

EARLY ENCLOSURE MOVEMENTS IN SUTTON COLDFIELD

by JANET LILLY WHITE.

Enclosure of open fields, common and waste lands had been taking place throughout the country for many years, but during the eighteenth and early nineteenth century, the number of enclosures increased dramatically. Enclosure took place in two ways. Either it was "piecemeal" i.e. small amounts of land were enclosed by an individual farmer encroaching on nearby waste or common fields, or it was "general" - a group of landowners made a collective decision to enclose. On the whole "piecemeal" enclosure became less common as the century progressed and "general" enclosure by a private Act of Parliament became more usual.

During the eighteenth and nineteenth centuries there were approximately 5 300 Parliamentary enclosures involving some 6 817 000 acres.¹ Between 1720 and the middle of the nineteenth century nearly twenty-five percent of Warwickshire was enclosed by private Act of Parliament.² The timing and speed of enclosure seemed to depend on the pattern of landownership in the parish. The more "complex the property distribution in any township then, other things being equal, the more difficult it was to enclose."³ On the whole enclosure of common fields took place at an earlier date than enclosure of commons and waste land.

At the end of the eighteenth century Sutton Coldfield still had 3 331 acres of open fields, commons and waste (over 5 500 acres if the park was included) out of a total of 12 828 acres.⁴ "Piecemeal" enclosure had been taking place for a long time - the 1824 Corn Rent map shows small fields, particularly on the Parish boundaries which had obviously been carved out of the commons. The 1528 charter showed a very liberal attitude to enclosure,⁵ and Bishop Vesey himself enclosed land in the hope that it would lead to the destruction of "penny grass which poisoned the sheep."⁶ Considerable areas of land were enclosed as a result of the charter but in 1581 a commission severely restricted the freedom to enclose large areas of land. However, piecemeal enclosure continued to take place until the time of the enclosure act. A summary of Charity Estates belonging to the Warden and Society 1810/12 gives details of several people who were charged a rental for houses built on the waste e.g. Ralph Floyer was charged for an encroachment on New Shipton Field; John Hopkins for an encroachment made as late as 1808 and Mr Kempson had to pay an annual rent for a piece of land taken off the waste in marl pit Lane. The Enclosure Award itself also gives evidence of recent enclosure as at Little Aston it states that "encroachments made in the last twenty years had to be given for allotment."

A first "general" attempt to enclose land in Sutton Coldfield was made in 1776, but this failed and a second successful attempt was made in 1824 when "An Act for inclosing lands within the Royal Town, Manor and Lordship of Sutton Coldfield" was passed on 3 June 1824. In common with other enclosure movements of the time both bills contained clauses to commute tithes.

THE ENCLOSURE MOVEMENT 1778

The first formal proposal to enclose the open fields, commons and waste was made by Mr Joseph Scott of Great Barr and supported by the Rector – Richard Bisse Riland and Mr Hackett of Moor Hall. Their proposals were comprehensive and included the enclosure of the park and the building of new churches at Hill and Walmley to be financed by timber sold from the park. The rector was to receive an allotment in lieu of tithes and the Corporation an allotment to provide income for officials salaries. Every house was to be allotted (before the deduction of tithes) three acres of land and every cottage one acre, and the cottages were to become freehold.

To gain support for their proposals they published a handbill⁸ setting out the advantages that enclosure would bring and reassuring the poorer people of the town that they would gain and not lose as a result. They tried to show that enclosure would bring improvements in farming including "Turnip Husbandry for which the soil is particularly adapted." The enclosure of the park they justified on the grounds that it was underused and produced an income of only 2s 10d per acre annually. Tithes they called "a tax upon industry – the greater the improvement the greater the tithe." They felt that poor people under the existing system with low rent cottages and an acre of lot-land⁹ were encouraged "to keep an idle Son or Daughter at home to inherit the paternal House and Croft," but if they were given the freehold of the land "the sons could go apprenticeship and the daughters to service" and they would be encouraged to work hard. Those who "sell the Freehold and drink the Money" would leave, and the "industrious and frugal will be substituted" and so the Parish would be bound to benefit.

But oppositon to their movement was strong and well organised. on 7 may 1778 the Corporation published a letter saying that they had resolved by a majority of 17 to 3 to oppose the movement as it would "in general be destructive of the valuable and extensive interests of the Freeholders and Inhabitants or the Parish" and that they had chosen a Committee to manage the opposition and had voted £500 towards the cost. The promoters of the movement retaliated by publishing a tract showing that at least 120 people supported enclosure and though few in number they were reckoned to be the "majority of property" and included a number of large landowners.

The Corporation undoubtedly had the support of the majority of small landowners in the Parish, and they used this support and the money they had voted themselves to support their cause. They published a scathing reply to the promoters last tract accusing them of "chicanery and fallacy;" stating that. they had knowingly omitted a number of objectors from their list and falsely assumed that those who did not sign were in favour of enclosure for "one gentleman who possesses £230 per annum objects to being put on a pro-enclosure list, as do at least twenty more . . . What must the world think of men who dare to take such bold steps in support of their oppressive measures."

In the same tract the Corporation publicised the advantages the poor gained from the commons and waste - "of large and extensive sheep walks; of the liberty of getting fuel . . . of enjoying an allotment of the common fields in tillage. They said the poor would be bound to suffer as a result of enclosure because the expense would be so great that they would have no money left to improve their land, Enclosure was definitely a costly process – the commissioner and his assistants who administered the act had to be paid, and the inhabitants had to pay the cost of fencing not only their lands but also the Rector's allotment.

At this time the average cost of enclosure in Warwickshire was 19.6 shillings per acre though this increased to 61.09 shillings per acre at the turn of the century.¹⁰ The Corporation argued that the poorer people would find the cost prohibitive and they would have to mortgage their property and be in debt or, at the worst "go to the workhouse."

The Corporation also published poems to highlight the plight of the poor and elderly. The first "General Enclosures Destructive to the Poor" (sung to the tune of Hearts of Oak) shows how the poor used the commons to gather kinds of ling or bundles of firewood for sale, providing an extra source of income in the winter months.

"The Friends to ENCLOSING may Inf'rences bring,
And tell us WHEAT SHEAVES are superior to LING;
But since it was practic'd 'tis well known to all,
Our RATES have been great and our LOAVES have been small.

CHORUS:

In support of our CHARTER with Hearts Undismay'd
We'll bid bold defiance
To ev'ry Alliance
That's planned or intended our RIGHTS to invade
By such kinds of methods have thousands been fob'd
A few may be serv'd but the Public is rob'd
And not SELF INTEREST a part of his CREED
PARISH would not wish for the Plan to succeed.

The second - "The Cottagers' Complaint. Addressed to the Lovers of Humanity" illustrates the problems facing an old person "THREE SCORE YEARS in peace I've dwelled."

"My EWES are few, my stock is small.
Yet from my little store,
I find enough for Nature's call,
Nor would I ask for more;
The word ENCLOSURE to my Heart
Such evils doth bespeak;
I fear I with my all must part,
And fresh employment seek.

CHORUS:

"Oh the Time the happy happy Time,
Which in my LOT I've spent;
I wish the CHURCH-YARK was his doom,
Who murders my CONTENT."

It was not only the economic well being of the poor which was at stake. The proposals violated the 1528 charter which not only gave the inhabitants substantial rights and privileges on the commons and waste, but also gave them the Park for pasturage. The Corporation, as elected representatives could not easily support a move which would violate the terms of the Charter. But whether they were motivated only by their concern for the rights and fate of the poor or the Parish is doubtful. At the time the Corporation was composed partly of illiterate local landowners and partly of neighbouring squires¹¹ including a number whose chief interest was foxhunting. In 1762 there were seven packs of hounds in the area - the commons and waste provided ideal hunting ground - and this section of the Corporation would almost certainly have opposed enclosure.

However, their opposition, coupled with the delay the proposers had in actually publishing the bill - after five months Mr Hacket was still in "Expectation of having his favourite Plan produced"¹² was sufficient to squash the proposal: for the time being at least.

Despite the failure of the 1778 scheme for enclosure there is evidence to show that debate continued within the parish. On 15 February 1791 an injunction was issued to prevent the Corporation from enclosing any part of the commons and waste without the permission of the majority of house-holders and inhabitants.

But in the same year a paper was published¹³ showing in some detail the advantages which would arise from enclosure. Although the figures quoted in: the paper are rather on the generous side, it does give a good idea of the kind of arguments and propaganda that were being put forward in favour of enclosure; a mixture of philanthropic zeal combined with the virtues of self improvement and financial gain.

The author estimated the amount of common or waste land at 7 500 acres, approximately half the total acreage of the parish. Of this, 700 acres were in cultivation as lot acres, or used as marl, stone or gravel pits and roads, or were well planted with trees. Three hundred acres were allowed for use of the poor and public use, which left 6 500 acres "covered with ling, furze or herbage, for the most part very indifferent" to be enclosed. The enclosure of this land would bring great benefits to the parish - instead of the half-starved race of sheep, cows and horses with which these commons are at present stored (they) will abound with superior numbers of a more profitable race of each of those species of animals, besides a produce of bread and beer for multitudes of human creatures.

In fact the author worked out a detailed scheme whereby the enclosed lands would be able to support an extra 2 700 people by means of increased yields. his 6 500 acres of enclosed land, 3 500 acres yearly would be grass or fallow and 3000 acres crops 900 acres of corn, 900 acres of barley and 1 200 acres of oats, peas and vetches. He estimated that: -

- (a) 900 acres of corn will produce at 18 bushels per acre, 16 200 bushels of bread corn - sufficient for 2 700 people yearly (at 6 bushels per person per year.)
- (b) 900 acres of barley will produce at 24 bushels per acre, 21 600 bushels. Of this 16 200 bushels would be malted - providing beer for 2 700 people yearly (at 6 bushels per person per year.) The remaining 5 400 bushels to be used for fattening hogs and poultry.
- (c) 1 200 acres of oats, peas and vetches - half to be used for oats and half for peas and vetches. This, plus the 5 400 bushels of barley and the stalk from the wheat would "upon a most moderate computation, afford horse-corn yearly for 400 horses, fattening for a thousand hogs, and support for many thousands of poultry."

But these philanthropic motives were firmly rooted in reality; enclosure would bring financial gain.

" The inhabitants of houses, computing their allotments at three average acres, after deducting the tythes, will probably have lands set out at the. yearly value of 28 shillings; and this estimated at 25 years purchase (which they will immediately be worth, without any trouble or a Farthing expense) will give £35 in hand to the owner of every freehold house in the parish."

The author does admit that the cost of enclosing and improving the land would be high - as much as £11 an acres but these costs would be offset by the increase in the value of crops. There would be advantages for the "deserving" poor, who would "receive constant work in dividing the lands, planting hedges and cultivating the land" and building new farm houses where necessary. But, perhaps more significantly, enclosure would encourage the rich tradesmen from the nearby industrial towns to come and settle in Sutton Coldfield.

By the turn of the century there is evidence that the Corporation were beginning to reconsider the stand they held in 1778 and a committee was established to propose new terms for enclosure¹⁴ This new movement tried to overcome the restrictions of the Charter. Although it was proposed to enclose the park, the Corporation, representing the people, were to have the allotment of the park "in lieu of the basic rights of the inhabitants of Sutton Coldfield" and it was to be kept "in trust and for the use and benefit of the inhabitants. The rest of the land was to be allotted in a similar way to that proposed in 1778.

But again the proposal met with strong opposition, this time from the rector - John Riland, who had succeeded R. B. Riland (the supporter of the 1778 enclosure movement) in 1790. In December 1805 he published "An Inquiry into Objections in Inclosure" in which he defended the rights of the inhabitants under the charter; and supported the poor people of the parish who could least bear the heavy cost of enclosure. "We fear and conclude that if there be parliamentary inclosure, there will be such confusion, dissent, animosity, complaining, resentment and railing against some superiors by inferiors, that will destroy the peace of the parish."

A four fifths majority of freeholders was needed to give consent to enclosure and he urged all to vote against the proposals on 8 January 1806, and the motion was defeated.

With John Rilands's death in 1822 the last serious opposition to enclosure was removed. Although the 1824 Bill was contested on the same grounds as in the previous proposal, the small landowners had no-one with power or authority to support them. The new rector - the Rev. William Riland Bedford was very much in favour of enclosure as his comments on the "Case of the Opponents to the Bill" show. He said that the opposers of the Bill "consist principally of persons who have built small houses for the purposes of obtaining lot acres for their own advantage and not for the advantage of the poor" while the supporters of the Bill were - "Lords of the Manor and Proprietors of eight tenths of the Parish, particularly those who gave their time and attention to parochial affairs. He argued that, far from denying them their rights under the Charter, enclosure would confirm them by giving all inhabitants an allotment of land. The present situation of abundant waste and common encouraged "a large number of strangers into the parish" depriving "many of the native poor."

In fact, the arguments put forward in favour of enclosure in 1824 were the same as those put forward in 1778 and 1806, namely. that all would benefit. The large landowners would be able to modernise and improve productivity; the "deserving" poor would obtain the freehold of their lands and find work on the newly enclosed fields, while the lack of commons would discourage "squatters on the waste."¹⁶

CONCLUSION

If the arguments for and against enclosure were similar in 1774 and 1824 why did it take so long for the enclosure movement to succeed? There were a number of factors which could account for the delay. Firstly the relatively poor soils found over most of the Parish meant that the cost of improvement was high - it was estimated at £8 per acre (£5 for marling and £3 for lime and carriage).¹⁷ The average cost in Warwickshire at this time was £3 per acre. So it only became economic to enclose in the early nineteenth century when food prices had risen as a result of the Napoleonic wars and a series of poor harvests. Secondly a high proportion of land owners owned only a small amount of land and would benefit very little from enclosure. These people had substantial rights under the 1528 Charter and until 1822 they had strong supporters for their cause - in 1778 the Corporation and in 1806 John Riland. This support was withdrawn with changing economic circumstances and also as the character of the Corporation changed and began to reflect the interest of the large landowners and those who held, in Riland Bedford's terms "the modern view of political economy."¹⁸ It is interesting to speculate on the interests of those promoting enclosure in 1825.

It seems likely that their main motives were less concerned with improvements in agriculture and more concerned with establishing ownership of land with a view to developing Sutton Coldfield as a residential suburb for the wealthy manufacturers of Birmingham.

J. Lillywhite, August 1986.

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Most of the information for this article was obtained from the Sidwell Papers, Reference 424.509. Birmingham Central Library. Although information was also obtained from Bedford, History of Sutton Coldfield; University of Birmingham, Historical Journal and the Agricultural History Review.