governors of Clitheroe Grammar School, Thomas Baron, Mr. Robinson, John Oddie, James Hall and Richard Parkinson. Between them they owned only 16% of the land possessed of common rights: 93.5a and one burgage out of 568.5a (customary) of commonable land and 78 burgages.

⁸³ Lancs. RO, DP 440 (Acc. 4026), Clitheroe Commons

allotment book, 1786. Fifteen out of twenty-four proprietors had their 'beastgates' valued at 16.05s. each. The remaining 9 had their's valued at 15.77s.

⁸⁴ YAS, MD 335/81, Richard Eddlestone sen. to Rev. Thomas Collins, 2 June 1786.

⁸⁵ Ibid., Richard Eddlestone sen. to Thomas Lister, 31 Jan. 1787 (emphasis as in original).

⁸⁶ Ibid., Richard Eddlestone sen. to Thomas Lister, 28 May 1786 (emphasis as in original).

⁸⁷ Lancs. RO, DP 440 (Acc. 4026).

Whalley Glebe lost 23 acres.⁸⁸ Lister's gain can be explained in two ways. Richard Eddleston may have been correct, and Lister could have received compensation in the final allotment for an inaccurate valuation of his existing entitlements. Alternatively, Eddleston's criticism of the allotment, haggling for different valuations, and swapping portions of land may have added £59 per annum, and 50 acres, to the value of Lister's award. Clearly, a great deal of scheming occurred. Henry Waddington wrote to Lister, complaining about the activities of his 'Clitheroe brethren', concluding that 'in my life I never saw such partial dealings as these'.⁸⁹

The moors were allotted and staked out by April 1787, but after all the haggling it was now too late in the season to plant quickset hedges.⁹⁰ Eddleston rented out Lister's common lands in the pre-enclosure way, by letting beast gates out to individuals. Eddleston also estimated that delay to drainage work and other 'improvements' until the following year would reduce expense by one-third, particularly labour costs. Waddington advised that enclosure costs should be passed onto tenants, particularly for small plots near their existing holdings, for which they might receive compensation in the form of seven-year leases, at below market rents.⁹¹

V

The enclosure exemplified the dominance over the borough of Thomas Lister and Assheton Curzon. Between them, they received 69 per cent of the final enclosed acreage, 228 out of 335 acres. Twenty-two other landowners received the remaining 105 acres, none having more than 20 acres, and 15 gaining less than 5 acres. Lister and Curzon were also allotted the largest contiguous blocks – Lister was given most of Low Moor and Curzon was awarded the majority of High Moor. The other significant awards (but all below 10 acres) were to the heirs of John Aspinall, to Thomas Weld, to his fellow Catholic absentee Lord Petre, to Colonel Rigby and to Thomas Baron. Most other allotments comprised tiny parcels of 'back commons', as the network of wayside greens and broad track-ways between the town and the River Ribble were carved up, and narrower, more clearly defined highways were created. In the 1786 Enclosure Award 19 out of 24 allotments (79 per cent) were of less than 10 acres, with 15 (63 per cent) being under 5 acres. There were only two awards of more than twenty acres. This matches James Standen's pre-enclosure estimate of the land area equivalent to the pasture rights of the standard entitlement of one 'horsegate' and one 'cowgate'. In fact, the size of most individual parcels was of one acre or less. Most of these fragments were simply amalgamated into the holdings on which they bordered, fenced in at the expense of the owners or tenants.

Enclosure had little obvious effect on ownership. Since almost all the land in the borough had been leased before the Act (most of it by absentee landlords possessed of much larger estates elsewhere), enclosure did not force land sales or provoke further accumulation. A decade after the enclosure, in 1797, ownership and tenancy were subject to a thorough survey.

⁸⁸ Lancs. RO, MBC 1 (Clitheroe Enclosure Award 1786) gives the commons a total acreage of 288a customary (plus 2a of quarries and a well); DP 440 (Acc. 4026) (Clitheroe Commons allotment book, 1786) gives a total acreage of 335a customary. Since the final allotments were based on the latter document, this seems the more reliable figure.

⁸⁹ YAS, MD 335/81, Henry Waddington to Thomas Lister, 27 Jan. 1787.

⁹⁰ Ibid., Richard Eddleston sen. to Thomas Lister, 1 Apr. 1787.

⁹¹ Ibid., Henry Waddington to Thomas Lister, 18 Feb. 1787.

TABLE 9. Percentage distribution of ownership, 1781 and 1797 surveys, with distribution of tenancy, 1797

<i>Customary acres</i>	<i>1781</i>		<i>1797</i>			
	<i>owners</i>		<i>owners</i>		<i>tenants</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
<0.5	1	3	2	8	1	2
≥0.5–<0.9	0	0	1	4	0	0
≥1.0–<4.9	6	17	4	15	19	29
≥5.0–<9.9	2	6	3	12	14	22
≥10.0–<19.9	12	34	7	27	15	23
≥20.0–<49.9	9	26	4	15	10	15
≥50.0–<99.9	4	11	3	12	4	6
≥100–<149.9	0	0	0	0	0	0
≥150	1	3	2	8	2	3
Total	35	100	26	101	65	100

Sources: Lancs. RO, DDHCl, map 18 (map of Clitheroe, 1781); DDX 1464/1 (survey of Clitheroe, 1797).

Table 9 depicts the categories of ownership and tenancy. In 1797, there were 26 owners of land and 65 tenants within the borough (exclusive of borough houses), with six individuals being both owners and tenants. This represented some consolidation of ownership since 1781, but most of this was in the frenetic electoral disputes between Lister and Curzon between 1781 and 1786, not because of the subsequent enclosure. The only other significant transfer was in 1789 when John Parker purchased Lady Stourton's estate (22.75a) from her executors.⁹²

The effects of enclosure on tenants and sub-tenants are much more difficult to determine because in this respect we cannot compare 1797 with 1781.⁹³ Enclosure did not, fundamentally, alter the basis of tenancy in the borough. It may have depleted the income of tenants who leased their rights of common to other people, but this might have been offset by a general increase in farm size and a regime of moderate rents. Since tenants farmed almost all lands there, allotments of commons were simply added to their existing holdings. Landlords may have limited the accompanying increases in rent, in order to pass on the capital costs of fencing and drainage to their tenants. However, on the sale of Lister's estate in 1801, the purchaser's surveyor also noted that the enfranchised tenants had secured 'long leases at very inferior rents' for 'themselves and their friends' during the elections of 1780 and 1782.⁹⁴ The following year a survey suggested that total rents there were 39 per cent below estimated market levels.⁹⁵

⁹² Lancs. RO, DDHCl, box 108, 'General state ... 1782', fos 8, 12, 38r–v, 89.

⁹³ No schedule survives to accompany Lancs. RO, DDHCl, Map 18 (1781 survey), but the map gives the owner's name and the field acreage.

⁹⁴ Lincs. RO, BNL, box 'Clitheroe (C.J.s)', 'Mr. G's observations on the estate of Lord R[ibblesdale]', 19 June 1801.

⁹⁵ Lancs. RO, DDFr 5/29, 'Particular of estates belonging to Lord Ribblesdale in Clitheroe', n. d. [1802?]. The total 'present value' of rents was £750, the estimated value £1219. However, in England generally rents were 26 per cent higher in 1800 compared to 1780. B. A. Holderness, 'Prices, productivity, and output', in G. E. Mingay (ed.), *The Agrarian History of England and Wales*, VI, 1750–1850 (1989), p. 125.

TABLE 10. Percentage distribution of occupational groups of tenants, persons in agricultural employment and persons in trade or manufacturing, Clitheroe, 1801 census.

<i>Occupations in 1801</i>	<i>Tenants (in 1797)</i>		<i>Non tenants in 1797 employed in agriculture in 1801</i>		<i>Non-tenants in 1797 employed in trade in 1801</i>	
	<i>n</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Labouring	2	4	33	66	15	16
Agricultural	8	16	8	16	2	2
Woodworkers	4	8	2	4	5	5
Textiles	4	8	4	8	20	21
Leatherworkers	5	10	0	0	14	15
Food Producers	6	12	1	2	11	12
Metalworkers	2	4	0	0	12	13
Medical	2	4	0	0	0	0
Services	4	8	0	0	2	2
Clothing	1	2	1	2	8	8
Misc. Crafts	6	12	1	2	6	6
Gents	3	6	0	0	0	0
Clerics	2	4	0	0	0	0
Total	49	98	50	100	95	100

Key to occupations as Table 7.

Sources: Lancs. RO, MBC 650 (draft census return, 10–12 Mar. 1801); DDX 1464/1 (survey and valuation of Clitheroe township, 1797).

Tenants on the two largest estates in the borough may not, therefore, have been deterred by the burdens of enclosing and ‘improving’ allotments consisting of several parcels of an acre or less. New allotments can be identified on forty individual tenancies (out of 137 holdings) on the 1797 Survey, and the mean ratio of new land to old was only 1:7.2 acres, the median 1:4.6 acres, or 13 to 22 per cent increases in holding sizes. The biggest allotments were added to the larger farms, or turned into farms in their own right. Curzon let his allotment on High Moor as two farms of 52 and 26 acres respectively.⁹⁶ Lister incorporated his 54-acre allotment on Low Moor into a neighbouring farm, creating a holding of 83 acres. He also arranged a disparate collection of commons’ allotments totalling 26 acres around the core of a 14-acre allotment on High Moor. These large new farms may have encouraged the arrival of some more highly capitalised tenants.

The effects of enclosure are much less clear on that group of approximately fifty commons’ users who depended on the annual assignment of access rights by owners or tenants in 1797. Table 10 illustrates the occupational profile of tenants and non-tenants, Table 11 of all those listed in the 1802 Militia Return in the borough. In relation to agriculture, two trends are apparent. The first is the preponderance of crafts among the tenants to lands in 1797. The

⁹⁶ Lancs. RO, DDX 1464/1, Survey and valuation of the township of Clitheroe by Thomas Whyman, 1797.

TABLE 11. Clitheroe: occupations of adult males in the 1802 Militia Return

	<i>N</i>	(%)
Labouring	63	24
Agricultural	21	8
Woodworkes	15	6
Textiles	52	19
Leatherworkers	23	8
Food Producers	18	7
Metalworkers	16	6
Medical	2	1
Services	7	3
Clothing	21	8
Misc. Crafts	19	7
Gents	5	2
Clerics	3	1
Total	265	100

Key to occupations as Table 7.

Source: Lancs. RO, DX 28/259.

occupations of those who were tenants followed the general distribution of occupations in the town. The generally less remunerative categories of labourers, textile workers and the clothing trades were significantly under-represented among the tenants. However, food producers, medical practitioners, service/professionals, other crafts, gentlemen and clerics were significantly over-represented. Both features imply that tenants were, on average, wealthier than the bulk of the town's male householders.

The second notable trend is the dominance of labourers among the household heads of 'families employed in agriculture' in the 1801 Census. Two-thirds of those in this category had a household head described as a labourer, whereas only 24 per cent of all adult males eligible for military service in 1802 were described in this way.⁹⁷ This specialisation is not surprising, given the extent to which agriculture in the town in this period conformed to the standard model of 'agrarian capitalism' – rentier owners, farming by tenants, workforce of labourers. However, it does imply that commons' users who hired their rights without real property entitlements were drawn largely from this group of labourers, even if only a relatively small proportion of them could actually afford animals, and commons' charges.

Tables 10 and 11 also illustrate two further points about agriculture in the borough at this time. A wide variety of trades rented some land, but the manpower required to conduct agriculture came primarily from a group of specialists, mostly agricultural labourers, who comprised 32 per cent of the occupations in the town in 1802. Little direct evidence exists about

⁹⁷ The Clitheroe militia return of 12 Nov. 1802 was a listing of all adult males in the Borough, from whom those liable to serve could be drawn in line with the provisions of 49 Geo. III, c. 90. See P. Glennie, *Distinguishing men's trades: occupational sources and debates for pre-census England* (Historical Geography Research Series 25, 1990), p. 49.

the effects of enclosure in the borough. However, it may, marginally, have diminished the involvement of the non-agrarian occupations in agriculture, by restricting pasture rights to tenants. Tradesmen with a horse or a cow may not have been able to justify renting sufficient land to pasture them throughout the year. Enclosure may also have reduced the ability of some labourers to keep their own animals by sub-contracting commons' rights, possibly from their employers. Of course, post-enclosure they could strike similar bargains with employers, but tenants may not have tolerated overstocking on land now under their direct control.

The numbers of people employed in trade or manufactures in 1801 also illustrates that approximately two-thirds of householders in Clitheroe had little or no direct involvement in, or obvious income from, agriculture. Enclosure may have had no impact upon them. The story might have been different had enclosure occurred earlier in the century. Reviewing the occupations of 290 fathers recorded in the parish baptism register between 1722–42, most occupational categories occur in similar proportions to 1802, plus or minus a maximum of three per cent.⁹⁸ Three significant differences occur. The proportion of labourers was five per cent higher in 1802. Those bearing agricultural occupations (yeomen and husbandmen) fell from 26 per cent of the sample of fathers, to 8 per cent in 1802. Textile workers rose from 4 per cent of fathers to 20 per cent of occupations in 1802. The decline in agriculture may have been the result in the decline in the number of small tenants and owner-occupiers, and a resultant shift in occupational title from 'husbandman' to 'labourer'. Agricultural involvement continued, but dependence on wages may have increased. The increase in textile workers probably reflects an absolute shift in the economy of the town and the region through the period.

This shift was symbolized by the fate of lands adjacent to the Town Moors. In March 1787 Henry Waddington wrote to Thomas Lister advising him not to dispose of portions of his newly acquired commons' allotment. 'Don't part hastily[,] I rather incline to think that Mr. Peell hath some view of [building a] Cotton Works which a little time will shew. Mr. John Parker is begun building one on Mr. Weld's lands and wants to purchase a meadow close of you by which means he will have a much greater power of water upon his wheel'.⁹⁹ By 1789 these two cotton-spinning 'manufactories', Primrose Mill and Eddisford Mill, had been built to take advantage of this waterpower.¹⁰⁰ Other small workshops and 'manufactories' were also being built. By 1795, these developments had created an archival anachronism. That year, the borough 'Call Book', the municipal equivalent of the manorial (and Medieval) 'view of frankpledge', recorded the 32 waged employees of the two mills – the very essence of the 'Industrial Revolution'.¹⁰¹

⁹⁸ Lancs. RO, PR 1859/00 (Clitheroe Baptism Register 1722–41). Father's occupations have simply been summed per instance recorded, not totalled by individual.

⁹⁹ YAS, MD 335/81, Henry Waddington to Thomas Lister, 3 Mar. 1787.

¹⁰⁰ Lancs. RO, MBC 730 (Clitheroe overseers' poor rate, Jan. 1789). Thomas Wilson wrote to a correspondent in Liverpool in 1791 noting that Eddisford Mill had recently burned to the ground, 'the loss is said to amount to £15,000, £5,000 of which was insured in London'. Raines,

'Rev. Thomas Wilson', p. 146.

¹⁰¹ Lancs. RO, DDX 28/123, Clitheroe court leet call book, 30 Apr. 1795. Despite this activity, Lord Brownlow's surveyor thought Clitheroe lacked any manufacturing trade, but noted that 'its situation, amidst the flourishing and commercial towns of Yorkshire and Lancashire, admits the hope of its becoming ... a place of more consequence'. Lincs. RO, BNL, box 'Clitheroe (CJ's)', 'Mr. G's Observations ...', 19 June 1801.

VI

Clitheroe was an unusual urban community, and its common lands had an idiosyncratic history. However, the Clitheroe Town Moors provide some significant lessons for the study of common lands and the impact of enclosure. Above all, the detailed analysis of the commons marking books demonstrates how the practise of commons' management might belie the principles on which such rights were distributed. Access to the Town Moors existed as a straightforward property right. Those who were owners of, or tenants to, lands and burgages possessing access rights to common lands could depasture their livestock. In theory, those who did not possess such rights, were not entitled to do so, and were forbidden from hiring such entitlements. Yet, the marking books reveal that this prohibited activity was exactly what occurred in practise.

Within an apparently inflexible system of 'customary' entitlements, market forces were allowed to operate. A large majority of the property entitlements were transferred into this market, and 'beastgates' were traded among tenants, and any other inhabitants of the borough who could afford to turn out their animals on the commons. This market in rights allowed accumulation to occur, without the need to buy or rent the properties bearing entitlements. It also ensured that those with more land and livestock dominated the commons at the expense of those with less land and fewer beasts. As a result, two-thirds of the animals on the commons were depastured by one-third of the users, many of whom were the larger tenants.

Even before enclosure, therefore, the commons reflected the largely commercial, 'capitalist' structure of agriculture within the borough. Most landowners were non-resident 'rentier' gentlemen, who did not use their common rights personally. Tenants cultivated almost all the land in the town, and so were heavily represented in the rates and on the commons. Labourers were the largest single occupational group within the borough, but the trade in commons' rights and the potential premiums charged may have restricted their exercise of such rights, or merely compounded their inability to afford livestock. The management of the commons conferred maximum advantage to those possessed of the largest number of unused rights, and favoured those with the largest number of animals. The system was geared to accommodating demands that exceeded entitlements, but possibly at a price.

Similarly, the reasons for enclosure were at odds with some of the views expressed at the time. A number of contemporary observers in and around the borough advocated the benefits of enclosure, asserting that land quality, and rental values would be 'improved' by vesting the land in individuals, who could then undertake drainage or soil improvement on their own initiatives. In fact, enclosure occurred more as part of the resolution of a political-property feud between the borough's two dominant landowners, than from any overtly agrarian imperative.

Enclosure had a paradoxical effect on entitlements to pasture in the borough. Before enclosure, rights to a common resource that should have been fixed to properties had traded freely. After enclosure, the division of this common resource re-attached pasture rights to properties. Enclosure had no significant consequences on land ownership in the borough, especially in comparison to the rapid accumulation provoked by 1780 election dispute. It created several new tenanted farms, and increased the acreage of most other holdings by roughly one-fifth. Tenants probably bore most of the costs of the physical enclosure of the Town Moors, but these may not have been prohibitive, and rents may not always have

been at market levels. The effects on non-tenants are much more difficult to determine. Up to 65 non-tenants per annum had depastured animals on the commons before enclosure. They were mostly craftsmen and labourers, but comprised a relatively small percentage of their occupational groups. It is conceivable that some of the labourers who predominated in agricultural employment in 1801 may have hired grazing rights from their employers. However, enclosure may have diminished or extinguished the second income stream available to these occupations from livestock husbandry.

Enclosure merely confirmed and extended the existing differentials in power between land-owners, tenants and the landless in Clitheroe. It worked on the economic margins, making most farms a little bigger and ensuring most labourers were increasingly dependent on wage labour. The coincidental expansion of the textile and lime burning industries in the decade after enclosure may have helped to maintain labouring incomes, at the cost of economic independence lost with the extinction of agrarian by-employments.

The use of Clitheroe's commons illustrates how 'customary' agriculture and its management systems could conceal arrangements that accommodated the market, and agrarian capitalism. As Shaw-Taylor and Seeliger and Chapman have found elsewhere, if enclosure itself appears to have had a limited effect on local economies and societies, that may be because it often came at the end of a long process of change rather than at the beginning. Its effects on marginal users were often limited, because the logic of scale and the market had combined over several centuries to deprive labourers and craftsmen of their ability to afford livestock, whatever their customary rights to depasture them in common.¹⁰²

¹⁰² Since this article was written, a document has been found in the Earl Howe estate archive in the Buckinghamshire Record Office (AR 94/80/1350). This is undated, but it is in a seventeenth- rather than eighteenth-century hand. Entitled 'Reasons wherefore it is desired that the out-pastures belonging to Clitheroe should be inclosed and divided', it gives eight justifications for enclosure, which differ completely from the cursory resolutions of 30 August 1785.

The document complains that 'those that have the greatest right get the least shares; and those that have least right or none at all, get the most'. Particularly in the management of wood rights and lime burning, 'great and many factions and contentions doe arise'. The burden of management placed on the non-resident landowners, the 'out-burgesses' was also a grievance. They sought enclosure to produce 'very good arable land, meadow or pasture ... enriching ... the Burrow', and more particularly 'the out-burgesses that have the most considerable estates ... whose tenants are put to the greatest service, that hereby would ... have the greatest benefit and profit'. In short, 'this division and inclosure is the rather desired, because ... it can be injurious to none that have any right therein ... [when] done by mutual consent and agreement'.

Clearly, the document signalled an earlier attempt by the larger landowners, and tenants, to exclude those who leased commons' rights, or who made unauthorised use of these resources. Despite the complex management system, evidently use was contested, and disputes arose between property holders and lessees. The process of agrarian capitalism, of the accumulation of rights, and the emergence of absentee landlords, was rendering this shared resource increasingly anomalous long before the 1780s.