

SEVENTEENTH CENTURY ENCLOSURES OF THE COMMONS AND WASTES OF BOWDEN MIDDLECALE IN THE ROYAL FOREST OF PEAK

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SUMMARY

Under the Stuarts, improvement of the commons and wastes for profit became a major attempt to solve the crown's financial problems. Between 1632 and 1640, Charles I took the policy further, holding forest courts, restoring ancient laws and exacting huge fines. In the forest of Peak, which was in the possession of the duchy of Lancaster, the demand arose for disafforestation, which involved the freeing of the land from forest law, the removal of the deer, the division of the commons and wastes between crown and tenants, and the enclosure and improvement of the land. After interruption due to the civil war, this led ultimately to a radical reorganisation in land ownership, with the king's parts of the commons and wastes eventually being sold to a private individual for improvement while the tenants' parts remained mostly unenclosed until well into the nineteenth century. This article focusses on Bowden Middlecale, an ancient administrative division of ten 'dark peak' hamlets within the royal forest (Fig. 1).¹ It will be shown, that despite the passage of time, there is a very close coincidence between the seventeenth century apportionments of the commons and wastes and the later enclosures of tenants' parts both regarding boundaries and acreage. Fieldwork has confirmed that a surprising amount of evidence of the divisions and enclosures is still to be found in today's landscape, which can also be related to the physical nature of the ground and its geological structure. In addition, the boundaries with the ancient farmlands, cut out of the forest in medieval times, and freehold properties which occupied choice sites within or on the edge of the commons, can also be identified. In the course of their fieldwork, the authors came to appreciate the degree of accuracy of the seventeenth century maps, and the competence of the surveyors.

INTRODUCTION

With its gritstone hills and westward-flowing rivers, the pronounced north-west extension of Derbyshire (the 'dark peak') has physically more affinity with the western Pennine fringe of Lancashire and Cheshire than the rest of the county. Yet, the medieval and early-modern rural economy was moulded by it being part of the royal forest of Peak which extended eastwards into the limestone 'white peak' (Fig. 2). The region originally formed part of an inheritance dating back to William 11.² In 1372, by an exchange of lands with Richard II, except for the manor of Glossop which had been granted away, it

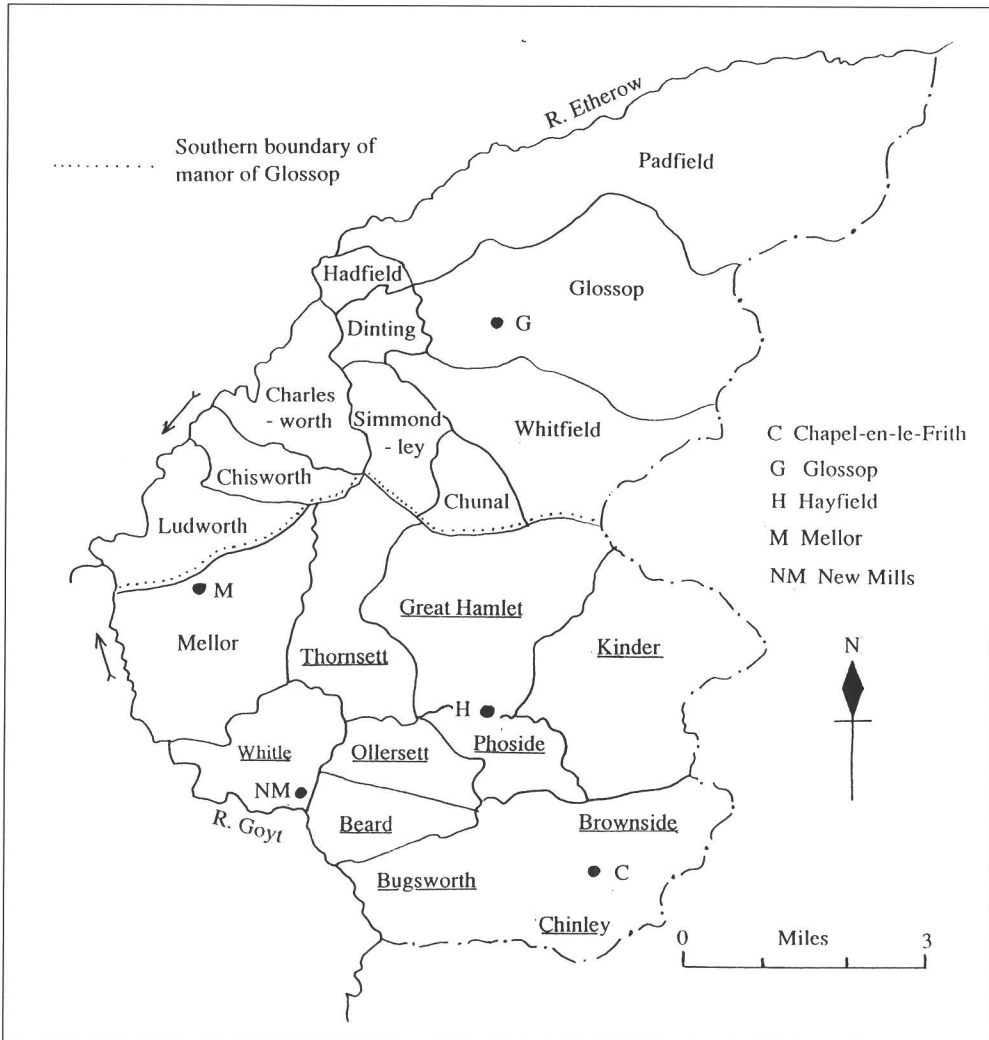


Fig. 1: Hamlets of the ancient parish of Glossop. Bowden Middlecale hamlets are underlined.

came into the possession of John of Gaunt. When his son was crowned Henry IV in 1399 it became part of the huge crown estate known as the duchy of Lancaster.³

The reservation of extensive tracts of countryside for hunting and the conservation of game was one of the more important effects of the Norman conquest in 1066. It has been estimated that in the thirteenth century royal forests took up one quarter of the land of England.⁴ A survey in the seventeenth century showed that there were nearly seventy.⁵ The introduction from the continent of the Carolingian concept of the royal forest with its restrictive laws profoundly affected the status of such selected areas in England and, particularly, the lives of the inhabitants for over 600 years.⁶ Since they were preserves for hunting, royal forests naturally coincided with the more heavily wooded areas of the country, but they were to some extent artificial in that they included not only lands

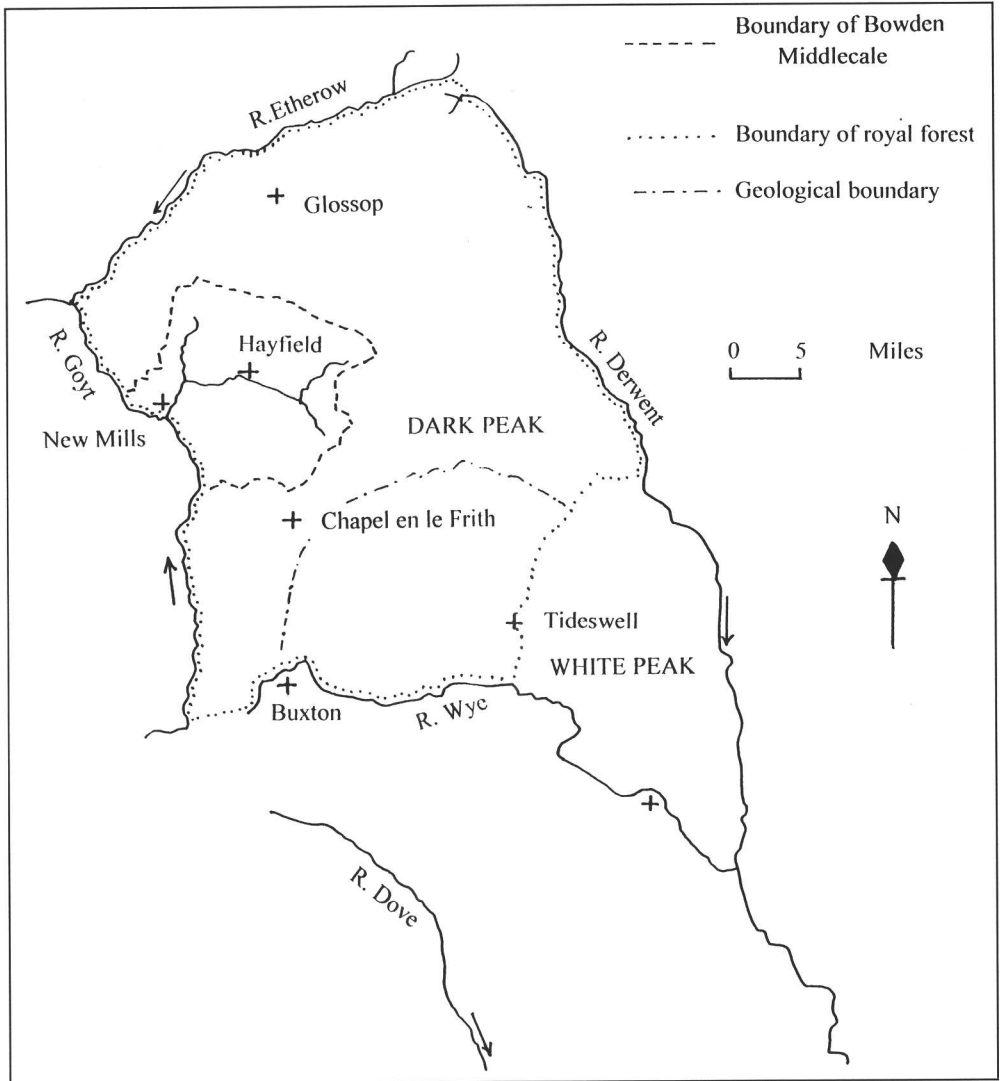


Fig. 2: Boundaries of the royal forest of Peak.

without woods but lands with villages, farms and even towns.⁷ The king owned the deer but not necessarily the land within a royal forest. Other persons might possess lands within its bounds, but by forest law they were not supposed to hunt, cut trees, open up new land for farming, or build houses. In fact, of course, this is what did happen and the forests were further compromised because ancient arable could normally be used for that purpose, and there were rights of turbary and of pasture for grazing.⁸

As population grew in the Middle Ages there was increasing competition for the resources of the royal forest. The forest laws suffered a slow decline, despite periodic attempts to regularise transgressions. Surviving documents from the early thirteenth century for the Peak, such as the accounts of the eyre courts and court rolls, give details

of illegal transgressions of the forest laws — assarts (land taken in for farming), houses built, and the destruction of trees for building and fuel, piecemeal forms of deforestation.⁹

The wood of Beard has been reduced in value 10s by the villagers of Bougesworth and Berd. They must answer for forty oaks.¹⁰

Such documents also show that the early thirteenth century was a formative period in the history of the area — the first recorded period of arable farming, when land was cut out of the medieval forest. One of the largest assarts in Bowden Middlecale took place at Beard where William le Ragged assarted 58 acres between 1228 and 1234.

William le Raggede senior who is dead occupied at Berde 58 acres of land by livery of Robert de Lex' who received 116s for which etc. And Richard his son now holds it.¹¹

The fines and rents provided the crown with a useful income, while the squatters saw their holdings confirmed and rents established. Thus, a situation was legitimised which was to the benefit of both parties, although as far as the crown was concerned it compromised the discipline of the forest laws.¹² It is noticeable from the court rolls that several of the principal assarters were themselves foresters-of-fee, the king's officials appointed to enforce the forest law. By the sixteenth century descendants of these medieval assarters had become respectable gentry and yeomen. Some had acquired coats-of-arms and pedigrees — Berd (or Bird) of Beard, Bradbury of Ollersett, and Needham of Thornsett were among those attending the herald's court on the occasion of St. George's visitation in 1611.¹³

Since the legal boundaries of a forest might extend into farmland, the roaming deer were a constant menace to farmers, eating and trampling the grass and crops. Conflict between king and the farmers and landowners and the detestation of the crown monopoly brought about a more lenient application of the laws. From the early fourteenth century the execution of the forest law eased off and the eyre courts ceased meeting well before then. In addition, the forests had become less important economically and other natural resources in the country were beginning to be exploited.¹⁴ The consequence of the failure to enforce the forest law was an increase in the scope for common rights and encroachments.¹⁵ With the forest courts and fines in abeyance, the only benefit to the crown was the provision of pasture for the deer although monarchs rarely hunted in remote forests. Forests were dead space as far as revenue was concerned but administrative costs and payment of the many forest officials continued.¹⁶

The eventual breakdown of the forests came not as a result of encroachment by numerous individuals but of intervention from outside. The process started in Rossendale where, as in the Peak, the land had come into the ownership of the duchy in 1399. The Tudor policy of regarding the forest lands as a source of income rather than for the chase paved the way for the removal of the forest laws in Rossendale under Henry VII in 1507.¹⁷ The empty lands on the wastes and commons were newly settled and, following commissions of enquiry issued by the duchy court, encroachments were legalised. The crown in these circumstances was acting as a manorial lord seeking to redress the loss of income.¹⁸ In the royal forest of Peak, the crown also turned to disafforestation as a means of obtaining revenue when, under Elizabeth I, the earl of Shrewsbury purchased an extensive part of Longdendale, which was formally disafforested for the purchase.¹⁹ However, there came a final attempt under Elizabeth to preserve part of the royal forest

as a deer park in 1579 when a fence was built to enclose the area which now constitutes the parish of Peak Forest.²⁰ On later maps, such as Saxton's of 1610, this is shown as 'the chamber in the peak'. There is still a Chamber Farm (SK 109794). The active management of the deer in this restricted area continued until the statutory disafforestation of the whole royal forest in 1640.

The value of the forests to the crown varied considerably. Some had scarcely any trees growing on them or had marginal soils or were remote moorland, and the forest of the Peak with over 30,000 statute acres of commons and wastes could be said to fall into this category. In an estimate made of the value of trees in various counties in 1608, Derbyshire, within which was the forest of Peak, did not appear in the list.²¹

Raising revenue was a perennial problem for the Stuarts and although potential for the improvement of forests was great, James I was opposed to it not only because of his interest in sport but because forests were part of the king's inheritance; this special status also made any local initiative impossible.²² In 1604, James specifically opposed the sale or disafforestation of any forest, chase or park.²³ In the Peak, even the sheep were driven out to preserve the game and allow the deer to multiply.²⁴

Despite James' opposition, from about 1615 disafforestation of the royal forests and the improvement of wastes for profit became a major attempt to solve the crown's financial problems. The process involved the freeing of the land from forest law, the removal of the deer, the division of the commons and wastes amongst those who held rights of common pasture in the forest, and ultimately the enclosure and improvement of the land to the general benefit of all.²⁵ Commissions were set up to disafforest several forests. Thus, it was inevitable that the possibility of raising revenue through the improvement of forests, parks and chases would be examined when the Caroline government was forced to look to its own resources after the failure of the 1626 Parliament. Charles I found that his appetite for money however was not sufficiently satisfied by compounding for copyhold estates, selling fee-farms, seeking out concealments and exploiting minerals.²⁶ Some forests like Pendle, Trawden, Rossendale and Accrington had been disafforested long before.²⁷ More commissions were issued in 1626 from both the duchy and exchequer for the survey and disafforestation of royal forests. Leicester was disafforested in 1628 and Duffield was also dealt with about this time, one third going to the king and two thirds going to the commoners. However, disafforestation may have begun as a means of improving revenue in the long term (for instance by saving on administration costs) but on its own it was not an adequate way of raising money quickly unless the process was 'privatised' through the sale of the crown's interest to private entrepreneurs. One might see 1627 as the year in which improvement became a means of raising capital by making unsaleable assets saleable through abolishing the forest law, clearing away the deer and compensating common rights with the creation of allotments in severalty.²⁸

THE DISAFFORESTATION OF THE ROYAL FOREST OF PEAK AND THE DIVISION OF THE COMMONS AND WASTES, 1640–1711.

Between 1632 and 1640, Charles I, in a further fiscal expedient to raise money without recourse to Parliament, turned his attention again to the royal forests, restoring the laws which had more or less been in abeyance for 300 years.²⁹ Forest courts were held,

applying the laws and exacting huge fines from influential nobility and gentry. In addition, forest boundaries were extended to their medieval limits.³⁰ It was no wonder therefore that these assaults on the forest landowners led to the grievances in the Grand Remonstrance in 1641, 'The enlargement of forests contrary to *Carta de Foresta*, and the composition thereupon.'³¹

This unpopular development encouraged demands for further disafforestation and in the forest of Peak it started a process which led to a radical reorganisation in land ownership of the commons and wastes. Although they had been nibbled away for centuries by encroachments, they remained largely untenanted.³² With the agitation for the removal of the forest laws, attention once more turned to them, the crown seeing them primarily as a source of revenue and the commoners, that is the freeholders and tenants, seeing them as potential new land for enclosure and improvement.

The process began in 1634 with a petition of the freeholders and tenants in the Peak for dividing and allotting in equal parts between the duchy of Lancaster and commoners all the commons and wastes, amounting to over 14,664 Cheshire or forest acres (c. 31,234 statute acres).

. . . that the freeholders and tenants within the said towns, being desirous to be freed from the severity, trouble and rigor of the forest laws and customs, and from the incommodiousness of the deer lying and feeding in their corn and grass, to the great prejudice of all the said freeholders and tenants; and also to be freed from the inconveniences of hunting and riding over their corn and grass, and pulling down their fences, and other prejudices which might and did happen, unanimously did petition his said late majesty to improve his said wastes within the said forest and manor; for which they were desirous to compound with his said majesty for improving and inclosing the same. And that his said majesty was pleased to consent thereunto, and commissions were issued out of this court, with power to swear juries and surveyors, to consider as well of the Kings right of forest and soil, as the tenants claims, and to set out what part the King might reasonably have and improve, and what part the tenants should have . . .

It probably was not a spontaneous application and it suited the authorities.³³ The duchy appointed commissions to negotiate division, make surveys, impanel juries, and agree generally with the commoners for disafforestation.³⁴ The commissioners were

to enquire what quantity or proportion of the said Commons or Waste grounds his said Majesty might reasonably improve and have and what parts the tenants should have . . . one of which Juries was to view all the Commons and Waste grounds within the said Forest and the other to view all within the purlieu thereof. . . and the Jury for and within the said Forest did present and say that the said King might have and Improve one moiety of the said Waste ground within the said Forests for his Right of Forest and soyle thereof, and the Tenants the other Moiety for and in lieu of their right of Common and the other Jury did present and say that the King might have and Improve one third part of the said waste grounds within the said Purlieu . . . for his right of soil there And the tenants the other two third parts for and in lieu of their right of Common.³⁵

This survey however was not completed due to lack of time and a commission for a new survey was ordered with the same commissioners and the same instructions.³⁶

By far the largest area in the forest was Bowden Middlecale. It was where events moved the fastest and so led the whole region in the procedures for division. In an agreement of 1640 between the chancellor and council of the duchy on behalf of the king and 'Randolph Ashenhurst Esq, John Brettland, Francis Eyre, Robert Clayton and others [numbering over 80] for and on behalf of the freeholders and tenants of the ye

saide townshipp of Boden Middlecale' the commons and wastes of Bowden Middlecale were to be divided.³⁷ According to the agreement, the survey of Bowden Middlecale measured the area of the commons and wastes as 4,414 forest acres (customary or Cheshire acres), about 9,402 statute acres, of which one moiety was to be allowed to the king and the other moiety was to be settled on the tenants and their heirs. The king's part was to be sold to the others for £100 together with an annual rent of £110. A further £100 secured disafforestation and the tenants were released from any financial liabilities incurred for past transgressions of the forest laws.³⁸ According to Somerville, a payment of £100 from the tenants of Bowden Middlecale as part of the £200 appears in the receiver-general's account for 1638–39. By 1649 only £150 had been received.³⁹ Many years later, after the hiatus caused by the civil war and interregnum, the sale of the king's part to the commoners, which had necessarily fallen into abeyance, became a very contentious matter. Litigation before the duchy court extended into the next century before matters were finally resolved.

As soon as the agreement had been signed, two surveyors, Thomas Hibbart and Samuel Barton,⁴⁰ were engaged to divide the commons and wastes into two halves, distinguishing between the best, middle and worst sort of land, set up boundary marks, and allot the portions. Maps were prepared and a number survive in duchy records, forming the earliest surviving maps of the district.⁴¹ In November 1640, the Bowden Middlecale allotments were confirmed by order of the duchy court. Almost immediately the red deer were rounded up and destroyed.⁴² This must have resulted in some crop improvement and possibly an improvement in the general rural economy. The parliamentary survey of property of the church in Derbyshire of 1649–50 indicated that much of the forest had been enclosed and improved.

Wee find that the Forest in the Peake in the County of Derbye lyeing and being within the Jurisdiction of Bakewell is of large extent And within few yeares much of it inclosed, And verie fruitfull land, and likely to bee yett more improved: On which att this day many good sheepe are kept And much very good Corne growing. The said Forrest being inhabited by many Families and scattering houses scituate lying and being in severall parrishes pte thereof in Hope, pte in Tidswell, pt Chapell in Lea Frith, als Boden, etc.⁴³

It seems that no other agreements were made for the other townships since all this activity came to a halt with political disorders from 1640 and the onset of civil war in 1642, followed by the interregnum. For more than thirty years the division of the commons and wastes was left in abeyance. The Bowden Middlecale contract was never carried out and although the deer were removed and the forest disafforested, the king's part remained in the duchy.

After the restoration, Charles II granted to Denzil Lord Hollis and others all right and title of lands in the lordship of the High Peak for a term of 99 years, to make and grant leases in trust for the Queen Dowager Catherine.⁴⁴ However, because of the troubled times and lack of supervision, the boundary marks of 1640 had been lost or removed and encroachment had been widespread. A survey recommended that the land could be improved for agriculture and that the king's part should be granted to a prospective improver.⁴⁵ At the end of 1674, the crown's proportion of the commons and wastes was granted in fee farm to Thomas Eyre⁴⁶ of Rowtor Hall, near the village of Winstar, for the residue of the term of 99 years (31 years) for the annual rent of £100: 'All those Seven

Thousand Three Hundred and Thirty-two Acres, Three Roods and Sixteen Perches of Barren and Waste Land being Parcel, or reputed to be Parcel of the Manor and Lordship of the High Peak . . .' (Table I). In 1675, Eyre obtained an extension of 57 years from the end of the 99 year term, ie 23 December 1705 when the annual rent would be increased to £100.⁴⁷

But Eyre met many difficulties in attempting to take possession of the crown's land and enclosing it. The freeholders and tenants of the High Peak had no wish to see the commons enclosed and improved by a private prospector. From the late 1670s until the matter was finally resolved, Eyre was involved in much litigation through the duchy courts with the freeholders and tenants, who maintained that they had been granted all the commons and wastes. Eyre's response was to bring a relator action in the duchy court against some of the tenants claiming that they had destroyed or mislaid documents, denied that they had made any agreement concerning the king's part, pulled down boundary markers, turned their cattle onto the king's land, and furthermore

. . . that the defendants have got into their, or some of their hands, or others in trust for them, sundry contracts and agreements, writings, deeds, books, maps, surveys and orders of this court relating to the premises, and not only refuse to treat with the Relator, but threaten he shall not enjoy the said waste lands granted to him; and threaten all persons that offer to purchase of the Relator: that the Relator having surveyed some part of the said wastes and renewed the marks to distinguish his Majesty's and the commoners part, the confederates having pulled up and destroyed the same, and keep their cattle thereupon, and deny that they ever made any contract for his Majesty's part for any fine or yearly rent, or that any fine was paid. . .⁴⁸

The matter dragged on for decades, into the next century, with further litigation in the duchy court and the appointment of more commissions and surveys.

Although he was involved in expensive litigation to confirm his right and title, Eyre benefited greatly from the 1674 grant at an annual rent of only £100 for he interpreted his role as 'improver' in the widest possible way. Soon after obtaining decrees confirming his grant, he commenced leasing land or selling it in fee farm.

Table 1. The king's share of the commons and wastes in the High Peak granted to Thomas Eyre in 1674.

	A	R	P
Hope	616	3	1
Fairfield, Fernilee, Shallcross, and Bowden Chapel	917	3	8
Bowden Middlecale	2228	0	0
Bowden Chapel [as distinct from the township]	973	1	9
Castleton	441	0	8
Bradwell	657	1	3
Wormhill	504	3	6
Flagg and Chelmorton	622	3	29
Taddington and Priestcliffe	188	3	14
Mellor	182	0	18
Total Cheshire acres	7332	3	16

Source: Somerville (1977), p 17.

... many Persons ... were encouraged, and did purchase of the Relator Eyre the Inheritance of divers Parcels of the said Grounds under a Yearly Rent, and have made great Improvements thereof, to the expence of most of their Fortunes; and by their Industry have brought much of the said Lands to be arrable, for a general good of the Country, and would have done much more.⁴⁹

These lands, which were for all intents and purposes freeholds, included whole divisions of the king's part in Bowden Middlecale, such as 352 acres (forest) of Hayfield Moor, 179 acres of Beard Moor, and 128 acres of Ollersett Moor, a total of 659 acres out of the total grant for Bowden Middlecale of 2228.⁵⁰ Such sales brought thousands of acres on to the market over the whole of the High Peak. New farms appeared and new tracks and roads were built to open up these lands. One such farm was Piece Farm at 800 ft on Ollersett Moor, on land leased for 999 years by Thomas Eyre in 1715 (Plate I). Over 160 years later, when parcels of this farm estate were being sold, the abstract of title recited the 1640 allotment to the crown.

Thomas Eyre of Rowtor in the Hundred of High Peak in the County of Derby in and by one Deed or Indenture of Lease duly executed bearing date on or about the 26th. March 1715 Did demise lease set & to farm let unto John Downes of Hall Walls in Thorsett Hamlett ... All that piece or parcel of common or waste ground with the appurts lying and being in Ollersett in the said Parish of Glossop commonly called Ollersett Moor containing by estimation about 127 Acres of land ... (the same being part & parcel of the common and waste grounds then or theretofore set out & measured for the King's Share or part.) ... late in the possession of the said Thomas Eyre. ... excepting all great trees woods and underwood ... and all mines of coal, lead and tin and all other mines and quarries whatsoever therein and all cottages erected thereupon and all parcels of land incroached forth the same and also all ways theretofore used etc.⁵¹

The earliest record of a transaction by Eyre found so far is in November 1680, when 23 acres of commons in the hamlet of Whitle (now part of New Mills) was divided up and sold to four local men, Anthony Stafford, Ralph Bowden, Randle Hibbert, and John Heginbotham for a fine of £17.16.6 and rent of five shillings per acre.⁵²

By the end of the seventeenth century Eyre had become well established in his possession and as a result some commoners felt it was time to apply to the duchy court for a decree confirming their title and rights of common. Adam Bagshaw of Wormhill was appointed to act on their behalf claiming that the moiety of the commons and wastes of Bowden Middlecale should have been decreed to them when Eyre had been assured in his possession of the king's part. In 1711, a final duchy decree was made which in most particulars brought to an end the process of disafforestation and the division of the wastes and commons which had begun with the commoners' petition in 1634.⁵³

The sale of the king's part was a development that had not been envisaged in 1640, when it had been assumed that by payment of rent to the duchy the king's part as well as the tenants' part would pass into the hands of the freeholders and tenants for general use. As it turned out, thousands of acres of former crown land now came into private hands and on to the market, becoming an important component of the local traffic in land from the late seventeenth century. The access to the new land resulted in a general improvement in the farming economy. Many of the freeholders and tenants to whom these lands were first sold were those engaged in litigation against Thomas Eyre.⁵⁴ As a result, the estate papers of Rowtor, comprising leases, abstract of titles, deeds, mortgages, etc, are today found scattered in several repositories as part of local family papers or duchy of Lancaster documents.⁵⁵ Sales of parcels of this land continue until the present

day and modern deeds still cite this land as being portions of the king's part of the former commons and wastes of the royal forest of Peak.⁵⁶

Harsh physical conditions in north-west Derbyshire set severe limitations on the farming possibilities, even to this day. Out of the subsistence mixed farming system of medieval times, based on cattle, sheep and oats, there emerged in the sixteenth century a domestic woollen textile industry. Wills and inventories from the mid-sixteenth century onwards reveal the importance of sheep farming, wool production, spinning and weaving, amongst the farming community.⁵⁷ While participation in this commercial enterprise brought economic benefits to the population at large, those who prospered most in the community were involved in finishing and marketing the cloth — men who might describe themselves as shearmen, clothiers or woollen drapers rather than yeomen in their wills.⁵⁸

With these commercial developments, the pastoral resources of the commons and wastes for the grazing of sheep became vital to everyone in the farming community. Those denied access to the commons for whatever reason could not produce wool, their wives and daughters could not spin, their looms would lie idle. When Eyre offered his king's part leases for sale, there were several local people eager to purchase. Towards the end of the seventeenth century, certain yeoman families entering the woollen textile trade had begun to prosper. In an age when opportunities for investment were extremely limited in areas such as Bowden Middlecale, removed from the hub of commerce, farmers usually put their money into land and property. Several yeoman farmsteads were completely rebuilt in stone in Bowden Middlecale, replacing half-timbered medieval halls. The most impressive and lasting of these new houses is Long Lee at Rowarth, built in 1679 by John Hyde.⁵⁹ Edward Bower of Torr Top in Whittle was a yeoman, clothier and woollen draper who just before his death in 1698 had built a new house at Torr Top alongside his old one.⁶⁰

It was families like the Bowers of Torr Top who purchased land of the king's part from Thomas Eyre. Edward Bower's eldest son, John, who died in 1696, two years before his father, had bought from Thomas Eyre just under 22 Cheshire acres of the king's part situated adjacent to Torr Top farm, which the Bowers would formerly have grazed as common. This purchase was not merely a prudent investment, it was essential to the continued viability of Torr Top as a wool-producing farm. The Bower purchase helped ensure the growing prosperity of the family's various enterprises at Torr Top in the first half of the eighteenth century (this included a fulling mill, paper mill and tannery; but the finishing and sale of woollen cloth remained the principal source of income). The prosperity of Torr Top reached its zenith under the aegis of Edward's second son, Thomas, whose will, dated 1731, reveals that amongst the many farming estates that had been acquired by the family was a piece of king's part land that George Yeaveley of Brookhouses, near Little Hayfield, had purchased from Eyre 'with all encroachments'.⁶¹ This had passed to Thomas Bower through his marriage to George Yeaveley's daughter. In 1743, Thomas's sons, George and John, bought 127 acres, representing the whole of the former king's part in Ollersett.⁶² Enterprise, shrewd investment, a propitious marriage: all helped to secure such large portions of the former commons for the exclusive use of the Bowers. But they were amongst a fortunate few; many more were the losers. How many suffered from the loss of half of the commons of Bowden Middlecale and the extent of their suffering is impossible to state. Their voices are for the most part

silent, but resentment and opposition to commons enclosure undoubtedly smouldered on. John Bower's occupation of the king's part of Whitle commons did not go unopposed. A commission issued in 1687–88 confirming that Thomas Eyre had enclosed the ground, adds:

'Butt the Neighbouring inhabitants to hinder the Improvement of the said Land do claim a right to goe wherever they think fitt as they used to do before the Improvement.' The commission set out and staked out convenient highways, 'with least loss and wast of ground . . . to the said Thomas Eyre . . . and yett Sufficient and Convenient for the Inhabitants.'

After John Bower had acquired the property, the commissioners examined a claim by John Bower of Knightwake in Whitle (no family relationship to his namesake at Torr Top can be shown) that he used to cross the former commons from his house when travelling to New Mills or Tideswell market, and that the subsequent enclosure had deprived him of that route. The commissioners rejected his claim as malicious, 'for the way claymed leadeth through many great boggs and cannot be made passable without great expense of money.'⁶³ John Bower of Knightwake's claim may have been exaggerated or invented, but his resentment was real.

THE LATER ENCLOSURES OF THE TENANTS' PART BY AGREEMENT AND PARLIAMENTARY ACT

The final decree of 1711 obtained by the tenants and freeholders, with Adam Bagshaw of Wormhill acting on their behalf, was not, of course, an inclosure of their moiety. Having secured their right of title to the tenants' part of the commons, the freeholders and tenants of Bowden Middlecale were in no hurry to enclose it. In fact, except for the Thornsett commons in 1774, it was well into the nineteenth century before the commons were enclosed by Parliamentary Acts (Table 2). The maps and awards produced for these enclosures provide for us evidence in today's landscape of remarkable survivals from the original 1640 divisions.

Despite the passage of time, there is a coincidence between the tenants' parts on the seventeenth century maps of the division of the commons and wastes and the maps of the eighteenth and nineteenth century enclosures. (Figs. 3 and 4). The later enclosures, of course, were only concerned with the tenants' parts, the king's part having being sold into private hands. In order to highlight the continuity of the 1640 divisions, the boundaries of various areas enclosed have been inserted on to a modern large scale OS Map (Figs. 3 and 4)). When the 1640 map of the divisions of the commons and wastes and the later enclosure maps are rotated to have the same orientation and the tenants'

Table 2. Bowden Middlecale enclosure agreements and Acts

Place	Act	Private agreement	Acres
Thornsett		1765 (1774)	494
Whitle	1826		195
Ollersett, Phoside and Chinley Moor	1829		470
Great Hamlet	1830		833
Kinder	1840		1451

Table 3. Comparative acreage of tenants' parts on the 1640 maps and the later enclosure maps.

Enclosure	1640 Cheshire Acres	1640 Statute Acres *	19C Enclosures Statute Acres
Thornsett			(1774 Enclosure)
Bank Head Moor Thornsett	50.88	108.37	105.94
Matley Moor Thornsett	129.96	276.81	264.43
Hollins Moor	31.41	66.90	55.33
Mellor Moor	31.41	66.90	66.83**
Ollersett			
Ollersett Moor	129.25	275.30	203.51
Beard			
Beard Moor	100.19	213.40	***
Bugsworth			
Bugsworth Moor	128.03	272.70	****
Brownside	N/A	N/A	****
Chinley	N/A	N/A	*****
Phoside			
Phoside and Chinley Moor	153.34	326.61	244.70
Great Hamlet and Kinder			
Bank Head Moor,			
Great Hamlet	38.39	81.77	79.73
Cliffe Bank	16.17	34.44	21.80
Kinder Moor	656.50	1398.35	1352.60
Kinder Bank	N/A	N/A	87.75
Chapel Bank (Elle Bank)	26.75	56.97	40.99
Hayfield Moor	352.05	749.86	728.90
Matley Moor, Great Hamlet	N/A	N/A	55.09
Whitle			
Lee	18.88	40.21	71.91
Shaw Marsh	19.10	40.68	31.80
Broadhurst Edge	43.46	92.56	66.48
Whitle Bank	14.00	29.82	27.44

Source: 1690 or 1695 plan (copy). M 35/2/42/13

* Calculated at a ratio of 2.13

** The discrepancy is probably due to the Mellor/Thornsett boundary changes made in 1690 which resulted in land being transferred to the hamlet of Mellor and only affected this tenants part in Thornsett.

*** By 1676, both the tenants' part and king's part had come into the possession of Randalph Ashenhurst of Beard Hall, so there was no later enclosure.

**** No agreement or Act for enclosure is known.

***** Chinley did not have commons and wastes like the other hamlets of Bowden Middlecale, but, instead, lower more fruitful pastures known as herbages. The history of these herbages merits a special study which goes back to lands granted to Merevale Abbey and duchy rentals in the thirteenth century. When commissioners were appointed by James I in 1609 to divide and set out these herbages, they reported that there were already forty freeholders who had been farm let the herbages in 1577–78 by Queen Elizabeth, into divisions which were known as neighbourships.[64] This arrangement followed the Chinley riots of 1569, when a parcel of herbage was granted on a long lease to an individual, who then set about hedging and ditching it.[65] The commissioners of 1609 allocated each neighbourship about 16 acres (33.6 statute acres). In 1623–4, the herbages were granted in fee farm to Edward Bradby and William Weltden of London. In 1824, the Chinley Enclosure Act divided and allotted 50 acres of remaining unenclosed lands.

divisions and later enclosure areas compared, there is a very close coincidence. This says much for the ability of the two surveyors, particularly as it has to be remembered that their maps of the divisions were drawn on plain parchment, there being, of course, no base map to work on. The work of the surveyors is discussed more fully later. The coincidence of the divisions of the commons and the boundaries means that they were still known exactly over a period of nearly two hundred years, suggesting that the boundaries were handed down generation by generation.

‘OLD LANDS’ AND OTHER FREEHOLD ESTATES ON THE COMMONS AND WASTES

Several isolated areas of land on the commons and wastes which had been granted away before the seventeenth century division can also be identified on the Hibbart and Barton maps: they appear as isolated freehold enclosures lying at or beyond the frontier of the ancient farming, and occupy distinct and choice sites which can be identified today quite easily. On the 1640 maps they usually have a house sketched in, together with the name of the owner or property. They are not to be confused with the ‘new lands’ which are the subject here, neither are they to be seen as a continuation of the outward expansion of the core of ancient farming but as a distinct and separate process of land occupation. The eagerness of Queen Elizabeth, James I and Charles I to raise funds by sales of duchy lands certainly created new opportunities for minor gentry and yeomen with capital to acquire common land which they could legitimately enclose. Somerville writes ‘... in Charles I’s reign a decree in the Duchy Court had allotted a part of the High Peak wastes to the freeholders: these became known in the Duchy as the “Old Lands”, and were distinguished from the “New Lands”, a name given in modern times to the lands now being discussed.’⁶⁶ But an analysis of the isolated properties recorded by Hibbart and Barton has failed to identify positively any as examples of ‘old lands’. Some of the freeholds even appear to date back to medieval assarts which remained isolated from the main areas of colonisation, and do not appear to be a continuation of the outward expansion. In some cases, for instance Beardhough in Whitle (Fig. 10) and The Haugh in Bugsworth (Fig. 8), they are not part of the commons and wastes but surrounded by them. The Haugh is the only isolated estate shown on the 1640 Beard and Bugsworth

map: Hibbart and Barton also show two adjacent parcels of meadow in Beard, 'Frogot Meadow' and 'Sylvester Meadow' (Fig. 8).⁶⁷

In Thornsett hamlet, the only example to consider is a curious one. Hibbart and Barton show a house on the common called 'Breegreeve' (Fig. 5). The 1774 enclosure map of the tenants' part known as Mellor Moor, in Thornsett, shows Briergrove as a tiny area of ancient enclosure. The earliest known date for Briergrove is 1530 and it is clear from the documents relating to the mid-eighteenth century owner of Briergrove, Buckley Bower of Aspenshaw,⁶⁸ that it was one of the chief farms in Thornsett with extensive acreage in the ancient lands. Perhaps a former farmhouse at Briergrove lying in the ancient lands was abandoned and a new property built on the moor overlooking the estate. This must have been before 1640 and might be considered as a possible example of 'old land'.

The principal candidates for being 'old land' properties lie in Kinder, Great Hamlet and Phoside, where commons and wastes were very extensive but of very poor quality grazing lands.

THE CONTRIBUTION OF HIBBART AND BARTON, DUCHY SURVEYORS

One of the most important aspects of the 1640 surveys was the confirmation and recording of hamlet boundaries on the maps. The boundary of the area of the Ollersett and Phoside map, for instance, follows today's hamlet boundaries, and on Ollersett Moor the boundaries between the hamlets of Ollersett and Beard and Ollersett and Phoside are used as divisions on the map (Fig. 7). This not only indicates that the hamlet boundaries were already fixed in 1640, but that either they must have been physically present on the ground in the form of walls or stakes for the surveyors to follow, or the surveyors were accompanied by local people who knew where the boundaries were.⁶⁹ The coincidence between these hamlet boundaries on the 1640 map and today's boundaries is exact. The divisions dividing the king's part from the tenants' part can still be seen today, for instance on Ollersett Moor, where long walls run down from the top of the moor towards the valley. There are no walls today, however, where the division was between two adjacent king's parts or two adjacent tenants parts.

The accuracy of the Hibbart and Barton maps does the surveyors great credit, for the work must have demanded much skill and diligence. Lacking a base map, they had to work from first principles, fixing boundary stakes in spots that were intervisible either with one another or with existing landmarks. This was a formidable task given the broken terrain of Bowden Middlecale, rising up to over 2000 feet on Kinder. We can only surmise what surveying instruments Hibbart and Barton used, but by the early seventeenth century the instruments available and most in use were the plane table, an early version of the theodolite, and sector.⁷⁰ However, sighting poles and the land chain, 22 yards long, would have been basic to the work.⁷¹ One type of boundary that was already established was that between the ancient enclosed land and the commons; this must have been a godsend to the surveyors and they form an important element on their maps delineating the edge of the commons. It is noticeable that such boundaries are today frequently defined by roads, tracks or footpaths. This occurred because travellers would need to skirt the enclosed land by keeping to the commons. The shortest way of doing this was to stick to the perimeter walls or hedges. The existence of such roads

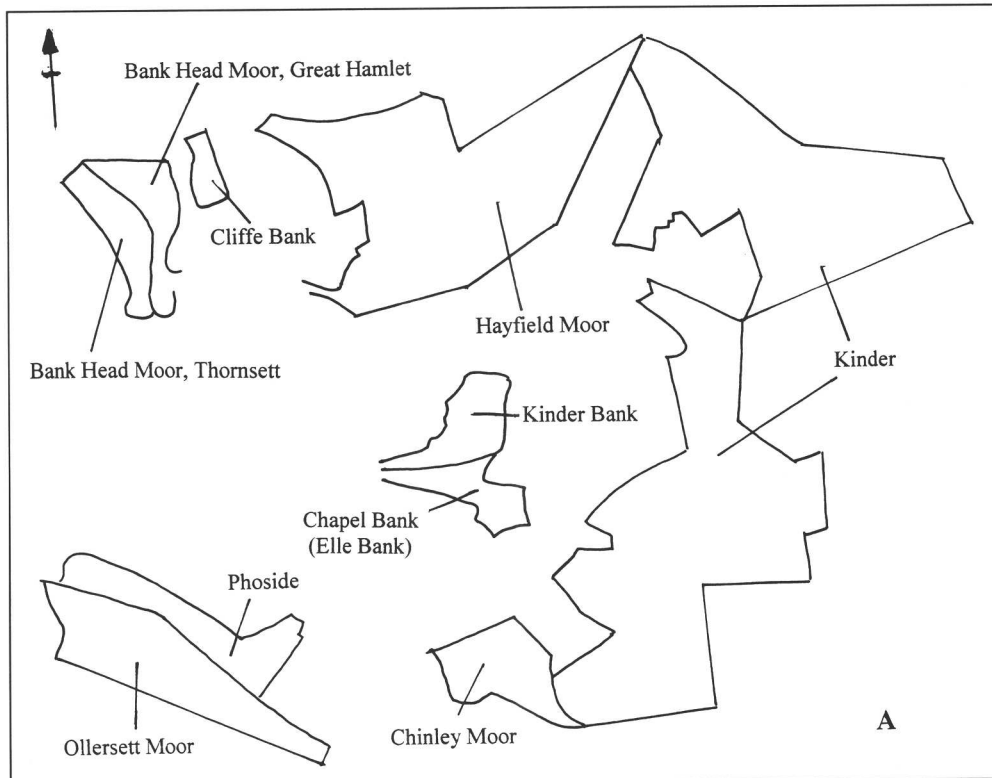
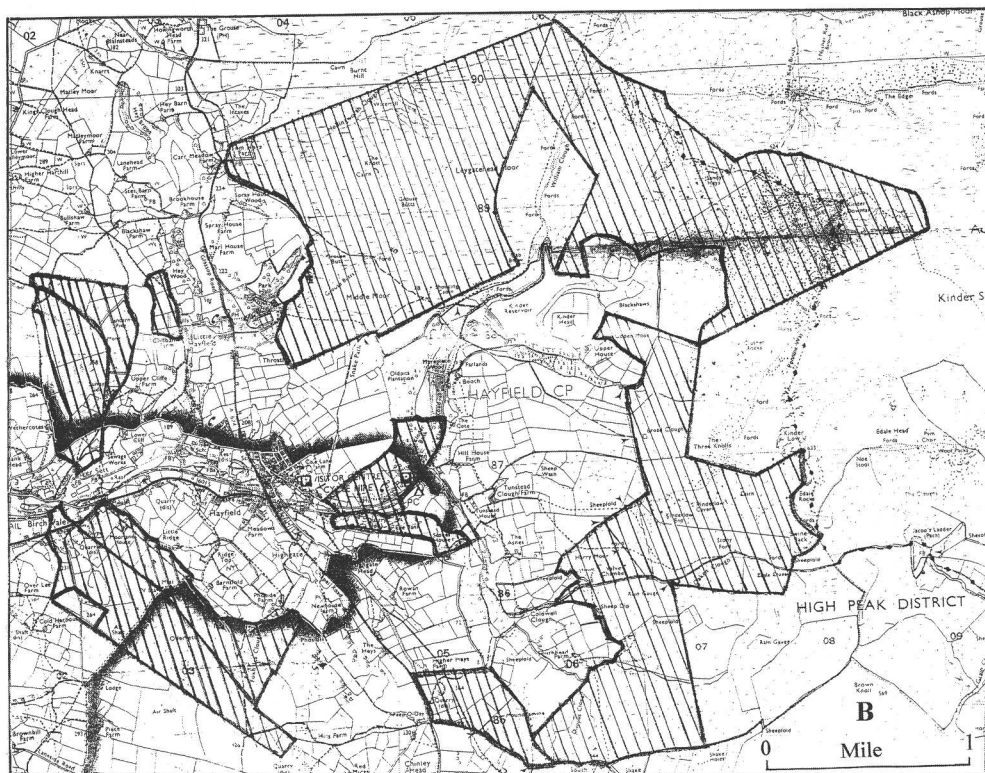


Fig. 3A and 3B: (above and facing) The tenants' parts of the commons and wastes of Great Hamlet, Kinder, Ollersett, Phoside, and Bank Head Great Hamlet (Bank Head Thornsett is included to show the overlap with Fig. 4). Redrawn from :A, the 1640 map (PRO, MPC 72) and, B: the nineteenth century enclosure awards. The two maps have been orientated to have roughly the same compass direction and it can be seen that despite a time gap of over 200 years there is a remarkable coincidence between them. The nineteenth century enclosure awards of the tenants' parts have been redrawn onto a modern Ordnance Survey map, (Map B), in order to show their exact location, with kind permission of the Ordnance Survey, © Crown copyright NC/00/703. See Fig. 4A and 4B for similar treatment of the enclosures in Thornsett and Whitle.

supports the view that the boundary of enclosed land was already well-established by 1640. Furthermore, some of these roads are deeply etched into the landscape, suggesting a long history of use.

On their maps, Hibbart and Barton used farmhouses near to the boundary of ancient enclosures as landmarks, drawing them pictorially and identifying them with occupants' names. They are accurately located and most can be specifically identified with today's farms.⁷² The representation of the houses, although not accurate, does indicate in a rough way the architecture of the time and the differences in status between the houses. For instance, there are one storey and two storey houses, houses with between one and four chimneys (some have none), and houses, which are known to have been halls, have



gables shown, eg Mr Bradbury's house at Ollersett on the Beard and Bugsworth map (Fig. 8).

A high proportion of the ancient farms lies close to the farming frontier at locations where it was convenient to move stock to and from the commons. On their map of Thornsett, Hibbart and Barton mark several 'gates' leading onto the commons, which help to define the boundary of ancient enclosures (Fig. 5).

When establishing boundaries between the king's and tenants parts of the commons, Hibbart and Barton made efficient use of major topographical features peculiar to the geology. The alternation of tilted beds of hard sandstones and soft shales results in a landscape of prominent sandstone ridges of scarps and dipslopes, separated by shelves or shallow valleys which represent the shale outcrops.⁷³ The dipping strata is due to the existence of the Goyt syncline, the longitudinal axis of which runs from south of Whaley Bridge to Glossop and results topographically in outward-facing sandstone scarps. This scarp and dipslope formation plays a crucial role in the division of the commons and wastes. The surveyors frequently ran their major boundaries along the summits or edges of the ridges and used the steep scarps and shelves as units to be allocated. They managed to marry their boundaries to the lie of the land to a remarkable extent. A good example of the effective use of this eye for country can be seen along the boundary between Thornsett and Hayfield (Figure 5 and Plate III)). It is noticeable that in several cases the

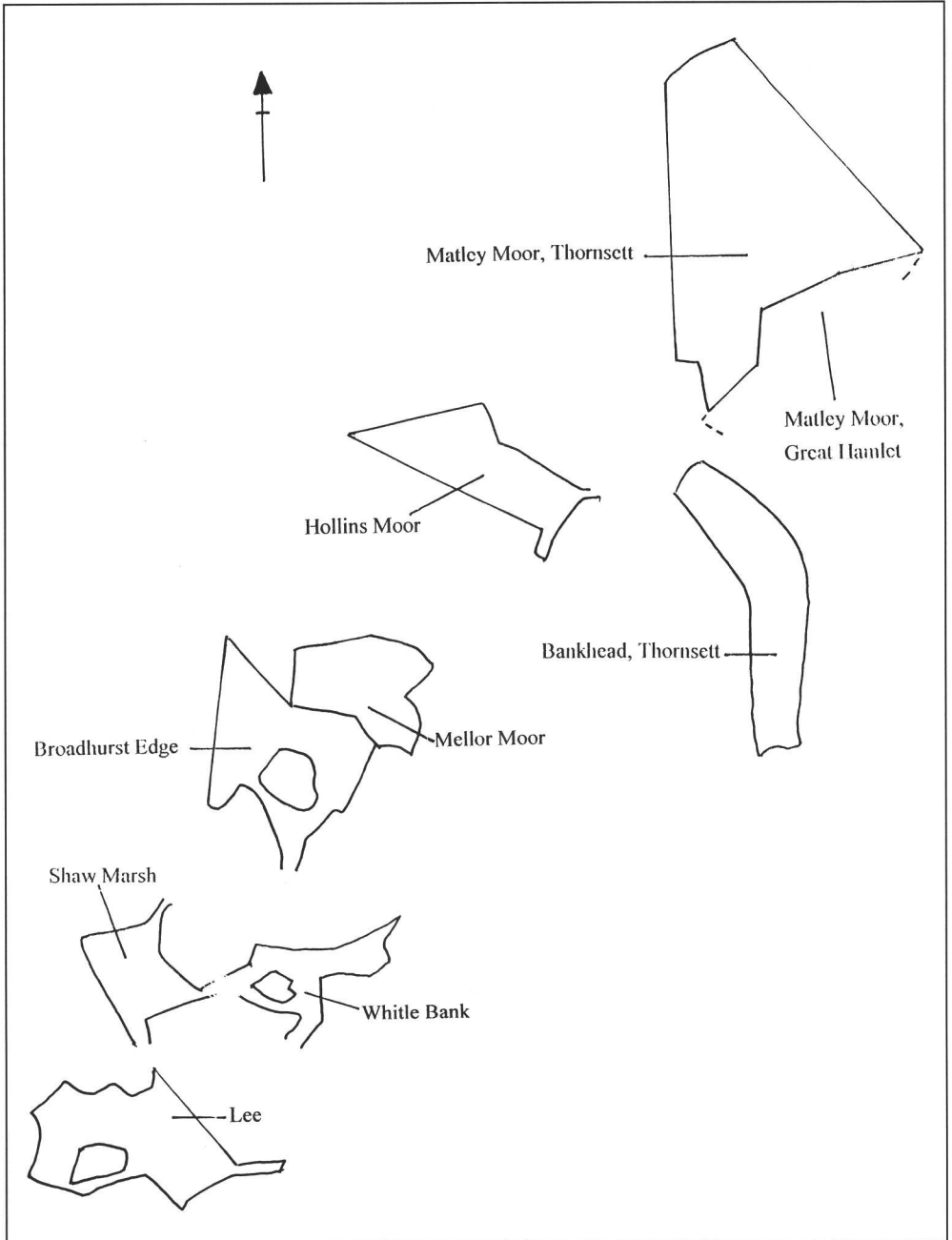


Fig. 4A and 4B: (above and facing) The tenants' parts of the commons and wastes in Thornsett and White, redrawn from the 1640 map (Derbyshire Record Office (DRO), O 3566/1) (map A) and the enclosure awards of the eighteenth century and nineteenth century redrawn onto a modern Ordnance Survey map, (map B), with kind permission of the Ordnance Survey, © Crown copyright NC/00/703. Matley Moor, Great Hamlet, is not shown clearly on any 1640 map and the 1640 acreage is not known.



dipslope land is allocated to the crown while the steep scarp slopes are allocated to the tenants.

One can admire not only the accuracy of their surveying — one of most extraordinary aspects being the accurate measurement of the acreages and the layout of the tenants' parts confirmed by the later enclosure awards (Figs 3 and 4) — but also their skill in integrating the landholdings with the landforms; so much so, that the authors found themselves using the 1640 maps in the field to identify the landscape elements which Hibbart and Barton had highlighted. Porter, in his study of the reclamation of Bowland, goes as far as saying that in the work of duchy surveyors lies the origin of the mode of the later Parliamentary enclosures.⁷⁴

FIELD EVIDENCE TODAY OF THE ENCLOSED LANDSCAPE: THORNSETT

The hamlet of Thornsett today consists of a central valley drained by Ladygate Brook and its tributaries, a stream system which finds a confluence with the river Sett rising on the flanks of Kinder Scout above Hayfield. The surrounding commons and wastes are formed of dipping alternate layers of hard sandstone and soft shales of the Lower Coal Measures and the Millstone Grit Series forming characteristic inward dipslopes and outward-facing scarps with summits well above a thousand feet, as on Lantern Pike and Cown Edge. With its boundaries following these summit ridges, the hamlet forms a topographical entity. For this reason, as will be seen, its landscape illustrates probably better than any other part of Bowden Middlecale the chief residual elements of the medieval farmscape and the early-modern division and enclosures of the commons and wastes. This study, therefore, considers the hamlet in some detail enabling the early medieval colonisation, the processes of enclosure and the impact on the landscape to be outlined.⁷⁵ This approach will then be applied to the other enclosures but in less detail.

Ancient Enclosures

Thornsett has the distinction of being one of the few places in north-west Derbyshire to be recorded in the Domesday Book. It was one of twelve pre-conquest manors in 'Longdendale' whose collective worth in King Edward's time was only forty shillings, and was recorded as waste in 1086 — 'All Longdendale is waste. There is woodland, not for grazing, suitable for hunting.' Longdendale became a ward of the forest of the Peak and subject to forest laws.

In the late twelfth and early thirteenth centuries, pressure of population led to a spate of illicit encroachments. The forest records show, however, that whilst men continued to be fined for enclosing land, the offence known as assarting, they were not being made to throw down those fences. Fines and rents from assarted land swelled the royal coffers, while entries of assarts on to a court roll conferred a sort of title to possession and tacitly legitimised a situation that was to the benefit of both parties. Surviving documents, therefore, show that the early thirteenth century appears to have been a formative period in the history of the area — the first recorded period of arable farming, when land was cut out of the medieval forest. For instance, between 1222 and 1228 Robert de Wytefeld assarted 20 acres in Thornsett.⁷⁶ Settlement was certainly well advanced by this time, for a number of names in Bowden Middlecale are mentioned in the documents — those in Thornsett included Aspenshaw, Cown Edge, Rowarth, and Thornsett itself.

The piecemeal enclosure which took place during and after the medieval period was neither a continuous nor a steady process. This was an area of marginal agricultural value whose meagre resources were likely to have been exploited only with a great deal of labour to clear and drain the land. There are good arguments, though, for supposing that the frontier of agricultural expansion in Thornsett eventually became settled by late medieval times more or less along the line shown in Fig. 5. The best agricultural land, arable, meadow and pasture, lay well within this boundary. Any further encroachment on to the commons would entail a disproportionate input in relation to the returns. The freeholder or tenant who attempted further encroachments on the commons would not only have to face the disapproval of the duchy authorities but also the hostility of neighbours. Rights to the commons were of crucial importance to all, for they provided fallen wood, turf and peat for fuel, cut wood for timber repairs, as well as pasture for stock. Certainly by the sixteenth century the domestic woollen industry was so firmly established in local farms that the grazing of the commons and wastes had become a vital component of the rural economy; this is why in the seventeenth century, the attempt by the king to reassert his rights over the commons was so bitterly resented and opposed.

By the time, therefore, that Hibbart and Barton made their survey of Bowden Middlecale in 1640, about half the area of Thornsett was already enclosed (Fig. 5). The mosaic of small, irregular fields in the central zone of ancient enclosure contrasts sharply today with the rectilinear patterns of enclosure which developed subsequently on the surrounding commons and wastes in the late eighteenth century. The fields flanking the lower reaches of Ladygate Brook are enclosed by holly hedges, much neglected in recent decades. Field evidence suggests that hedgerows were more prevalent in the area of ancient enclosure than is immediately apparent. Many former hedgerows may have been gradually replaced in the eighteenth and nineteenth centuries with the establishment of a more thorough-going drystone walling tradition following enclosure of the commons. Of particular interest within the hedged area is an ancient enclosure known as Thornsett Hey. It is clear from the field-names found in the 1841 tithe award that Thornsett Hey was an enclosed area, about 40 statute acres in extent to the west of Ladygate Brook. It had a hedged perimeter and was also subdivided into closes by hedges. There is an unsurfaced lane running from Thornsett Hey Farm (the former Thornsett Hall) which leads to a wooden footbridge and so into the field called Great Hey. Although hedgerow dating is now considered a somewhat blunt instrument for assigning dates to enclosures, it is surely significant that no fewer than eight hedgerow species were counted along its short route — holly, hawthorn, blackthorn, hazel, alder, elder, rose and damson. Thornsett Hey, therefore, is likely to have been a hedged enclosure dating from the medieval period. The direct link with Thornsett Hall suggests that it originated as demesne land or perhaps a deer park.

Several freehold sites — some of them possibly 'old lands' — can be identified on the Hibbart and Barton map. The sales had probably not realised significant sums⁷⁷ and the rents in 1650 (in brackets) certainly did not.⁷⁸ Thos Goddard — Back Rowarth (Higher Fold Farm) or 'Lime Cart Tavern' (1s 4d), Mark Trickett — Ringstones (1s 4d), Robert Ridgway — Aspenshaw (1s 8d), Thos Bowden — Wethercotes (2s 2d), Robert Bradbury — Sitch [Perlesitch] or Bankhead (3s 11½), Mr Barber — Briergrove (Breegreeve).

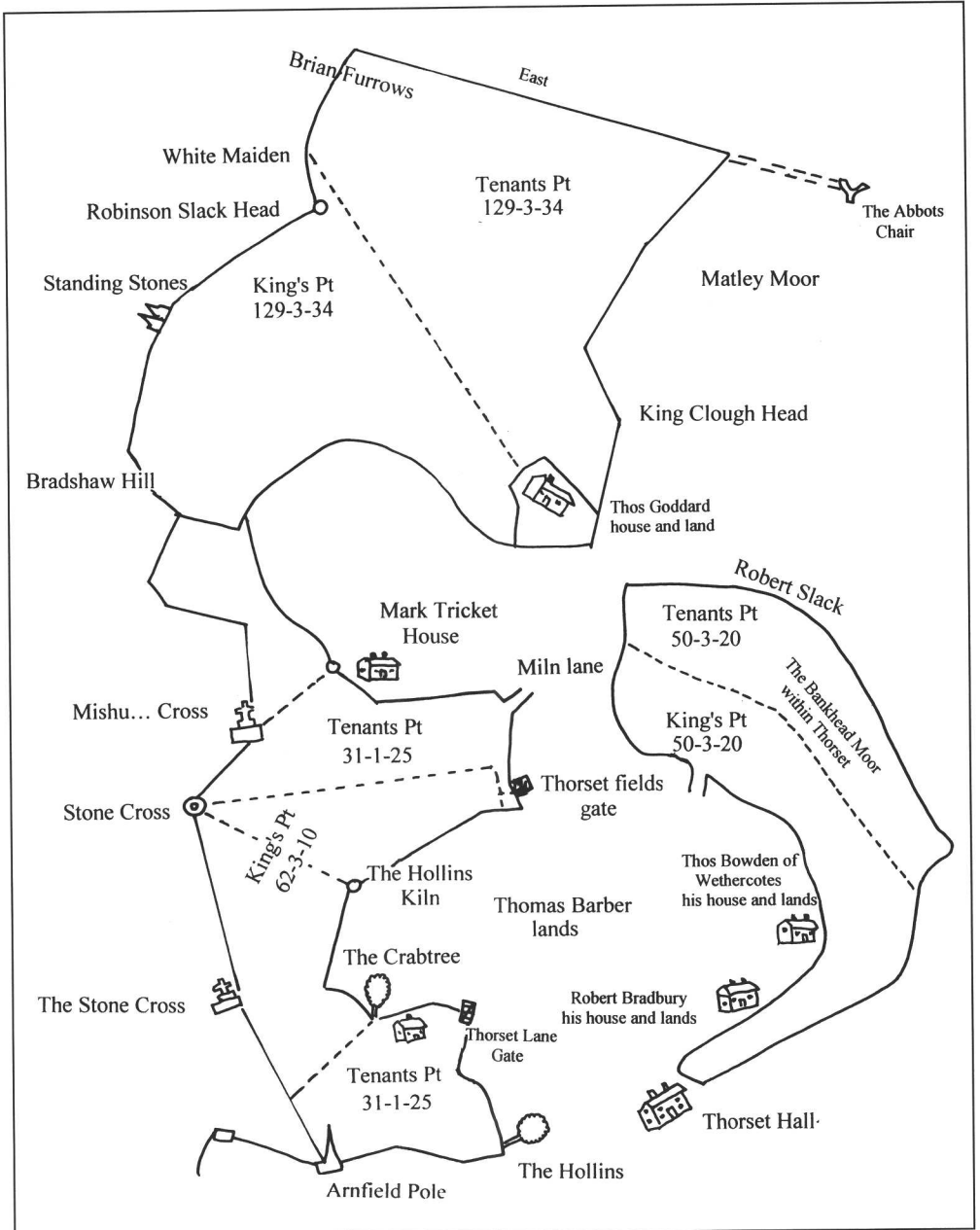


Fig. 5: Division of the Commons and Wastes in Thornsett, 1640. Traced from a copy in DRO, D 3566/1. Today's farms are: Thos Goddard (Back Rowarth [Higher Fold Farm]), Mark Tricket (Ringstones), Robert Bradbury (Bank End), Thos Bowden (Wethercotes).

Seventeenth Century Enclosures

The division of the commons of Bowden Middlecale by Hibbart and Barton at the time of disafforestation in 1640 was not acted upon until after 1674 when the king's share of the commons came into the hands of Thomas Eyre. In Thornsett, Hibbart and Barton's task had not been made any easier by the fact that the boundary between it and the neighbours to the west, Mellor and Charlesworth, was not precisely determined. The surveyors employed whatever landmarks they could find over this featureless moorland — boundary crosses; a rocky outcrop; an old pinfold; a lime kiln — filling in the gaps with stakes.

Before Thomas Eyre could sell off the king's parts of Thornsett, he had to overcome the problem of access to properties whose shapes were complex and peculiar. In 1690, the problem was solved, firstly, by surveying a much simpler boundary that ignored most of Hibbart and Barton's landmarks; secondly, by constructing a new access road, the present Shiloh Road, which followed the new line (Fig. 6). The boundary revision eliminated some of the acute angles on the 1640 survey by drawing a straight line from 'the standing stones' [Robin Hood's Picking Rods] to Arnfield Pole, where the boundaries of the hamlets of Thornsett, Whitle and Mellor converged. Today, Shiloh Road more or less follows this revised boundary, and its western side is bounded for much of its length by a prominent bank, still surmounted in part by a hedge, fixing the Mellor-Thornsett boundary. The crosses shown on the 1640 map are not now in place, although one large flat stone which could be the base of a cross has been incorporated into a wall, also observed by Cox.⁷⁹ Several lanes giving access to properties sold by Eyre intersect with Shiloh Road from both the Mellor and the Thornsett side. Eyre was able to invoke this extreme solution because he owned all the king's part land in Thornsett and Mellor. The new boundary did not affect the tenants, whose share of the commons was to remain unenclosed for another hundred years.

The effect of the loss of half of the commons on the pastoral economy of Bowden Middlecale was considerable, judging by the bitter and protracted opposition of the freeholders and tenants to Thomas Eyre's proposals to enclose and sell the king's part. However, once Eyre had been granted his title, those who could afford it saw an opportunity to gain for themselves what had been lost to the community. Such a man, among many in Bowden Middlecale and the High Peak, was Mark Trickett of Ringstones who in 1684 purchased in fee farm just over 21 [Cheshire] acres of common land in the king's part. Another was Jordan Bradbury of Mellor, yeoman, whose ownership of some 40 acres of the king's part of Mellor Moor in Thornsett is shown on a map of 1695, made by the surveyor, Edward Lingard. Jordan Bradbury died in 1708, but his holding can be traced through his Bradbury heirs in all the surviving land tax returns up to 1832. A detailed plan of the Bradbury property, known then as Briergrove Slack (SJ 998 884), appears on the tithe map of 1841.⁸⁰ Its long western boundary abuts Shiloh Road and a drive leads to two houses, one in the occupation of Joseph Handford as tenant, the other inhabited by the owner of the properties, Jordan Bradbury junior.

Eighteenth Century Enclosures

Whilst the sale of the king's part went ahead, the tenants' part remained unenclosed, as it did over the whole of Bowden Middlecale, for the final decree obtained by the freeholders

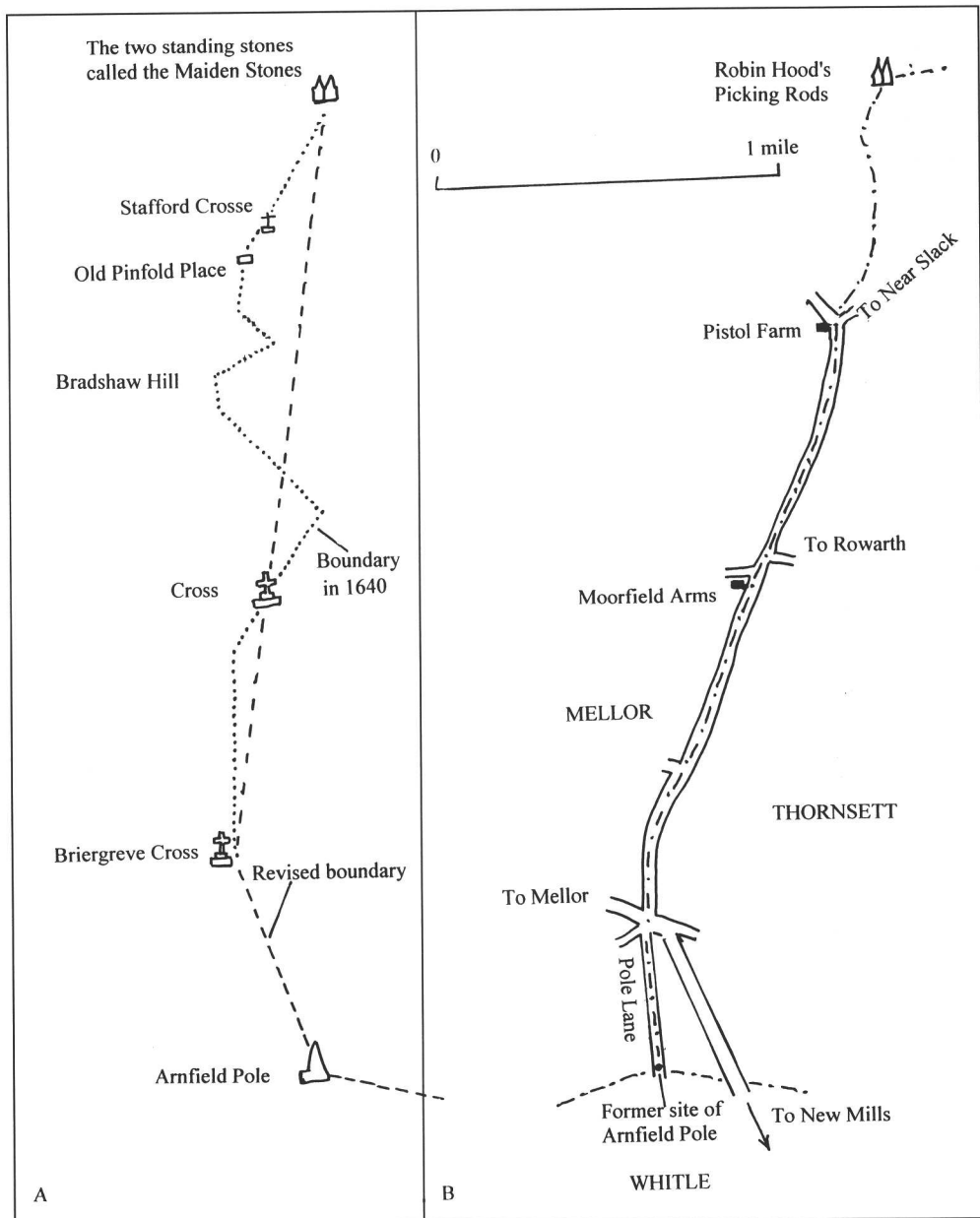


Fig. 6: The revised Mellor-Thornsett boundary, 1695. Map A shows how the boundary resulting from the 1640 survey was revised and simplified in 1690. The information is taken from a 1695 copy of a map entitled 'The wastes and commons belonging to Mellor as it is now decided', City of Manchester archives, M/35/2.42/13. Map B shows the present boundary along Pole Lane, Shiloh Road, and northwards to Robin Hood's Picking Rods to be substantially the same as Map A. Of the boundary marks, only Robin Hood's Picking Rods remain. First published in R. Weston, *The enclosure of Thornsett*, New Mills, 1992. 32.

and tenants was not, of course, an enclosure of their moiety. In 1765, a private agreement to enclose the Thornsett commons was drawn up between 'The Charterers or Freeholders and Proprietors of the ancient enclosed lands of Thornsett' and two surveyors, Brailsford and Longdon. The surveyors agreed to map the tenants' part and apportion it amongst the landowners by 9th September, 1766, though, for reasons unknown, the scheme did not come into operation until 1774.⁸¹ Each participant was to have a portion of the commons relating to the amount of land tax each paid on his/her ancient enclosed lands in Thornsett in 1765. In determining the award, the quality of the land and its accessibility to owners' property was to be taken into account. It should be noted that the land tax was an assessment based on the value of land, not on acreage. Seventeen proprietors received portions of the commons in 1774. There are two areas of 'old enclosures' on the tenants' commons: one already mentioned is the farmstead at Briergrove that came into existence before 1640. The other is on Bankhead Moor, a corner of which today still straddles the boundary between Thornsett and Hayfield. It is mentioned in a separate note at the end of the Award of 1774: 'a small Cottage and small Enclosure at Rob Slack upon Bankhead Moor in possession of Timothy Hurst is not included or intended to be included in the within mentioned Division'. (See Plate III). Was this the humane treatment of a poor squatter, or did Timothy Hurst occupy his pocket handkerchief by legal right and, if so, when and how did he obtain it?

The enclosure agreement of 1765 was 125 years after Hibbart and Barton drew up their divisions of the commons and wastes. Four separate commons were involved, which coincided with the four separate tenants' parts in the 1640 division. The maps of the 1765 agreement exactly replicate those of the 1640 map and the acreages are also comparable (Table 3), which says much for the ability of the surveyors, and reveals an extraordinary degree of continuity and understanding passed down through the generations. In other areas of Bowden Middlecale, as will be shown, such continuity extended into the period of nineteenth century enclosures, a period of over 200 years.

The long history of enclosure in Thornsett may be divided into distinct stages: a lengthy period of piecemeal enclosure of the better agricultural land during medieval times: the division of the commons and wastes in the seventeenth century and their subsequent enclosure by sale to private owners or by agreement among the freeholders and tenants in the seventeenth and eighteenth centuries. The role of Hibbart and Barton in shaping the last two of these landscape stages was paramount.

Detailed Field Evidence

An examination of the OS maps at the 25 inch and 6 inch scales together with fieldwork makes it possible to locate some of the boundary marks employed by the seventeenth century surveyors. (Fig.5).

ARNFIELD POLE marked the junction of the boundaries of the hamlets of Thornsett, Mellor and Whitle on Pole Lane, at the north-west corner of Broadhurst Edge Wood (SJ 998877). Cox⁸² suggested that Arnfield Pole was located at Jordan Wall Nook, the junction of Shiloh Road with Mellor Road, but this suggestion is erroneous, as is made clear in the 1695 survey by Lingard, already quoted.⁸³

BRIERGROVE (Briergreave) CROSS was almost certainly located at SJ 997884, where the entrance to Howe Green Farm (formerly Briergrove Slack) meets Shiloh Road. It is marked as The Stone Cross on the 1640 map — its base may be the large slab to be seen today incorporated into the wall at the crossroads. The remains were noted by Cox in his description of crosses in the area.

STOCK ROCK or STONE ROCK featured in Lingard's survey, shown as a circular object and shown on Fig. 5. Whether it was a natural outcrop or fashioned stone is not known. There is no trace today. It must have been near the present Moorfield Inn (SK 001893), since according to Lingard, it stood within a few yards of the south-west corner of the tenants' part of Hollins Moor.

MISLENE (Milne Lane?) CROSS. A wall today, marks the south boundary of the Mellor Moor tenants' enclosure, running parallel but south of the road to Rowarth. It starts opposite Chatterton Lane, noted on the Mellor enclosure map. Milne Lane may be the road to Little Mill, although it is not quite in the right place on the 1640 map. The cross may have stood here or at the road junction. There is no field evidence today. In his *Athenaeum* article, Cox reported that at the junction of Shiloh Road and Chatterton Lane (where the Moorfield Inn now stands) 'By the roadside are five large fragments of an obviously broken-up stone of some size, which appears likely to have been the base of a cross'. Recent fieldwork has revealed no certain traces of this.

OLD PINFOLD. From its position on the early maps, it may have stood in the vicinity of the present Gun Farm (SK 003905). When the moorland between Thornsett and Mellor was open common a pinfold, conveniently placed on the boundary, would have been a useful repository for stray animals.

THE MAIDEN STONES are shown as two standing stones on the seventeenth century maps. These are now the well-known Robin Hood's Picking Rods at SK 006909.

THE HOLLIN. 'The Hollin which parteth Thornsett and Whitle' stood in a field corner below Golden Spring at SK 004875 a point that can be ascertained from Lingard's survey. The field is now bounded by neglected holly hedges. Footpaths converge on a stile near the site.

LYDIATT (Ledyard, Ladygate, etc.) This gate, which led onto Mellor Moor from Thornsett Hall and Aspenshaw, is not marked on the Hibbart and Barton survey, but Lingard, in his re-survey of 1695, writes, 'The Lydiatt Gate, by others called Thorsett Lane Gate.' He shows the gate a few yards west of Lydiatt [Ladgyate] Brook, SK 007878.

THE CRABTREE was a boundary mark employed by Hibbart and Barton. Lingard, fifty years later, reported that the Crabtree stood no longer, but Briergrove limekiln stood at the spot and he used this as his marker. A slight mound at a field corner is all that can be seen today at this location, SK 000885. A former coal pit lies close at hand at SJ 999882.

THE HOLLINS KILN is shown by both Hibbart and Barton and Lingard to mark the end of a partition of king's part land. Lingard makes it clear that it was a lime kiln, as was the Briergrove. It probably stood at SK 001889, at an intersection of footpaths, but as there is no field evidence, it is difficult to be certain.

THE HAYES GATE is marked on the map as Thornsett Lane Gate, the name given it by Hibbart and Barton. Lingard's map states, 'The Hayes Gate in ye old map called Thorsett lane gate.' A track enclosed on both sides, leading north-east from Briergrove towards Ladygate Brook, is still clearly observable. The O.S. 25" (1879 edition) shows this track continuing north-east across the brook in a straight line to Thornsett Fields farm (SK O10885). This path is not observable today and does not appear on modern maps. Clearly, this was the route used to take animals on to Mellor Moor from Thornsett Fields.

THORNSETT FIELDS GATE gave access from Thornsett Fields on to Hollins Moor. A special corridor seems to have been kept open across the king's part for this purpose. Hibbert and Barton show this gate near the south-east corner of Hollins Moor, at approximately SK 009888.

THORNSETT GATE. An unnamed gate at the south-west end of Thornsett Bank. is presumably Thornsett Gate. It gave access onto Bankhead Moor.

A bank opposite Spring Head farm may represent part of the original Thornsett/Mellor boundary before it was realigned in 1695. It coincides with an indentation here on the 1640 map. Another wall dividing tenants' from king's part running towards Ringstones farm today is present today exactly as shown on the 1640 map — Mark Trickett's house. The eastern boundary on the 1640 map coincides with the hamlet boundary and the road past King Clough Head Farm is also marked on the 1640 map.

FIELD EVIDENCE IN THE OTHER HAMLETS

Ollersett Moor

In contrast to the craggy outcrops of the scarp facing north and south, the gentle western dipslopes of Chinley Churn, forming Ollersett and Beard moors, present a relatively unbroken aspect. This gave Hibbart and Barton the opportunity of laying out long, straight units of common, which converged towards the hamlet boundary (Chinley Wall on the 1640 map) on the summit horizon of Chinley Churn. The four resulting strips, instead of being allotted to the king and tenants alternately, were laid out in two pairs (Fig. 7 and Plate I). This resulted in retaining for the tenants a considerable expanse of common contiguous with the tenants' part in adjacent Phoside. In 1828, the tenants' parts in Ollersett and Phoside were enclosed by Parliamentary Act. G W Newton of Ollersett Hall, who received the lands in Ollersett, erected a perimeter wall, but no wall was built between the adjacent tenants' parts. Similarly, no wall exists between the two adjacent king's parts, although the division is marked on Hibbart and Barton's map. All 128 acres of the two king's parts, as shown on the 1640 map, were sold by Thomas Eyre in 1715. Since then, it has been divided into smaller parcels, including Piece Farm, which

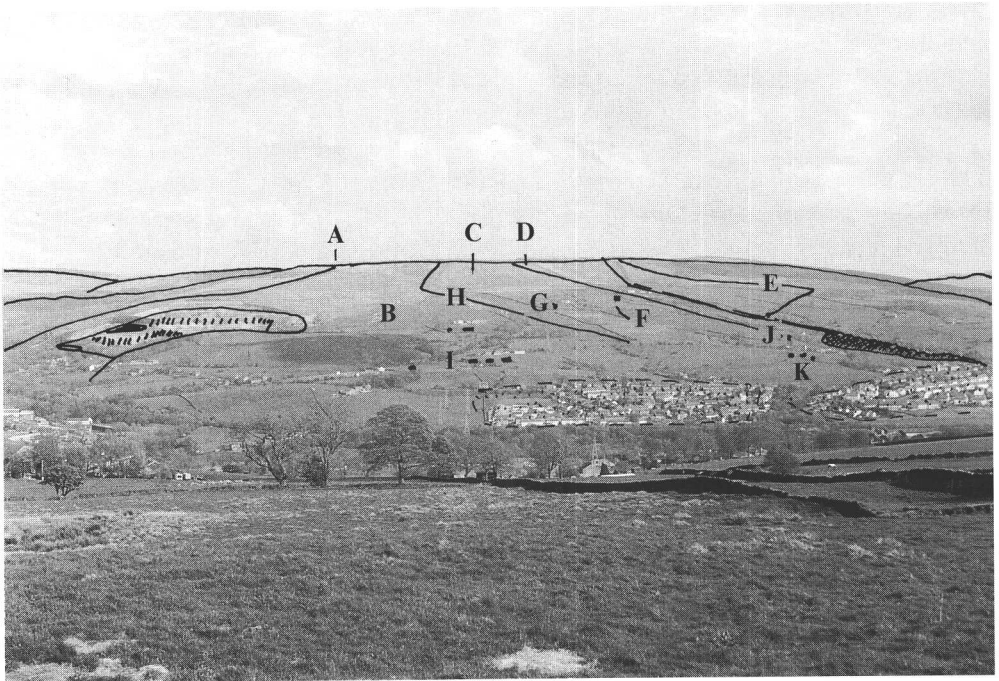


Plate I: Moors of Phoside, Ollerssett and Beard looking south-east across the Sett valley from Castle Edge (SJ996872). Key: A: Phoside-Ollerssett boundary. B: Ollerssett Common, tenants' parts. C: Ollerssett Common, king's part. D: Ollerssett-Beard boundary. E: Beard Common, tenant's part. F: Piece Farm, established following the sale of the king's part by Thomas Eyre in 1715. G: Moor Lodge. H: Cold Harbour Farm (The Winterside on Fig. 7). I: Gib Hey Farm. J: Pingot Farm. K: Ollerssett Hall Farm.

was established at the time of the original sale. Some of the tenants' part in neighbouring Beard is also now part of Piece Farm.

The boundary between the hamlets of Ollerssett and Beard is marked today by a wall rising over the moorland to the parish boundary at Chinley Wall. At Pingot, at the lower end, the wall deteriorates into a bank before becoming lost among the coal workings and spoil of Pingot pit. The wall is roughly made, the stones not being placed in regular courses as one might expect of nineteenth century walls. It marks the division between the king's part in Ollerssett and the tenants' part in Beard, and may very well have been in existence soon after 1640. There is evidence that the wall was followed by a ditch, now appearing intermittently on the Beard side of the boundary.

There are no isolated freehold estates within the commons on the Ollerssett and Phoside map, but several farms are identified bordering the commons just within the core of ancient land. (Fig. 7 and Table 4).

Beard Moor

On the 1640 map, (Beard and Bugsworth) Thomas Froget's house is Shedyard Farm (SK 017846) and it stands on the boundary of the commons. The lower part of Beard Moor is divided into tenants' and king's part of 100 acres each (Fig. 8). According to a

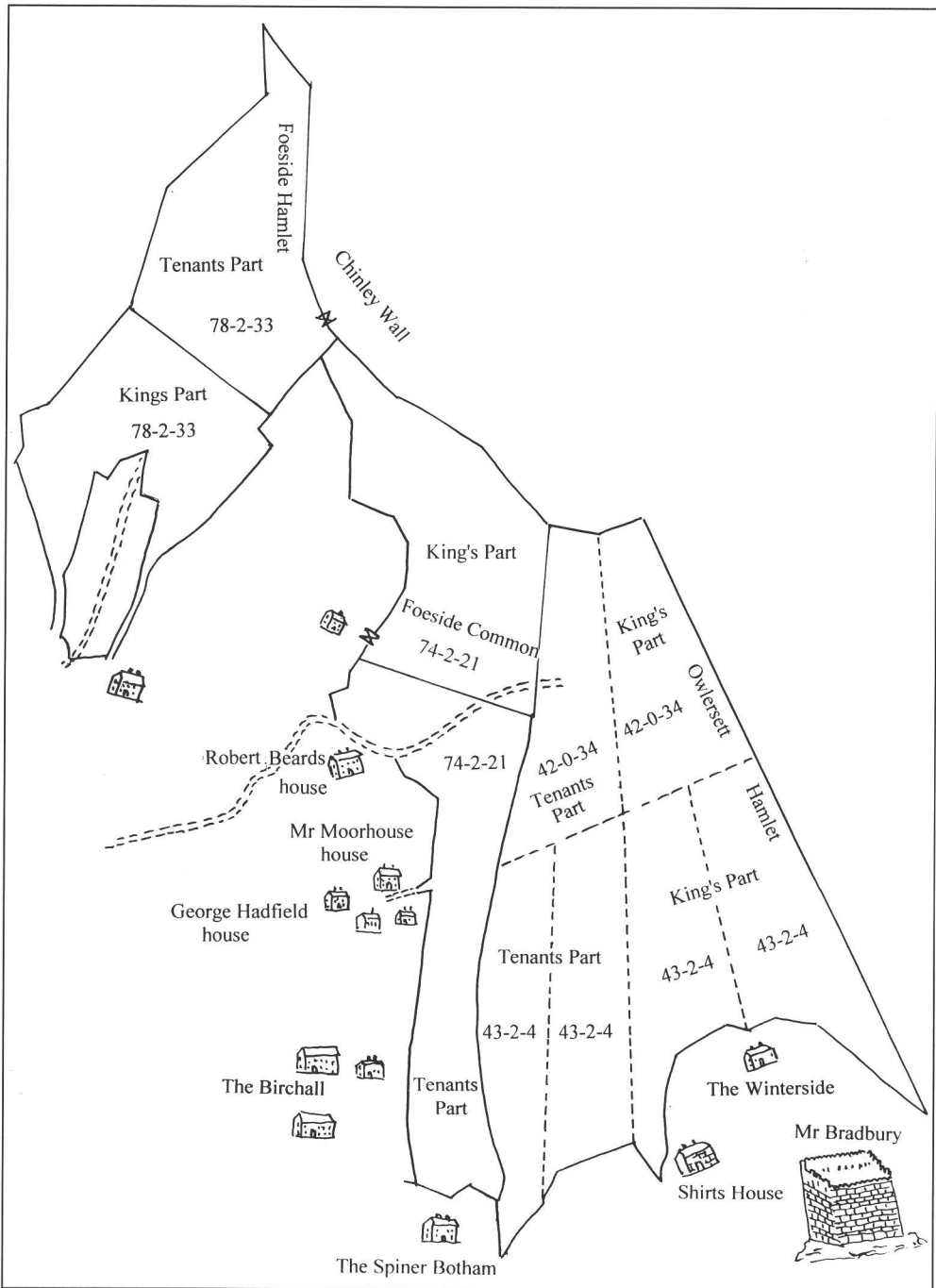


Fig. 7: Division of the commons and waste of Ollersett and Phoside, 1640. Traced from a copy, dated 1879, in PRO, MPC 72. Today's farms are: Mr Bradbury (Ollersett Hall Farm), The Winterside (Cold Harbour), Shirts (Over Lee), George Hadfield (Little Ridge), Mr Moorhouse (Ridge Top), Robert Beard (Phoside).

Table 4. Ollersett and Phoside: Individual properties on Hibbart and Barton's 1640 map.

The Winterside: (Cold Harbour SK 017859)
Mr Bradbury: (Ollersett Hall Farm SK 013856)
Shirts House: (Overlee Farm SK 017863)
The Birchall: (Birch Hall SK 027870)
George Hadfield house: (Little Ridge SK 029864)
Mr Moorhouse house: (Ridge Top SK 033864)
Richard Beard's house: (SK 037860)

survey of the Beard estate in 1676 and 1690, both parts belonged to Randolph Ashenhurst of Beard Hall.⁸⁴ He must have bought the king's part from Thomas Eyre, but how he came to have possession of the tenants' part as well is not known, although the fact that the Beard estate was contiguous to these commons must have played a part. Later, the common lands went out of the Beard estate's possession into that of the Cavendish family, the dukes of Devonshire. This explains why there is no enclosure award for the tenants' part of Beard Moor.

On Beardwood Farm today (SK 015842), the boundary between the tenants' and king's parts below Beard Moor is still marked by a wall, which higher up becomes a broad bank which meets a cross wall running towards Thomas Froget's house, exactly as shown on the 1640 map. There is a track going towards The Haugh (William Bennett's land on the 1640 map) at this point, part of which coincides with a right of way. The boundary of the tenants' part to the east follows the hamlet boundary, now also the parish boundary between Beard and Bugsworth. The boundary of king's part (on the west) and that of the tenants' part (on the east) coincide with deep cloughs and are easily identified on the 1841 tithe map. It is therefore possible to calculate the total acreage for the fields in each part from the tithe map, which when converted from Statute to Cheshire acres, is the same as that given on the 1640 map, ie 26 Cheshire acres for each part (Fig. 8).

Bugsworth Moor

Perhaps the most significant feature of the 1640 map is that the boundary between the ancient farmlands and the commons closely follows breaks of slope in the topography coinciding with the outcrop of sandstone ridges, natural physical features which deterred any further extension of the farming outwards from the core. The houses of Thomas Bowden (Cote Bank, SK 029827) and James Carrington (Chinley Houses, SK 027826) on the 1640 map stand prominently at the end of a projecting ridge. Cote Bank today has buildings and a former farmhouse which have seventeenth century features. Re-entrants in the boundary, extensions of the ancient lands, follow lower ground between the ridges. 'Corner' marked on the 1640 map coincides with a triangle of lower ground running up to a farm today called Throstle Bank (SK 031833). From here a boundary runs up the slope to Chinley Wall and the edge of the sandstone scarp called Cracken Edge, marked as 'slate breks' on the 1640 map. The division between the king's part and tenants' part runs down the shale col between the two outcrops of sandstone, the Rough Rock and Chatsworth Grit, a relationship between boundaries and geology that is repeated elsewhere in Bowden Middlecale.⁸⁵

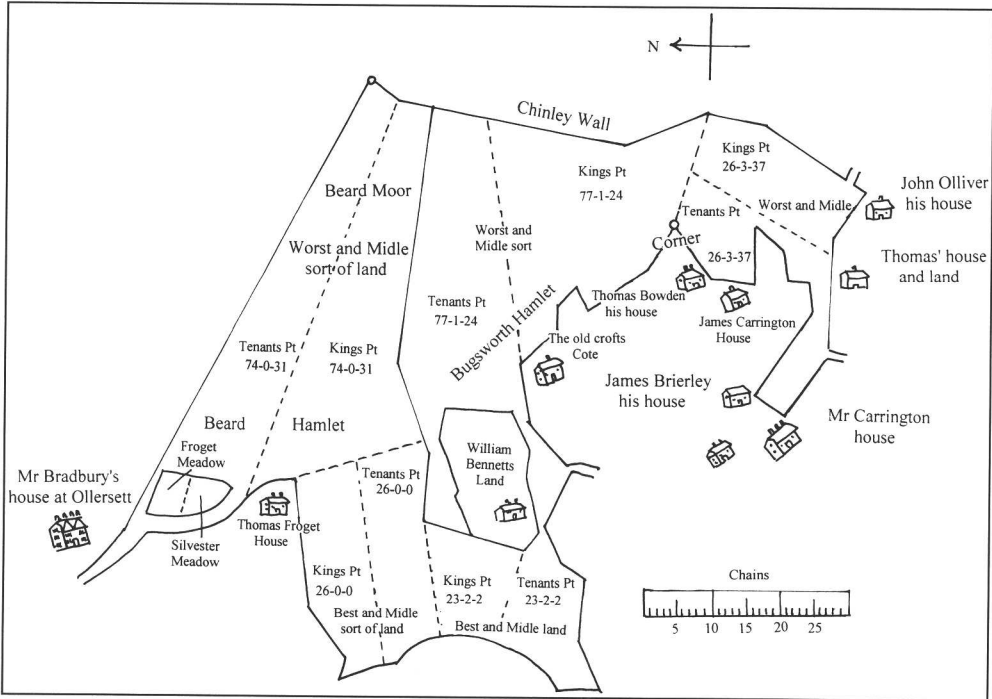


Fig. 8: Division of the commons and waste of Beard and Bugsworth in 1640. Traced from a copy in DRO, D3566/1. Today's farms are: Mr Bradbury (Ollersett Hall Farm), Thomas Froget (Shedyard), William Bennett (The Haugh), James Brierley (Knowltop), Mr Carrington (Bugsworth Hall), James Carrington (Chinley Houses), Thomas Bowden (Cote Bank).

James Brierley's house is today's Knowle Top (SK 024823) above the present settlement of Brierley Green. It stands at the end of a narrow strip of common land which forms the steep valley side of the Black Brook. Below is Mr Carrington's house, Bugsworth Hall, SK 021822) a house given on the 1662 hearth tax returns as having eight hearths. The steep slope runs eastwards towards Chinley and a track marked on the 1640 map here is Stubbins Lane today (SK 035826).

An enclosure marked on the 1640 map as William Bennett's land is The Haugh today.⁸⁶ The site of the farm is a distinct eminence on the side of the Goyt valley with steep slopes on three sides marking it out as a feature. It is an ancient enclosure of freehold or copyhold land on the edge of the commons and wastes. The name is recorded in 1381.⁸⁷

Phoside

The hamlet of Phoside occupies the northern flank of the prominent hill-mass known as Chinley Churn. While the lower slopes were improved from an early date, the upper ones, rising to a summit exceeding 450m, were used as rough grazing by the inhabitants of the surrounding hamlets. The photograph (Plate II) looking south-eastwards across

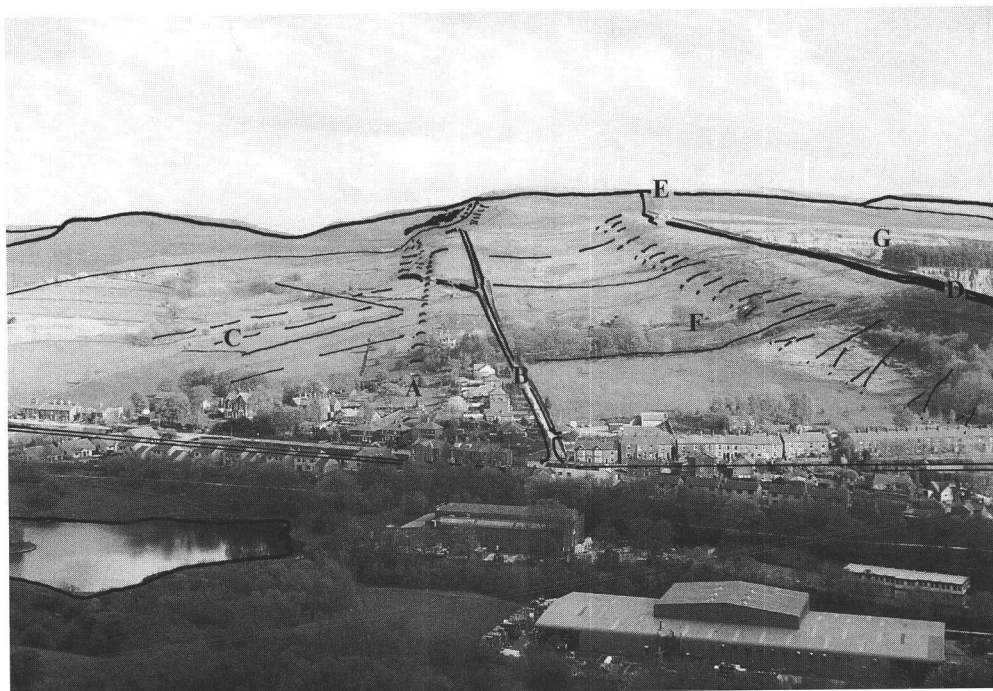


Plate II: View of the Phoside-Ollersett boundary looking south-east across the Sett valley from Birch Vale at SK 020872. Key: A: The pre-1640 boundary between Phoside's ancient enclosures and the commons, which follows the sandstone outcrop. B: Morland Road, the nineteenth century enclosure road. C: Phoside's ancient enclosures. D: Phoside-Ollersett boundary. E: Newton's wall, curving southwards. F: Phoside Common, tenants' part, with walls of the nineteenth century enclosure award. G: Ollersett Common, tenants' part.

the Sett valley at Birch Vale shows the former tenants' part of the commons in relation to the ancient enclosures and the neighbouring tenants' part in Ollersett.

The northern boundary between the ancient enclosures and the commons, marked A on the field sketch, is not aligned on Morland Road (B) but instead follows a sharp break of slope some distance north of the road along an outcrop of a sandstone. In the early seventeenth century, this uneven line formed the boundary of the ancient enclosures cut out of the royal forest. Thus, the boundary on Hibbart and Barton's map approximates to the rocky edge and this is the line followed by the nineteenth century enclosure award. Higher up, just beyond the horizon near Foxhole Clough (SK 035853), the edge curves round to the north and east and there is an extension of the commons to follow it, clearly shown on Hibbart and Barton's map (Fig. 7). The distinctive straight Morland Road is an enclosure road of the nineteenth century and the walls bounding it are of the same age.

There is one unusual feature in this vicinity. A small triangle of land of the king's part is shown on Hibbart and Barton's map crossing over to the other side of Foxhole Clough (Fig. 7). This is still present today, bounded by ruined walls, almost certainly the original seventeenth century enclosure walls. The reason for Hibbart and Barton allocating this

apparently anomalous small triangle of land appears to be a device to provide access to the stream water for farm animals on the king's part of Phoside common.

The boundary between Phoside and Ollersett hamlet (D on Plate II) is marked by a substantial wall built following the parliamentary enclosure of the tenants' part of Ollersett commons in 1828 by the landowner, G W Newton, who had obtained control of much of the former commons. It is interesting to speculate whether or not the two adjacent tenants' parts, although in separate hamlets, were, from the late seventeenth century, bounded by a wall. Newton's wall, built soon after the enclosure of 1828, as it approaches Foxhole Clough, provides an important clue. It curves to the south (E) leaving the hamlet boundary, which on modern maps is marked as continuing eastwards over rough and wet moorland. No wall today marks the hamlet boundary in this section, and there is no evidence that one was ever built. However, on Hibbart and Barton's map the boundary of the tenants part continues to follow this section of the Phoside/Ollersett boundary. Clearly, the allocation of commons between the tenants of two neighbouring hamlets by Hibbart and Barton did not necessitate the construction of a wall — who would be prepared to pay for it, particularly where intercommoning had been the custom? On the nineteenth century enclosure award, therefore, this part of Phoside is included in a separate allotment.

Bankhead Moor and Cliff Bank

Morland Road provides fine viewpoints of this area across the Sett valley, particularly of the division between the enclosures for Thornsett and that for Great Hamlet. The photograph (Plate III) and accompanying sketch illustrate the close relationship which existed in Bowden Middlecale between the seventeenth century enclosure boundaries and the geological outcrops. The geology is important since two sandstones, the Woodhead Hill Rock and the Rough Rock, dip westwards to form two separate scarps and dip slopes, known as Bankhead Moor and Lantern Pike respectively. The two hill-masses are separated by a shallow col coinciding with a shale band, through which runs the Thornsett-Great Hamlet boundary wall.

The boundary between the hamlets of Thornsett and Great Hamlet marked A (on the sketch of Plate III), descends between Bankhead Moor and Lantern Pike by way of a shallow col. The upper slopes and steep sides of the scarps provided the tenants' commons, C and E. In contrast, the more gently inclined backslope, B, of the outcrop was allocated to the king. The boundaries between the two tenants' parts on either side of the hamlet boundary contour round the curving rock outcrops, replicating the shape of the hill, are clearly shown on Hibbart and Barton's map (Fig. 3A). There is a very good agreement between the acreages, boundaries and shapes between the seventeenth century and nineteenth century awards (Table 3).

Cliffe Bank, the scarp produced by the outcrop of the Chatsworth Grit, the lowest of the three sandstones here, shows a typical relationship between the seventeenth century commons and an area of more ancient enclosure. Between the Rough Rock and the Chatsworth Grit another shale band produces a fine col of improved pasture which in Hibbart and Barton's time formed an extension of the ancient farmlands of better quality land. They mark it as being John Hadfield's freehold land — the present Upper Cliffe farm, SK 026876 (Figure 9B, and D on Plate III). The steep slope adjacent to it, F, was common land to be divided between king and tenants. Only the king's part is visible on

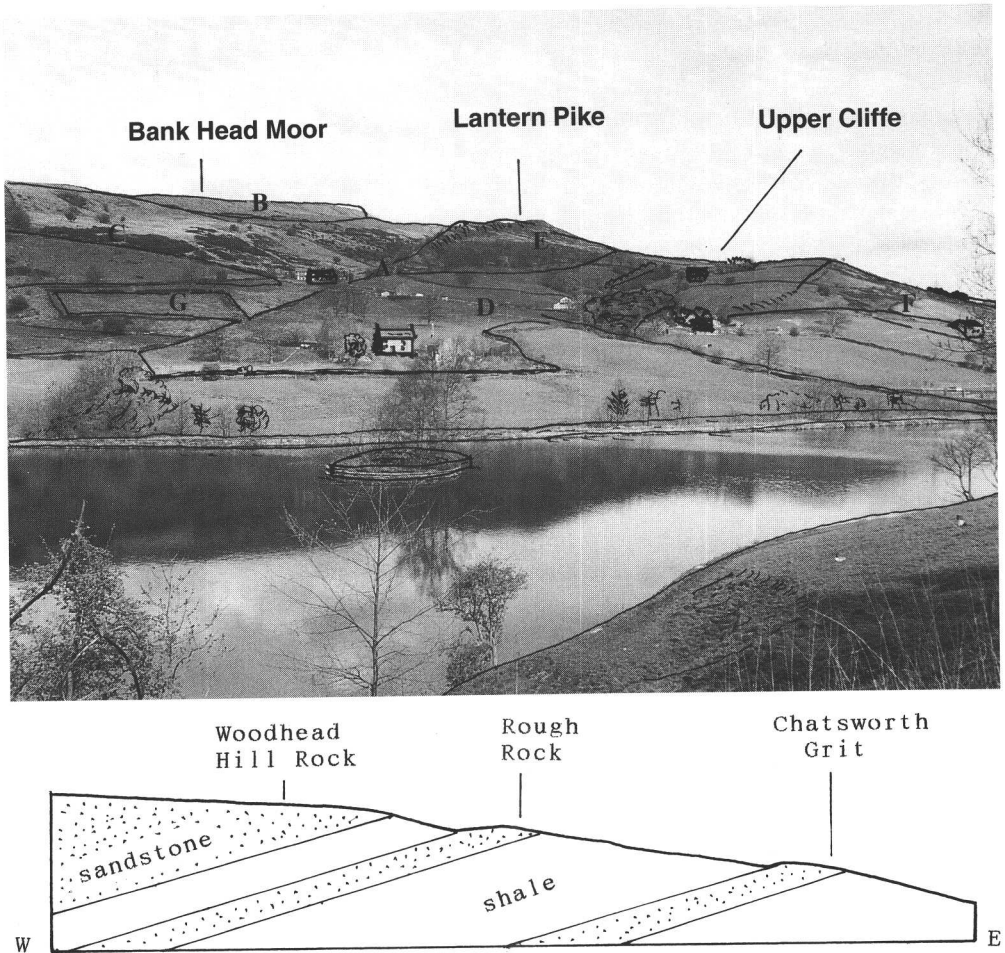


Plate III (a): The hill of Lantern Pike showing the Bankhead Moor enclosures looking northwards across the Sett valley form SK 869025 with the Hibbart and Barton divisions. Key: A: Thornsett-Hayfield boundary. B: Bankhead Moor, Thornsett, king's part. C: Bankhead Moor Thornsett, tenants' part. D: John Hadfield's freehold land (see Fig. 9B). E: Bankhead Moor, Great Hamlet, tenants' part. F: The Cliffe Bank, king's part. G: An encroachment, shown on the 1774 Thornsett enclosure.

(b): Geological section showing the sandstone outcrops.

the photograph. It is clear that this difficult terrain has remained much the same since Hibbart and Barton's time. The distinctive field marked G (SK 024873) was referred to as an 'encroachment' on the Thornsett enclosure map of 1774.

Kinder Moor

The 1840 enclosure for Kinder Moor totalled 1352a. 2r. 33p, and although there is a discrepancy in the acreage (not surprising considering the terrain rises to 2000 feet), there is a very close correspondence between the shapes and boundaries of the parts (Fig. 3A and 3B). Hamlet and parish boundaries also correspond on both maps.

Table 5. Hayfield Moor: Isolated estates on Hibbart and Barton's map of 1640.

Mr Davenport: Stone Houses (SK 051865)
Robert Clayton: Tunstead Clough (SK 054867) and The Ashes (SK 056864)
Coldwell Clough (SK 056858)
Mr Bowden: Hill House (SK 052871)
John Hadfield: Upper Cliff (SK 027877)
John Marriott: The Cote (SK 052873)
John Kinder: Booth (SK 053877)
Thomas Marriott: Upper House (SK 063878)
John Kinder: (Now under Kinder reservoir)
Phoside: No name

Hayfield Moor

In 1640 there were three separate tenants' parts making up Hayfield Moor (Fig. 9A). These were combined into one area for the 1830 enclosure Act to make up the Hayfield Moor enclosure. Slight changes in the boundaries may account partly for the small discrepancy in acreage (Table 3). Isolated freehold enclosures are an important element on all the 1640 maps and on the map of Hayfield there are nine. They lie beyond the frontier of ancient farming, which was established by the late thirteenth century. Surrounded by the commons and wastes, they occupy distinct and choice sites which can be identified today quite easily. The ancient enclosures on the Hayfield map and the farms to day are indicated in Table 5 above.

Some of these freeholds may fall into the category of 'old lands', but evidence to confirm this has not yet been discovered.

Kinder Bank and Elle Bank

This is formed on the steep scarp slope of another sandstone, the Kinderscout Grit. It is now wooded. The acreages were not given on the 1640 map. The king's part included the gentler backslope extending towards Hayfield Moor.

Whitle enclosures

The Whitle enclosure award of 1828 (Act 1826) concerned four areas which were the original tenants' parts of 1640 division — Lee, Shaw Marsh, Whitle Bank, and Broadhurst Edge.⁸⁸ Again, there is a coincidence between the areas on the 1640 and nineteenth century maps (Figs 4A and 4B). The total acreage agrees well with the total acreage allotted to the tenants in 1640, except for the Lee enclosure (Table 3). The 1640 map also shows seven discrete enclosures named as freeholds or ancient lands which are surrounded by the commons and wastes (Fig 10). Four of them carry names which are listed in the forest rentals of the thirteenth century: Whitle, Redishaw, Beardhough, and Knightwig.

The decisions made by Hibbart and Barton regarding the subdivisions of the Whitle commons influenced the later development of the town of New Mills. Unlike anywhere else, the tenants' parts of Lee and Whitle Bank, particularly the steep slope above Market Street and Spring Bank, have been built upon. Partly as a result of the differing history

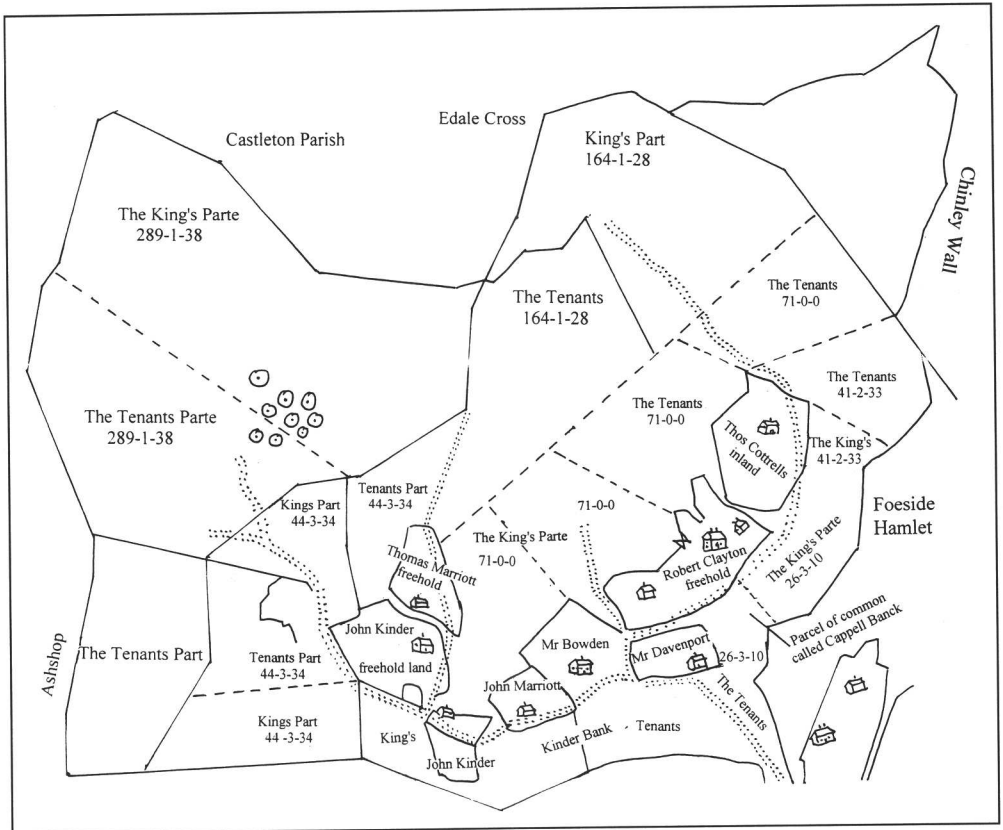


Fig. 9A and 9B: (above and facing) The division of the commons and wastes of Hayfield Moor, Kinder Moor, Cliff Bank, and Bankhead Moor. Traced from a copy, dated 1879, in PRO, MPC 72. Today's farms are: 9A. John Kinder (Booth), John Marriott (the Cote), Mr Bowden (Hill House), Mr Davenport (Stone Houses), Robert Clayton (Tunstead Clough), Thos Cottrell (Coldwell Clough), 9B. Mr Plat's House (Park Hall), Thos Waterhouse (Spray House), Richard Yeaveley (Brookhouse), John Hadfield (Upper Cliffe), Thomas Rawlanson (Highgate).

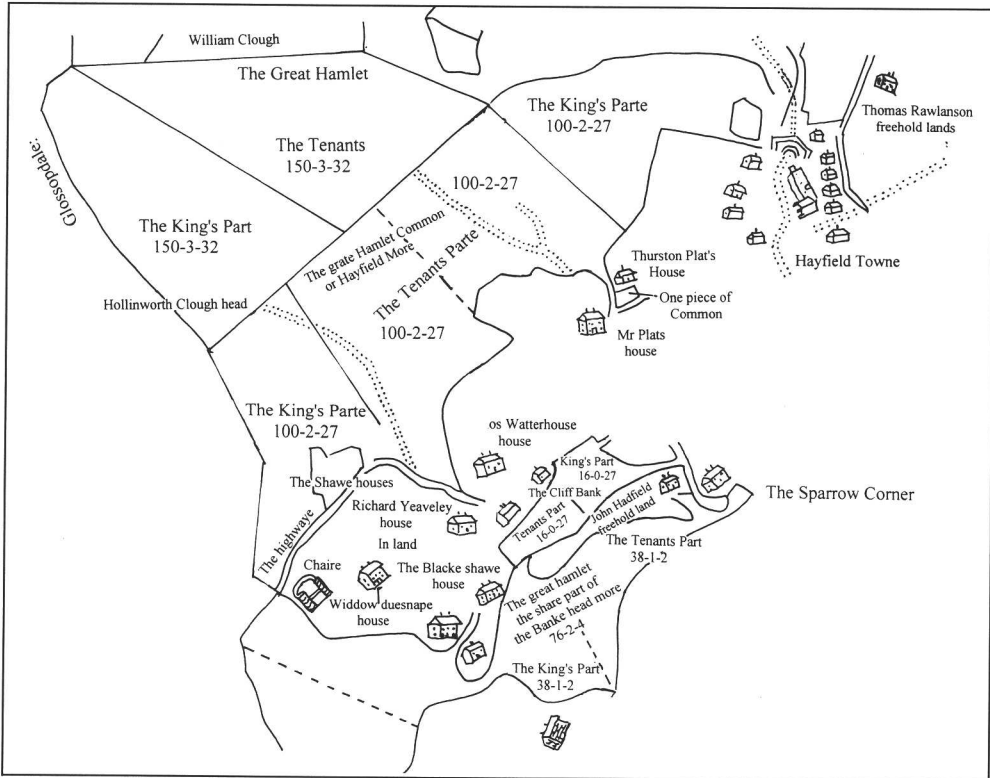
of traffic in land of the king's parts and tenants' parts, this has affected the urban morphology of the town in various degrees of detail.

Shaw Marsh

The Shaw Marsh area is one of the best areas to illustrate the match between the two dates, the four roads at each corner of this area being a particularly good guide.

Broadhurst Edge

The northern boundary on the 1828 enclosure appears to have been slightly extended compared with the 1640 boundary (compare the site of Arnfield Pole on Figs. 5 and 10), which may explain the discrepancy in the acreage. Otherwise, the shape and position are more or less exactly the same on both enclosure maps. Particularly, both maps show the southern boundary skirting ancient lands.



Lee

The Lee enclosure of the tenants' part covers the steep land immediately north above the Goyt valley. The acreage of the nineteenth century enclosure is, unusually, considerably more than that of the 1640 enclosure because an extension into the king's part in the northwest corner was made. The ancient enclosure named as 'Inland John Wyld' on the 1640 map (Fig. 10) is a typically choice site, today's Brow Farm SJ 993855, occupying a distinct ledge between breaks of slope immediately above and below the farmhouse.

Table 6. White Hamlet. Isolated estates on the Hibbart and Barton map, 1640.

Robert Arnfield house and land (Broadhurst SK 102871)
Ancient lands (Near Broadhurst Edge)
Ancient lands, John Hibbert house and land (White SJ 999867)
The Redishaw Meadow (SJ 995870)
John Stafford's House (Shaw Farm SJ 989866)
Ancient lands called (Beardhough SJ 999864)
Unnamed. Knightwig [Bower] (SJ 995860)
Warrington Croft (Abothre)
John Wyld (Brow Farm, SJ 993854)

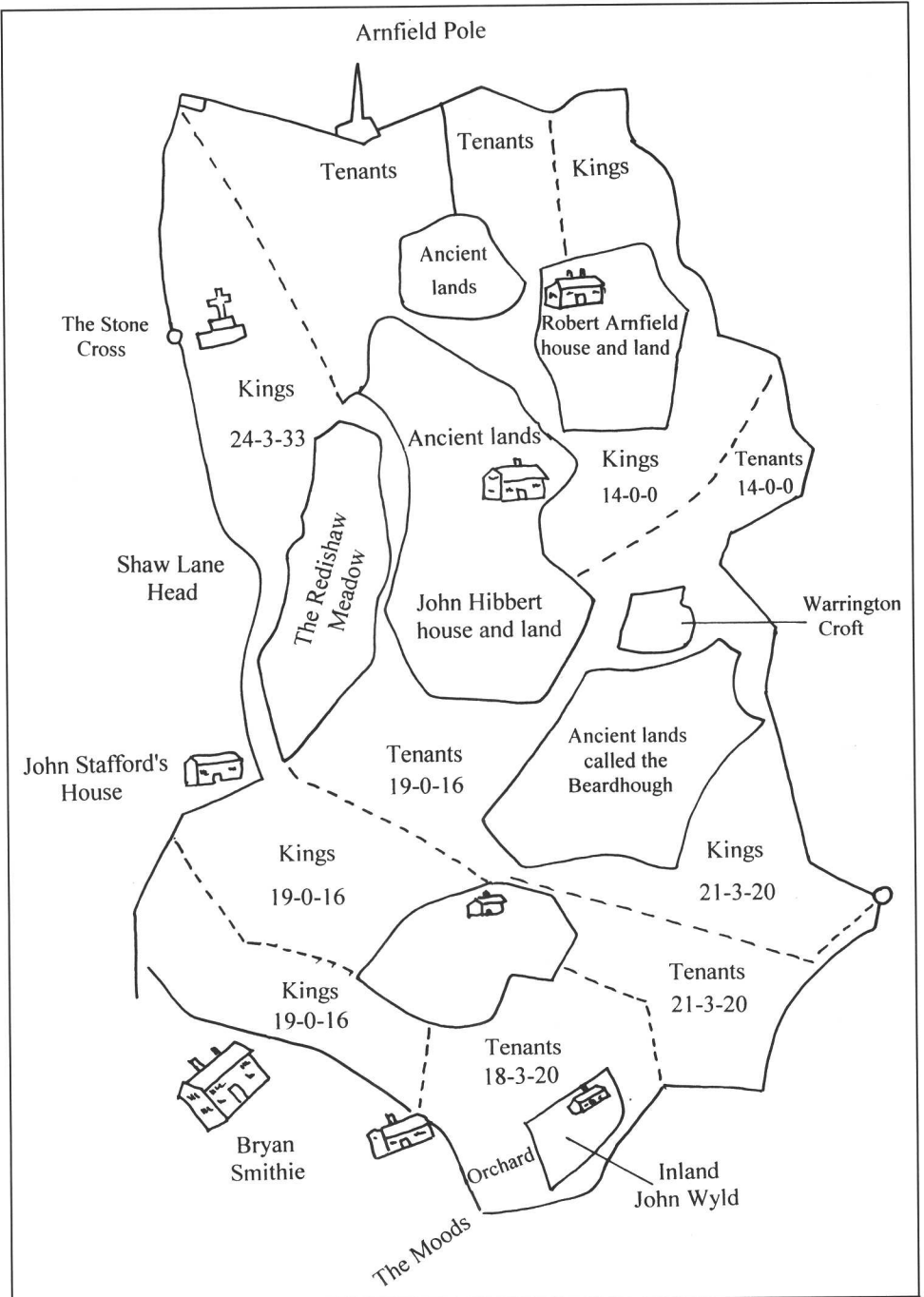


Fig. 10: The division of the commons and wastes of Whitle, 1640. Traced from a copy in DRO, D 3566/1. Today's farms are: Robert Arnfield (Broadhurst), John Hibbert (Whitle), John Stafford (Shaw), John Wyld (Brow Farm).

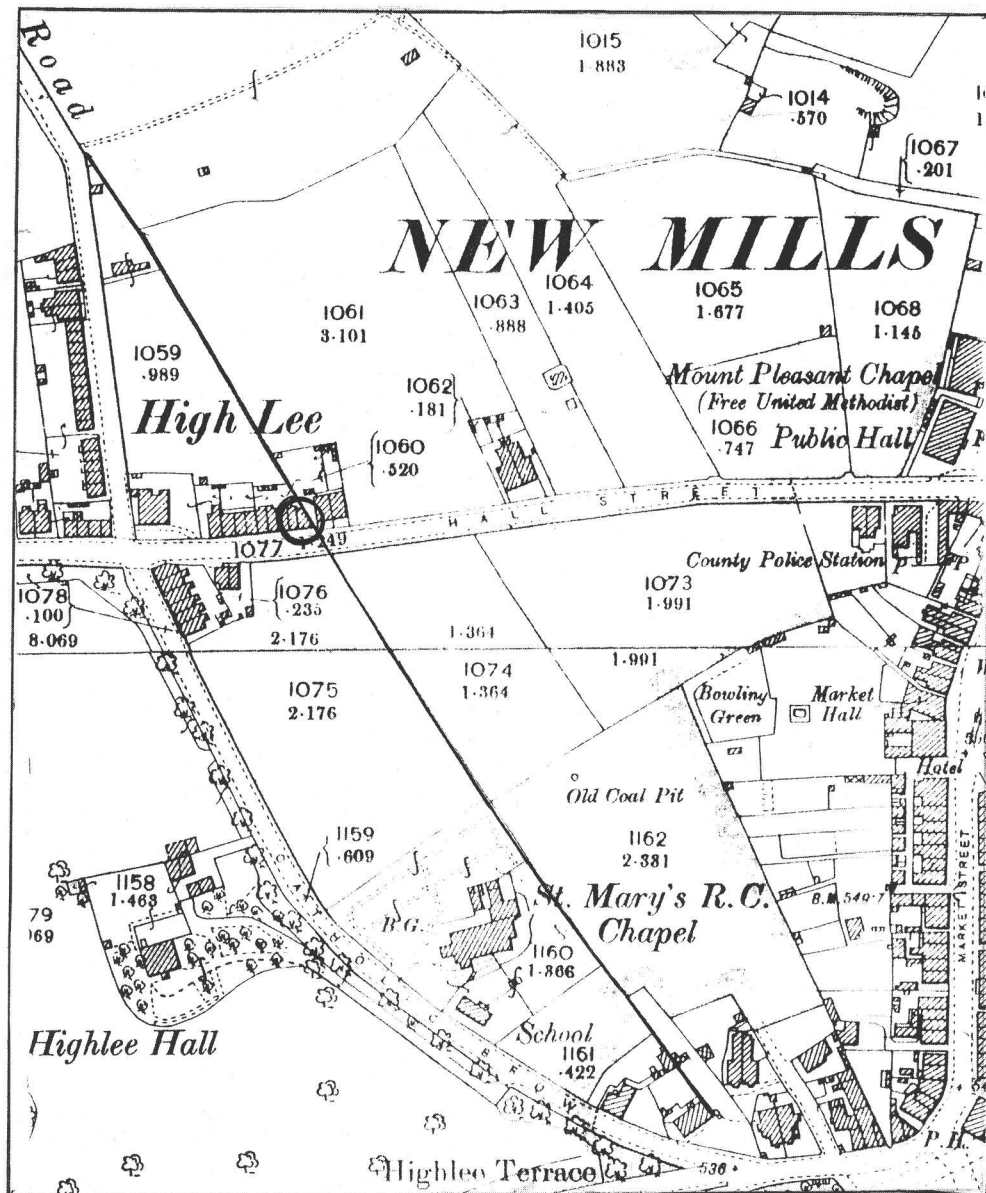


Fig. 11: Two sets of terrace houses on Hall Street in New Mills separated by the 1640 division line (highlighted), with the former tenants part on the left (Lee enclosure) and the former king's part on the right. Ordnance Survey 25 inch map (1896).

When the New Mills Urban District Council purchased High Lee Hall and its grounds in the 1930s (Fig. 11) the deeds cited the land as part of these former commons.

Fieldwork has traced the 1640 division between the king's part and tenants' part which ran uphill between the present Longlands Road and St Mary's Road (Fig. 11). It is

marked by a wall, and where it crosses Hall Street at an angle the boundary is marked today by a change in the property — terraces built between 1841 and 1879 on the tenants' part are separated from those built in the 1890s in the adjacent king's part separated by an alleyway. The 1640 boundary line coincides with the side wall of the end terrace of older houses and, owing to the angle that this boundary crosses Hall Street, this wall is today not at right angles to the front of the house. This is quite clearly shown on the Ordnance Survey 25 inch map, 1896, second edition (Fig. 11). Because the alleyway between the terraces belonged to a different owner (it was on the king's side of the 1640 division line), the end house of the older terrace has a dummy front door hiding a ginnel (tunnel) for access to the back. The 1640 dividing line is also followed by Eaves Knoll Road, in the north-west corner of the map.

Whitle Bank

High Street today was formerly an ancient track, leading steeply down to 'New Mill' adjacent to the bridge over the river Sett at the bottom of the hill.⁸⁹ It is possible that it follows the base of Spring Bank because this slope was naturally a border to the commons. We have seen elsewhere that Hibbart and Barton used these sharp breaks of slope as boundaries to the commons, and that they were often followed by paths or tracks. But in this case, the pattern plays a part in the urban morphology.

The northern boundary of this tenants' part, following the 1640 boundary, runs uphill from Bate Mill Road to Whitle and it forms the present boundary to Watford House and Tan Pits Cottage, where it crosses the Mellor Road. The southern boundary borders the ancient Beardhough enclosure following a stream down to Mellor Road.⁹⁰ This boundary coincides with the boundary shown on the 1640 map on which there is a particular shape at this point, the ancient enclosure of Abothre or Abbey Tree (Warrington Croft on the 1640 map), shown on the Whitle Bank enclosure map. It now forms the site of a 1970s housing estate and the west and south-west boundaries are marked by a wall coinciding with the original boundary. This estate has houses of a distinctive design and forms a unit within the old enclosure, so that this spatial element in today's urban landscape survives from pre-1640.

NOTES AND REFERENCES

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- ³ There is a rich heritage of primary documents available, particularly rentals, ministers' accounts, coal mining leases, decrees of the duchy court, special commissions, and maps. In this context, all students of the manor and forest of Peak are indebted to Somerville who made use of his unrivalled access to duchy documentation in a work of great stature and in a seminal article. Somerville R, *History of the duchy of Lancaster, I, 1265–1603*, London, 1953, and II, 1603–1965, London, 1970. Somerville R, 'Commons and wastes in north-west Derbyshire — the High Peak "New Lands"', *DAJ*, XCVII (1977), 16–22.

- ⁴ Young C R, *The royal forests of medieval England*, Leicester 1979, vii.
- ⁵ Petit P A J, *The royal forests of Northamptonshire. A study in their economy, 1558–1714*, Northampton 1968, 65.
- ⁶ Young, 1979, 1. Gilbert J M, *Hunting and hunting reserves in medieval Scotland*, Edinburgh 1979, 11.
- ⁷ Rackham O, *The history of the countryside*, London, 1986, 130.
- ⁸ Hoyle R, 'Disafforestation and drainage: the Crown as entrepreneur?' in Hoyle R (Ed) *The estates of the English Crown, 1558–1640*, Cambridge, 1992, 355.
- ⁹ Rackham, 1986, 136. Kerry C, 'A history of the Peak Forest', *DAJ*, XV (1893), 67–98.
- ¹⁰ Extracts from 'the pleas of the Forest on the Morrow of St Michael in 1285 . . .', Kerry C, 'A history of Peak Forest,' *DAJ*, XV (1893), 67–98.
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- ¹³ Weston R, *The enclosure of Thornsett*, New Mills, 1992, 6.
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- ¹⁵ Large, 'From swanimote to disafforestation: Feckenham Forest in the early seventeenth century' in Hoyle, 1992, 394.
- ¹⁶ Hoyle, 1992, 356.
- ¹⁷ Tupling G H, *The economic history of Rossendale*, Manchester, 1927, 42.
- ¹⁸ Tupling, 1927, 60.
- ¹⁹ Cox J C, *The royal forests of England*, London, 1905, pp 174–5. A map prepared at this time (possibly between 1587 and 1590) shows herbages at Longdendale, Mainstonefield (alias Chinley), Ashop, Edale, Fairfield and Tideswell. They were vaccaries, pastoral out-stations established in the twelfth century by abbeys sited outside the Peak. On the map they are represented by geometrically-shaped blocks of colour varying in size apparently proportional to their area. In between them are 'great wastes'. PRO, Maps, MPC 53. A copy is held in the archives of New Mills Local History Society, D 638. Also, Nicholas H, *Local maps of Derbyshire to 1770. An inventory and introduction*, Matlock, 1980.
- ²⁰ Anderson P and Shimwell D M, *Wild flowers and other plants of the Peak District*, Ashbourne, 1981, 129–31.
- ²¹ Pettit, 1968, 59.
- ²² Pettit, 1968, 65.
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- ²⁴ Somerville, 1970, 21.
- ²⁵ Large in Hoyle, 1992, 391.
- ²⁶ Hoyle, 1992, 353. Somerville, 1970, 25–28.
- ²⁷ Shaw R C, *The royal forest of Lancaster*, Preston, 1956, 481.
- ²⁸ Hoyle, 1992, 388. Somerville, 1970, 25–28, points out that such methods of raising revenue fade into insignificance when compared with the sale of duchy lands. Huge amounts were disposed of under Elizabeth and James, including well over 200 manors. Such sales set a precedent for sales of crown lands during the Commonwealth. Madge S J, *The Domesday of crown lands*, London, 1938, 43.
- ²⁹ Pettit, 1968, 383–85.
- ³⁰ Pettit, 1968, 88–92.
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- ³² The Parliamentary survey of 1650 found that in Bowden Middlecale there were 69 'certain small cottages and little parcels of ground called intacks encroached upon the waste ground', 22 of them without any lease.

- ³³ Somerville, 1977, 16. Following a letter from the Secretary of State to the Attorney General and Council of the duchy dated 26 June 1634, 'A Bill under High Manual for a Commission to be issued to treat for a Division of the Wastes of the High Peak Forest', dated 7 July 1634, notes 'We being graciously inclined that a treaty be had with them for a composition to be made . . .', State of Title, 62.
- ³⁴ Somerville, 1977, 16.
- ³⁵ PRO DL 17/81, DL 44/1187.
- ³⁶ Commission dated 3 April 1639, Wolley Ms 6668 f 94d. Derbyshire Local Studies Library. Somerville, 1977, 16–17.
- ³⁷ Agreement dated 14 February 1640, PRO DL 17/81. This appears to be the only agreement known, the outbreak of the civil war putting an end to negotiations. Somerville, 1970, 29, and 1977, 7 and Note 9.
- ³⁸ Copy of agreement between Charles I and the freeholders of Middlecale, 14 February 1640, DRO D 1673/Z2.
- ³⁹ Somerville, 1970, 24 and 1977, 19 and Note 23. Receiver-Generals account for 1638–39, PRO DL 28/12/11. Accounts, PRO DL 5/34 fo 369.
- ⁴⁰ Little is known about these two surveyors, but they were part of a growing number of local surveyors who, from the 1550s, largely undertook estate surveying, such as William Hayward who made the survey of the lordship of Hartington in 1614. Taylor H, *A report of the 1614 survey of the lordship of Hartington, Derbyshire*, Bakewell, 1998. Weston R, *Hartington: a landscape history from the earliest times to 1800*, Matlock, 2000. Hibbart and Barton are listed briefly in Bendall S, *Directory of land surveyors and local map makers, 1530–1850*, British Library, London, 1997, as working with each other on estate enclosure in Derbyshire in 1640.
- ⁴¹ Hayfield, PRO MPC 83, Ollersett etc, PRO MR 10 and MR 12.
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- ⁴⁴ Letters Patent dated 30 June 1665, DRO D 1673 Z/Z4. Somerville, 1977, 24.
- ⁴⁵ The report by Richard Shallcross is in PRO DL 41/19/4. Shallcross was the surveyor of the North Parts of the duchy and receiver and bailiff of the High Peak. He was a local landowner and lived at Shallcross Hall near the present town of Whaley Bridge. He valued the crown's part of the commons and wastes at £135 12s 9d per annum, the best and middle sort of land at 4d per acre and the worst sort at 2d per acre; the latter, he suggested, might be thought fit 'to be allowed the Improver for encouragement'. Presumably, this was how the annual rent of £100, which Eyre paid, was arrived at.
- ⁴⁶ Not to be confused with his Catholic cousin Thomas Eyre of Hassop.
- ⁴⁷ Indenture of lease dated 24 December 1674, DRO D 1673 Z/Z4.
- ⁴⁸ DRO D 1673 Z/Z3.
- ⁴⁹ Commission dated 8 December 1685, DRO 1673 Z/Z76.
- ⁵⁰ 'A particular of a freehold estate in the hundred of High Peak and county of Derby belonging to the right honourable Ann Countess of Massereene [1772]', Sheffield City Archives, Bagshaw Collection 667/1. See Note 56 below for the Massereene connection.
- ⁵¹ 'Abstract of title of the trustees under the will of James Brocklehurst, deceased, to hereditaments and premises at Ollersett in the Parish of Glossop in the County of Derby, 1878 (Lot I leasehold portion thereof . . .)', New Mills Local History Society. The retention by the duchy of the mineral rights of both crown and tenants' parts was to play a crucial role in the development of coal mining in the eighteenth and nineteenth centuries. Brumhead D, *The coal mines of New Mills*, New Mills, 1987. Brumhead D, 'An early eighteenth century coal mining account book for New Mills, Derbyshire, *Manchester Region History Review*, VI (1992), 91–95.

⁵² DRO 513M.

⁵³ Copy of the decree held by New Mills Local History Society. Other copies are found in several local family papers, eg Kirk in DRO 513M, Bagshaw in John Rylands Library (JRL) E 379, Oakes in Sheffield City Archives (SCA) OD 958 b.c.d..Somerville, 1977, Note 41, states that the decree is in 'State of Title', 94.

⁵⁴ For instance, Mark Trickett of Rowarth, Edward Shirt of Bowden Head, Adam Bagshaw of Wormhill, Samuel Bagshaw of Ford, Charles Kirk of Shireoaks, John Downes of Thornsett, Edward Bower of Whitle, William Barber of Malcoff, William Carrington of Chinley.

⁵⁵ For instance the Bagshaw papers in JRL, the Bagshaw and Oakes papers in SCA, the Kirk papers and Duchy of Lancaster papers in DRO, and the duchy papers in PRO.

⁵⁶ Thomas Eyre died in 1717 (he was killed falling from a horse) and by his will the Rowtor estate passed to his distant cousin, Henry Eyre of Rampton. Henry had one child, Anne, who in 1741 became the second wife of Clotworthy Skeffington, 5th Viscount of Massereene. He was created 1st Earl of Massereene in 1756. Anne inherited the Rowtor estate from her father on his death in 1766 and the sale of the former king's part of the common and wastes of the forest of Peak continued. Papers of the Rowtor estate, therefore, are to be found in the Foster/Massereene papers of the Public Record Office of Northern Ireland (PRONI). Brumhead D, 'The estates of Thomas Eyre of Rowtor in the royal forest of Peak and the Massereene connection', *Derbyshire Miscellany*, 15 (5) (Spring 2000), 134–42.

⁵⁷ Probate documents for the region are held in Lichfield Record Office. See Note 72 below.

⁵⁸ Further explored in Brumhead D, 'Social structure in some 'dark peak' hamlets of north-west Derbyshire in the seventeenth and eighteenth centuries', *The Local Historian*, 26 (4), November 1998, 194–207.

⁵⁹ Barley M W, *The English farmhouse and cottage*, 71.

⁶⁰ Will of Edward Bower of Torr Top, 1698, Lichfield RO.

⁶¹ Will of Thomas Bower of Torr Top, 1731, Lichfield RO. The inventory totalled £2,280.

⁶² Ollersett deeds Bundle F, assignment of part of Ollersett Moor, 1743, Tobias Bretland to George Bower, New Mills Local History Society.

⁶³ PRO DL 44/1250.

⁶⁴ 'Inspections at the Duchy Office on the 7th, 8th, 9th May 1762' [by Wolley], Sheffield City Archives, DD 130.

⁶⁵ R H Tawney, *The agrarian problem in the sixteenth century*, London, 1912, pp 326–29.

⁶⁶ Somerville, 1997.

⁶⁷ Wills and inventories exist for Richard Sylvester of Howcroft in 1597 and William Sylvester in 1631. Both these properties might be examples of 'old land'.

⁶⁸ Ollersett deeds, bundle P, list of properties c 1799, New Mills Local History Society.

⁶⁹ The agreement signed by Every, Revell and Hopkinson says 'in the presence and with the assent of the greatest part of the freeholders within the same constabulary of Bowden Middlecale'.

⁷⁰ Taylor, 1998, 3. Tyacke S, *English map-making 1500–1650*, London, 1983, 109.

⁷¹ Hollowell S, *Enclosure records for historians*, Chichester, 2000, 93–95. The Beard and Bugworth map (Figure 8) has a scale in chains.

⁷² The identification is greatly simplified by making use of a valuable index of local probate documents which provides names of people and their residences for this period. Lee A K, Clarke R, and McKenna S, *The ancient parish of Glossop: Index of probate documents 1472–1860 held at Lichfield Record Office*, Bakewell, 1990.

⁷³ Stevenson I P and Gaunt G D, *The geology of the country around Chapel-en-le-Frith*, London, 1971.

⁷⁴ Porter J, 'Waste land reclamation in the sixteenth and seventeenth centuries. The case of south-east Bowland 1500–1650', *Trans. Hist. Soc. Lancs. and Ches.*, 127 (1977), 1–23.

- ⁷⁵ See Weston R, *The enclosure of Thornsett*, New Mills, 1992, and Weston R, *Thornsett in 1841: land and people*, New Mills, 1992, which relates the details of the eighteenth century enclosures to the tithe award.
- ⁷⁶ Eyre roll of Peak Forest, PRO DL 39/1/3. Information provided by Roger Bryant who has transcribed but not published several documents of the early medieval period for the royal forest of Peak.
- ⁷⁷ The total raised from the sale of fee farms during the reign of James I was probably less than £20,000. Hoyle R W, ‘“Shearing the hog”: the reform of the estates c. 1598–1640’ in Hoyle R W (Ed), *The estates of the English crown 1558–1640*, Cambridge 1992, 255.
- ⁷⁸ Freehold rents in Bowden Middlecale. Parliamentary Survey 1650, PRO DL 32/5.
- ⁷⁹ Cox, J C, *Memorials of old Derbyshire*, London, 298.
- ⁸⁰ Weston R, 1992, 34–35.
- ⁸¹ But this is the date that Eyre’s grant was confirmed.
- ⁸² Cox J C, ‘Early crosses of the High Peak’, *Athenaeum*, 9 July 1904.
- ⁸³ PRO, MPC IO. See also Bryant R M and Miller E, *More deeds of New Mills*, New Mills, 1988, 38–39, where Cox’s error was first revealed.
- ⁸⁴ ‘A survey taken of land in Beard and Oulersitt belonging to Rand: Ashenhurst Esq by Robert Hopkin, Edward Lingard and Richard Marshall in the year 1676 and 1690’, SCA, C 274.
- ⁸⁵ For instance on Lantern Pike (ie Bankhead Moor in 1640), where the boundary between the hamlets of Thornsett and Great Hamlet also runs down a shale col.
- ⁸⁶ OE *Haga* means enclosure.
- ⁸⁷ Subsidy Rolls. Cameron K, *The place names of Derbyshire*, I, Cambridge, 1959, 78.
- ⁸⁸ Bryant R M, *Whitle Enclosure*, New Mills, 1983.
- ⁸⁹ The name ‘New Mill’ derives from a corn mill rebuilt in 1391. Bryant R M, *The New Mill and some other corn mills of the High Peak*, New Mills, 1990.
- ⁹⁰ The earliest reference to Beardhough appears to be 1222–28 when ‘Richard de Berdhale’ assarted 4 acres from the royal forest of Peak (1251 eyre roll of Peak Forest, PRO DL 39/1/3). In 1243–44, ‘De Ricardo de Berdehale’ paid xvi d rent, 4d per acre, PRO SC 6/825/16. We think it possible that this 13th century assarting is the origin of the ancient Beardhough enclosure within the commons which is marked on the 1640 map of the division of the commons and wastes, PRO MPC 10. There is a copy in DRO 3566/1. Some of these ancient enclosures were sold off by the duchy of Lancaster in the reign of Elizabeth, James I and Charles I, if not before. The de Berdhalghs were granting land in the 14th century — see Jeayes I H, *Descriptive Catalogue of Derbyshire Charters*, 1906.