

ART. XIII.—*The enclosure of Aspatria.* By GORDON G. ELLIOTT, M.A.

Read at Kendal, April 21st, 1960.

IN 1576 the township of Aspatria as described by Homberstone¹ was a typical Cumbrian open field area with its unenclosed fields, meadows and common covering the major part of the village land. By 1959 Aspatria was a thriving industrial and market town surrounded on all sides by a chequer-board pattern of fields. One of the most important agents in transforming this landscape has been enclosures and, because the relevant documents are preserved, it is possible to describe in detail the processes which have brought about these important changes.

In 1576 the township of Aspatria lay within the manor of Aspatria which stretched from the coast at Allonby to the foothills of the Lake District. In this area the coal measures sloped gently from east to west and were overlain by thick masses of glacial clay. The manorial boundaries in the north and south followed the lines of small rivers flowing in broad shallow depressions which, before drainage, formed excellent natural barriers and, with the sea in the west and mountains in the east, cut off this area from the surrounding districts. Most of the land, being on a slope, was reasonably well drained and around Aspatria itself the soil lightened in patches to form workable sands and loams.

On these lighter soils lay the township's arable land. The meadows lay partly in the valley of the Ellen and partly on the wetter clays, while the higher areas were left as common grazing. There were 32 tenants at will² renting land from the Earl of Northumberland, the lord of the manor, besides a number of cottagers who occupied

¹ P.R.O., Exch. K.R. vol. 37, pp. 11-15

² There is no mention in the survey op. cit. of freehold tenants.

smallholdings on the edge of the waste. The land of each tenant was divided between the infield, the outfield, and the closes which lay adjacent to the farmsteads. Most of the farmers lived in the village which was strung out along the highway from Maryport to Carlisle. There was a church, and at this date the vicar was as much a farmer as a preacher.

Holdings of the tenants at will varied in size from 2 to 38 acres³ and there is no evidence at this date to suggest that any of their number had gained sufficient capital or land to distinguish him from his neighbours. They were all farming on a small scale and what Fox said in 1895 of the Cumbrian "statesmen" could be applied to these men.⁴ The infield land lay nearest the village and in this the tenants had both arable and meadow ground.

If a strict proportionate division of this land had ever existed it had disappeared by 1576 as a result of subdivision among heirs and land purchase.⁵ Although the survey does not say that this land was unenclosed, the fact that only one holding is specifically referred to as a "close" rather than "a parcel" suggests that here one would find the open field "riggs" or "dales" which were so common in Cumberland at that date.⁶ The proportion of arable to meadow indicates that this was the chief

³ These measurements are presumably in customary acres which in Cumberland were 3X a statute acre.

⁴ In his account, Fox said "many of the small farmers follow no particular course and although perhaps, in some cases, the farming is rather rough compared to the southern counties, sufficient stock is generally kept and the standard of fertility is fairly maintained." W. Fox, Royal Commission on Agriculture: Cumberland, 15.

⁵ There is a suggestion in some 16th-century surveys that the land had been divided in strict proportion. For instance, at Fingland on the Solway Firth 8 tenants at will each had 21 acres of infield and 10 acres of outfield. In Beaumont 12 tenants each had 23 acres of arable land and 2 of pasture. Land Revenue Miscell. Books vol. 212, p. 57 *et seq.* (1589). This may have been the relic, before distortion by sale and exchange, of the original division of the land among communal sharers in a plough team. This division was by the bovaté which varied in area in Cumberland from one township to another and between one type of tenure and another. The demesne bovaté at Penrith in 1307 was 6 acres, the socage bovaté was 6 acres and the bondage 10 acres. M. W. Moore, *Land of the Scottish Kings in England*. At Alston the bovaté measured 12 acres, at Langwathby 7 acres, and at Scotby 9 acres.

⁶ For a fuller account of the open fields in Cumberland, see C. & W. Arch.

crop producing land in the township and if the system of cultivation resembled the Scottish "infield" practices, all the land would be permanently cultivated, receiving annual manuring with animal manure.⁷

Oats would be the chief grain crop and probably a few peas and beans were sown, both to provide a food, to counteract sourness due to excessive manuring, and to fix nitrogen in the soil. Taking the yield to be 20 bushels per acre⁸ this land would produce 3,200 bushels of oats per year, and a valuable hay crop, which would help to keep the cattle alive in the winter when they were not on the common waste. The outfield covered 80 acres, and was cultivated on a primitive type of long ley farming. It was split up into quarters, sometimes known as rivings, and the plough was taken round each in turn. During the period of cultivation which lasted four years the stock were turned on to the stubble after harvest and manured the land for the following year's crop. Temporary fences were erected around the riggs to keep the stock from trespassing, and herders were employed to control them.⁹

The yields from this land would be lower than those from the infield, especially at the end of a period of cultivation by which time the inherent fertility of the soil had been consumed. This land (yielding about 15 bushels of oats per acre) would contribute about 1,200 bushels of oats per year. By 1576 the outfield grazing had been stinted and each tenant had a number of beast gates roughly proportionate to his arable holding.¹⁰ On the edge of the open fields a number of tenants had built cottages for which they paid a nominal rent and scraped a living by pasturing a few stock on the common moor.

⁷ General View of the Agriculture in the County of Perth. J. Robertson 22-23.

⁸ In 1801 the yield was 24 bushels per acre, 1801 Crop Returns, P.R.O., Home Office.

⁹ In 1517 John Ireby, the vicar, had retained a close throughout the grazing season and incurred a fine of 6s. 8d. Court Roll, Aspatria.

¹⁰ Two tenants had no land in either the infield or the outfield, but had grazing rights there.

Some of these cottages had been built by the tenants at will, who let them to cottagers.¹¹ Others were built by the cottagers themselves.¹²

There is no record of any changes in this township during the 17th century, but in 1731 the vicar's land is described in the Glebe terrier as "A rood which lyes in the common field. There is to the vicar about 4 acres of plowing ground in the East Outfield and as much in the West Outfield (except when the Hall Banks is plowed and then he has scarce one acre four years)."¹³ When interpreted in the light of Homberstone's Survey this statement reveals that the Outfield has been subdivided into two parts which are organised quite separately. Two distinct interpretations can be put on this evidence.

The tenants' holdings are divided between the two outfields and it is probable that some rationalisation of the holdings had accompanied the division. A common complaint relating to open field land was that the holdings were too fragmented and widely scattered, that entrance ways and boundaries took up too much land and that individual riggs were too small to be economically cultivated. Instances have been found in Cumberland where either individual tenants or the whole community tried to remedy this while still retaining their land unenclosed,¹⁴ and it is possible that during the 17th century the Aspatria tenants reallocated their land, combining a number of scattered riggs to give two or three consolidated blocks.

¹¹ A typical example was Richard Clark who "holdeth 2 houses set on the Lords Wast and an Impr(ovement) adjoin(ing) con(taining) one ac(re) and red(eems) — 6d." P.R.O., Exch. K.R. vol. 37, p. 14.

¹² "Jo. Dobbie holdeth a little cottage and red(eems) per annum — 1d." *op. cit.*, p. 14. There were 66 improvements in the manor and of these 55 had cottages attached.

¹³ *Miscellany Accounts of the Diocese of Carlisle* by W. Nicolson (ed. R. Ferguson) 116.

¹⁴ In 1640 the tenants of Brigham re-allocated their land "for the better lying it together — they cast it into three fields (viz.) the Eastfields, the Craggs and Wood. Now before they cast lotts it was not known where any of them should fall or in what field." (Brigham Paine, Jackson Library, Tullie House, Carlisle.) In his *History of Arlecdon and Frizington*, E. H. Sugden, 8, said that there was "A field of about 97 acres called Higs Leys, near Arlecdon Church, is chiefly arable, and was anciently held in 156 shares or dales — by purchase since, from time to time, or by inheritance the whole has centred in two owners."

That could be why the vicar had no land in Hall Banks. The land he formerly held there had been transferred to form part of his holding in another area of the Outfield. As the terrier notes, this had its drawbacks under the long ley system of farming and during the four years which Hall Banks was under the plough he had a very small area of crops. Alternatively one can suggest that no reallocation or consolidation occurred when the Outfield was divided. That is why the vicar is left with "scarce one acre" in the Hall Banks which was a great disadvantage to him. If a proper reallocation of holdings had occurred he would have ensured a steady supply of grain by getting equal shares in each unit.

Later evidence seems to favour the second suggestion, for in 1743 the tenants of Aspatria petitioned the lord of the manor to enclose their common fields.¹⁵ Evidence from other areas suggests that where land has been re-allocated prior to enclosure it was enclosed privately without recourse to a public agreement or an Act of Parliament.¹⁶ The petition was granted but it was not until 1758 that the East End Outfields were enclosed, the West End Outfields being enclosed in 1759.¹⁷ The necessity for enclosure of open fields is obvious if one considers their drawbacks, and from the early 16th century pamphleteers had been advocating it as a means to better farming. But it was not until the 18th century that the influence of these reformers began to be felt in Cumberland. Its arrival was delayed by the constant Border warfare, the county's remoteness from the centre of new ideas¹⁸ and the con-

¹⁵ At this date the Duke of Somerset was lord of the manor, and he granted the petition. See appendix.

¹⁶ In both Arlecdon and Brigham the land eventually was enclosed by private agreement. Indeed in the "paines" relating to the redistribution of land at Brigham there is a statement, "those that take up an Acre of land or more shall abate a grass of there stint for every acre," which indicates that enclosure of open field land was permitted.

¹⁷ Both these documents are in a safe in the Vicarage, Aspatria.

¹⁸ Most of these, e.g. the use of turnips and sown grasses came from the Continent. Consequently it was the "Continental Angle" of South-Eastern England which was most stimulated by new ideas. These were gradually spread north and westwards by "improving" landlords, e.g. Graham, Curwen, Howard, Muncaster.

servative nature of the farmers. But in defence of the Cumbrian farmer it must be remembered that the infield/outfield form of open field cultivation had a pastoral bias which was more suited to the climate and terrain of Cumberland than intensive arable farming and it was in stock that the farmer's wealth was measured. Thus in seeking causes for the enclosure of the open fields in this area one must look for a change in the balance between the importance of stock and crops, the cultivation of the latter being more successful in enclosed fields than in unenclosed riggs where the rotation was fixed by custom. No doubt one of the factors which contributed towards this swing in Cumberland was an increase in the population. It is evidenced in the increasing piecemeal reclamation of the waste from the end of the 15th century and was doubtless helped by the decline of Border feuding after 1707. There was consequently a greater demand for food grains and as the county never had been self sufficient in oats or barley,¹⁹ it became essential that a more flexible form of farming, with a greater arable bias, should be introduced. This was not possible until the land was enclosed.

Although the full impact of these changes were not felt until the end of the 18th century there is evidence of them as early as 1749 in the form of an increased demand for land. In that year the agent for the Duke of Somerset's

¹⁹ In the 16th century this was partly due to the garrisoning of the Marches with troops who required feeding. B. Pearce, "Elizabethan Food Policy and the Armed Forces," *English Historical Review* xii 46, states "There is some evidence that the Privy Council's special concern to revive tillage on the Northern Marches was partly due to the fact that the turning of much land in those regions from tillage to pasture reduced both the number of homesteads and the amount of victuals (other than meat) available on the spot for the billeting and feeding of the Border garrisons." In the last quarter of the 16th century "divers justices and gentlemen" petitioned Lord Scrope, "declaring the scarcity and necessity of corne." Acts of the Privy Council n.s. x 181, and *ibid.* 203 "one thousand quarters of barley, oates and beanes for the sustentacion of her majesties subjects in Cumberland and Westmorland" were sent from each of the counties of Somerset and Dorset. In searching Cumberland for victuals to feed the Border garrison, Robert Dunne reported in 1550 that "I could find no store but malt the third part whereof is oats — mingled with a grain called bigg, like barley, which is not meet to be brewed." State Papers Domestic, (Addenda 1547-1565) 378.

Cumberland estates issued a statement enumerating the number of tenants who wanted admittances in comparison to the number who had wanted them in 1723. It shows that over the whole estate there were 1,155 tenants in 1723 and 1,565 in 1749. In Allerdale alone the increase was 36. This no doubt had repercussions on the rents and in an attempt to meet the increase, tenants wanted to improve their farming. At the same time the value of the grazing rights in the open fields began to decline. In the 1740's a cattle plague swept through southern England, destroying large numbers and Cumberland farmers who had missed the worst of the plague sold so many cattle during the resulting price boom that Lord Muncaster could not let his pastures for grazing.²⁰ With the decline in numbers, many stint rights would fall through, the value of the open fields as suppliers of winter grazing would decrease and there would be a greater emphasis on arable farming (within the limits imposed by terrain and climate) than formerly.

The two enclosure awards are interesting in that they not only show when but also how the enclosure was carried through. In allocating the land the surveyors adopted a principle which tried to equate land area to land quality. They distinguished three types of land in the East End Outfield — cornland, sandland and grassland, and made a grassland share equal to three-quarters of a cornland share. Thus if a tenant had 4 acres of cornland and 8 acres of grassland he was allocated 10 shares.

The West End Outfield was divided on a similar prin-

²⁰ J. Bell, *The Cattle Plague in Westmorland and Cumberland, 1745 to 1754* 6, related how the plague (probably a form of distemper) swept through the country and besides causing the stoppage of cattle fairs, eventually resulted in a change from pastoral to arable farming in some areas. Lord Muncaster's agent recorded on the 2 May 1750 that "this County has hitherto escaped the distemper amongst cattle and we have lately had several drovers from the South who have bought a great many and thereby raised the price of cattle in the County." In 1751 the "Distemper (is) still raging around Lancaster." By 1764 the number of cattle had decreased and he "could not get cattle stocked in the park as they are now selling at so very high a price that the country is very thinly stocked." MSS. letters to Lord Muncaster from his Estate Agent, Estate Office, Muncaster Castle.

ciple. Apart from John Allonby and R. Davidson, the 25 tenants in each field had the position of their enclosed land allocated by lot. In order to ensure that no one received a large composite block of land the award stipulated that if a share was greater than "a quarter of a cornland share" then it must lie in more than one place in the East End Outfield. In the West End Outfield any man who was allocated first rate land in one part had to accept third rate land in another. The net result was that until recent times the enclosed estates of the tenants were in the form of widely dispersed closes, and although some advantages accrued from having land in closes the total benefits were not as great as they would have been if the sole aim of the enclosure commissioners had been to create a consolidated farm.²¹

In 1825 the common wastes of Aspatria were enclosed.²² They covered 4,300 acres and were shared by all the townships in the manor of Aspatria. The lateness of this enclosure cannot be attributed to the poor quality of the waste for Housman described it as of "improveable quality"²³ and the cause must be attributed largely to the complicated nature of the grazing rights which had to be unravelled before an Award could be drawn up. 9 townships shared the waste and this type of waste was known as a "shire moor"²⁴ to distinguish it from a "township moor." The complexity of grazing rights can be attributed to the fact that these "shire moors" as grazing units pre-date the Anglian/Norse invasions and were

²¹ Consolidated farms were gradually achieved after enclosure by private exchange and purchase.

²² The enclosure Award for Aspatria is enrolled in the County Records Office, The Courts, Carlisle, no. 106.

²³ J. Housman's notes on agriculture appear in W. Hutchinson, *The History of the County of Cumberland* ii 287. He remarked here on the few cattle in the township, which was probably the result of increased sales in the 1750's.

²⁴ J. E. M. Jolliffe, "Northumbrian Institutions," *English Historical Review* (1926) 12, called attention to the possible antiquity of the "shire moor" and suggested that they had their origin in the Dark Ages. Most other townships in Cumberland owned their own waste — two exceptions being in Inglewood Forest, where 13 townships shared the common grazing, and Westward where 18 townships had grazing rights. See Enclosure Awards Inglewood Forest 135, Westward 107, the Courts Carlisle, and N. & B.

probably British clan or tribal areas over which members of the tribe shared common grazing rights. On the imposition of feudal rule these units were retained and farmed out to individual lords who created them into manorial estates. They were colonised by sedentary agriculturalists who settled in villages and carved up the estates into townships using part for cultivation and leaving the rest as waste. In the case of Aspatria it has already been pointed out that the manor is a well defined physical unit and its boundaries probably pre-date the township boundaries by several hundred years. The area retained its ancient unity by being under the jurisdiction of one manorial court which, in the 1820's, would have to settle some of the problems in relation to the enclosure of the "shire moor."

In the Award 105 tenants were granted shares in the common, the Lawsons purchased a large part in the east to extend the Brayton Hall estate northwards to the railway, and the vicar received 1/13 in lieu of tithes. The tenants received large consolidated units which were carved up into distinctive rectangular fields forming a valuable addition to their estates.²⁵

The enclosure of the common waste in 1825 completed the changes which had begun as early as the 16th century. One of the noteworthy features of these changes was that they came from within the township and, unlike so many enclosures in Midland England, were not the enforcement of the will of the lord of the manor or a few wealthy tenants in the village. Consequently, although the social structure of Aspatria has changed a great deal during the transition from rural village in the 16th century to a mining town in the 20th century, it has retained as its basis the group of tenant farmers who persist among the

²⁵ The waste was 4,300 acres in area. It was shared by 105 tenants, and after allowing 1/16 for the lord of the manor, 1/13 for the vicar in lieu of tithes and the sale of 500 acres to defray expenses, the average sized portion would be approximately 35 acres. The actual size varied with the rights the tenant had on the common, and consequently some of the cottagers whose grazing rights were not recognised as being legal were dispossessed of a livelihood. The majority of these became miners and factory workers on the West Coast Industrial belt.

urban society to the present day and whose heritage goes back to the colonisation of the land in the Dark Ages. These changes were neither accompanied by any great social disturbances nor by the creation of a mass of landless labourers, and as such seem to differ greatly from those portrayed in the gloomy picture painted by the Hammonds.²⁶

ASPATRIA.

LAND OF THE TENANTS AT WILL IN 1576.

INFIELD		OUTFIELD		CLOSES
arable	meadow area	beast gates	area	
$\frac{1}{2}$	6	2	7	$2\frac{1}{2}$
6	$1\frac{1}{2}$	2	7	$2\frac{1}{2}$
8	$2\frac{1}{2}$	4	10	$5\frac{1}{2}$
2	3	1	5	$\frac{1}{2}$
7	3	4	10	$8\frac{1}{2}$
11	11	—	$2\frac{1}{2}$	2
2	$\frac{1}{2}$	—	$2\frac{1}{2}$	2
9	4	4	10	3
3	11	2	5	—
1	4	4	10	2
4	2	2	5	1
10	4	4	10	2
6	32	2	5	—
4	$1\frac{1}{2}$	2	5	2
3	3	3	7	—
7	4	4	10	$3\frac{1}{2}$
—	—	—	$2\frac{1}{2}$	3
8	4	4	10	4
—	—	—	—	$\frac{1}{2}$
8	3	4	10	$4\frac{1}{2}$
—	—	—	$4\frac{1}{2}$	9
2	3	1	2	2
4	2	2	5	2
6	4	4	10	5
6	4	4	10	7
—	$\frac{1}{2}$	—	$2\frac{1}{2}$	$3\frac{1}{2}$
8	4	4	10	2
9	4	4	10	1
8	4	4	10	$3\frac{1}{2}$
$\frac{1}{2}$	1	—	—	—
3	1	1	$2\frac{1}{2}$	—
16	14	8	22	—

²⁶ J. and B. Hammond, *The Village Labourer 1760-1832*.

THE MAIN POINTS IN THE ASPATRIA ENCLOSURE
AWARDS OF 1758 AND 1759.

“— owners of certain common or open fields or Rivings known by the name of Highmoor, Whinbarrow, Tofts, and Sandwath where the proportion or quantum of each persons respective estate therein is commonly distinguished by the name of a corn lands share or a half or a quarter a corn lands share, a grass lands share, and a sandlands share — in the division a grass lands share is equal to a $\frac{3}{4}$ of a quarter a corn lands share — a sandland share is less — John Allonby shall have a moiety or one half of his share in the said fields or Rivings laid or set off at the east side of the fields or Rivings called Tofts and to extend to the north end thereof and shall have the other moiety or half of his share laid or set off at the East side of the field or Riving called Highmoor adjoining the King's Highway and to extend into the field or Riving called Sandwath unto the said Highway — R. Davidson shall have $\frac{1}{4}$ of a corn lands share adjoining to Hinerigg at the north end and so to the west as to make up the quantity — within Lockholes is a piece of freehold land which is a freestone quarry — the rest of the tenants shall receive their land by lot — two people may join together so long as their land does not exceed two corn lands shares and a half — such joint holdings can then be subdivided — if the shares were a $\frac{1}{4}$ of a corn lands share or less then the lands can lie in one place but if they are greater than they must be in more than one. Signed

JOHN BROUGHAM
WM. TROHEARE
JOHN ALLONBY
JOSEPH CHAMBERS
JOHN YOUNGHUSBAND
JOSEPH COULTHARD
JOHN FEASTON
EDWARD KIRKHAUGH
JOSEPH THWAITE
THOMAS BROWN
HENRY ALLISON
THOMAS KENNETY

JOSEPH STANIPOR
HENRY BLAKE
ROBERT DAVIESON
WILLIAM RICHMOND
JOSEPH WILKINSON
GEORGE PEARSON
GEORGE TYNDALE
JOHN ROBINSON
JACOB ATKINSON
JOHN PATTINSON
JOSEPH ALLERSON
THOS. TROHEARE 1758

“— four fields or Rivings known by the names of Hallbanks, Whiteleas, Langdales and Langlands otherwise Aspatria West End Outfields — the division will be without regard to the inequalities which have happened by overploughing or otherwise — the fields are to be set out in four lengths of

closes — Hall banks and all south of the King's Highway to be one length, between the King's Highway and Hayton Church way to be one length, and there to be two lengths north of Hayton Church way — the land is to be rated as follows, 1st rate, Hallbanks, one lett in Swarthrigg, Longlands to the south of the church way, 1 lett of Whiteleas — 2nd rate — the land from Swarthrigg north to Broomrigg East Dale and west to Grasslands — 3rd rate — Birker and the northwest length — those with grassland shares have no right in Hallbanks and are given land North of church way in 2nd rate land — all the corn lands shares are to have to have two letts, one in 1st rate land and one in 3rd rate land. Those having cornlands and grasslands can have their grasslands with the cornlands in 3rd rate land. Signed

THOS. TROHEARE
 THOS. DONALD
 JOSEPH RAYPOR
 ROBERT DAVEISON
 THOMAS WILKINSON
 JOHN WILSON
 JOSEPH DOBINSON
 WM. TROHEARE
 JOHN SIM
 JOHN WILKINSON
 HENRY ALLISON
 MARY DOWSON

ISAAC DOBINSON
 WILLIAM BEEBY
 JOHN PATTINSON
 THOS. BROUGH
 THOS. SIBSON
 JOHN ACHEY
 JOHN WILKINSON
 EDWARD KIRKHAIGH
 DAVID CHARNTHTWAITE
 STEVEN COTTON
 1759