

# The Open-Field System of an Urban Community: Stamford in the Nineteenth Century

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THE open fields at Laxton in Nottinghamshire are a well-known survival of an agricultural system that once dominated the midland area of England.<sup>1</sup> Just over a hundred years ago the open fields which lay within the boundaries of the borough of Stamford in Lincolnshire seemed likely to survive as a permanent monument to this system alongside those of Laxton. Their enclosure, in 1875, averted this possibility but, in the meantime, the Stamford open fields had gained some notoriety whilst some observers had despaired of the possibility of an enclosure altogether at Stamford.<sup>2</sup> This article seeks to explore the character and organization of this nineteenth-century open-field system and, although its survival has been attributed to the influence of the Cecil family, to look at some economic factors which may account for its longevity as well as to examine the possible reasons for the enclosure in the 1870's.

The Stamford open fields were some 1,700 acres in extent and lay mainly to the north of the town in a broad semi-circle of land.<sup>3</sup> The ground they occupied, at the southernmost end of the limestone heath region of Lincolnshire, was hilly and uneven, and generally higher than the site of the town itself, so that the farmers of Stamford, going out through the ruinous walls and crowded suburbs of the town, encountered a steep incline as they drove their beasts or carts to their holdings.

Of these 1,700 acres, some 1,300 were arable,<sup>4</sup> a proportion which serves as an adequate example of the serious imbalance between arable and pasture which gave cause for concern to the agents of the Stamford Corporation, one of the open-field freeholders, in the 1830's.<sup>5</sup> The arable land was divided into

<sup>1</sup> Much of this article is taken from the author's unpublished M.A. thesis, 'The Enclosure of Stamford Open Fields', University of Nottingham, October, 1965. The author would like to thank his colleague, Mr D. Byford, who kindly read the original draft of the article.

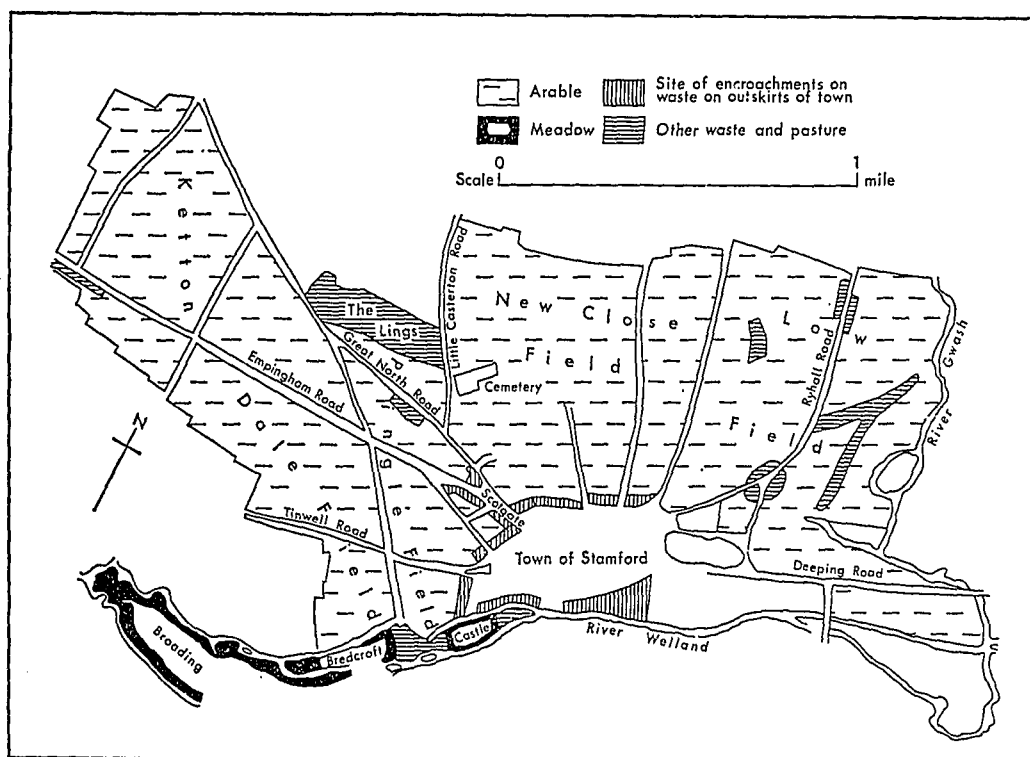
<sup>2</sup> "It is now certain that no inclosure will take place at present, nor perhaps in the present century." —*Stamford News*, 31 July 1829.

<sup>3</sup> Stamford Borough Records, Stamford Enclosure Documents, C.18, The Stamford Enclosure Act (Royal Assent, 25 May 1871); E.57, Map of the Open Fields. (See Sketch Map.)

<sup>4</sup> Stamford Enclosure Documents, D.54 c, Application to the Inclosure Commission, 1869.

<sup>5</sup> Stamford Borough Records, Miscellaneous Papers, Packet 60, D. Larrat/H. Weldon, Mayor of Stamford, 2 March 1837.

four great fields, each of them of between 300 and 400 acres in extent.<sup>1</sup> The largest of them, Ketton Dale Field, lay to the west of the town; Pingle Field, divided from the former by the old Roman road which passed through the westerly outskirts of the town, lay to the east of this. Due north of the town lay New Close Field whilst on the north-easterly side lay Low Field (see map). The rotation was, however, a three-field one: Pingle Field and Low Field were



lumped together, and the fallows followed year by year from Ketton Dale to New Close Field and then to Pingle and Low Field.<sup>2</sup>

A further 130 acres of the open-field land was meadowland. This lay to the south and west of the town between the River Welland and a series of man-made water courses, cut, presumably, to drive the corn mill which lay in the lea of the meagre remains of the town's medieval fortress. To the most easterly of the meadows this ancient stronghold had imparted its name—Castle Meadow. Beyond this, to the west, and extending into the nearby parish of Tinwell, lay

<sup>1</sup> Apportionment of Rent Charge in Lieu of Tithes: All Saints' Parish, 16 April 1841 (Stamford Borough Records), St George's Parish, 4 Dec. 1841 (Lincolnshire Archives Committee Records B.260).

<sup>2</sup> *Stamford Mercury*, 9 March 1838.

Bredcroft and Broading Meadows, the origins of whose names are buried in the mists of time and legend.<sup>1</sup>

The remaining 250 acres or so of the open-field area can be accounted for by pasture and wasteland, access roads, and land which for one reason or another was uncultivable. The largest area of waste was the Lings which lay at the top end of Pingle Field; once the site of the town's gibbet, this piece of land was some 46 acres in extent by the eve of the enclosure, although much of it had been doubtless ploughed away. In the 1850's it was described as an undrained waste.<sup>2</sup> Pasture land could be found scattered throughout the arable area: a large patch of pasture was to be found in New Close Field, whilst a large 'syck' or access area was situated in Low Field; some commoners tethered their cattle on access roads and paths, whilst the unploughed baulks and headlands constituted valuable grazing areas for the commoners when the fields lay fallow.<sup>3</sup> The only other significant area of pasture land was a belt of waste which lay on the outskirts of the town and which, following the line of the town walls, virtually encircled it. The area of waste land and pasture was diminishing all the time in the nineteenth century. The baulks, headlands, and access roads were being ploughed away, whilst the waste which skirted the town was being built on or enclosed as garden ground.<sup>4</sup>

The management of the open field lay in the hands of the Court Baron which met, under the presidency of the lord of the manor's land agent, in a small building on the site of the castle. The court met once a year at Easter in the early nineteenth century although by the 'forties and 'fifties it was meeting much less frequently than this. The business of the court was to elect and swear in the open-field officials (the field reeve, the neatherd, the pindar and the shepherd) and the five constables of the parishes of Stamford. It also received fines of entry and declarations of fealty from tenants and freeholders in the manor. Next, a jury of open-field farmers, who had previously inspected the fields, presented for amerciamment those who had infringed the customary rules of cultivation in them. As time wore on, this jury became more and more pre-occupied with the encroachers on the area of waste which encircled the town, so that, by the time of its last meetings, the only persons presented for amerciamment were those who had encroached on this area. From time to time, the court

<sup>1</sup> S. Elliott, 'The Stamford Meadows', *Stamford Civic Society Annual Report*, 1965; Stamford Enclosure Documents, B.10 c, Thompson, Phillips, and Evans [solicitors]/Assistant Commissioner Wetherell, 3 Jan. 1870.

<sup>2</sup> G. Burton, *The Chronology of Stamford*, Stamford, 1846, p. 216; *Stamford Mercury*, 31 March 1854.

<sup>3</sup> A press report refers to "certain baulks on which cattle are turned out to graze" and states that "the usual time for this is May-day."—*Stamford Mercury*, 15 March 1844.

<sup>4</sup> Stamford Borough Records, Stamford Court Rolls, vols. 6 and 7; Stamford Enclosure Documents, D.54 j, Enquiries of Assistant Commissioner Wetherell and Answers Thereto, 21 Dec. 1869; *Stamford Mercury*, 12 May 1848.

also issued new regulations dealing with the cultivation of the open fields. For instance, at the meeting of Easter 1838, it was decided that "any cattle belonging to persons not Freemen found trespassing in the Common Open Fields and Meadows of this Manor shall pay a Pin Shot of six shillings and eightpence each head."<sup>1</sup> Another example of this legislation was the progressive reduction of the commoners' 'stint' or number of beasts they could turn out to graze over the open fields in the 1830's as the number of commoners grew and the area of pasture and waste was ploughed away.<sup>2</sup>

Grazing rights over the open fields were of three kinds: rights of common over the arable fields when they lay fallow, rights over the pasture and waste lands, and rights over the meadows. Arrangements for common grazing over the arable land were similar to those which obtain at Laxton today.<sup>3</sup> When the occupiers of the autumn wheat field began to sow their crop, the town crier was sent around the streets of Stamford on the instructions of the steward of the Court to announce that "the hoppers were come in." This cryptic message, which was delivered, according to custom, on 16 October, was the signal to remove the cattle which were grazing on the fallow field. They were driven to "the stubbles," presumably the field which had been cropped that year according to the system of rotation and which was due for fallowing in the following season. On 15 November, the cattle were taken off altogether, probably to winter in the stalls and stables of their owners. Sheep were then wintered on the stubble (now the fallow field) until 15 April when they were taken off and the cattle put back on again until the first sowings were made again in the autumn. These arrangements were confirmed by an order of the court made in 1836. Provision was made in these orders to prevent the spread of disease amongst the communal flock for no sheep "was to be turned out on the fields, meadows, or commons until properly lined by the shepherd."<sup>4</sup>

The arrangements for the common grazing of the arable areas seem to have included those areas of pasture and waste which lay in or near the fallow field, although on the access roads some beasts may have been tethered all the year round. The Lings together with the area of waste around the town were stocked throughout the whole year presumably by beasts of all kinds for there is evidence of commoners' horses grazing on the Lings in the 1840's whilst the Court Orders of 1836 refer to horses being turned on to the "fields meadows and commons." In the meadows, rights of common were exercised from the time the hay was cut until the meadows were "laid again" in the following spring. Here, only horses were permitted to graze.<sup>5</sup>

<sup>1</sup> Stamford Court Rolls, vol. 6.      <sup>2</sup> *Ibid.*

<sup>3</sup> J. D. Chambers, *Laxton: The Last Open Field Village*, London, 1964, p. 23.

<sup>4</sup> *Stamford Mercury*, 19 July 1839; Stamford Court Rolls, *loc. cit.*

<sup>5</sup> Burton, *op. cit.*, pp. 130 and 181; *Stamford Mercury*, 4 Sept. 1845; Stamford Court Rolls, *loc. cit.*; Stamford Enclosure Documents, B.12 a, Richard Thompson/Lord Exeter, 29 Sept. 1871.

As we have already seen, the Court Baron also fixed the 'stint'. According to the rules of the court, each person exercising rights of common was allowed to turn out sixty sheep; this seems to have been the case since the middle of the sixteenth century. Prior to 1833 no limit had been set on the number of cattle which could graze on the fields. James Barlow, who was neatherd in 1839 and whose father and grandfather had held this office before him, had known the commoners to turn on as many as fifteen cattle each.<sup>1</sup> By 1836, in response to a plea from the open-field farmers, each person exercising right of common was stinted to six cows and three calves.<sup>2</sup> William Cole, who was open-field shepherd in the same year, reckoned that the commons could afford grazing for 800 or 900 sheep, although as many as 2,000 had sometimes been turned out.<sup>3</sup>

The right of common over the open fields was the exclusive privilege of the Freemen of the Borough of Stamford. Until 1835, this status could be acquired by birth, apprenticeship, or gift. On the eve of the Municipal Reform Act, there were 324 Freemen and one might have expected the open fields to be overwhelmed if each and every one of them had exercised his rights. After municipal reform, however, their numbers declined as many of the avenues to this privileged status were closed. Pressure on the grazing areas of the open fields was also eased by the fact that many of them were too poor to purchase stock. In 1837, only a third of their number were in fact taking advantage of their privileges, whilst two years later, only about thirty Freemen were turning out their beasts to graze on the open fields.<sup>4</sup>

Let us now look more closely at those who owned the Stamford open fields and at the farmers who worked in them. By the 1860's the majority of the freeholders in the open fields were institutions of one form or another whilst individual freeholders, who had been quite numerous in the eighteenth century, were on the decline by the 1840's. In the early 1840's there were fifteen individual freeholders; by the early 1870's this number had fallen to seven.<sup>5</sup> The institutional owners included Stamford Corporation, two Oxford and Cambridge colleges, a class of landowner which cropped up not infrequently in south Lincolnshire, and the Church, together with most of the petty charities which flourished in the town or in the surrounding district.<sup>6</sup> The largest freeholder was the Marquess of Exeter, the head of the Cecil family and lord of the manor, who owned 985 acres of land. The second largest freehold, 176 acres, was in the hands of the Torkington family who were prominent members of the

<sup>1</sup> *Stamford Mercury*, 19 July 1839.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Stamford Borough Records, Minute Book B, p. 252; Burton, *op. cit.*, p. 181; *Stamford Mercury*, 22 Dec. 1837 and 19 July 1839.

<sup>5</sup> Apportionment of Rent Charge in Lieu of Tithes: All Saints' and St. George's Parishes; Stamford Enclosure Documents, D.35, Copies of claims submitted to the valuer, 2 Jan. 1872.

<sup>6</sup> Stamford Enclosure Documents, *loc. cit.*

Stamford community. Then came the Corporation of Stamford who owned 79 acres. Much of the remaining area was in the hands of the Church: the vicar of All Saints' Church of Stamford owned 68 acres and the Rector of St John's 41. The only remaining freeholds of any size were those of Sidney Sussex College, Cambridge (64), and Browne's Hospital, a Stamford charity (66). The remaining freeholds, in the hands of local charities in the main, amounted to anything between a few roods to a few acres in size.<sup>1</sup>

Lord Exeter was also the largest leaseholder in the open fields. He leased all but 15 acres of the land of Browne's Hospital—approximately 50 acres—the whole of Magdalen College land (9 acres) and the small freehold belonging to Snowden's Hospital, another Stamford charity. There were only three other leaseholders who held between them the remainder of Browne's Hospital's land. The largest of these, Richard Newcomb, was the proprietor of the *Stamford Mercury* and the foremost political opponent of the Cecils in the first half of the nineteenth century.<sup>2</sup>

Both freeholders and leaseholders enjoyed the rents of some seventy-five tenants in the 1840's and, of these, sixty had some or all of their holdings on land which was owned or leased by the lord of the manor. The largest farm was that of Thomas Roberts who, at this time, occupied approximately 150 acres of Lord Exeter's land; another farm was some 75 acres in size, two were of 68, and 53 acres, four more were of between 50 and 40 acres in extent, whilst the vast majority of tenants held no more than 25 acres.<sup>3</sup>

A feature which examination of the land ownership and tenancies of the open fields soon makes evident is the utter lack of consolidation of both freeholds and tenant holdings. Elsewhere, the economic pressures consequent upon the great commercial and demographic changes of the industrial revolution period had brought about the piecemeal consolidation and exchange of holdings in open field areas; the process of rationalization had enabled farms in unenclosed areas to be worked more efficiently. However, such terriers that exist of freehold land in the Stamford open fields show no evidence of consolidation whatsoever.<sup>4</sup> A more precise picture can be constructed from the evidence offered by the Tithe Commutation Awards which dealt with the parishes in which the open fields lay. In this way, it is possible to check on the disposition of tenants' holdings as well as the freeholds. Using this evidence, a random survey of two furlongs in Low Field revealed that here there were twenty 'strips', or 'lands' as they are more often called, owned by six different free-

<sup>1</sup> Stamford Enclosure Documents, *loc. cit.*

<sup>2</sup> Apportionment of Rent Charge in Lieu of Tithes: All Saints' and St George's Parishes.

<sup>3</sup> *Ibid.*

<sup>4</sup> Elliott, 'The Enclosure of Stamford Open Fields', App. II; Glebe Terrier, All Saints' Parish, 1829; Glebe Terrier, St John's Parish, 1822; Valuation of the Property Belonging to the Corporation of Stamford, Oct. 1837.

holders and occupied by twenty different tenants.<sup>1</sup> The reasons for this situation are obscure and it seems probable that they are bound up with the whole question of the lateness of the enclosure at Stamford which we shall come to in due course.

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The Stamford open-field system was thus a fully fledged agrarian archaism within a larger expanding and transforming national community. Some observers felt that it owed its survival, as did the quaint antiquity of the town itself, to the dispensation of the Cecil family who dominated it as both freeholders and leaseholders and who, from their seat at Burghley House, to the south of the town, showered on the community all the benevolence and patronage of the pre-industrial social *élite*. But patronage, however altruistic, is impotent in the face of the irresistible forces of economic change. True, the open fields had survived the inflationary period of the Napoleonic Wars which had done to death the open-field systems in the surrounding parishes but, in the decades that followed, the growth of the town's population, together with steadily mounting livestock prices, subjected the Stamford open fields to a double screw, which, if it did not bring about their total collapse and abolition, had reduced them, by the time James Caird made his celebrated inspection of English agriculture in 1850-1, to a shattered condition.

After the war, the disadvantages of owning land in the open fields soon made themselves obvious. By the late 'twenties, the high price which enclosed land in the surrounding parishes was fetching was being commented upon in the local press.<sup>2</sup> When James Torkington attempted to auction his freehold in the open fields in the 'thirties, the bidding only realized half the value of land being sold off for closes and paddocks in nearby parishes.<sup>3</sup> Freeholders became even more frustrated when they realized that at least part of their land could be sold for building if an enclosure came about and, as such, its potential value was even higher.<sup>4</sup> Townsmen, too, found the restrictions imposed on them by the open fields irksome. The growth of population in the 'twenties created initially a demand for paddocks for horses, outbuildings and sheds for carriages and beasts, and tips for stone and other building materials. This soon led to an invasion of the belt of wasteland which surrounded the town. By 1828, property of a considerable value, estimated at £15,000, had been constructed on this area and, as the population continued to grow, many of these buildings

<sup>1</sup> Apportionment of Rent Charge in Lieu of Tithes: All Saints' and St George's Parishes.

<sup>2</sup> *Stamford Mercury*, 4 Dec. 1829.

<sup>3</sup> *Ibid.*, 21 July 1831.

<sup>4</sup> In 1845 the lord of the manor offered to buy the Corporation's land in the open fields for £90 an acre and to resell sufficient land to furnish the town with a cemetery. Richard Newcomb advised his fellow members of the Council not to accept the offer on the grounds that the Corporation's property in the open fields would be worth five times this amount as building land.—*Stamford Mercury*, 26 Sept. 1845.

were converted into dwelling houses.<sup>1</sup> By the late 'thirties, the freehold area of the open fields was being invaded by dwellings and outhouses, and, although this incursion was of a limited nature, building on the freehold land in the open fields continued until the 'fifties, after which time the population of the town started to level off.<sup>2</sup> Further, open-field farmers were hamstrung by the customary methods of cultivation in the open fields and by the burdensome privileges of the Freeman. During the Napoleonic Wars, Arthur Young had noted: "The sheep are miserably bad."<sup>3</sup> In the late 'thirties the deficiencies of farming in the open fields were pointed out by a land agent in accounting for the run-down condition of the largest farm on the Corporation's land: "Arable land without manure diminishes in value especially in the Open Fields of Stamford, where the folding of sheep cannot be practised."<sup>4</sup> Stamford's farmers were thus denied the advantages of the new husbandry; the livestock turned out by the Freeman were unequal to the task of manuring the soil of the arable area.

By the early 'thirties there were signs of frustration; the headlands and baulks on which the Freeman were entitled to exercise their rights of common were being ploughed away.<sup>5</sup> James Torkington, smarting under the indignity of failing to realize an acceptable price for his land, flagrantly violated the customary cultivation of the open fields. By the middle of the decade he was making £6 an acre by letting out his land for potato planting, a practice which annoyed the Freeman for his land was in an exhausted and denuded state by the time they came to turn out their stock. Torkington's efforts towards making good this devastation by sowing grass seed were "announced to be a very equivocal recompense as in some seasons the seed never came to anything."<sup>6</sup>

A less subtle breach of custom on his part was to enclose areas of his freehold on the fallow field by putting up temporary fences and so keeping the Freeman's stock off. In this, Torkington was to prove a source of inspiration to both his own tenants and those of other freeholders.<sup>7</sup> The growth of this practise provoked one of the Freeman to bring an action against Torkington, allegedly with the financial backing of Lord Exeter. Unfortunately both for Lord Exeter's pocket and for the privileges of the Freeman, the action was non-

<sup>1</sup> *Stamford News*, 11 April 1828; *Stamford Mercury*, 24 Oct. 1828; Elliott, *op. cit.*, App. v, The Growth of the Encroachments of John Clapton on the Waste of the Manor, 1804-63.

<sup>2</sup> *Stamford Court Rolls*, vols. 6 and 7; Elliott, *op. cit.*, App. vi, The Growth of Encroachments on the Freehold.

<sup>3</sup> Arthur Young, *A General View of the Agriculture of the County of Lincolnshire*, London, 1808, p. 420.

<sup>4</sup> *Stamford Borough Records*, Miscellaneous Papers, Packet 60, D. Larratt/H. Weldon, Mayor of Stamford, 2 March 1837.

<sup>5</sup> *Stamford Mercury*, 8 April 1836.

<sup>6</sup> *Ibid.*, 19 May 1837.

<sup>7</sup> *Stamford Court Rolls*, vol. 6.



suited on a technicality, an outcome that was as indecisive as it was disastrous.<sup>1</sup> The demand for enclosed land in the immediate vicinity of Stamford was so great that only the now equivocal rights of common of the Freeman and the fear that the big guns of the Exeter interest would be turned on them prevented the piecemeal enclosure of the open fields by their occupiers. In 1843 the Freeman, exasperated by the growing resistance to, and erosion of, their rights, chose to strike another blow for their privileges. A group of them, headed by William Reed, the town's chief constable, swarmed on to the fields and, breaking down the fences that the farmers had erected round their holdings, turned on their cattle. This action proved to be ill-judged, naïve, and maladroit. They had acted in an equivocal cause and, what was worse, they had chosen to break down, amongst others, the fences which Torkington had erected. The Torkingtons were not merely wealthy; this wealth had been derived from practice of the law. An action for trespass was thus the inescapable consequence of the fence-breaking. Faced with prosecution by a wealthy family and finding his supporters suddenly lukewarm, Reed was forced to yield.<sup>2</sup>

This was the signal for which the owners and tenants in the open fields had been waiting. The population of the town had risen from 5,276 in 1821 to 7,760 by 1841; the demand for paddocks and closes in the vicinity of the town was prodigious. Torkington drove home his point by encouraging one of his tenants to start an action for trespass against two Freeman whose stock was found on his land.<sup>3</sup> It was a point which did not really need to be made; at the beginning of 1844 the Freeman showed great reluctance in turning out their stock in the usual way. Richard Newcomb's test cow was ceremoniously "booked" and harassed from point to point.<sup>4</sup> The question of the Freeman's rights now excited men's minds to a high degree. A horse belonging to George Groom, a Freeman, was hamstrung whilst grazing on the Lings by a youth who declared himself opposed to their privileges.<sup>5</sup> When three men were brought before the magistrates accused of harassing the Freeman's stock, Francis Jelley, the Mayor, studiously undermined and finally rejected the evidence brought against them; two men who appeared before the bench on the same charge on a subsequent occasion were not so lucky. This time Richard Newcomb occupied the magisterial chair and the defendants were convicted of cruelty and ordered to pay costs.<sup>6</sup>

The customary cultivation of the open fields now fell asunder. From 1844 the field officials were no longer appointed by the Court Baron.<sup>7</sup> Stone was cheap in this limestone region and now stone walls sprang up everywhere as

<sup>1</sup> Burton, *op. cit.*, p. 181; *Stamford Mercury*, 26 Nov. 1841.

<sup>2</sup> Burton, *op. cit.*; *Stamford Mercury*, 27 April 1843 and 19 Jan. 1844.

<sup>3</sup> *Stamford Mercury*, 16 May 1845.

<sup>4</sup> *Ibid.*, 26 April and 17 May 1844.

<sup>5</sup> *Ibid.*, 4 Sept. 1845.

<sup>6</sup> *Ibid.*, 30 Aug. and 6 Sept. 1844.

<sup>7</sup> *Stamford Court Rolls*, vol. 6.

former arable land was now relet as closes and paddocks. Torkington, by letting his land in this way, was able to more than double his rentals. Even the Corporation joined in, getting rid of one of their oldest tenants, reletting their land in small lots, raising their rents enormously and running the gauntlet of an admonition from the lord of the manor in so doing.<sup>1</sup> By 1850, this process was virtually complete and the former great arable fields were a patchwork of petty closes and paddocks. The Freeman's rights of common were now confined, in the main, to the meadows where the eternal patronage of Lord Exeter suffered them to survive.<sup>2</sup> Elsewhere, the baulks and access roads throughout the open fields were entirely ploughed away.<sup>3</sup> The Lings, in the same way, was greatly reduced in size and what was left was a prolific source of topsoil and stone.<sup>4</sup> In the 1860's, it was trespassed upon by the local militia who, because of its relative seclusion, were able to improve their riflemanship. Octavius Simpson, one of the foremost citizens of the town, built a causeway across it to facilitate the removal of stone.<sup>5</sup>

As if in acknowledgement of this final collapse, the Court Baron ceased to meet regularly in the 1850's; it met in 1853, then in 1856 and then for the last time in 1863. Its concern was less and less with the regulation of the open fields as a whole and more and more with the amercement of those who had encroached on the waste, especially that part of it which lay on the outskirts of the town.<sup>6</sup> No doubt Lord Exeter considered that, as so much property had been built here, the proceeds would be worth pocketing. The Freeman too realized their cause was lost and in the early 'fifties made a forlorn attempt at a separate enclosure of the wasteland. This salvage operation was aborted by Lord Exeter who, as lord of the manor, withheld his consent.<sup>7</sup>

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By 1860, therefore, the Stamford open fields had disintegrated all but in name. But there was still required, in 1871, an Act of Parliament to herald their dissolution. How had they managed to survive until well into the second half of the nineteenth century? There can be little doubt that the answer is, in part, bound up with the dynastic ambitions of the Cecil family for whom an important pre-condition of any enclosure would have been the acquisition of all the land in the open fields which could not be clearly established as the freehold of anyone else. For example, a particularly valuable acquisition would have

<sup>1</sup> *Stamford Mercury*, 1 Oct. 1847, and 7 Feb. and 20 Oct. 1848.

<sup>2</sup> *Ibid.*, 24 Dec. 1869.

<sup>3</sup> *Stamford Court Rolls*, vol. 7.

<sup>4</sup> *Stamford Mercury*, 1 Nov. 1844 and 12 May 1848; *Stamford Enclosure Documents*, D.54 k, undated and unsigned memorandum of c.1870: "Within the last month no less than 500 loads of soil have been stolen from the Lings."

<sup>5</sup> *Stamford Court Rolls*, vol. 7.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Stamford Mercury*, 31 March and 23 June 1854.

been the belt of waste which skirted the town over which Lord Exeter had control as lord of the manor. Lord Exeter's attempts to treat this as his freehold in the 1820's had been resisted by the Freemen and the Corporation. A determination to establish a clear title over the commons and wastes in the open fields may well have persuaded the Marquess to resist an enclosure until he could get one on his own terms.<sup>1</sup> On the other hand, some observers had felt that this resistance represented an attempt by the Cecil interest to preserve its control over the Parliamentary elections in the borough, for the continued existence of the open fields would have prevented the growth of an ungovernable household franchise on the north side of the town.<sup>2</sup>

Whatever the intentions of the Cecils may have been, however, there were other serious obstacles to the enclosure of the open fields which cannot be ignored. The first of these was the rights of the Freemen. In the event of an enclosure, they would have to be compensated for the loss of their rights of common and this might prove to be expensive. Both Lord Exeter and the Torkingtons were well aware of this problem.<sup>3</sup> Worse, matters were made more complex by the Municipal Reform Act of 1835, which, although it abolished the municipal privileges of the Freemen, left considerable doubt as to whether this applied to rights of common. This problem seems to have been of some importance for, in 1840, a Select Committee of the House of Commons discussed the matter without, however, arriving at any solution. The unravelling of this knot clearly presented another obstacle in the shape of possible litigation and increased legal fees. As it happened, the existence of these rights proved to be the salvation of the enclosure scheme in the 'seventies, for, with the failure of the General Enclosure Act of 1869, which was to have effected the Stamford enclosure, the promoters were able to seize on the problem as the justification of a private enclosure Act in the following year.<sup>4</sup>

A second obstacle was clearly the disposition of the freeholds and the tenant holdings in the open fields. The trail leading to many an enclosure had been blazed by the informal swapping and exchange of land so that the enclosure was a relatively inexpensive process which merely confirmed the previous rationalization of holdings. But this process of consolidation and exchange had not taken place at Stamford; the scattered freeholds which characterized landholding in the open fields was another obstacle to an inexpensive and easy

<sup>1</sup> S. Elliott, 'The Cecil Family and the Development of 19th Century Stamford,' *Lincolnshire History and Archaeology*, vol. 1, no. 4, 1969.

<sup>2</sup> W. G. Hoskins, *The Making of the English Landscape*, London, 1955; J. M. Lee, 'Modern Stamford' in A. Rogers (ed.), *The Making of Stamford*, Leicester, 1965.

<sup>3</sup> Stamford Borough Records, Minute Book B, p. 231. Replies to a Corporation petition to landowners in the open fields to bring about an enclosure.

<sup>4</sup> *Ibid.*, p. 110. Copy of a petition to Parliament on the question of the Freemen's rights; Stamford Enclosure Documents, B.11 b, Thompson, Phillips and Evans/Sherwood, Grubbe, Pritt, and Cameron, 16 Feb. 1871.

enclosure. This state of affairs may, in its turn, have been the result of the survival of a strong manorial organization at Stamford which made such exchanges difficult. The identity of the freeholders and the fact that few of them were farmers also hindered the progress of exchange and consolidation. Farming freeholders in open field areas in the eighteenth century frequently exchanged holdings in order to achieve greater efficiency.<sup>1</sup> In Stamford's case, however, the overwhelming proportion of the freehold was in the hands of the Cecils who, from evidence offered by their actions in other spheres, seemed constitutionally opposed to change of any sort. Much of the remaining freehold was in the hands of the Church or of institutions of one kind or another. Such a class of landowners, some of whom had but a remote connection with the town, were less likely to be concerned with the maximization of profits from the holdings of its tenants than private individuals.

Again, Stamford lay within a region where enclosure came late. Poor soil conditions in the parishes around Stamford delayed enclosure in these districts until after 1790. Only when monetary conditions forced grain prices to extravagant heights did it become worth while to enclose the parishes at the southern tip of the Lincolnshire limestone area as well as the neighbouring parishes in the limestone districts of Rutland and Northamptonshire. Soil conditions in the Stamford open fields militated against an early enclosure.<sup>2</sup>

Finally, the Stamford open fields served an urban and not a village community. Their role was not central to the economic life of the community as was the case with most open-field systems. In the first place, agricultural trading and the processing of agricultural products and not farming was the hub of the town's economic life.<sup>3</sup> Very few of the town's inhabitants were concerned with whole-time farming.<sup>4</sup> In fact, the majority of tenants in the open fields were not farmers at all. By using the evidence of the Tithe Commutation Awards together with that of nineteenth-century directories, it was possible to construct a picture of the occupations of the tenantry of the open fields. Of the forty-seven tenants whose occupations could be established in this way, only thirteen were farmers and, of these, eight came from the neighbouring parishes of Tinwell and Great Casterton. The remaining tenants were tradesmen of Stamford: innkeepers, butchers, builders, millers, tanners, slaters, and timber merchants. One of the Marquess of Exeter's tenants, George Ratcliffe, was a basketmaker and his holding on the Tithe Map is quite clearly

<sup>1</sup> G. E. Mingay, 'The Size of Farms in the Eighteenth Century', *Econ. Hist. Rev.*, 2nd ser., vol. XIV, no. 3, 1962, p. 478.

<sup>2</sup> D. Grigg, *The Agricultural Revolution in South Lincolnshire*, Cambridge, 1966, p. 52.

<sup>3</sup> *Post Office Directory of Lincolnshire*, 1855, pp. 216-7.

<sup>4</sup> Census Report, 1831, Enumeration Abstract, vol. 1, pp. 338-9. In this year only 64 families were wholly engaged in farming as opposed to 711 engaged in manufacture and 429 in miscellaneous occupations.

shown to be an osier bed.<sup>1</sup> For men like George Ratcliffe, such a holding would be a necessary adjunct to their trade; for others it would be a useful sideline.<sup>2</sup> A tenantry such as this can hardly have agitated for an enclosure. Indeed, the main discontent was expressed by landowners, who saw the value of their property falling, and by Richard Newcomb's newspaper the *Stamford Mercury*, although after his death in 1851 this ceased to emit its erstwhile barrage of complaints. When Newcomb appealed to the Mayor of Stamford to start a subscription to get an enclosure under way, the reply that he received was that interest in the matter was so slight that agitation for an enclosure was bound to fail. Another member of the Council was of the opinion "that an enclosure would be an unnecessary expense."<sup>3</sup>

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All that remains is to review the circumstances in which open field cultivation at Stamford was formally dissolved in the 1870's. By this time, the appearance of Stamford was hardly consonant with that of the satellite community of a great estate, for the property constructed piecemeal on the waste on the outskirts of the town had by now congealed into a veritable slum.<sup>4</sup> This unprepossessing feature may well have impressed itself on the mind of the third Marquess who succeeded to the title in 1867. Only an enclosure could remedy matters, for Stamford was a town besieged; Burghley Park stood to the south, the waterlogged meadows of the Welland to the east and west, whilst to the north lay the open fields across whose walled enclosures access to new property would be a virtual impossibility.<sup>5</sup> Moreover, whilst it was worth taking a risk *vis-à-vis* the Freeman's rights with an individual enclosure, the erection of substantial property on land where their rights might yet be resurrected was a different matter.<sup>6</sup> Thus, there was little room in the town for the

<sup>1</sup> Apportionment of Rent Charge in Lieu of Tithes, All Saint's Parish; Bagley's *Stamford Compendium and Almanac*, Stamford, 1850; *Post Office Directory of Lincolnshire*, 1885.

<sup>2</sup> Mrs E. M. Scholes, secretary to the Freeman in 1963, informed me that her husband's family were open-field tenants although their main business was the running of livery stables; Mr F. Barlow, chairman of the Freeman in the same year, told me that his forbears, who were farmers in the open fields, had other interests besides agriculture.

<sup>3</sup> *Stamford Mercury*, 12 May and 20 Oct. 1848.

<sup>4</sup> "... on the outskirts of the town there were three or four hundred houses of a miserable nature, many of which were without a single inch of ground and without privy accommodation, and such must continue unless an inclosure took place."—Report of a public meeting held by the Inclosure Commission, Dec. 1869, *Stamford Mercury*, 24 Dec. 1869.

<sup>5</sup> During the discussion on the provision of a public cemetery in 1845, the town clerk advised the Council not to enclose land in the middle of a field for this purpose as access over the walled enclosures might be difficult.—*Stamford Mercury*, 20 Sept. 1845.

<sup>6</sup> "There was a great want of housing accommodation as no one would risk building houses on land over which there were doubtful rights of common".—Report of the public meeting held by the Inclosure Commission, Dec. 1869, *Stamford Mercury*, 24 Dec. 1869.

development of public amenities or for houses of style. The Cecils had always prided themselves on their patronage as well as on their taste as town planners; they had made provisions for a gas works, public baths, water supply, and a workhouse so that Stamford would not be deprived of any of the advantages of nineteenth-century urban living. By the 1840's however, the supply of land for such purposes was running out so that when it became necessary to provide the town with a public cemetery, the Marquess could only offer to buy the Corporation's land in the open fields and sell back to it sufficient land for the purpose.<sup>1</sup> The building of better-class housing also suffered and, by the mid-'sixties, the local press was lamenting the shortage of building land.<sup>2</sup> Enclosure was the only solution to these problems; it would lead to the consolidation of the scattered and enclosed patches in the open fields and settle the question of the Freeman's rights once and for all. After the enclosure, middle-class villas sprang up rapidly whilst the allotments of the Marquess of Exeter were used to provide not merely middle-class villas and working-class terraces but also open spaces, allotments for the labouring poor, playing-fields, a new workhouse, and a children's home.<sup>3</sup>

Moreover, the shortage of good housing in the town was, by the 1860's, arousing a political opposition which, armed with the Reform Act of 1867, and encouraged by the prospect of the secret ballot, was becoming far more formidable and articulate. Stamford had prided itself on its Toryism, but, in the election campaign of 1868, the Conservative candidate was barracked and many of the newly enfranchised voters declared that they would not support him. A Liberal candidate surprisingly presented himself although the absence of any efficient Liberal organization in the town compelled him to withdraw.<sup>4</sup> So serious had the situation become that, in the opinion of Lord Exeter's solicitors, an enclosure "would materially increase the Conservative support in the borough."<sup>5</sup> When the first attempt to secure an enclosure by means of the General Enclosure Act of 1869 failed, they estimated that an enclosure would make a difference of sixty to eighty votes to the Conservatives and that the Tory majority in the town was in danger of being destroyed if an enclosure was not brought about.<sup>6</sup> The enclosure made it possible to increase the number of houses in the town by over 14 per cent.<sup>7</sup>

<sup>1</sup> *Stamford Mercury*, 20 Sept. 1845.

<sup>2</sup> "Villa residences in Stamford have long been a desideratum."—*Ibid.*, 28 Feb. 1868.

<sup>3</sup> Six Inch Ordnance Survey Map, Sheet TF OO NW; Stamford Borough Records, Deposited Plans in the Borough Surveyor's Office; Stamford Enclosure Documents, H. The Stamford Enclosure Award and Map.

<sup>4</sup> *Stamford Mercury*, 9 and 30 Oct. 1868 and 20 Nov. 1868; H. J. Hanham, *Elections and Party Management*, Manchester, 1964, pp. 40-1.

<sup>5</sup> Stamford Enclosure Documents, B.10 d, Thompson, Phillips, and Evans/Sir J. D. C. Hay, M.P., 12 June 1870.

<sup>6</sup> *Ibid.*, Thompson, Phillips, and Evans/Sir J. D. C. Hay, M.P., 31 July 1870.

<sup>7</sup> Census Returns, 1881, Area, Houses, and Occupations in Ancient Counties, vol. 1, p. 225.