

Parliamentary enclosure and changes in landownership in an upland environment: Westmorland, c.1770–1860

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Abstract

The impact of parliamentary enclosure on landownership, especially on small proprietors, has been considered mainly in the context of lowland open-field arable communities. However, it also affected extensive areas of upland common pasture in northern England. This article examines parliamentary enclosure in Westmorland where the context of enclosure and the structure of rural society were markedly different from southern England, particularly in the prevalence of customary tenures with rights effectively equivalent to freehold. A study of sales of allotments in enclosure awards, and changes in landownership between awards and subsequent Land Tax returns, shows that there was considerable continuity of occupation by smaller proprietors despite enclosure. Parliamentary enclosure in Westmorland does not appear to have caused the large scale disappearance of small owners or their transformation into landless wage labourers. Small owner-occupied farms remained a characteristic feature of this area into the later nineteenth century.

Parliamentary enclosure has been viewed as a form of oppression of smaller landowners by larger ones, with smallholders and owner-occupiers being forced to sell out due to its high costs. The common rights of smallholders and cottagers were removed and replaced, if they were replaced at all, by small, sometimes distant allotments. Loss of common rights and the sale of their plots forced cottagers and smallholders to work as full-time labourers for the larger farmers. This caused increasing social polarisation and growing poverty at the lowest levels of rural society, with a consequent outflow of population to towns and industrial areas.¹ In the Midlands

¹ The literature on parliamentary enclosure is extensive and contentious. One of the earliest studies was A. H. Johnson, *The disappearance of the small landowner* (1909). J. and B. Hammond. *The Village Labourer* (1912) remains the classic statement of the Marxist view that parliamentary enclosure killed off the last remnants of an English peasantry, replacing them with a rural society dominated by capitalist farmers and landless labourers. On the other hand J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750–1850* (1966) takes the view that most labourers had no common rights even before enclosure. More recently J. A. Neeson, *Commoners. Common right, enclosure and social change in England, 1700–1870* (1993) has supported the Hammonds in her examination of the importance of common rights to small farmers and in suggesting that enclosure was prompted by deliberate social engineering. A recent survey of the main issues is G. E. Mingay, *Parliamentary enclosure in England. An introduction to its causes, incidence and impact, 1750–1850* (1997). An important recent study, suggesting that labourers rarely had common rights before enclosure, is L. Shaw-Taylor, 'Parliamentary enclosure and the emergence of an English agricultural proletariat',

a rise in poor relief was associated with loss of employment resulting from the conversion of arable land to grass following enclosure.²

Larger landowners tended to be the principal beneficiaries of enclosure, which has been seen as a key influence in the decline of the small farmer.³ This has been confirmed by various local and county studies.⁴ When small owners sold their enclosure allotments, three motives are thought to have been involved: the release of capital for use elsewhere, lack of funds to meet the cost of enclosure, or lack of viability of the small allotments that they received.⁵ The cost of ring fencing was certainly proportionally greater for holders of smaller allotments.⁶ Such sales of land have, however, been seen more positively as providing opportunities.⁷ Small owners who sold their allotments at enclosure were often part-time farmers or absentees selling their allotments to raise money for investment elsewhere.⁸

While efforts have been made to identify regional differences, such as between arable and grass districts,⁹ research on the social effects of parliamentary enclosure has been heavily slanted towards lowland England. However, some 2.3 million acres of the land enclosed under parliamentary act was common pasture rather than open-field arable and a good deal of this lay in the uplands of north-west England.¹⁰ Here the structure of rural society and the context within which parliamentary enclosure occurred were different.¹¹ While it is widely believed that in many parts of England removal of the peasantry was complete before the main phase of parliamentary enclosure, in the North-West elements of a peasantry survived into the nineteenth century.¹² Parliamentary enclosure also continued for longer than in the south; substantial areas were enclosed as late as the 1860s and 1870s. This paper considers the changes in landownership

Note 1 continued

JECH 61 (2001), pp. 640–62. An important sub-set of the enclosure literature has involved a vigorous debate on the reliability of the Land Tax returns in demonstrating a decline in the numbers of small farmers following enclosure: see here G. E. Mingay, 'The Land Tax assessments and the small landowner', *EcHR* 17 (1964–5), pp. 381–8; J. M. Martin, 'Landownership and the Land Tax returns', *AgHR* 14 (1966), pp. 96–103; id., 'The small landowner and parliamentary enclosure in Warwickshire', *EcHR* 31 (1979), pp. 328–43; M. E. Turner, 'Parliamentary enclosure and landownership change in Buckinghamshire', *EcHR* 28 (1975), pp. 565–81. D. E. Ginter, *A measure of wealth. The English Land Tax in historical analysis* (1992).

² T. Williamson, 'Understanding enclosure', *Landscapes* 1 (2000), p. 74.

³ K. D. M. Snell, *Annals of the Labouring Poor* (1985); Neeson, *Commoners*.

⁴ e.g. J. M. Martin, 'The parliamentary enclosure movement and rural society in Warwickshire', *AgHR* 15 (1967), p. 36; id., 'Small landowner and parliamentary enclosure', pp. 328–43; M. E. Turner, 'Parliamentary enclosure and land ownership in Buckinghamshire', *EcHR* 28 (1975), pp. 565–81; Neeson, *Commoners*, pp. 202–4, 228, 240, 247.

⁵ Mingay, *Parliamentary enclosure*, p. 117.

⁶ M. Turner, *Enclosures in Britain, 1750–1830* (1984), p. 56.

⁷ Chambers and Mingay, *Agricultural revolution*, pp. 90–4.

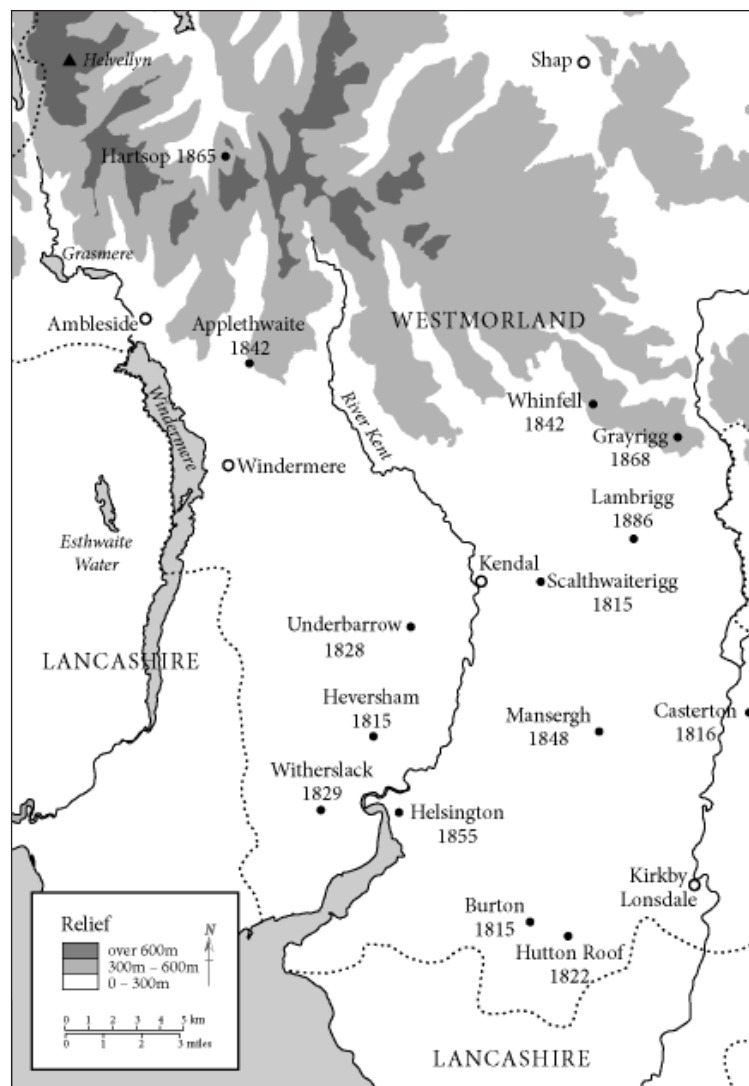
⁸ J. Chapman and S. Seeliger, *Enclosure, environment and landscape in southern England* (2001), p. 138.

⁹ Turner, 'Landownership changes', p. 575.

¹⁰ M. Overton, *Agricultural Revolution in England. The transformation of the agrarian economy, 1500–1850* (1996), p. 149; M. Williams, 'The enclosure and reclamation of waste land in England and Wales in the eighteenth and nineteenth centuries', *Trans. Institute of British Geographers* 51 (1970), pp. 55–69; J. Chapman, *A guide to the parliamentary enclosures in Wales* (1992).

¹¹ The distinctiveness of rural society in Cumbria, and of the context of parliamentary enclosure has been stressed in particular by C. E. Searle, 'The odd corner of England': a study of rural social formation in transition, Cumbria, c.1700–c.1914, (unpublished PhD thesis, University of Essex, 1983), pp. 15–16.

¹² Turner, 'Landownership changes', p. 566; Searle, 'Odd corner'; N. Gregson, 'Tawney revisited: custom and the emergence of capitalist class relations in north-east Cumbria, 1600–1830', *EcHR* 42 (1989), pp. 18–42.



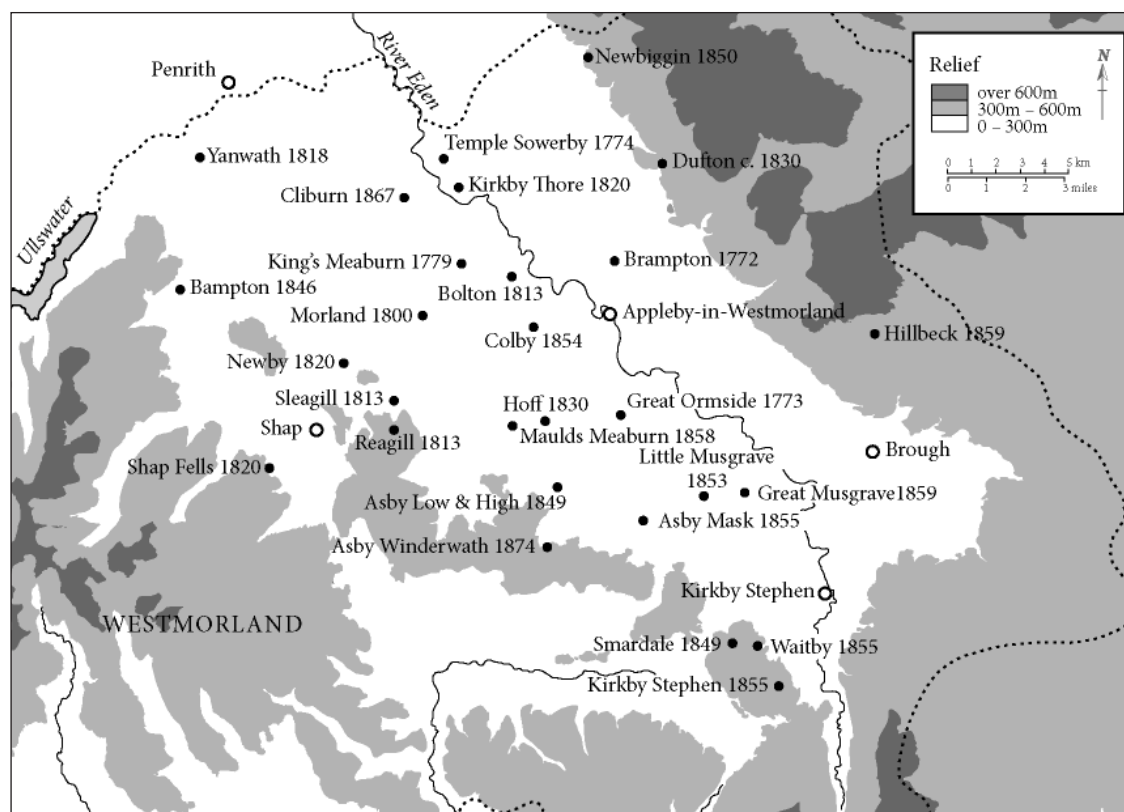
MAP 1. Location of enclosure awards referred to in south Westmorland.

associated with parliamentary enclosure in Westmorland, the most upland county in England. It aims to establish whether the social impacts of enclosure were different in an upland area where most of the land enclosed was common waste rather than open-field arable, particularly in relation to small proprietors.

I

Between the 1760s and the 1890s over 101,000 acres of Westmorland were enclosed under parliamentary act by 97 awards.¹³ All of these have been consulted for the present study but

¹³ The background to parliamentary enclosure in Westmorland has been discussed in I.D. Whyte, “‘Wild, barren and frightful’. Parliamentary enclosure in an upland county: Westmorland, 1767–1890’, *Rural Hist.* 14 (2003), pp. 21–38.



MAP 2. Location of enclosure awards referred to in north Westmorland.

those specifically mentioned in the text are shown on Maps 1 and 2. Open field arable and meadow accounted for under one per cent of this; the remainder was common pasture.¹⁴ Westmorland was unusual in having three peaks of enclosure; the 1770s, c.1800–1820, and the mid-nineteenth century.¹⁵ The expansion of arable was an important influence during the first two of these while the main motive behind enclosure in the third period was the improvement of pasture.¹⁶

In the later eighteenth century Cumbria preserved a distinctive rural social structure. Customary tenures were common, retaining elements of feudalism and giving tenants rights in their property which were effectively equivalent to freehold, whilst paying rents which had failed to keep pace with inflation.¹⁷ Partly because of the widespread survival of customary tenants with relatively small holdings, rural society was dominated by small family farms and there was

¹⁴ J. V. Beckett, 'The decline of the small landowner in later nineteenth century England: some regional considerations', *AgHR* 30 (1982), p. 107.

¹⁵ R. J. P. Kain, J. Chapman and R. R. Oliver, *The enclosure maps of England and Wales, 1595–1918* (2004), p. 127.

¹⁶ Whyte, 'Wild, barren and frightful', pp. 21–38.

¹⁷ Beckett, 'Small landowner', p. 100. There were around 10,000 customary tenants in neighbouring Cumberland, occupying two thirds of the improved land, at the end of the eighteenth century.

widespread access to land. Farms employed relatively few wage labourers and most agricultural work was done by family members.¹⁸

Between the mid-seventeenth and mid-eighteenth centuries Cumbrian yeomen enjoyed modest prosperity and there was little decline in their overall numbers. As well as profits from the droving trade, this prosperity was linked to modest levels of customary fines, low Land Tax assessments and the existence of a range of by-employments outside agriculture.¹⁹ There appears to have been some fall in numbers of customary tenants during the eighteenth century.²⁰ In Westmorland this was partly linked to the expansion of the estates of the earls of Lonsdale and Thanet.²¹ Nevertheless, customary tenants continued to display signs of prosperity: the strength of their tenures limited the power of manorial lords and gave them a stake in parliamentary enclosure.²² Cumbrian customary tenants had considerable say in initiating, and sometimes preventing, parliamentary enclosure.²³ Their rights of common were recognised by enclosure commissioners, regardless of how small their holdings were.²⁴ The pressure on Cumbrian commons in the later eighteenth century, caused by overgrazing related to the droving trade, potentially disadvantaged everyone who used them but the smaller customary tenants are likely to have suffered most. On several commons it can be shown that the larger owners not only abused the commons by overgrazing but also managed to prevent smaller customary tenants from exercising their common rights at all.²⁵ At Casterton the larger proprietors had monopolised the grazings and on other commons, such as Dent, the sheep of small owners were driven off the best pastures and even chased off the commons entirely by the dogs of the larger tenants.²⁶ Under such circumstances it is not surprising that the latter were prepared to agree to enclosure as the only realistic way of maintaining their essentially peasant system of production.²⁷

II

When open-field arable was enclosed under parliamentary act, the area that could be converted into allotments was reduced by the need to deduct shares for the lord of the manor and the

¹⁸ Beckett, 'Small landowner', p.100. A.J.Gritt, 'The survival of service in the English agricultural labour force: lessons from Lancashire, c.1650-1851', *AgHR* 50 (2002), pp.25-50 has suggested that hired labour, whether wage labourers or living-in servants, was relatively unknown in Lancashire before the later eighteenth century. Conditions are likely to have been similar in Westmorland. See J.D.Marshall, 'Rural society before the Victorians', in O.M. Westall (ed.), *Windermere in the nineteenth century* (1991), p.14. Searle, "Odd corner", p.49.

¹⁹ Becket, 'Small landowner', p.100; Marshall, 'Windermere', p.9.

²⁰ Gregson, 'Tawney revisited'; A.H.Duxbury, 'The decline of the Cumbrian yeoman: Ravenstonedale: a case study', *Trans Cumberland and Westmorland Antiquarian and Archaeological Society*, sec. ser. (hereafter *CW²*) 94 (1994), pp.202-3.

²¹ Searle, "Odd corner", pp.195-200.

²² C.E.Searle, 'Cumbria's parliamentary enclosure movement: a comparative case study in rural quiescence', *CW²* 95 (1995), pp.247-69.

²³ For example in Preston Patrick: Cumbria Record Office, Kendal (hereafter CRO (K)), WPR/47.

²⁴ C.E.Searle, 'Customary tenants and the enclosure of the Cumbrian commons', *Northern Hist.* 29 (1993), pp.126-53.

²⁵ For general comments on this, see C. Webster, 'On the farming of Westmorland', *JRASE*, sec. ser. 4 (1868), p.14. For two specific cases, see CRO (Kendal) WQ/R/I, Sleagill, misc. enclosure papers 1802; *Westmorland Gazette*, 8 Jan. 1825.

²⁶ Whyte, 'Transforming fell and valley', pp.34-5.

²⁷ Searle, 'Cumbria's parliamentary enclosure movement'. Kain, 'Enclosure maps', p.5 suggests that this was a wider reaction of small owner-occupiers.

tithe owner. Landowners consequently received smaller allotments than the acreages they had originally held in the open fields.²⁸ This reduction was presumably partly offset by the greater efficiency of working the land as a consolidated, enclosed block. If common pasture was also enclosed, shares of this would have helped to balance the loss of land from the open fields. In Westmorland, however, where the normal pattern was enclosure of extensive commons with little or no open-field arable, landowners retained their original closes on the inbye (improved) land and received allotments which could substantially increase the size of their property.

Their allotments were, nevertheless, reduced by various deductions. In Westmorland the fraction of the enclosed area awarded to manorial lords varied between a tenth and a twenty-fourth (though a sixteenth was most frequent).²⁹ Manorial allotments were often laid out on relatively high, remote ground on the margins of townships to make it easier for the allotments of smaller landowners to be contiguous with, or at least close to, their existing lands.³⁰ Manorial lords were better able to afford the cost of building new farmsteads on substantial detached blocks of land than smaller proprietors.³¹

In Westmorland the principal beneficiaries of manorial allotments were the earls of Thanet, absentee landowners based in Kent who had inherited the former Clifford estates centred on Appleby Castle, and the Lowthers, earls of Lonsdale, whose financial interests focused on coal mining and the development of the port of Whitehaven in west Cumberland but whose estates also included extensive property in Westmorland.³² Both families were enlarging their Westmorland properties in the late eighteenth and early nineteenth centuries and it has been suggested that they specifically bought manorial lordships with a view to the likely profits from enclosure.³³

The commutation of tithes into allotments of land could also absorb a significant proportion of the area to be enclosed: instances of an eighth are recorded from Westmorland.³⁴ Around half the Westmorland awards down to the 1830s involved commutation, a slightly smaller proportion than the national figure of 60 per cent.³⁵ Allotments were also commonly awarded to institutions: churches, chapels, schools, overseers of the poor and private charities. Such grants

²⁸ Chapman and Seeliger, *Enclosure, environment and landscape*, p.138. J.S.Cohen and M.L.Weitzman, 'Enclosures and depopulation: a Marxian analysis', in W.N.Parker and E.L.Jones (eds) *European peasants and their markets* (1975), p.175.

²⁹ In Cumberland it was a fourteenth; the difference was due mainly to the later continuation of parliamentary enclosure in Westmorland, where 57 per cent of awards made after 1820 involved a deduction of a sixteenth as the manorial share. R.S.Dilley, 'The enclosure awards of Cumberland: a statistical list', *Trans Cumberland and Westmorland Antiquarian and Archaeological Society* third ser., 2 (2000), p.275.

³⁰ Striking examples of such manorial allotments include the award of 247a on the summit of the rocky hill of Dufton Pike, 461a of moorland at altitudes of up to 350m on the Shap Fells and moorland rising to 437m on

Casterton Fell: CRO (Kendal) WD/HH/51, WQR/I/ 81, 14.

³¹ I.D.Whyte, *Transforming fell and valley. Landscape and parliamentary enclosure in north-west England* (2003), pp.81–6.

³² J.V.Beckett, *Coal and Tobacco. The Lowthers and the economic development of West Cumberland, 1660–1760* (1981).

³³ Searle, "Odd corner", p.199. The purchase of manorial rights was certainly followed rapidly by enclosure in the case of Thanet manors like Great Ormside: CRO (K), WD/Hoth, Box 23.

³⁴ Eg. the awards for Shap and Hoff and Drybeck: CRO (K), WQR/I/81 and 41.

³⁵ Mingay, *Parliamentary enclosure*, Dilley, 'Enclosure awards of Cumberland', p.274.

were less common before 1800 but were frequent thereafter. The amount of land involved was generally under ten acres though a few more substantial grants are recorded.³⁶

In addition to these deductions, enclosure commissioners often sold parts of commons to cover the public costs of enclosure.³⁷ These included the legal expenses of preparing a bill and presenting it to Parliament, the fees and expenses of commissioners, solicitors and surveyors, the costs of surveying the ground, staking out allotments, making the roads, and ring fencing the tithe allotment. When such costs were met by a proportional assessment on proprietors the money often took years to come in.³⁸ Selling some of the common meant that landowners only had to pay for ring fencing their own allotments, making internal boundaries and improving the land. This may have benefited smaller proprietors in particular but it represented a further reduction in the area available for allotment. The proportion of commons sold by commissioners varied greatly according to the quality of the land and its price per acre. Fifty-three per cent of Casterton common was sold in 1816 as a large block of poor, unimprovable upland, which appears to have been bought with an eye to its sporting potential. On lowland commons like Bolton and Kirkby Thore as little as five or six per cent was sold, comprising improvable land of relatively high value.³⁹

So what were customary tenants left with after all these deductions? The average size of allotments was modest for some small lowland commons. At Yanwath near Penrith, where there was opposition to the enclosure of the 228-acre common on the grounds of the cost to small farmers, the average allotment was only seven acres.⁴⁰ Morland and King's Meaburn are other examples where the land received by most allotment holders was probably not worth the costs of enclosure. At King's Meaburn the 411-acre common, on indifferent soils, was in three separate portions. Disputes occurred with neighbouring townships over the boundaries of each of these. The cases went to the quarter sessions and in each instance the King's Meaburn commoners lost, greatly increasing the cost of enclosure.⁴¹ On other lowland commons enclosed in the later eighteenth and early nineteenth centuries, such as Brampton, Kirkby Thore and Great Ormside, the average size of allotment – over 20 acres on good improvable soils – is likely to have been a useful addition to the original holding. In the mid-nineteenth century, the enclosure of large upland commons, as at Applethwaite, Mansergh and Whinfell, produced greater average allotment sizes of 50–60 acres or more but on land with only limited scope for improvement.

For the mid-nineteenth century, when details of the size of the holding on which the original

³⁶ For example, the 40a 1r 35p awarded to the local school in the Over Staveley enclosure and the 55a 1r op to a private charity in the Hugill award. CRO (K), WGR/I/75–75a, & 6. After the General Enclosure Act of 1845 awards often included allotments of up to four acres set aside as recreation grounds for the inhabitants. S. Hollowell, *Enclosure Records for Historians* (2000), p. 67; W.E. Tate and M.E. Turner, *A Domesday of English enclosure awards* (1978), pp. 31–2.

³⁷ Chambers and Mingay, *Agricultural revolution*, pp. 78, 85–87. In 40 per cent of the awards in Westmorland (46% after 1800) the commissioners sold land in this way, a proportion comparable to Cumberland but

considerably higher than the national figure of around 25 per cent. Mingay, *Parliamentary enclosure*, p. 109; Dilley, 'Enclosure awards of Cumberland', p. 274.

³⁸ At Preston Patrick in Westmorland even 30 years after enclosure some of the bills had still not been paid. BPP, 1844, V, *Report from the select committee on Commons Inclosure*, p. 133.

³⁹ CRO (K), WQR/I/10, 14 and 52.

⁴⁰ Searle, 'Cumbria's parliamentary enclosure movement', pp. 257–8.

⁴¹ CRO (K), WD/CAT/MUS/ A2173, letters 31 Aug., 1778, 10 Mar. 1779.

TABLE 1. Average percentage increase in holding size with parliamentary enclosure

<i>Enclosure</i>	<i>Date of award</i>	<i>Average percentage increase in holding size</i>
Asby Mask	1855	96
Asby Winderwath	1874	65
Colby	1854	28
Grayrigg	1868	75
Great Musgrave	1859	59
Hillbeck Fell	1859	136
Kirkby Stephen	1855	85
Lambrigg	1886	37
Little Musgrave	1853	41
Newbiggin	1850	55
Maulds Meaburn	1858	37
Smardale	1849	135
Waitby	1855	72

Source: Cumbria Record Office (Kendal), enclosure awards as follows: WQR/I/4 (Asby Mask); 1 (Asby Winderwath); 20 and 21 (Colby); 32 (Grayrigg); 32 (Great Musgrave); 40 (Hillbeck); 50 (Kirkby Stephen); 26 (Docker & Lambrigg); 58 (Little Musgrave); 69 (Newbiggin); 64A (Maulds Meaburn); 85 (Smardale); 92 (Waitby).

common rights had been based become available, it is also possible to calculate the relationship between the allotment and the original holding (Table 1). Landowners in communities which enclosed smaller lowland commons, such as Colby and Maulds Meaburn, received average increases of around 25–40 per cent. Where extensive upland commons were enclosed, the percentage increase was sometimes much higher, but the quality of the land was poorer. Average increases in holding sizes for earlier enclosures are likely to have been less because of the smaller area of many commons but would still have been substantial.

Of course these gains in land were made at the expense of the loss of use rights, principally grazing, but also the cutting of peat and turf, on the original commons. The value of such rights had, however, been greatly reduced by overgrazing and, as we noticed, in some cases smaller customary tenants had not even been able to exercise their grazing rights at all.

III

Studies of parliamentary enclosure in lowland England have shown that allotments often changed hands at the time of enclosure. In Buckinghamshire there was widespread dealing in land around the time of enclosure with 30 per cent of owners selling out and leaving the parish due mainly, Turner believed, to their inability to meet the cost of enclosure. Between c.1750 and 1820 there was a decline of 38 per cent in the number of owners in parishes that had been enclosed.⁴² In Warwickshire there was a disappearance of 40 per cent of family surnames from

⁴² M. E. Turner, 'The cost of parliamentary enclosure in Buckinghamshire', *AgHR* 21 (1973), pp. 35–46.

enclosure parishes. Smaller proprietors declined by 25 per cent within a decade of enclosure but sales were concentrated among absentee owners.⁴³ Neeson suggested that as many as half the landowners in parishes experiencing parliamentary enclosure sold off their land during the enclosure period and that a third of the remaining landowners sold off some of their land, though there was considerable variation between parishes.⁴⁴

Land also changed hands before an enclosure act was passed. Turner has interpreted this as a panic reaction by smaller proprietors worried about the costs of enclosure.⁴⁵ In Westmorland this is unlikely to have occurred because allotments were added to existing holdings rather than being awarded in lieu of them. Following the passing of an enclosure act land could be sold in three contexts. Common rights could be sold once claims had been accepted by the commissioners but before allotments had been defined by survey. Second, allotments could be sold during the period between the survey and the signing of the award. In the 1770s, when enclosure was often completed within a year or two this was a relatively brief period, but by the early nineteenth century it might span several years.⁴⁶ Third, allotments could be sold after an award had been completed, whether separately or together with the original holding. Such sales would not be recorded in any enclosure documents and require other sources to identify.

Pre-enclosure sales of common rights are recorded sporadically, but probably not consistently, in enclosure awards.⁴⁷ All that can be said is that this practice was in no way unusual as rights in stinted pastures were bought and sold freely outside the context of enclosure.⁴⁸

More information is available on sales of allotments between the survey and the award from the award schedules themselves. These record changes of ownership and sometimes further sales to third parties. A third of Westmorland awards record the sale of allotments, less than the 50 per cent recorded by Martin for Warwickshire.⁴⁹ How consistently were such sales recorded? The earliest awards from the 1770s rarely mention them. Is this because they did not occur or because the practice was simply not recorded? Before 1801 awards were very much locally-produced documents whose content and format could vary considerably.⁵⁰ After the General Enclosure Act of 1801 their structure became more standardised, and even more so after the General Enclosure Act of 1845.⁵¹ Did awards become more systematic over time in recording sales of allotments?

The suggestion here is that they did not. Awards were formal legal documents. As the sizes of allotments were based on common rights deriving from the ownership of specific areas of land and other property, no matter who had bought the land by the time of the award, it was still necessary to identify the original owner of the common rights in order to make it clear on what basis the allotment had been allocated, so preserving the link between original property, common rights and allotment in case of future legal challenges. A further indication of the accuracy of earlier enclosure awards concerning sales of allotments comes from a volume recording land purchases in Westmorland by the earls of Thanet. During the period 1770–90,

⁴³ Martin, 'Small landowner', pp. 328–43.

⁴⁴ Neeson, 'Commoners', pp. 240, 247.

⁴⁵ Turner, 'Landownership changes in Buckinghamshire', p. 568.

⁴⁶ Tate and Turner, *Domesday of enclosures*.

⁴⁷ CRO (K), WQR/I/12.

⁴⁸ CRO (K), WD/Hoth, Box 18.

⁴⁹ Martin, 'Parliamentary enclosure movement', p. 36.

⁵⁰ J. Chapman, 'Some problems in the interpretation of enclosure awards', *AgHR* 26 (1978), pp. 108–114.

⁵¹ Tate and Turner, 'Domesday of enclosure awards', pp. 30–2.

all purchases of enclosure allotments made by the estate before the corresponding awards were prepared are recorded in the award schedules.⁵² This suggests that awards are reasonably accurate guides to changes of ownership of allotments during the period between staking out the land and signing the awards.

Sales of allotments for 30 awards are shown in Table 2. There was considerable variation between awards. At one extreme was Bampton where nearly half the allotment holders sold out to the Earl of Lonsdale. At the other was Heversham where, despite the cost of drainage and reclamation of lowland peat moss which was met by the commissioners selling nearly a third of the enclosed area, only six per cent of allotment holders sold out totally and a further four per cent in part.

Those who sold all of their allotments were, to judge from their sizes, predominantly smallholders. In all but four awards, the average size of allotments of those who sold out entirely was smaller than the average size of all allotments. Some allotments were sold by widows, heirs or trustees of the original owners, possibly in conjunction with the disposal or division of the main holding. In mid-nineteenth century awards, which contain more information about allotment holders, it is evident that some allotment sellers lived considerable distances away and might have found it impossible to work and difficult to lease the land. Thomas Hodgson, who sold his allotment on Hillbeck Fell on the Cross Fell escarpment, lived in Staindrop, County Durham. Isabella Bell, whose executors sold her allotment on Asby Mask, had lived at Blanchland, Northumberland.⁵³ Enclosure may have provided a good opportunity for such owners to rationalise scattered properties which had arisen from the vagaries of marriage and inheritance by the sale of allotments and main holdings. For mid-nineteenth century awards, comparison with the 1851 census enumerators' books shows that some allotment sellers were definitely tradesmen, such as William Sanderson at Newbiggin, a stonemason, who kept 3a 3r of his allotment but sold oa 2r 17p to fellow stonemason, and probable relative, John Sanderson.⁵⁴

But while those who sold their allotments were predominantly smallholders, this is not to say that most smallholders sold out. If smallholders are defined roughly as those receiving allotments of five acres or less, only 21 per cent of smallholders in the awards in Table 2 sold out. So smallholders and small farmers who disposed of their allotments before awards were completed were in a minority even within the third of awards that record allotment sales. Some of them were demonstrably absentees. Others were part-time tradesmen who may have wished to raise capital for non-agricultural activities.

The case of the adjoining townships of Newby, Reagill and Sleagill, where awards were made in 1820, 1823 and 1823 respectively, highlights the complexity of changes in landownership that occurred at the time of enclosure. It was clearly common for owners to have lands in more than one township. So Mary Scott received allotments of 23 acres in Reagill and 10 in Sleagill. The sale of land by the commissioners provided an alternative means to buy land apart from the purchase of allotments; Anthony Nicholson, who received an allotment of seven acres in Sleagill bought a further 17 acres from the commissioners of Reagill. There appears to have been a complex pattern of buying and selling land of which the details given in the awards

⁵² CRO (K), WD/Hoth, Box 18, Abstract of purchase deeds of land, 1757–1813.

⁵³ CRO (K), WQR/I/40 and 4.

⁵⁴ CRO (K), WQR/I/69.

TABLE 2. Sales of allotments on Westmorland enclosures

<i>Award</i>	<i>No. of allotment holders</i>	<i>Average. size of all allotments</i>	<i>No. of holders who sold out totally</i>	<i>Average size of their allotments</i>	<i>No. of holders who sold out in part</i>	<i>Average size of their allotments</i>
Reagill 1813	21	10.6	3	13.3	1	14.5
Sleagill 1813	23	14.7	1	3.3	1	6.8
Heversham 1815	263	10.5	20	1.9	7	9.1
Scalthwaiterigg 1815	29	52.2	1	12.3	2	9.4
Burton 1815	33	25.6	4	9.9	0	0
Kirkby Thore 1820	37	7.6	7	6.6	3	24.0
Newby 1820	42	11.4	17	6.6	6	26.5
Underbarrow 1828	56	28.1	14	4.3	9	55.3
Witherslack 1829	23	27.8	2	33.3	2	12.5
Hoff 1830	65	14.6	1	8.0	1	14.0
Appleshwaite 1842	72	64.2	11	24.8	2	135.8
Bampton 1846	9	3.7	7	2.3	1	6.3
Mansergh 1848	55	51.3	17	14.1	6	65.8
Asby Low Intake 1849	6	8.5	2	3.0	0	0
Asby High Intake 1849	8	23.9	3	7.2	0	0
Newbiggin 1850	22	5.9	13	2.1	2	20.8
Little Musgrave Intake 1853	7	10.8	3	6.3	0	0
Colby 1854	21	11.9	3	1.4	0	0
Waitby 1854	20	20.3	2	0.4	0	0
Asby Mask 1855	31	24.5	14	8.0	1	50.0
Helsington 1855	20	15.7	3	24.6	0	0
Kirkby Stephen 1855	59	14.3	2	3.0	2	18.5
Maulds Meaburn 1858	28	27.0	2	11.4	0	0
Great Musgrave 1859	32	21.2	2	3.4	1	31.8
Hillbeck Fell 1859	13	70.9	6	6.5	1	25.0
Hartsop 1865	18	140.1	2	86.4	2	171.1
Cliburn 1867	18	12.8	4	5.0	2	32.8
Grayrigg 1868	10	47.3	3	18.7	0	0
Asby Winderwath 1874	35	40.2	8	16.8	3	9.0
Lambrigg 1886	15	29.5	1	38.5	1	25.3

Source: Cumbria Record Office (Kendal), enclosure awards as follows: WQR/I/ 76 (Reagill); 83 (Sleagill); 38 (Heversham); 79 (Scalthwaiterigg); 19 (Burton); 52 (Kirkby Thore); 70 & 71 (Newby); 88 (Underbarrow); 95, (Witherslack); 41 (Hoff and Drybeck); 6 (Appleshwaite); 12 (Bampton); 63 (Mansergh); 3 (Asby Low Intake); 2 (Asby High Intake); 69 (Newbiggin); 58 (Little Musgrave); 20 & 21 (Colby); 92 (Waitby); 4 (Asby Mask); 43 (Helsington); 50 (Kirkby Stephen); 64A (Maulds Meaburn); 32 (Great Musgrave); 40 (Hillbeck Fell); 35 (Hartsop); 15 (Cliburn); 31 (Grayrigg); 1 (Asby Winderwath); 26 (Docker and Lambrigg).

probably represent only the tip of the iceberg. John Kendal, a yeomen in Newby, received a 32-acre allotment in Sleagill in 1813. In 1820 he was also awarded 57 acres in Newby but he sold the bulk of it in eight separate parcels, three to other people named Kendall who were probably relations.⁵⁵ These transactions represent what Turner has described as 'subtle manoeuvres on ... the agricultural or social ladder', further details of which could probably be revealed from other sources.⁵⁶

The fate of proprietors after awards were drawn up can be explored through the evidence of the Land Tax lists. This source is a notorious minefield for the enclosure historian. There are problems in defining small proprietors in the Land Tax assessments in cases where someone owned a little land in one township but a lot in another. There are also difficulties in nominal record linkage within, as well as between, townships. Pre-1780 Land Tax assessments (made before duplicates had to be lodged annually with the clerk of the peace) do not distinguish between proprietors and occupiers and so are unsuitable for tracing owner-occupiers. Those after 1798 may be affected by the omission of landowners due to the process of redemption, though in Cumbria it is unlikely that many smaller proprietors could have afforded the 25 years' purchase.⁵⁷ It has been suggested that smallholders were omitted randomly between successive lists for the same township and that northern townships were more liable to such omissions than southern ones because of their lower tax burden.⁵⁸ Despite these problems it is felt that the Land Tax records are worth using, albeit with caution. The approach adopted here is to compare the names of proprietors listed in awards with those in post-1780 Land Tax assessments made around 15 years after enclosure.⁵⁹ The use of this method has been suggested by Turner.⁶⁰ The numbers of proprietors traceable between the two sources are calculated for eight townships. The use of adjectives such as 'senior' and 'junior' to distinguish people with the same names occurs frequently enough in the Land Tax records, and matches similar designations in the awards, to make it probable that distinguishing between individuals with identical names was done reasonably consistently. Where someone with the same Christian name and surname can be traced from an award to a Land Tax list some 10–15 years later, continuity of occupation is assumed (though this does not preclude the sale of part or even all of an allotment provided that the original holding was retained).⁶¹ When such a match cannot be made it is assumed that the proprietor had disposed of their land through sale or transmission to heirs. The latter is suggested where someone with a similar surname but a different Christian name appears in a tax list. Such cases, suggesting continuity of occupation within a family, are shown in column two of Table 3. The disappearance of a proprietor between successive lists does not necessarily mean that they had died or left the township; they may have continued to live there without owning land, though perhaps leasing it.

⁵⁵ CRO (K), WQR/I/70, 76, 83.

⁵⁶ Turner, 'Landownership changes in Buckinghamshire', p.366.

⁵⁷ Ginter, 'Measure of wealth', p.14; J.M.Martin 'The parliamentary enclosure movement and rural society in Warwickshire', *AgHR* 15 (1967), p. 33.

⁵⁸ Ginter, 'Measure of wealth', pp.13–151.

⁵⁹ The years for which the Westmorland Land Tax duplicates survive do not permit the close comparison

within four or five years of enclosure achieved by Turner, 'Cost of enclosure'.

⁶⁰ Turner, 'Cost of enclosure', pp.566, 569.

⁶¹ It is possible that in some instances, a son with the same name as his father might have succeeded to his father's property. This would not be identifiable by this method, but it is likely to have affected only a small proportion of cases.

TABLE 3. Continuity of ownership following enclosure

(A) BRAMPTON: award 1772, Land Tax 1790.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	6	3	5	14
5-9.9	1	1	4	6
10-19.9	2	0	4	6
20-49.9	7	1	4	12
50 acres or more	1	0	0	1
Total	17	5	17	39

(B) GREAT ORMSIDE: award 1773, Land Tax 1790.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	2	1	2	5
5-9.9	2	1	1	4
10-19.9	1	2	1	4
20-49.9	1	0	3	4
50 acres or more	1	0	2	3
Total	7	4	9	20

(C) TEMPLE SOWERBY: award 1773, Land Tax 1790.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	4	0	0	4
5-9.9	4	1	3	8
10-19.9	3	0	2	5
20-49.9	1	0	3	4
50 acres or more	1	0	0	1
Total	13	1	8	22

(D) MORLAND: award 1800, Land Tax 1809.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	9	1	4	14
5-9.9	2	1	4	7
10-19.9	4	1	0	5
20-49.9	2	0	0	2
50 acres or more	0	0	0	0
Total	17	3	8	28

(E) SLEAGILL: award 1813 Land Tax 1823.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	1	2	4	7
5–9.9	2	1	2	5
10–19.9	0	1	4	5
20–49.9	2	0	0	2
50 acres or more	1	0	1	2
Total	6	4	11	21

(F) REAGILL: award 1813, Land Tax 1823.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	1	3	0	4
5–9.9	2	2	2	6
10–19.9	3	1	1	5
20–49.9	1	1	1	3
50 acres or more	1	0	0	1
Total	8	7	4	19

(G) CASTERTON: award 1816, Land Tax 1823.

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	1	3	4	8
5–9.9	1	0	0	1
10–19.9	2	2	1	5
20–49.9	4	0	2	6
50 acres or more	3	0	0	3
Total	11	5	7	23

(H) HUTTON ROOF: award 1822, Land Tax 1830

<i>Size of allotment</i>	<i>Continuity: Christian name and surname</i>	<i>Continuity: surname only</i>	<i>No continuity</i>	<i>Total</i>
Under 5 acres	5	1	2	8
5–9.9	1	3	1	5
10–19.9	5	0	0	5
20–49.9	1	0	0	1
50 acres or more	0	0	0	
Total	12	4	3	19

Sources: Cumbria Record Office (Kendal), enclosure awards as follows: WQR/I/12 (Brampton), 72 (Great Ormside), 87 (Temple Sowerby), 68 (Morland), 83 (Sleagill), 76 (Reagill), 14 (Casterton), 42 (Hutton Roof). Land Tax Records, Cumbria Record Office (Kendal), WQ/SR.

To establish whether smaller proprietors were more likely to disappear than larger ones landowners have been classified by the sizes of the allotments they received. This removes the problem of trying to relate the amount of Land Tax paid to the land actually owned.⁶² It is suggested that people awarded allotments of under five acres were mainly smallholders; those with five to ten acres small farmers, and the rest more substantial proprietors.

Overall, the continuity of ownership is striking for all sizes of allotment. In Casterton, where landownership was more markedly polarised than in the other townships, there was less continuity among the smallest proprietors with allotments of less than an acre. Even in Great Ormside though, where the Earl of Thanet bought up a number of allotments and farms, 35 per cent of proprietors are still traceable 17 years after the award. Not surprisingly, the level of continuity falls as the period between award and tax list lengthens. It is greatest for Morland where the gap is only nine years: nine out of 14 smallholders there can be traced nine years after enclosure, and in Temple Sowerby, while in Brampton the owners of small allotments were no more likely to disappear than those with large ones. For the townships studied the degree of continuity does not suggest that small proprietors declined unduly as a result of enclosure, though inevitably there were local variations.

IV

It has been suggested that in the eighteenth century and in the 'Midland belt' small owner-occupiers may well have been driven out by parliamentary enclosure, but that elsewhere, and in the nineteenth century, these effects were much less obvious.⁶³ This study represents one piece of the uncompleted picture of what happened 'elsewhere'. It has been designed to open up a debate into the role of parliamentary enclosure in social and economic change in upland communities in northern England. As such it poses more questions than answers. Nevertheless it can be suggested that in Westmorland, allotments were sold during the enclosure process but only by a minority of smaller owners in a minority of awards. Likewise, while some allotments were bought up by large proprietors in the years after enclosure, this activity was concentrated on a few manors. Most sales of allotments appear to have been opportunistic rather than forced and did not result directly in the large-scale disappearance of small proprietors and owner occupiers or their transformation into landless wage-labourers. The status of customary tenants and the fact that they received allotments in addition to their original holdings as a result of enclosure involving almost entirely common pasture, gave them greater security and flexibility than their counterparts further south. It remains to be seen whether enclosure actually benefited them, but it seems clear that in only a limited number of cases were they severely disadvantaged by it. Parliamentary enclosure in this area was not then a tool by which larger landowners dispossessed the peasantry. The legal recognition given by enclosure commissioners to the claims of common rights advanced by even small customary tenants ensured

⁶² The size of allotment would have been determined by the extent of the original holding and by the size of the common. The examples used here, with the exception of Casterton, were townships where commons of

between 500 and 1,000 acres were enclosed so that the sizes of allotments should reflect with reasonable consistency the size of the holdings.

⁶³ Kain, *Enclosure maps*, p. 38.

that they received allotments and had their say in the process of enclosure. The impact of enclosure in other upland counties, such as Northumberland which was dominated by large estates, is likely to have been different.⁶⁴

Small proprietors were not immune to longer-term economic pressures resulting from enclosure. William Blamire described how, in neighbouring east Cumberland in the slump of the 1820s, many small proprietors who had borrowed heavily to invest in enclosure and improvement during the war years were bankrupted and forced to sell out, causing the largest shake-out in landownership in living memory.⁶⁵ The fate of these farmers, chronicled in bankruptcy sales in local newspapers, has still to find its historian.

It must also be remembered too that parliamentary enclosure was not a universal experience in Westmorland. The fact that more land there remains as common pasture today than was enclosed under parliamentary act, together with contemporary evidence in local newspapers, suggests that many communities weighed up the advantages and disadvantages of enclosure and decided against it, in many cases probably due to the cost.⁶⁶ Other changes in rural society, such as the growth of population and the decline of rural industries, affected both communities which had enclosed their commons and those which had not.⁶⁷

The impact of parliamentary enclosure on society in north-west England was viewed positively by some contemporary writers who claimed that it increased local employment in both the short and the longer term, not only directly in agriculture but also in associated activities such as carting, quarrying and lime burning.⁶⁸ This claim is supported by the compilers of the 1821 census who stated that the rise of population in the Cumberland townships of Edenhall, Isell and Great Salkeld since 1811 was due to enclosure.⁶⁹ Some modern historians have echoed this view.⁷⁰ Parliamentary enclosure may have increased flexibility in the land market by providing owner-occupiers with additional land which they could work themselves, lease or sell. Such flexibility is likely to have encouraged rather than worked against the survival of small proprietors by increasing the options available to them.

The numbers of small proprietors in Westmorland fell during the nineteenth century but neither suddenly nor drastically, and for a range of reasons. A pattern of small farms, many of them

⁶⁴ J. T. White, *The Scottish Border and Northumberland* (1973), p. 135.

⁶⁵ BPP, 1833, V, *Report of select committee on the State of Agriculture*, pp. 303–26.

⁶⁶ W. G. Hoskins and L. D. Stamp, *The common lands of England and Wales* (1963), App. A. Westmorland newspapers for the late eighteenth and early nineteenth century carry a number of notices of intent to enclose for which an act was never forthcoming.

⁶⁷ This is discussed in more detail in M. E. Shepherd, *From Hellgill to Bridge End. Aspects of economic and social change in the upper Eden Valley, 1840–1895* (2003), pp. 40–5.

⁶⁸ e.g. J. Clarke, *A survey of the lakes of Cumberland, Westmorland and Lancashire* (1787), pp. 46, 97; R. W. Dickson, *General View of the Agriculture of*

Lancashire (1811), p. 200 and J. Housman, *A descriptive tour and guide to the lakes, caves, mountains and other natural curiosities in Cumberland, Westmorland, Lancashire and a part of the West Riding of Yorkshire* (1821), p. 57. William Carus Wilson, appearing before a House of Commons Select Committee in 1844, speaking of the parishes of Kendal and Kirkby Lonsdale of which, as a landowner there, he had direct experience, saw the process of enclosure as taking the rights of cottagers into account and providing them with more work both in the short and the longer term. BPP, 1844, V, p. 130.

⁶⁹ BPP, 1851 Census of Britain, VII, pp. 370–83.

⁷⁰ J. D. Chambers, 'Enclosure and labour supply in the Industrial Revolution', *ECHR* 5 (1953), p. 323; Gritt, 'Survival' of service', p. 40.

owner-occupied, survived into the later nineteenth century.⁷¹ The spread of the railway network put farmers more closely in reach of urban markets in south Lancashire, the north-east and even London, encouraging a move from mixed farming towards a specialisation in livestock production and helping to perpetuate smaller farms.⁷² Only from the end of the nineteenth century did depression and farm amalgamation become widespread.⁷³

More work is needed on longer-term changes in landownership patterns and community structures in Cumbria following enclosure, using a wider range of sources than have been employed here. This article has taken a county-based approach to the study of the social impacts of parliamentary enclosure, one which has a long pedigree though much less so in the north of England than the south.⁷⁴ For further study a closer focus is suggested. A good deal of research has been undertaken on Cumbrian rural society in the seventeenth and early eighteenth centuries⁷⁵ and some on the later nineteenth century.⁷⁶ There has, however, been remarkably little work on the intervening period during which, arguably, socio-economic changes were greatest, including parliamentary enclosure, the impact of the Napoleonic Wars and their aftermath, population growth and the industrialisation of west and south Cumbria. One way forward would be more detailed research into economic and social change at a community level integrating a much wider range of sources than has been attempted here. Such an approach, it is hoped, would shed more light on some of the spatial and chronological complexities of the impacts of parliamentary enclosure which have been outlined here.

⁷¹ In 1873 the proportion of small proprietors in Westmorland was still 47 per cent in the Returns of Owners of Land, a much higher figure than England as a whole: Shepherd, *Hellgill to Bridge End*, p. 119.

⁷² A burst of enclosure in the area between Orton and Kirkby Stephen in the 1850s is likely to have been undertaken with an eye to the opening of the South Durham and Lancashire Union Railway; Shepherd, *From Hellgill to Bridge End*, pp. 199–203.

⁷³ *Ibid.*, p. 119.

⁷⁴ For studies of parliamentary enclosure at this scale in northern England, apart from the work already cited, see J.E. Crowther, 'Parliamentary enclosure in eastern Yorkshire, 1725–1860' (unpublished PhD thesis, University of Hull, 1983); R.I. Hodgshon, 'The progress of enclosure in County Durham, 1550–1870', in H.S.A. Fox, and

R.A. Butlin (eds), *Change in the countryside. Essays on rural England, 1500–1900* (1979), pp. 83–102, W.S. Rodgers, 'The distribution of parliamentary enclosure in the West Riding of Yorkshire, 1729–1850' (unpublished M. Comm. thesis, University of Leeds, 1952).

⁷⁵ e.g. G.P. Jones, 'The decline of the yeomanry in the Lake Counties', *CW*² 62 (1962), pp. 198–223; J.D. Marshall, 'Agrarian wealth and social structure in pre-industrial Cumbria', *EcHR* 33 (1980), pp. 503–21; J.K. Walton, 'The strange decline of the Lakeland yeoman: some thoughts on sources, methods and definitions', *CW*² 86 (1986), pp. 221–33. A.J.L. Winchester, 'Wordsworth's "Pure Commonwealth"? Yeoman dynasties in the English Lake District, c.1450–1750', *Armitt Library J.* 1 (1998), pp. 86–113.

⁷⁶ Shepherd, *From Hellgill to Bridge End*.