The Role of the Open Fields in the Development of Nineteenth Century Stamford

STUART ELLIOTT

The enclosure of the open fields which lay within the borough of Stamford, Lincolnshire, was not completed until 1875. The extraordinary lateness of the enclosure has not gone unnoticed and the delay has been attributed to the political machinations of the Cecil family who were lords of the manor of Stamford in the 19th century.

It has been argued that Stamford, which was a pocket borough prior to 1867, exclusively under the control of the Cecil interest, was the scene of subtle contrivances of management, if not, on occasions, the use of force, to ensure the return of a Tory M.P. at each Parliamentary election held in the town. One aspect of this control, it has been alleged, was the prevention of the erection of new property on land which the Cecil family did not own, as the votes of such householders would not be subject to the pressure which the Cecils could bring on their own tenants. To achieve this end the Cecil family prevented the expansion of Stamford in the 19th century; firstly, by pulling down houses on the belt of waste land which all but encircled the town, and, secondly, by withholding their consent, which they could do as lords of the manor, to the enclosure of the open fields on the north side of the town and so prevent building upon them.

The main evidence for this point of view appears in Professor W. G. Hoskins' book The Making of the English Landscape in which he writes: "Since the end of the seventeenth century the Cecils at Burghley House, just outside the town, had controlled the election of both members by a combination of methods that seemed to leave no loophole for a mistake. There was indeed one possible loophole. Squatters on the waste of the manor at the fringe of the open fields, erected hovels and tried to stake a claim. But the Marquess of Exeter (as the Cecils had become in 1801) pulled down these hovels and prosecuted the squatters. Why? Because every house that went up and stayed up represented a certain vote against his political nominees. There were too many houses he did not own; he could not afford to see any more built. In a town that chafed under his tyranny, every new house that went up was a vote against the Cecil interest".
THE ROLE OF THE OPEN FIELDS IN THE DEVELOPMENT
OF NINETEENTH CENTURY STAMFORD

"For that same reason," Professor Hoskins goes on to argue, "the Lord Exeter could not allow the open fields to be enclosed. That would have meant some twelve hundred acres freed for rapid development. True, he owned a good deal of this land and could stop any building on his own acres. But there was much he did not own. As lord of the manor his consent was necessary to the procuring of any Act of Parliament for the enclosure of the open fields and that consent was never forthcoming." According to Professor Hoskins, this, combined with other stultifying policies, including the diversion of the main railway line from Stamford, meant that "Stamford was killed in the 1850's. Its population, which had until then been rising steadily, began to fall. The open fields remained open for another generation—until the secret ballot came in 1872, but by then grass was growing in the streets of the town."

This line of argument was also vigorously pursued by Mr. J. M. Lee in his lecture Modern Stamford delivered on the occasion of the quincentenary of the borough. At the same time Mr. Lee was far more specific about the circumstances which arose in the Cecil policy, claiming that it was the limited household franchise introduced in 1832, which, as it replaced the wider scot and lot franchise, led Lord Exeter to try to limit the number of houses built. Mr. Lee pointed out that: "the second Marquess clung to his rights because he thought it dangerous to his political interest to allow the possible erection of houses on land he did not own."

This viewpoint would seem to be borne out by the contemporary evidence. We learn that when, in the Stamford Parliamentary election of 1831, a Whig candidate was returned, "several who have built on the waste have received notice to take down their houses and actions at law, we understand, have been commenced." This was because the owners of this property had made a "material contribution" to the defeat of the Tory candidate. When the Municipal Reform Commissioners visited the town they observed that: "Many buildings [i.e. those on the waste] confer the right of voting for members of Parliament and these have generally been given in opposition to the Exeter interest. The town was extending in this direction when Lord Exeter gave notice that these buildings were to be pulled down." This evidence was collated some ten years later in George Burton's Chronology of Stamford — a species of almanack or compendium of information about the town.

This article seeks to question the validity of this argument, however. Let us start by testing this thesis in the light of the evidence offered by the Stamford Manor Court Rolls, which were not, apparently, available for use by either Professor Hoskins or Mr. Lee. As those who encroached on the waste in any way were regularly amerced for this offence by the Manor Court (or Court Baron), their names together with the details of their encroachments were diligently recorded in the Court Rolls. This provided an opportunity to study the voting habits of these men by consulting the Stamford Polling Books which record how each elector cast his vote in the Parliamentary elections. A list was made of all encroachers on the waste of the manor in the year 1836 and their voting in the Parliamentary elections of 1830 and 1831 was studied by reference to the Polling Books. Of the 158 encroachers who were amerced in 1836, 100 voted in the 1830 Parliamentary election; of these 54 voted Tory, 19 split their votes between both parties and 27 voted Whig. 102 of these men voted in the 1831 election, of whom 46 voted Tory, 12 split their votes and 44 voted Whig. As can be seen, there was a considerable shift of opinion amongst this section of the Stamford electorate which might significantly affect the election results and goad Lord Exeter into reprisals.

But, if this evidence serves to confirm the traditional view, it also brings to light the first perceivable defects in the Hoskins-Lee thesis. In the first place, Professor Hoskins is incorrect when he states that "every house that went up and stayed up [on the waste] represented a certain vote against his [Lord Exeter's] nominees", for, in fact, a majority of the encroachers,
in both Parliamentary elections, supported these nominees. These votes were not even, to quote the Municipal Reform Commissioners, "generally given in opposition to the Exeter interest." What happened in fact was that in 1830 most of the encroachers voted Tory and, in the following year, a number of them changed their minds and voted Whig.

More than this, Professor Hoskins' picture of "squatters on the waste of the manor" who "erected hovels and tried to stake a claim", is also defective. The Poll Books, which record the occupations of the voters, show that the encroachers were not "squatters" living in a state of destitution as is implied by these phrases. Many of the encroachers were middle-class tradesmen following such occupations as builder, victualler, soapmaker, liquor merchant, druggist, grocer and brewer. More information about these men was unearthed by the Stamford Burgess Lists, compiled after the Municipal Reform of 1835, which show the location of the property on which the townspeople paid rates entitling them to vote in the borough elections. The names of many encroachers appear on these lists and it is clear that they were living in houses within the town. Many of the encroachers were far from being "squatters" without a roof over their heads, trying to set up house on the waste that skirted the town because they could not find adequate accommodation within the existing area of the town.

Moreover, the Court Rolls also reveal that by 1830, the encroachments had achieved something more than the dimensions of "hovels". True, many of them began their existence as pig-sties, cart-sheds, stables and cow-hovels and as such may have served the trade or convenience of their middle-class owners living within the town. By the 1830's, however, although this element remained, many of them had been converted into dwellings of a substantial nature. One man, John Clapton, managed, between 1825 and 1836, to convert and extend "2 cowhouses and 2 pigsties" situated on the waste into "5 houses, one pigstye and one hovel". By 1836, some of the town's public houses were situated on the waste and one of them can still be seen to-day.

If it is possible to construct such a different picture of these "squatters" from that of Professor Hoskins, how far is it possible to throw new light on Lord Exeter's attitude towards them? Surely he could not have wanted to pull down the houses of solid Tory voters and not only alienate their support but risk losing the support of all the Tory electors in the borough? On this point the attitude of the Freemen of the town towards encroachments is both interesting and enlightening.

The Freemen of Stamford were a privileged class. Entry into their ranks was restricted. They alone had the right of trading in the town as well as depasturing their livestock over the open fields and wastes around the town. Of the 158 encroachments recorded in the Court Rolls in 1836, 68, or just under half, were those of Freemen. Of this number, 56 had voted at one or both of the elections of 1830 and 1831 and of these, 37 had voted Tory at least once, 14 had voted Whig and 5 had split their votes between the two parties. When voting habits were compared with the size of encroachments a distinct pattern emerged. The Freemen's encroachments were categorised into large and small, encroachments consisting of a barn or stable being regarded as the smallest that could be fitted in to the "large" capacity. It was found that of the 37 Freemen encroachers who voted Tory at least once, 28 had large encroachments on the waste. Moreover, in August, 1835, on the eve of municipal reform, 7 of these men were in the influential position of being on the Town Council, itself composed wholly of Freemen. The occupations of the overwhelming majority of these men were those of traders in the town.

A formidable group of encroachers, then, were Freemen as well as being Tories, using their acquisitions on the waste of the manor as a valuable addition to their livelihood and no doubt regarding them as a privilege appropriate to their position in the town. There can be no doubt that they, too, shared the dismay of Lord Exeter at the result of the 1831 election. On the 29th August, 1833, the Corporation unanimously resolved that the Freedom of the
THE ROLE OF THE OPEN FIELDS IN THE DEVELOPMENT OF NINETEENTH CENTURY STAMFORD

borough should not be granted to men who encroached on the waste. This would seem to be sheer hypocrisy when many Freeman were already encroachers and some of them even members of the Council. In fact it was expressly to discourage building on the waste by Whig sympathisers for subsequently, Richard Newcomb, a leading Whig and the foremost opponent of Lord Exeter’s interest, announced his intention to bring in a motion to rescind this resolution.

Again, the humbler class of Freemen resented the way in which their wealthier colleagues limited the extent of their grazing rights by building on the land over which they customarily turned out their animals. One Wednesday evening in June, 1835, several Freemen pulled down a house being built on the waste recently acquired by one, Lumby. Of the two persons of the surname Lumby listed in the Court Rolls as encroachers in 1836, both were traders of a wealthier sort (a butcher and a currier) and both were Tory voters. In other words, a large number of encroachers were well-to-do members of the middle classes and supporters of Lord Exeter’s interest. They were just as anxious as he to repel any Whig encroachers. It may be that they had economic as well as political reasons for doing this as they may not have wished to see their position undermined by a new class of Whig householders.

It is evident that if a large number of encroachers were supporters of Lord Exeter who, through their privileges and control of the Corporation could help tighten his political control over the town, the second Marquess cannot have been hostile to encroachments as such. He could have no objection to the erection of property around the town as long as it was in the hands of his own supporters. What he was trying to stop was not the building of property but the proliferation of Whig voters. The Stamford Champion reported: “Those who encroached were generally the wealthy Freemen . . . . Lord Exeter was not concerned . . . . until owners of such property exercising a vote by virtue of paying scot and lot made a material contribution to the eust ing of the Tory candidate.” It is too much to say that the second Marquess stood in the way of building on the outskirts of the town. All that can be stated with some assurance is that he brought some pressure to bear on Whig encroachers.

Further scrutiny of the Court Rolls has revealed some serious inadequacies in the contention that Lord Exeter actually caused houses to be pulled down and, in this way, inhibited the growth of 19th century Stamford. In 1831 an attempt was made to make an example of three Whig encroachers against whom the press reported legal proceedings were being instituted. The three men were: William Spencer, Henry Tatam and John Hubbard, who were prosecuted respectively by William Reed, the town constable, William Chadwick and Thomas Laxton, three Tory supporters. It would be interesting to investigate the fate of their political opinions and of their property on the waste as a result of this action.

Indeed, although their opinions changed, their encroachments did not. All three had voted Whig in the 1831 election; by 1832 two of them were solid Tories and there is no record of Tatam’s voting. Nevertheless, all three were still being apered for their encroachments in 1836. Their property was not pulled down or interfered with in any way. Indeed in the case of Spencer, the size and number of the encroachments went on from strength to strength. The prosecutions of 1831 and the notices to others to take down houses were mere threats directed at influencing the political opinions of the encroachers. Only one of the prosecutions was more than a mere threat. The Municipal Reform Commissioners reported that an action had been brought against one of the Whig voters by the “chief constable” with the backing of Lord Exeter. The words “chief constable” identify the defendant as Spencer “who suffered judgment by default and was forced to pay costs and damages amounting to £70.”

Further, the Court Rolls show no evidence of a general diminution of properties on the wastes after the threatened prosecutions and evictions of 1831. This was probably
because they were not only mere blandishments but the Marquess was powerless at law to take any real action for the nature of his jurisdiction as lord of the manor over the waste was doubtful. The Cecils had only assumed this control after purchasing the manor from Lord Stamford in 1747 and, prior to this date, the Corporation had controlled the stocking on this area. So healthy was the Corporation's claim that when, in 1828, the Marquess tried to throw the encroachers off the wastes, its members took legal advice to substantiate their control, confronted Lord Exeter with it and forced him to abandon his plan.21 The notices Lord Exeter served on the encroachers were mere threats and he may have realised that he could not have hoped to prosecute successfully where he had no jurisdiction.

Having explored the second Marquess's attitude to the wastes surrounding the town, let us move on to the central part of the Hoskins-Lee thesis and the one which is concerned with the whole destiny of 19th century Stamford: that similar political considerations led Lord Exeter to oppose an enclosure of the open fields and that this policy helped to stunt the town's growth. Here Mr. Lee's position is less defensible than that of Professor Hoskins merely because he makes it clearer. Mr. Lee maintains that it was the limited household franchise introduced in 1832 which led Lord Exeter to limit the number of qualified voters by attempting to impose restrictions on housebuilding. This argument does not explain why Lord Exeter first attacked the encroachers in 1828, issuing notices on them and ordering them to dismantle their properties within the fortnight.22 At this time the terms of the 1832 Reform Act were not thought possible much less known so that the reduction of the number of qualified voters can hardly have been uppermost in Lord Exeter's mind. Even the local press did not think this but presumed that the 1828 notices were the first step towards an enclosure of the open fields.

Apart from this, the evidence of the Court Rolls reveals that the open fields constituted no barrier to building on the north side of the town. In fact, from 1832 onwards, the Rolls record an increasing number of amercements in respect of property built on the freehold. In 1832, three individuals were amerced for building on the freehold, including Spencer, and these properties did not amount to much more than a couple of houses, a stable and two "yards". By the 1860's nearly 30 houses and many other buildings were standing on the open fields.25 The open fields were not the barrier to building which Professor Hoskins and Mr. Lee would have us believe.

It would be apparent from this evidence that the traditionally accepted view of the role of the waste and open fields in the policy of political control in Stamford is open to question. Lord Exeter did not attempt to pull down houses on the waste in an attempt to limit the number of qualified voters within the borough. Even his policy of opposing the enclosure for political reasons can be called into question, for they did not present an absolute barrier to the growth of the town.

The final point in the Hoskins-Lee thesis is that the survival of the open fields contributed to the stunting of Stamford's growth in the 19th century. "Stamford was killed in the 1850's" is the view of Professor Hoskins. Not surprisingly, this was the view of 19th century radicals: "Peterborough is what Stamford should have been" wrote a Manchester pamphleteer.24 Mr. Lee has an impressive list of examples of overcrowding in the town. There is much evidence to support this view and it must be admitted that that offered by Mr. Lee is the most difficult to refute.

The chief defect of this point of view, however, is that it is a too narrow one and fails to take into account all the facts and all the factors which relate to the town's growth in the 19th century.

In the first place some, if not all, of Mr. Lee's examples of overcrowding are of property which was situated on the waste which skirted the town. Indeed, it was stated on the eve of the enclosure: "On the outskirts of the town there are three or four hundred houses of a miserable nature many of which are without a single inch of ground and without privy
THE ROLE OF THE OPEN FIELDS IN THE DEVELOPMENT
OF NINETEENTH CENTURY STAMFORD

accommodation. It may be that individuals were bound to cram property on land for which they had to pay but the occasional amercement to the Manor Court and to which they might eventually acquire a title. Many of the encroachers believed they were in fact freetholders by the 1860's. It could be that this area alone was the scene of overcrowding in the 19th century. When the enclosure finally came about house-building was slow and sporadic, although it must be admitted that the census returns reveal a movement of people from the parishes within the town itself to those within which the open fields were formerly situated. The Census Returns also show that the number of houses in the town kept pace with the growing population, and, after 1851, when the population began to decline, they more than kept pace with the needs of the inhabitants. In 1871, when the population had fallen to the 1841 level, there were at least two hundred more houses standing in the town. Moreover, the peak population figure for 1851 was artificially swollen by a large number of railway workers temporarily living in Stamford at the time. Certainly, the question of overcrowding in 19th century Stamford is a vexed one and all that is done here is to suggest that it may have been exaggerated in the past.

More important, however, has been the failure to acknowledge the significance of wide ranging factors which can account for Stamford's decay in the 19th Century. The population statistics of Lincolnshire market towns, of which Stamford was one, display a striking similarity which would suggest that their populations patterns were influenced by common factors. The similarity is particularly close in the case of towns which remained largely dependent on agricultural trading and which did not turn to industry for their livelihood or to undertakings which were closely associated with the mainstream of economic growth, such as transport. The chief towns in Lincolnshire at the beginning of the 19th century according to size, apart from Lincoln itself, were Boston, Gainsborough, Grantham, Horncastle, Louth, Spalding and Stamford. All experienced a period of steady growth in the first half of the 19th century. During the decade 1851-61 there came a check, however, and in the case of Gainsborough, Horncastle and Stamford, a decline. Five of the seven towns never fully recovered from this check and only in Grantham and Gainsborough did population growth exceed that of the first four decades of the century. In the other five population growth never fully reasserted itself and although the population of Boston remained more or less stationary, the population of Louth, Horncastle, Stamford and Spalding was declining by the 1880's.

This evidence suggests that not only was Stamford experiencing decay in common with other Lincolnshire towns but that the factors contributing to this decay were not purely local ones. The close similarity between Stamford's experience and that of the other towns is of crucial importance. In common with them, she experienced a period of steady growth in the first half of the century, a check in the decade after 1851, from which, in common with most of the towns she never really recovered. There is evidence that the population growth in smaller communities within the county and in small towns in neighbouring counties followed a similar pattern.

The reasons for this decay are not difficult to find. The decay of Stamford and other Lincolnshire communities, both large and small, can be explained by their lying outside those areas were rapid development was taking place within the 19th century English economy—both in industry and in agriculture. In the first place, Stamford was situated in a largely corn producing county. This must have meant relative prosperity in the decades before 1850, when the population rose steadily. After this time Stamford and her fellow Lincolnshire market towns were at a disadvantage. After 1850, wheat prices, with the exception of the 1853-55 seasons, entered on a steady decline, whilst the price of animal products began to rise. Agricultural prosperity after 1850 lay chiefly in the grazing, green crop and dairy areas to the west. These long term difficulties were aggravated by the agricultural depressions of
the 80's and 90's. In these decades the population of Stamford, which had recovered briefly in the 70’s after the enclosure, entered a fresh period of decline and housebuilding in the town came to a virtual standstill.25 With the exception of Gainsborough, this was a period of further decline in the population of the towns previously quoted.

The second reason for decay, which was very much dependent on the first, was labour migration. In the second half of the 19th century there was marked emigration from Lincolnshire which drew the attention of the Census Commissioners. Reaction to the declining fortunes of agriculture in Lincolnshire after 1850 was swift. In 1861 the Census Returns noted that “The decrease in population in most of the parishes comprising the Stamford district is attributed to . . . . migration to the factory districts.”26 “From counties between the Wash and the Humber there is a small but constant stream of emigrants to London; for Lincoln, Leicester, Derby and Nottingham have to 1,000 inhabitants 26 of their natives in London.”

We have already noted the marked check which population growth in Stamford and other Lincolnshire towns suffered in the 1850's. Its root cause was changes in agriculture, but its swiftness was also due to the rapid decline in wages which closely followed the trend in wheat prices. In 1833, with wheat at 53s. a quarter, agricultural wages were 13s. 4d. per week in Lincolnshire. In 1851, with wheat at 38s., wages had fallen to 10s. per week.27 It was in these circumstances that labour began to leave Lincolnshire for more prosperous areas. The construction of railways within the county in the 1850's may have provided facilities for travel which accelerated this process.

The introduction of machinery into agriculture28 and the depressions of the 80's and 90's also took their toll. In 1891 Lincolnshire shared with the North and East Ridings, Cornwall, Bedfordshire and Wiltshire the distinction of being “the only English counties of any numerical importance in which the rural population has declined in the decennium in more than a trifling degree.”29 Ten years later it was reported that “All the registration districts show a loss by migration except Lincoln (where there is a small gain) and Grimsby.”

This evidence of agricultural decline and its effect on population growth in 19th century Lincolnshire may go some way towards providing an alternative explanation of Stamford's decay in the 19th century; a decay in which the survival of the Stamford open fields has been perhaps given too great a place. This article has been devoted to exposing the faults in the traditional interpretation of the reasons for and the significance of the longevity of the Stamford open fields; a subsequent article will endeavour to show that party politics have been given too great a place in accounting for this longevity and that motives somewhat more fundamental to human nature might serve to explain the lateness of the enclosure of the Stamford open fields.
THE ROLE OF THE OPEN FIELDS IN THE DEVELOPMENT
OF NINETEENTH CENTURY STAMFORD

Notes

1 Much of this article is taken from the author’s unpublished thesis The Enclosure of Stamford Open Fields
submitted to the University of Nottingham, October, 1965. The author wishes to express his thanks
to Professor J. D. Chambers who kindly read the original draft of the article.
4 Stamford Champion, 23rd August, 1831.
5 Ibid. 20th September, 1831.
7 G. Burton, A Chronology of Stamford, Stamford, 1846.
Hereafter referred to as S.C.R. and S.B.R. respectively.
9 Stamford Poll Books, 1830 and 1831. S.B.R. Hereafter S.P.B.
10 A random choice conveniently distant in time from both elections.
11 Stamford Burgess Lists, Packet 8, S.B.R.
12 Stamford Hall Book (minutes of Town Council Meetings) 1806-35, Bartholemew Hall, 1833. S.B.R.
13 Ibid. Michaelmas Hall, 1834.
14 Stamford Mercury, 19th June, 1835.
15 Stamford Champion, 20th September, 1831.
16 Stamford Champion, 29th August, 1831.
17 Ibid. 20th September, 1831.
18 S.P.B. 1831 and 1832.
21 Elliott, op. cit. pp. 43-47.
22 Stamford News, 18th April, 1828.
24 A. F. Winks, Bad Trade and How to Remedy It, a letter to a Manchester Merchant, Manchester, 1879, p. 11.
25 Stamford Mercury, 24th December, 1869.
26 The Manor Court Memorandum Book for the year 1863 records 16 refusals to pay the amercements
imposed by the Court, many encroachers believing they were freeholders. One encroacher, replying
from Bedford, said that he had bought the property “years back and had no idea Lord Exeter had any
claim on it”. S.B.R. Stamford Enclosure Documents, G. Miscellaneous. 70. 6.
27 Census Returns, 1841 and 1871.
29 That is of not less than 2,000 inhabitants according to the 1801 census.
the division between corn growing counties and counties mainly growing other crops.
37 Census Report and Index, 1891, p. 11-12.