

**Enclosure, Improvement and the Rise of 'New Nottingham'
1845-67**

by

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We complained of the narrow streets set out, of the winding streets, involving houses being built with zig-zag fronts, and of there not being reserved sufficient land to pay for paving the streets, and so rates had to be made on allottees. A grand opportunity was lost, as the Town might have been made a model one, with squares, boulevards, and open spaces.

Alderman Robert Mellors¹

The Nottingham Enclosure Act received the Royal Assent on 30th June 1845. It was fifty-eight years since the first serious attempt to bring about enclosure of the two great open fields to the north of the town and the meadows to the south. For supporters of the bill it was an obvious and much overdue measure, designed to release building land to ease congestion within the town. For opponents, enclosure represented an attack on property rights and vested interests. Neither at the time, nor subsequently, has the case for the opposition been seriously defended. Unacceptably high mortality rates, coupled with what was acknowledged to be an inadequate and insanitary housing stock in the worst areas, made the case for enclosure almost unanswerable. Better quality housing was evidently needed. Yet, as Alderman Mellors suggested, not everyone believed that enclosure brought the benefits that were anticipated. In this article we shall argue that the Nottingham enclosure was far more complex than has usually been believed, that it became bound up with the whole business of town improvement, and that Mellors's gloomy views of the outcome have been given too much credence by more recent commentators. Unfortunately these views have also entered the textbooks to leave Nottingham with the unenviable reputation of being known for its late and ineffective enclosure. We shall make no attempt to defend the timing of enclosure, but we hope to show that the achievements were considerable.

The standard argument is straightforward: the legislation took an inordinate length of time to implement, and the results achieved were disappointing. Many thousands of enclosure acts had been passed and implemented since the early 18th century. The procedure was well established. Commissioners were named in the act. Their task was to prepare an award, which put the terms of

the act into operation, and which then became the legal document against which all claims to land, footpaths and roadways could be tested. Usually it took them between one and two years to complete their business. They had to listen to claims for a share of the enclosed lands, decide on an apportionment, lay out any new roads, and sort out boundaries, hedges, fences, and other infrastructure. In urban enclosures the complexity of the enclosure was usually enough to delay the final award rather longer than in the countryside; indeed, awards for the two Nottingham acts passed in 1839 to enclose the Lammas Fields (Wellington Circus area) and the West Croft and Burton Leys, were not completed until 1846 and 1848 respectively. Yet the twenty years it took the Nottingham enclosure commissioners to complete their work seemed to be excessive by any standards. Duncan Gray has written of 'all the efforts to hasten the making of the award',² and Professor J.D. Chambers of how the commissioners 'unperturbed ... continued on their leisurely way'.³

Twenty years might not have seemed quite so outrageous if the results had been impressive, but Robert Mellors was by no means a lone voice in suggesting that this was not the case. Among contemporaries William Felkin deplored the absence of a general plan for locating new buildings.⁴ More recently Gray has commented disparagingly of how 'buildings sprang up everywhere, with all manner of makeshift approaches and an abominable absence of any systematic plan of drainage or sewerage'.⁵ Chambers condemned New Nottingham as 'drab and depressing beyond description'.⁶ Professor A.C. Wood noted, slightly more diplomatically, that 'the outcome of enclosure was far from model'.⁷ According to Geoffrey Trease 'a fine opportunity for town planning, on lines that could have been studied at Bath or Cheltenham, was sadly thrown away'.⁸ Much had been expected, particularly with the opening up of new areas for building, and through various clauses in the legislation relating to town planning. Much, or so it has since seemed, was not delivered.

In what follows we re-examine the standard view of the Nottingham enclosure. We shall argue that the enclosure commissioners were faced with a task for which they proved to have insufficient powers, that the growth of 'New Nottingham' was unexpectedly fast with knock-on effects for the enclosing process, that the high hopes of the generation of 1845 who promoted enclosure were probably unrealistic, that attempts to refine the enclosure act in order to make it work were consistently rejected by the Corporation largely on the grounds of expense, and that the lost opportunities to which Robert Mellors

referred were partly the responsibility not simply of the commissioners but of the council. We shall suggest that the Nottingham enclosure was a considerable success, that there were many at the time who appreciated the fact, but that Mellors's viewpoint was all too readily accepted by authors who looked at Nottingham in the 1950s and 1960s when the St Ann's and Meadows areas (developed as a result of the 1845 enclosure) were in great need of redevelopment.

Of course there has always been a recognition that something positive was achieved. Wood wrote that 'the new layout was a vast improvement on the packed slum tenements of the old borough. Enclosure broke through an intolerable constriction of living space, and it gave Nottingham its first public park and open spaces, and it marked the turn of the tide in housing, sanitation and health of her poorer inhabitants'.⁹ Trease accepted that 'the town did, however, reserve a proportion of open space that is still envied by other cities',¹⁰ and Emrys Bryson has written that 'freeing the common lands was like knocking away the chocks beneath a ship waiting to be launched'.¹¹ Yet neither these writers, nor any other recent commentators on Nottingham's history, seems to have looked in any detail at what was attempted in 1845, at what was subsequently achieved, and at the conditions under which the enclosure commissioners worked.¹²

The background to the Nottingham Enclosure Act needs only to be sketched in. Nottingham, widely reputed as a garden town in the eighteenth century, had grown in upon itself since the 1780s. Poor quality housing had been erected in what must have seemed like every available square inch of the town, especially during the 1820s. This had still proved insufficient to satisfy demand. To the east, the town had burst through its boundaries in the wake of the Sneinton Enclosure Act of 1796, while from the 1820s new communities grew up just beyond the town boundaries in New Radford, New Lenton and New Basford, and in Hyson Green and Carrington. The first attempt to persuade the Corporation to petition Parliament for an act to enclose the open fields (to the north) and meadows (to the south) surrounding Nottingham was rejected in the 1780s. Over the years which followed, the issue was periodically raised, and just as firmly rejected, on a variety of grounds including the potential loss of open spaces surrounding the town. In reality, enclosure was delayed by a long struggle between the freeholders, the freemen or burgesses, and the Corporation (the lord of the manor). In 1839 two bills were passed to enclose

small areas near to the town centre, but neither was designed for easing the overspill from the cramped houses of the old town.

In the 1840s conditions in Nottingham were highlighted both by a local enquiry headed by William Felkin, and by government investigators for the Royal Commission on the State of Large Towns.¹³ Thomas Hawksley, the borough engineer, was a crucial witness before the Royal Commission. Hawksley was much respected in Nottingham as the man who had brought clean, running water, to the town, and he was an uncompromising supporter of enclosure. He gave evidence to the Royal Commission on 15th February 1844 and, using his personal knowledge of the town, backed up with statistics and diagrams, he painted a vivid picture of the defective houses, the poor sanitary conditions, and the industrial slum which Nottingham had become. It was reprinted verbatim by the Nottingham Review through the summer of 1844, and then followed up with a series of blistering editorials during the autumn.

The Corporation still refused to take a lead, and in November 1844 a group of private individuals announced through the town's newspapers that they were going to promote an enclosure bill. The promoters remain a shadowy group because no list of their names has ever surfaced. They were men of substance: each was said to have subscribed sums of money 'varying from one hundred to three hundred pounds'.¹⁴ They certainly included John Wadsworth and Edwin Patchitt, from whose solicitors' office the notice was issued.¹⁵ Other leading figures were the banker John Smith Wright, who was named by the Review, William Felkin,¹⁶ and Hawksley, who may even have drafted the bill. For six months in the autumn of 1844 and spring of 1845 the issue was vigorously debated in the town, but eventually the bill became law on 30th June 1845.¹⁷

The main cause of the conflict was the rights of the freemen and how these would be safeguarded at enclosure, but this was only one of the issues to be taken into account when it came to implementing the new legislation. The promoters took the view that here was an opportunity to do much more for Nottingham than simply reallocate the land in the common fields. The preamble to the Act declared that it was to be an instrument of 'social, moral, sanitary, commercial, and agricultural' reform, and many of its clauses were to do with building standards, the width of streets - 60 ft for main roads, 48 ft for medium roads, and 36 ft for inferior roads - the laying out of sewers and, significantly, the standards to be used in future housing construction. New houses built on the enclosed land were not to adjoin another property on more than two sides (i.e.

not to be back-to-backs), they were to be provided with a garden or yard of not less than 30 square feet, they were to have proper bedrooms, a privy, dustpit and water supply, and to have walls not less than two bricks thick.¹⁸

Passing the act was one thing: implementing it was quite another. The Nottingham enclosure was always going to be complicated. The commissioners were faced with adjudicating numerous claims for land from the freeholders and with satisfying the demands of the burgesses. They were also entrusted with responsibilities for town planning which were unusual if not unique. Consequently if twenty years seems excessive it needs to be kept in perspective. The insinuations as to the efficiency of the commissioners suggest that there was an assumption that the process of moving from the act to the award was a smooth, easy and quick one. In reality this is an assumption for which there is evidence only for rural parishes, and provisions in the act which permitted land to be developed before the award was completed recognized this likelihood.

Complex and time consuming enclosure awards were far from unknown. At Monks Risborough in Buckinghamshire the enclosure bill met with considerable opposition on its passage through Parliament, and this was continued when it came to moving from act to award. Any number of objections were lodged, commissioners resigned, one landowner applied to the London courts for a settlement, meetings were held without result, and the award was eventually completed only in 1839, nine years after the act was passed.¹⁹ Monks Risborough was no Nottingham, but there were warning signs here, with anti-enclosure petitions to Parliament while the bill was proceeding, commissioners resigning, vast numbers of claims to be processed, and immense difficulties reaching a conclusion. Newbury in Berkshire was another example. Like Nottingham, its enclosure act was obtained in 1845 and in the teeth of considerable opposition from people with common grazing rights in the surrounding open fields and meadows. It had taken thirty years to agree the terms of the legislation and it took another four years to complete the award.²⁰

The parallels may not be exact, but they suggest that the complexity of the task in Nottingham needs to be kept in perspective.

As in all enclosure bills, three commissioners were named: Thomas Smith Woolley of South Collingham was the Corporation's nominee, John Ellis of Beaumont Leys near Leicester was the freeholders' nominee, and George Sanderson of Mansfield was put forward by the burgesses. Sanderson had been a commissioner for the earlier Nottingham enclosure acts of 1839, for

which awards had still to be completed in 1845. The three men assembled for the first time on 1 August 1845, in the George Hotel in Nottingham, where they appointed John Buckley of Normanton to be the umpire - to resolve any disputes between the commissioners - Edwin Patchitt to be their clerk, and Samuel Smith and Company to be their bankers.²¹ The other position of significance was that of the official referee, a corporation appointment. The man appointed acted as a sort of clerk of the works, responsible for ensuring that the rules and directions of the legislation were observed. His task involved keeping minutes and records of proceedings, and of public works and alterations 'within his review and direction', making plans of land within the limits of the enclosure, and delineating 'all such public works and alterations thereon'. He had to be ready to act quickly since the act stated that notice was to be given to the referee 'two days before any building shall be begun to be built', and only if he was ill was he permitted to name a deputy. At a meeting of the council on 5 August 1845 William Booker, a local architect and surveyor, was appointed to the position.²²

The first indications that the Nottingham enclosure would not proceed smoothly came within a few days of the first meeting of the commissioners, when two of the three resigned. Smith Woolley told the town council on 20 August 1845 that 'I have most reluctantly concluded that the time and attention necessary to do justice to this very important case (in which I am deeply interested) would be quite incompatible with my present engagements'. William Parsons proposed that the Council should immediately appoint John Parkinson - a commissioner for the Lammas Field enclosure - but the decision was deferred for further consideration, and in the end the job went to John Horncastle, an experienced land surveyor and agent to Earl Manvers who owned extensive property in Nottinghamshire. Ellis also resigned, and was replaced by Henry Eddison. These changes took time because a clause in the Act stipulated a two month delay in the case of refusal to act before a new commissioner could be named.²³

The situation was further complicated when the umpire, John Buckley, died on 29 December. He was replaced by John Wright of Romely near Chesterfield on 15 January 1846, but thereafter virtually nothing is known of the umpire, presumably because the commissioners had no serious disagreements.

These changes in personnel delayed proceedings, but by January 1846 the commissioners were at last ready to hear claims. For the next eighteen months they listened to around 400 such claims, but they also began to move the

business along in other ways. They appointed Frederick Jackson to be their surveyor, and commissioned him to survey the land to be enclosed.²⁴ As early as February 1848 the Nottingham Review optimistically carried a report to the effect that 'the final result of their labours is now anxiously awaited',²⁵ but there was still a great deal to do. In fact it was the summer of that year before the commissioners completed their inspection of all the fields, and early in 1849 before they were in a position to begin deciding claims. In any case, their first priority was to set aside land for sale to meet the costs of enclosure.²⁶ In 1849 they organized the sale of land on the western side of the Forest for development. It is now the Southey Street area.²⁷

In June 1851 the commissioners were at last in a position to exhibit Jackson's plan of the proposed allotments. Numerous objections were lodged, and in August 1851, while the consultation period was still in progress, commissioner George Sanderson died. Inevitably there was a delay - although not the two months required in the case of refusal to act - until Thomas Huskinson was elected in his place. As a result, it was the end of the year before the commissioners were able to begin considering objections.²⁸ From 1851, however, they began gradually to release land in the open fields for road construction, for public open spaces, and for the development of residential and business premises.

Of the land, 120 acres were allotted to the corporation in trust for the people of Nottingham for public baths and walks, cricket and football grounds, and a cemetery (of which four acres were to be for the Anglicans and four for the nonconformists). This was in line with the provisions of the Act, which in turn reflected a growing recognition nationally in the 1830s and 1840s of the need for 'green lungs' in the industrial towns. Parliament adopted a standing order in 1839 that all future enclosure bills should make provision for open spaces for recreation.²⁹ As a result, the Forest was largely preserved, the Arboretum was opened in 1852, and a number of 'walks' were created which effectively produced a green collar around the town.³⁰ A visiting journalist wrote of how the 'recreation walks - which are, in truth, almost a continuous avenue of trees - completely encircle the town, and afford a promenade of ten miles in extent ... the enclosure will exhibit almost an unique specimen of spirited and liberal provision for the public recreation and welfare.'³¹

Despite all this activity, what the commissioners were not able to do was to complete the award, and while they struggled the first hints of dissatisfaction

with their progress were voiced in the town. Freeholders who were allocated plots of land wanted to promote development, but feared that the resale of plots might not be legal. This was permitted under the act, but to calm nerves the town clerk issued an assurance to this effect early in 1852.³² The opening of the Arboretum offered an opportunity to offer congratulations to the commissioners, but also to express concern about their work. William Felkin, the mayor, addressing a dinner to celebrate the opening, and in the presence of two of the three commissioners, questioned whether the building regulations ought to be tightened up: 'as things were, A might built a house in one position, and his neighbour B. by some caprice, or perhaps to show his independence, might build his somewhat obliquely, or in a totally different position, and thus create permanent deviations from the uniformity.'³³ As time passed and the commissioners still showed no sign of completing the award, criticism became more overt. The Chamber Committee complained in 1855 that it was ten years since the Act and that 'unless the award of the commissioners be made without any further delay, great inconvenience and expense will arise to the titles of property of very great value held ... by a numerous class of owners, and which are daily becoming more and more complex'. By 1857 the Journal wondered which would come first, the enclosure award or doomsday.³⁴

What had gone wrong? In one respect the commissioners had succeeded. They had laid out the green areas around the town. But this was only half the battle, and the commissioners were conspicuously losing the other half. The legislation had been designed with specific objectives in view relating to housing provision. In the preamble great emphasis was laid on how the labouring classes lived in 'small and inadequate tenements ... in places of abode erected upon impure and improper sites', and on how 'many buildings and parts of buildings unfit for dwellings, are used and occupied'. For these reasons it was 'expedient ... to make provision for regulating the buildings, and for facilitating and promoting the drainage thereof, and for securing a sufficient width of streets'. These arguments were used time and time again by witnesses, among them Felkin, at the committee stage of the enclosure bill.³⁵

This was all so well and good, but no mechanism was put in place to ensure the movement of the labouring classes from small and inadequate houses to well built and healthy homes in the enclosed areas. The expectation that it would happen was anticipated by some of those opposing the enclosure act, and yet it was a view explicitly rejected by Hawksley in his evidence to the Royal Commission, and questioned by the Nottingham Journal.³⁶ The Journal, which

supported enclosure but disliked the measure as passed, commented in a leader on 28 February 1845 that it expected to see 'but little improvement from an inclosure in the condition of those whose welfare is made the prime motive for bringing more building land into the market ... we cannot see how ... the erection of cottages in the Sand and Clay Fields is to purify the Meadow Platts and Milstone Lane'. From the outset siren voices recognized that without a specific commitment to doing something about the insanitary areas, the pious hopes of those who framed the legislation were based on weak foundations. Of course the old town was not the enclosure commissioners' responsibility; rather, it was a matter for the council and, as we shall see, the Journal proposed an Improvement Act partly with old town redevelopment in view.

Despite these misgivings, such was the prevailing mood and economic climate that the commissioners were soon under pressure to release land for building. An upturn in the business cycle brought prosperity to the town, and pressure for development was intense. Early in 1852 the Nottingham Review estimated that 1000 families were likely to find work in the factories, warehouses and railway works on the Meadows 'many of whom at the present time have to walk very long distances, even as far as Lenton, Radford or Basford, before they can find residences'. A few weeks later the paper reported promotions by the Duke of Newcastle to develop the Park Estate, and by Earl Manvers to develop parts of his Sneinton property for housing. In 1853 it commented more generally on what it saw as the impetus provided by the enclosure to the building trade.³⁷ Between 1851 and 1856 2,101 new houses were built in the town, and Nottingham's population grew by nearly 17,000 between 1851 and 1861 having grown by only 5000 in the previous decade. William Booker, the referee, who was responsible for inspecting new properties in the enclosed areas was evidently a busy man, but the council's Sanitary Committee expressed its satisfaction in 1856 because the rules had been enforced: 'Dwelling houses can be built in compliance with the regulations of the Inclosure Act and be let ... at [3s 6d] per week, free from rates and taxes'.³⁸

In fact, of the 2101 houses only 845 were let for 3s 6d or less a week, just 40 per cent.³⁹ This was partly because demand for building land had pushed up the price and this had been reflected in house rents, but it meant that the majority of the occupants of the new houses turned out not to be the labouring classes moving from insanitary houses in the old town, but migrants coming to work in Nottingham. The labouring classes remained marooned in the very courts and alleys criticised in the Act, unable to afford the new property.⁴⁰

William Wylie complained in 1853 that 'the new dwellings now in course of erection in Nottingham are not adapted to the class who are most in need of them'. In 1856 the Journal lamented 'the want upon our inclosed lands of suitable dwellings for the working classes at such moderate rents as to come within their means'.⁴¹ The most common type of housing erected on the enclosed land was small terrace properties conforming to the minimum standards laid down in the legislation, but the ground plan was three times the size of back-to-backs in the old town, and this inevitably meant higher rents.

As they struggled to meet demand, the commissioners effectively abandoned ideas of zoning the town. The Act referred to the health problems which had arisen because 'works of a noisome kind' took place in working class areas, and proposed the 'prevention of noisome, or offensive, or dangerous Businesses being carried on close to any dwelling-house or public way'. From here it was only a short step to confining new housing to the open fields and locating industrial premises in the meadows. The idea was discussed locally prior to the act, and reinvigorated by the Nottingham Mercury in 1852, which thought it would be a pity 'to have the best portion of the Sand Field studded over with manufactories and forges when there is ample room for them in the Meadow'. Yet the paper put its finger on the problem which was central to most of the commissioners problems in these years when it declared itself to be reluctant to propose the restrictions on market forces that this would have required. It was the same unwillingness to regulate that was producing the absence of uniformity in building of which Felkin complained in 1852, and the Journal in 1853.⁴²

As a result of this unwillingness to intervene, building took place on both of the former open fields and in the Meadows. By 1861 large areas of the Clay and Sand Fields were already well covered in houses, although plenty of space for further building existed. To the south of the town houses were going up in the West Croft, and in the Meadows area adjacent to Kirk White Street. But if demand for housing was met, a rather different situation occurred in relation to the roads.

The commissioners found themselves fighting a losing battle over roads and sewers which was largely to blame for the long delay in completing the award. Their road construction programme proved to be a problem from the outset. Narrow streets were the curse of the town centre, and the proposals in the enclosure act to lay out new streets of sixty, forty-eight and thirty-six feet

were criticised by the Nottingham Journal as too narrow: 'no public road of any kind in a town should be less than forty feet wide'. Just such a proposal was put forward by the Tory Councillor William Parsons, but rejected because the St Mary's Highways Board objected to the likely expense of upkeep on wider roads.⁴³ As a result, the commissioners found themselves building inadequate roads with little public support. To make matters worse they lacked the necessary powers to complete the proposed network.

The commissioners' original brief was to lay out what was expected to be a handful of necessary roads, and to make planning provision for later roads which would be constructed when the justices decided, and under the control of the St Mary's Highway Board.⁴⁴ In practice, the commissioners quickly found themselves under the necessity of laying out more roads than they expected and with which they could reasonably hope to cope. During 1852-3 long discussions about the delay in road building took place between the commissioners and the enclosure committee, a group appointed by the Corporation primarily to look after those areas assigned to it such as the Forest and the Arboretum. The council passed a resolution that 'the Inclosure Committee be requested to wait upon the Commissioners ... and obtain the carrying out of the ... making, forming, completing and metalling certain of the Roads now set out by the said Commissioners; and if the committee fail in obtaining this, then [they] be authorised to take legal proceedings to obtain the carrying out [of these works]'.⁴⁵

These were strong words, even if no action followed, but they pointed to the growing confusion in the town. The Enclosure Act had effectively given Nottingham two authorities: the Corporation still controlled the old town, but the commissioners had responsibility for the new areas (twice the size of the old town) until they completed the award. The division of responsibility could only be ended once the commissioners' handed over their powers to the corporation. However, since the council refused to accept any financial responsibility for new roads on the enclosed lands, the commissioners were forced to continue trying their best to complete the network, a network which was already larger than anticipated in 1845. By the mid-1850s an impasse was reached: the commissioners were unwilling or unable to complete the award without making up the roads, and the council refused to accept any responsibility. If housing was the issue which triggered the enclosure act, roads and sewers became the issues which prevented completion of the award. What accounts for this change of thinking?

In 1847, under William Felkin's direction, a report was prepared on the housing conditions of the working classes in the old town. As a result the corporation decided to establish a Sanitary Committee. By the end of 1848 this committee was in a position to begin taking positive action, and between 1849 and 1852 it was responsible for removing sixty-three dwelling houses or sets of dwellings which had been built over privies, the modification or complete reconstruction of seventy-three sets of privies, and the building of another thirty-seven sets. Arrangements were made for paving and draining many of the enclosed courts, for erecting public lavatories, removing accumulations of manure, and cleaning and whitewashing unhealthy buildings. The appointment of William Richards to be the town's first Sanitary Inspector in 1851 helped to speed up progress. In addition, in 1851 the Corporation adopted the Common Lodging Houses Act, and the committee was given regulatory control of these premises. The Sanitary Committee naturally claimed the credit when Nottingham virtually escaped the 1848-9 nationwide cholera epidemic, which it attributed to the constant and plentiful supply of fresh water in the town and the well drained streets and courts.⁴⁶ With new houses available in the enclosed areas, and the Sanitary Committee active in the old town, conditions in Nottingham were looking brighter. When, in 1852, a Board of Health enquiry was threatened into the high death rates in some parts of the old town, the Sanitary Committee effectively headed off such an investigation by pointing to its numerous achievements.⁴⁷

The success of the Sanitary Committee, and the physical evidence of new building going up on the enclosed fields defused the housing issue which had been so critical in 1844, and refocused concern onto the road and sewer network. With this change of emphasis came a return to the issue of improvement. Both before, and immediately after the 1835 Municipal Corporations Act local councils lacked powers to 'improve' their towns. To circumvent this problem numerous towns had, since the eighteenth century, applied to Parliament for legislation to establish Improvement Commissions. In neighbouring Derby such a commission had been established in 1792, and its powers were extended in 1825 to include responsibility for repair of the footpaths and roads, the construction of sewers, and the cleaning and lighting of the streets.⁴⁸ Mansfield and Newark also had improvement commissioners. Nationwide between 1800 and 1845 around 400 Local Improvement Acts were passed by Parliament relating to 208 English and Welsh towns. Although the

achievements of these commissions is debateable, they pointed to a widespread interest in improvement which could not be undertaken with existing powers.

An improvement measure was being discussed in Nottingham in 1839. The council established an Improvement Committee, and a proposal was brought forward to apply to Parliament for legislation primarily designed to improve, and in particular to widen, several of the town's streets. Felkin, William Hannay and Thomas Wakefield, the last two both Conservatives, were members of the committee. The proposals were rejected, although in the longer term they prepared the ground for the building of Albert Street in 1846.⁴⁹ What they foreshadowed was a clash of interests in the town between the Whigs, pro-enclosure and almost permanently the party in power in the town, and the Tories, lukewarm about enclosure but supportive of an improvement measure. By 1845 the die was cast and can be seen in the difference of approach taken by the two newspapers: the pro-enclosure, Whiggish Nottingham Review viewed enclosure as the panacea for Nottingham's ills; while the Conservative Nottingham Journal argued the case for an improvement act to go alongside the enclosure legislation.⁵⁰ Once the enclosure measure passed - alone - the improvement issue was dropped, particularly as the Sanitary Committee appeared to be capable of achieving 'improvement'. The idea of legislation came back on to the local political agenda in the deadlock over roads in 1852-3, and was put there by a Tory at the heart of the enclosure process, the clerk to the commissioners Edwin Patchitt.

Patchitt had been one of the original sponsors of the Enclosure Bill. He stood in 1852 for election to the Council for St Ann's Ward, but was not returned. The following year he and William Hannay were elected unopposed for St Mary's Ward. Patchitt's decision to enter the local political arena needs some explanation. The loss of Hawksley, who moved to London in 1852 and returned to Nottingham only occasionally thereafter, may have left the commissioners without a powerful advocate in the town. Just as importantly, it seems certain that as a result of his work on the enclosure Patchitt reached the conclusion that he needed to take the political argument for 'improvement' into the Council. It may have been for the same reason that John Wadsworth stood successfully for election in 1852.

Patchitt's plan involved the passing of an Improvement Act primarily designed to widen streets in the old town with a view to linking them to new streets in the enclosed areas. In February 1854, only three months after his

election, Patchitt prepared a scheme, which William Hannay, chairman of the Sanitary Committee, brought to the Council.⁵¹ The Council appointed an Improvement Committee to look at the practicality of the scheme, and it reported on 14 August 1854 recommending a series of road widening and development schemes. Hawksley, in his role as consultant engineer, and Moses Wood, the borough surveyor, reported on 9 October that the estimated cost of the schemes would be £115,000. These figures were too much for the Corporation, which threw out the proposed Improvement Bill at its meeting on 16 October.⁵²

The first attempt at an improvement designed for the benefit of old and new town alike had failed, but since it would come back on to the local agenda twice more it is worth looking at what Patchitt had in mind. The central core of the scheme was what Patchitt would later call 'a great arterial street' to link the Mansfield turnpike road through a widened highway along Clumber Street and Bridlesmith Gate and a new road from Low Pavement across the River Leen and the canal to the Midland Station (situated on Station Street). Traffic could then go south over Trent Bridge, and plans were already in place for a new bridge. Patchitt saw this north-south road as a major link between the new and old towns, running as it did from the junction of the Sand and Clay fields, through the old town and into the Meadows. As he claimed when he reintroduced the scheme in 1857, it was designed to be 'the most valuable and important street in Nottingham ... the most efficient means of conveying the Heavy Goods traffic as well as the Carriage traffic from the Hosiery and Lace Markets and from the central districts of the Town and from the Railway Stations by easier gradients and at less cost than can be accomplished in any other way'. The scheme would have encouraged the clearance of some poor quality housing in the Leenside area but - reflecting perhaps the shift of emphasis from housing to roads - this was only an incidental benefit.⁵³

It was a further three years before Patchitt resumed the campaign, inconclusive years in which nothing much was achieved in terms either of the enclosure award or of road improvements to the old town. Patchitt was in a position to see not only the progress the commissioners were making but also the contradictions involved in having two sets of authorities working alongside each other, but without adequate cooperation. As secretary to the enclosure commissioners, from 1855 chairman of the council's Inclosure Committee, and a member of the Sanitary Committee, he was probably better placed than anyone else to see what was required.⁵⁴ On 30 June 1857 he grasped the nettle for the

second time by proposing a motion to consider applying to Parliament for an Improvement Bill for Nottingham. It was agreed to establish a committee to prepare the bill, and the members were to be the mayor, aldermen Birkin, Cullen, Felkin, Heymann and Reckless, and councillors John Wadsworth, William Parsons, William Hannay, John Lawson Thackeray, Thomas Simpson, William Page, and Patchitt himself.⁵⁵ Some of these were of course men whose interests in enclosure, like those of Patchitt, went back to the original proposal in 1844, and who had also served on the Sanitary Committee.

The committee reported back to a meeting of the full council on 7 September. Patchitt, as chairman, was in a position to present the business as he wished. He told the Council that the committee had asked for and received suggestions from the public, and its recommendation was for an application to Parliament for an Improvement Act which would give the Council sweeping new powers to redevelop the old town. The committee had first considered traffic flow in the town, and a number of proposals were put forward for possible inclusion in the proposed Bill relating to the improvement of various streets, including paving and lighting. The committee stressed that it considered it more desirable to lay, as it were, the foundations for future improvement to be developed and perfected as necessities require and opportunities arise than to attempt the immediate execution of Works the full completion of which will more fairly fall upon the Ratepayer of an after period.

For immediate execution it recommended various road projects, including Patchitt's pet-scheme, the arterial road, at an estimated cost of £69,135. Other plans involved paving, scavenging, sewerage and lighting streets, supervising the erection of buildings, and additional powers to control smoke consumption, cellar dwellings and water supply. Estimates were provided by Moses Wood, and the information was based on Jackson's survey of 1851.⁵⁶

These proposals were discussed, and gradually adopted at adjourned meetings of the Corporation on 21, 23 and 28 September. Patchitt persuaded the council to accept the various proposals.⁵⁷ Agreement was reached on a plan to widen Chandler's Lane at the north end of Bridlesmith Gate - which led eventually to the formation of Victoria Street in 1863. Patchitt's arterial road was accepted despite a strong attack on the scheme by Moses Wood.⁵⁸ There were setbacks. On 23 September Patchitt was forced to withdraw a motion to widen St Mary's Gate 'because of much opposition', presumably to his idea of taking a strip of St Mary's church yard. Many of the

other clauses were accepted, including proposals to alter the enclosure regulations over house construction, and the demand for a compulsory water supply into all houses, not just new ones. To pay for these improvements Patchitt proposed that all fields and houses belonging to the Corporation should be let for a fixed term to a 'farmer', or an alternative scheme with the same financial implications.⁵⁹

Where the committee came unstuck was when it tried to go further to alter the terms and conditions of the operation of the enclosure act. Patchitt, with a foot in both camps, wanted to bring the different authorities together. He proposed regulations for the erection of buildings in the old town which, it was suggested, should be brought under the control of the same authority as changes connected to the new enclosures. But the most controversial proposal, and the one which eventually led to the collapse of the whole scheme, concerned the position of the referee, William Booker. Patchitt and his supporters recommended the abolition of the post, and its replacement by one or more district surveyors 'to superintend buildings in the old town as well as the new inclosures'. These men were to be salaried officials, paid by the corporation. Since Booker was clearly overworked, the logic was simple enough, but it proved unacceptable to the council. It was attacked in the Journal and on 13 October Patchitt was forced to withdraw three proposals relating to changes in the Enclosure Act.⁶⁰ He 'took the opportunity of explaining most distinctly that neither he nor the committee had been actuated by any personal feeling against the present official referee'. However, the council also heard the contents of a letter from Booker read by the town clerk 'alluding to an impression which appeared to be abroad, to the affect that great emoluments accrued to him [Booker] in his capacity as official referee, and that since his appointment in 1845, his receipts from his office had only amounted to a little over £127 per annum'.⁶¹ There was some dissent, and the meeting was adjourned to 19 October.

Although the council had agreed to most of the proposals, the Conservative Nottingham Journal was less impressed. Sniping from the sidelines turned into a headlong assault on 16 October 1857 when the paper opposed to what it called this 'gigantic, ill-considered, unsatisfactory, and ruinously expensive project'. It argued that the Council had abandoned its functions 'as a deliberative body, and as guardians of the public interests, and had delivered themselves, bound hand and foot, to the will and direction of wild, reckless, and extravagant leaders'. The ratepayers, it believed, could anticipate

finding capital sums of £200,000. The newspaper considered the council to be 'utterly demented', and called for a campaign and a subscription to oppose the scheme.

Supporters of the Improvement Bill were beginning to develop cold feet, and the Council meeting on 19 October proved to be the end of the road for Patchitt's cherished project. The meeting was expected to approve the final clauses but, as the Review reported, matters took 'a somewhat unexpected course'. Patchitt began the meeting with a defence - perhaps inflamed by the Journal editorial - of the cost of the project, and of the means of raising the money. But he now ran into serious opposition from those who argued that the financial outlay would far exceed his estimates. The proposal was put to refer the whole scheme back to the committee, which Patchitt argued was 'in effect putting an end to the Improvement Bill'. Despite an impassioned last stand by Patchitt this amendment was passed, by fourteen votes to twelve according to the Review and fourteen to thirteen with two abstentions according to the Journal. In the words of the reporter for the Review, the Council instantly broke up in some disorder, a number of gentlemen gathering round Mr Patchitt, and condoling with him upon the result'.⁶²

It was a bitter disappointment to Patchitt, the end, or so it must have seemed, of his dream of an enclosure award and Improvement Act jointly helping to bring about a New Nottingham, linked north-south along a main road. The critical point was the defeat over the amendments to the Enclosure Act since street improvements could have been picked up in much shorter pieces of legislation, and several of them were carried through in the years which followed.⁶³ Patchitt did not resume the campaign. In 1858-9 and 1859-60 he was mayor - the first Tory to hold the position for twenty years - and he still had his work to do with the enclosure commission. The next moves came from a rather different direction.

The 1858 Local Government Act offered corporations' extensive powers of municipal self government and local improvement if and when they adopted it. At its meeting on 28 February 1859 the town council agreed that it would adopt the Act, and it then set up a committee to examine the best means of carrying into effect the clauses in the legislation. Patchitt, as mayor, could not be directly involved, but the committee was chaired by Birkin, who had seconded Patchitt's motion for an improvement bill in 1857. The committee reported on 15 August 1859, and recommended, among other proposals, the formation of

three new committees, for highways, for town improvement, and for Markets and Fairs. It also proposed the appointment of a full-time borough surveyor. The corporation now became a board of health, and as such took over various powers previously exercised by the St Mary's Highways Board, as well as other responsibilities in regard to streets, buildings, sewers and slaughter houses. It was also able, for the first time, to levy a general district rate. However, the recommendation that the council should appoint a medical officer of health was not put into effect.⁶⁴

The position of borough surveyor, or engineer, was the one for which Patchitt had been pressing since 1857. On 6 October 1859 the Corporation announced that it had appointed to the position Marriott Ogle Tarbotton (1834-87), borough surveyor of Wakefield, on the salary of £250 a year recommended by the committee of enquiry on the Local Government Act. He was 24. There were fifty-two applicants for this post, of whom eight were chosen for interview. Tarbotton had excellent testimonials, and strong local support, and he soon brought fresh new ideas to what he can only have perceived to be a mess.⁶⁵

Within months of assuming the post Tarbotton completed a report on the sanitary condition of the town. The report was ostensibly provoked by conditions in the Meadows. Houses were built in this area with ground floor rooms below the flood level of the River Trent. The Sanitary Committee brought a special report to the Town Council meeting on 20 June 1859 as the result of representations from householders in the Meadows complaining of inadequate fresh water supply and drainage facilities. Of 258 houses built south of Tinker's Leen, 231 were drained into cesspools usually only a few yards from the houses and none had drainage with a proper outfall. Most took their water from wells, and there was no way of guaranteeing that these were free from pollution. The mayor (Patchitt) gave assurances that the enclosure commissioners had every intention of providing the effective drainage called for, and on this occasion no formal resolution was carried.⁶⁶ In fact, during 1859-60 alone 752 houses were built, of which 500 lacked adequate drainage. This flouting of the regulations could only be because the referee was unable to enforce the rules, and it may explain why Patchitt had proposed replacing Booker with a full time surveyor in 1857.

The problems in the Meadows almost certainly stemmed from the speed of post-1851 development and the inadequate powers of the commissioners.

Under the terms of the enclosure act the commissioners were empowered to build sewers, but as with roads much of their work was to be in planning for the future rather than doing the work themselves.⁶⁷ As with the roads, it was soon clear that they could not keep control. A memorial to the council from occupiers of property in the Meadows made reference to 'the disgraceful state of the streets'. Just as they had failed to complete the streets, so they had been unable to sort out the sewers. Tarbotton discovered that many of the houses built in the Meadows were 'not raised above the ordinary level of the ground and are consequently on the level at which the sewers must be laid, and are liable to be flooded and rendered permanently damp'.⁶⁸

Clearly this was not acceptable, but part of the problem was one of information. Adding New Nottingham to old involved the disposal of sewage. If, as seemed necessary, new sewerage facilities on the Sand and Clay Fields fed into the existing old town system, the possibilities of overload were considerable, yet no one really knew. The only plans were drawn by a Mr Fletcher on behalf of the St Mary's Highway Board, and the Corporation did not possess copies. When he was appointed in 1859 Tarbotton was astonished to find that 'there is no correct plan of the town or neighbourhood in the hands of the Corporation, no established system of levels, no complete record or plan of subterranean works and sewerage, and there are no public data whatever to aid the consideration of a subject like that of sewerage ... most public improvements and operations have been conducted irrelatively'. As he noted, it simply did not make sense to try to build a new Nottingham without reference to the existing town, yet this what was being attempted. Consequently his first priority was to draw a plan, and his second was to take urgent action to improve sewage disposal. Since he could see no alternative to using the Leen as the town's main sewer he recommended that it should be altered and improved. As a result it was culverted in 1862 and made to flow into the canal. The old course of the river was 'taken up, filled up solid and abandoned'. Such was the priority of this work that by 1866 Tarbotton could claim to have solved many of the worst problems.⁶⁹

Yet even while Tarbotton was working in the old town the political impasse remained, with the council refusing to take any responsibility for areas under the commissioners' control until the streets were properly laid out. In 1860 they even tried threats, approving of a strongly worded letter written to the commissioners by the town clerk, Henry Enfield:

The Committee beg to represent to you that the Act of Parliament under which you are appointed has now been passed for more than fifteen years that during that long period the titles to the large amount of property held under it have remained and now are uncertain and unmarketable, that several of the public roads set out by you are not yet either sewered, paved or macadamized and are not fitted for the use or convenience of the public but until your award is made no public body has power to interfere. That few if any of the private roads set out by you (one of which in the Meadows called Kirke White Street is as important as a public street) are either formed sewered paved or macadamized and until your award is made there is no means of ascertaining with any legal certainty by whom these works ought to be done and no power to compel their execution. That as to private streets many of them are unsewered and unpaved, and can scarcely be used and yet there is no body specially authorized to interfere and no power to execute works if the owners neglect to do them. That this state of things is exciting general complaint, is calculated in certain seasons to produce disease and is not to the credit of the town, and that the regulations in the Inclosure Act are in numerous instances disregarded. For these and other reasons the committee on behalf of the owners of property and the inhabitants at large earnestly desire the completion of your award.⁷⁰

It was at this same time that Robert Mellors became secretary of an Indignation Committee of Freeholders which complained of the slow speed at which the enclosure commissioners were working.

The commissioners responded spiritedly, informing the Corporation in February 1861 that they would 'proceed with the execution of further public works in the order of apparent necessity as rapidly as the funds at [their] disposal ... will permit', and consequently they saw 'no reason to doubt the award being completed in the course of the present year'.⁷¹ This was propaganda: Tarbotton had already come to the conclusion that the commissioners could not complete the business without support from the council. Under his guidance the commissioners began to work closely with council committees, particularly the Sanitary and Highway committees.⁷² Yet it needed something unexpected to turn these informal arrangements into anything more permanent, and this arrived with William Booker's death.

With the loss of Patchitt's improvement bill in 1857 William Booker remained in office as referee. He died in December 1861, after which the

Finance Committee recommended that the Town Improvement Committee should be empowered to take steps to bring buildings and roads in both the old and new towns under the control of the town surveyor (Tarbotton), 'leaving the office of referee vacant meanwhile'. This was a euphemism. Tarbotton took over the position, but he could not officially assume office until he reached the age of 30, which was not until December 1864. To formalize his position prior in June 1865 he was duly appointed official referee 'in accordance with the previous resolution of the Council'. From 1862 Tarbotton was acting in conjunction with the enclosure commissioners to see the problems of old and new towns as a whole, and not in separate compartments.⁷³

Emboldened by his new ally, in 1863 Patchitt once again raised the improvement issue, this time in conjunction with a proposal to amalgamate the Bridge and Chamber Estates.⁷⁴ As in 1857 his scheme envisaged raising a large sum of money by capitalizing existing assets, and was primarily aimed at widening streets in the old town, and bringing full powers and responsibilities for both old and new towns under the same controlling authority. In the words of the Review, his plan was 'for alterations in the Inclosure Act which would have had the effect of placing the whole town under one law'. Some of the terms had changed, for example the building of Victoria Street was now underway, under the auspices of the Improvement Committee, but Patchitt's arterial road scheme reappeared: he told the same Council meeting, this time in introducing a report from the Improvement Committee, that he still believed in the need 'for a central route to the stations - a great arterial street from Clumber Street to the railway stations'.⁷⁵ The scheme made no further progress, although individual road improvement projects were approved by the council.⁷⁶

On 29th June 1865 (one day short of the twentieth anniversary of the Royal Assent to the Nottingham Enclosure Act), the enclosure award was finally completed. It was proclaimed on Sunday 2nd July with an official note nailed to the door of St Mary's church - and greeted in the town with blank indifference. Nottingham was preoccupied with the 1865 election. The local newspapers ignored the award, and when the Corporation next met in August no mention of it was recorded.⁷⁷ Considering how much supposedly hung on the award the absence of dancing in the streets, or at least a modest firework display, needs some explanation. In part, the reason must have been that most recipients of land had long since ceased to worry about title, whatever the Council may have claimed in 1860, many having happily sold their property. But just as critical was the fact that, award or no award, the work of the commissioners went on, and

the problem of the streets remained unresolved. The award established title to land and as such it could have been completed years earlier. The commissioners had hung on in the hope that they could complete the street layout, but apparently recognizing that this was not possible they had decided to separate the land rights issue from the roads and sewers.

It must have been obvious to anyone who could assess the position rationally in 1865 that the only way out of the impasse in Nottingham was for commissioners and council to find an agreed formula whereby responsibility for the roads would be handed over to the council. The 1845 act had given the commissioners powers to raise money for the expenses of enclosure. Primarily this was through land sales, but if these proved insufficient they were permitted to raise a rate, and to borrow on mortgage.⁷⁸ The commissioners had done both, but had been hampered in their efforts to collect the rate. They were overbudget, in debt, and without the financial means to complete the roads. Nor was the position helped by a legal anomaly. The 1845 act had given various powers to the Highway Board of St Mary's Parish, but when in 1859 the town adopted the 1858 Local Government Act this Board ceased to exist, and was replaced by a new Highways Committee with responsibility for all the borough's roads except those under the control of the commissioners. No provision had been made in the Act for the transfer of the powers of the St Mary's Board to any alternative body, and the Highways Committee refused to consider itself to have any responsibility for the new roads.⁷⁹

In the summer of 1866 the enclosure commissioners and the Highways Committee were finally brought together for talks, and in September they jointly presented a report to the council offering possible solutions to the impasse. It was acknowledged for the first time that New Nottingham had contributed considerable sums in rates - estimated at £100,000 - to the town's finances, which needed to be taken into account in the argument about responsibility for the roads. As a result, what was proposed was an improvement act, the main purpose of which would be to transfer the powers of the enclosure commissioners to the Highways Committee which would, in turn, take responsibility for completing the new roads and sewers, and for clearing the mortgage debt of £6,500 run up by the commissioners.⁸⁰ The act finally reached the statute book in the spring of 1867 and at a meeting - appropriately enough in Edwin Patchitt's office - held on 24 May 1867, the commissioners laid down their office. New and Old Nottingham had finally been brought together

under one authority.⁸¹ The goal to which Patchitt and his supporters had been working since at least 1854 had finally been achieved.

The Nottingham enclosure turned out to be little short of a nightmare for the commissioners. Men like John Horncastle were well versed in the intricacies of local disputes, but in a town, with so much depending on who received what, the magnitude of the task was enormous. Yet we need to be careful about too readily accepting the negative judgements of Alderman Mellors, quoted at the beginning of this article. Considering how few towns were able to implement any form of planning before the late nineteenth century, we should perhaps consider how far the Corporation was itself to blame. Opportunities may have been missed, but the three part-time enclosure commissioners, with their part-time clerk and part-time referee, did a remarkable job. New Nottingham was recognized by all contemporaries to be preferable to Old Nottingham. As Councillor Heath put it in debate in September 1866:

The old town was clearly indebted to the new town for its vitality, almost its existence. But for the inclosure where would Nottingham be at the present time? Utterly unknown; without reputation, genius, architecture, it would have cut a very sorry figure throughout the country. Everyone now was proud of being connected with it.⁸²

Moreover, although Mellors's disparaging comments have been widely quoted in the past, few who have written on the Nottingham enclosure issue have balanced his thoughts with those of Wylie and Potter Briscoe, writing in 1893. After the Act in 1845, they noted:

the commissioners ... proceeded to set out public and private roads to the extent of more than eighteen miles in length. Factories, warehouses, and residences sprang up all around, as if by the wave of a magician's wand. Land and building societies were formed, by means of which persons of limited means have been able to purchase small allotments at a moderate price and to build upon them on the most favourable terms. The transformation wrought upon the town as to its extent and aspect surpasses anything which has been witnessed elsewhere in Britain within the same brief space of time.⁸³

Yet we can perhaps forgive Gray, Wood, Chambers and others who followed Mellors's line. The very worst of the old town slums had been cleared by the 1920s, and by the 1950s it was St Ann's and the Meadows, areas which grew up after the enclosure, which were most in need of redevelopment. What

has complicated the matter is that the failings on which these writers laid stress has led to Nottingham entering the textbooks as a byword for all that went wrong when enclosure was delayed. 'Nottingham', wrote W.G. Hoskins in a much respected textbook, and drawing heavily on Chambers's opinion, 'failed to solve the problem until too late and created as a consequence some of the worst slums in any town in England'.⁸⁴

The Nottingham enclosure was, predictably, extremely complex. Yet to see it as a failure is to underestimate the shortcomings of the legislation, the lack of co-operation between council and commissioners, and the strenuous efforts made by Patchitt and his supporters from the 1850s to find an acceptable compromise. Much criticism has been heaped on the commissioners for their supposed incompetence, yet in the end the award made no difference at all. It was not until a 'whole town' solution was accepted by the corporation in 1866, and with it the financial implications of taking over the roads - implications which had been resisted for years - that the work of the commissioners could be brought to a conclusion.

In the event the 1867 Act finally broke the log jam without solving all the town's problems. By 1872 the Corporation was concerned that the housing market was artificially restrained by adherence to the terms laid down in the 1845 legislation. As a result, it agreed after some wrangling to promote a rather more extensive Improvement Bill which, when it passed in 1874, repealed much of the 1845 legislation (including the post of referee!) and provided the setting for the great leap forward when Nottingham brought the suburbs within the town boundary in 1877.⁸⁵ Perhaps it is not surprising that one of the earliest actions of the new, enlarged council, was to build a series of boulevards to try to give the town some coherence. Patchitt, nearing the end of his long life, must surely have approved.

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- 2.D. Gray, 'Nottingham in the Nineteenth Century', Trans. Thoroton Soc. lv (1951), 41.
- 3.J.D. Chambers, 'Victorian Nottingham', Trans. Thoroton Soc. lxiii (1959), 10.
- 4.S.D. Chapman, 'William Felkin, 1795-1874', (University of Nottingham, M.A. thesis, 1960), 287-8.
- 5.D. Gray, Nottingham Through 500 Years (1949), 88.
- 6.Chambers, 11.
- 7.A.C. Wood, 'Nottingham, 1835-1865', Trans. Thoroton Soc. lix (1955), 17
- 8.G. Trease, Nottingham: a biography (1970), 191.
9. Wood, 17
- 10.Trease, 191
- 11.E. Bryson, Portrait of Nottingham (1974), 101.
- 12.Even Roy Church, whose book Economic and Social Change in a Midland Town: Victorian Nottingham, 1815-1900 (1966) remains the standard account of the town in the nineteenth century, paid relatively little attention to the proceedings of the commissioners. One of the key players in Nottingham in the 1850s, Edwin Patchitt, receives only a single reference in Church's work, and that is in connection with the opening of the Arboretum: 184.
- 13.Chapman, 251-2; Royal Commission: State of Large Towns and Populous Districts, 1st Report, (PP 572 (xvii) 1).
- 14.N(ottingham) R(eview), 15 November 1844.
- 15.Edwin Patchitt (1808-88), a key figure in these years, seems from the Directories to have been formally associated with Wadsworth for only a short period. They were not named as a partnership in 1840, and Patchitt seems to have left either in 1846 when he was appointed clerk to the county court, or slightly after this, see also note 17.
- 16.Chapman, 254, 256.
- 17.The total cost is unknown but the Enclosure Commissioners took immediate steps to reimburse Wadsworth and Patchitt £1,000, and in 1847 paid them a further £2,675 as the balance of their accounts for obtaining the bill: N(ottinghamshire) A(rchives) O(ffice) CA 7751. Considerations of space preclude a detailed discussion of the enclosure debate through the spring of 1845.

- 18.8&9 Victoria, cap. 7 sess. 1845, An Act for Inclosing Lands in the Parish of St Mary, in the Town and County of the Town of Nottingham, clauses 124-8; N(ottingham) J(ournal) 9 January 1857.
- 19.M.E. Turner, 'Some social and economic considerations of Parliamentary enclosure in Buckinghamshire, 1738-1865' (University of Sheffield, Ph.D thesis, 1975), 203-9.
- 20.E.J. May, 'The estate of St Bartholomew's Hospital Charity, Newbury, Berkshire 1700-1961' (M.A. thesis, University College, Cardiff 1994), 93-9.
- 21.N.A.O. M.7709; CA 7751. Enclosure Act, clause 6.
- 22.Enclosure Act, clauses 140-4; N.R. 8 August 1845.
23. N.R. 22 August 1845; Enclosure Act, clause 4.
- 24.N.A.O. CA 7759. Jackson was initially appointed ordinary surveyor with the Ordnance Survey producing the base map,(Enclosure Act, clause 8) but the involvement of the OS seems to have been terminated in 1846. The decision to employ Jackson rather than the borough surveyor, Moses Wood, may well account for the later tension between Wood and the commissioners.
- 25.N.R. 25 February 1848.
26. Enclosure Act, clause 86.
- 27.N.A.O. CA 7716; R. Smith[and D. Shaw, The Changing Character of Inner Nottingham, 1800-1983: Waterloo Promenade and its Environs (Nottingham, 1983).
28. N.A.O. CA 7718-9; CA 7759.
- 29.Enclosure Act, clauses 53-4; Hazel Conway, People's Parks: the design and development of Victorian Parks in Britain (Cambridge, 1991), 40.
- 30.The 19-acre Arboretum opened on 11 May 1852. The total cost was £6,554. The open spaces nominated by the corporation were Elm Avenue, Corporation Oaks, Robin Hood Chase, Queen's Drive and the Forest: R.B.N. ix, 85, 93.
- 31.N.R. 22 May 1852.
- 32.Enclosure Act, clause 48; N.J. 5 March 1852.
- 33.N.R. 14 May 1852; Felkin's point seems to have been that the regulations on building heights in clause 51, were insufficiently tight.
- 34.N.J. 23 November 1855, 18 September 1857.
- 35.Chapman, 256-7.
- 36.Hawksley told the Royal Commission that 'several influential members of the corporation are extensive owners of the small houses inhabited by the working-classes in the worst-conditioned districts, and have repeatedly avowed their hostility to the principle of enclosure, under what I believe to

the very erroneous impression that their property would sustain permanent injury by the erection of better, more healthy, and more comfortable dwellings on the enclosed lands' (our italics): Royal Commission, appendix, Evidence of Thomas Hawksley, p. 145; N.J. 28 February 1845.

37.N.R. 20 February, 19 March 1852, 6 May 1853.

38.R(ecords of the) B(orough of) N(ottingham),ix, 118; L.F. Wilson, The State of the Housing of the English Working Class (1979), 93-4.

39.S.D. Chapman, 'Working-class housing in Nottingham during the industrial revolution', Trans. Thoroton Soc. lxxvii (1963), 89.

40.N.J. 28 September 1866. On the movement to the Sand Field from outside see Roger Smith, 'Towards the mature industrial city 1800-1880: the development of All Saints Parish, Nottingham', Midland History, XIV (1989), 75-94.

41.W. Wylie, Old and New Nottingham (Nottingham, 1853), 373; N.J. 5 December 1856.

42.N.J. 28 February 1845, 22 July 1853; Nottingham Mercury, 14 May 1852.

43.N.J. 28 February, 7 March 1845.

44.Enclosure Act, clauses 108-11.

45.D. Gray, Nottingham Through 500 Years (Nottingham, 1949), 89.

46.N.J. 5 October 1849, 14 November 1851; Chapman, 'William Felkin', 268-72; R.B.N. ix, 71-2.

47. R.B.N. ix, 89-92.

48.J.D. Standen, 'The social, economic and political development of Derby, 1835-85' (University of Leeds, M.A. thesis, 1958), 161.

49.R.B.N. ix, 25, 37, 40.

50.N.J. 28 February 1845.

51.R.B.N. ix, 102; N.J. 23 October 1857 pointed out that Hannay brought the Improvement scheme forward on Patchitt's proposal.

52.R.B.N. ix, 104, 110 refers to the 'late proposed Town Improvement Bill'; Church, 199; Chapman, 'William Felkin', 303-8.

53.N.A.O. CA 3616, 247-58.

54.N.J. 23 November 1855.

55.N.A.O. CA 3616, 200-1; R.B.N. ix, 124.

56.Jackson, surveyor to the enclosure commissioners, was now acting for the town: Wright's Directory (1858).

57.R.B.N. ix, 125-6.

58.N.J. 18 September 1857.

59.N.A.O. CA 3616, 247-58, 297.

- 60.N.J. 18 September 1857; N.A.O. CA 3616, 303.
- 61.The table of fees payable to the referee were laid down in the Enclosure Act. The accusation probably arose because of the number of houses built which, as we have seen, was greater than anticipated. However, in Booker's will, proved 24 February 1862, his effects were given as 'under £2000'. It is worth remembering that all of the enclosure officials, including Booker, worked part-time. Booker had an architectural practice and designed several chapels during the 1850s.
- 62.N.R. 23 October 1857; R.B.N. ix, 126; N.J. 23 October 1857. Voting crossed party lines: those in favour included leading Liberals (Birkin and Thackeray) and Conservatives (Patchitt), while Sweet was, or had been, a Chartist, Despite the significance of this episode it is virtually ignored by Church, 199, and by Gray and Chambers; Chapman, 'William Felkin', 316-17 claims that Felkin's failure to speak out in favour was the beginning of end for his reputation as a political radical.
- 63.R.B.N. ix, 163.
- 64.B.R.N. ix, 134, 137-40; N.R. 19 August 1859; N.J. 19 August 1859.
- 65.Although Hawksley had left the town it is perhaps significant that he backed Tarbotton for membership of the Institute of Civil Engineers in 1860, an indication perhaps of his approval of plans for Nottingham.
- 66.N.R. 24 June 1859, R.B.N. ix, 136, 148.
- 67.Enclosure Act, clauses 112-113.
- 68.R.B.N. ix, 148-9.
- 69.R.B.N. ix, 75, 148-9, 161; M.O. Tarbotton, 'Recent Sanitary Operations and Town Improvements', Allen's Illustrated Hand-Book of Nottingham (Nottingham, 1866), 81-95.
- 70.N.A.O. CA 7728, 413-14.
- 71.R.B.N. ix, 150.
- 72.R.B.N. ix, 155, 175; N.A.O. CA 7730.
- 73.Enclosure Act, clause 140; R.B.N. ix, 154, 163, 171; N.A.O. CA 3624, 311.
- 74.The Conservative councillors had been anxious for some years to make use of money from the town's estates for improvement purposes. On 2 February 1850 William Parsons 'moved for and obtained a committee to enquire and report into the legality and expediency of amalgamating the Bridge Estate with the Chamber Estate so as to render the former available for the relief of the burdens of the town to which hitherto it has not contributed a farthing although its rent roll now amounts to £2000 a year. This I consider the most important motion which has even been introduced at the Town Council': Nottingham University Manuscripts

- Department, William Parsons' Diaries, 2 February 1850. Patchitt had made similar proposals in 1854 and 1857.
- 75.N.R. 8 January 1863. Since Sheep Lane had still to become Market Street, access to the town to the north was still restricted.
- 76.N.A.O. CA 3623, 9 November 1863.
- 77.N.A.O. CA 7766; N.J. 30 June, 7, 14 July 1865; N.R. same dates; N.A.O. CA 3624, 312.
- 78.Enclosure Act, clauses 89, 91-3.
- 79.N.A.O. CA 3623, 234. In May 1866 the Highways Committee rubbed salt into the wounds by reporting that 'the present unfinished streets in the Nottingham Inclosure are divided into three classes ... the first class of streets are commissioners streets, and their sewerage and formation belongs to the Inclosure Commissioners. The second class are Commissioners private streets or streets set out by the Commissioners but liable to be sewered, formed and completed by the respective owners of property. The third class of streets are private streets....'. The report added a list of twenty streets 'which belong to the Inclosure Commissioners and which are more or less in an unfinished condition': R.B.N. ix, 175-6.
- 80.R.B.N. ix, 177. Of the £6,500, £3533 12s 6d was the 'amount paid Local Board for various works done. Commissioners clerk and surveyor, repairs and materials to roads, printing and stationery and various incidental expenses to the end of the inclosure': R.B.N. ix, 178-80, 183; N.J. 28 September 1866, N.R. 28 September 1866.
- 81.30 & 31 Victoria, sess 1867. Most of the problem clauses in the 1845 legislation relating to future roads and sewers were repealed in 1867: 'in order to put an end to the embarrassment and interference with public accommodation arising from the defective nature of the provisions [in 1845] and the conflict of the powers of the commissions under the act with those of the local board it is expedient that the powers of the commissioners be discontinued and that so much of the [1845 Act] as interferes with the exercise of the powers of the Local Board be repealed'(preamble). N.A.O. CA 7732.
- 82.N.J. 28 September 1866.
- 83.W.H. Wylie and J. Potter Briscoe, A Popular History of Nottingham (Nottingham, 1893), 117.
- 84.W.G. Hoskins, The Making of the English Landscape (1955) 280.
- 85.The 1874 legislation also repealed the clauses relating to minimum house standards and sizes, for which Patchitt had argued in 1857: R.B.N. ix, 222,

231-2, 234-9. Following the boundary extension in 1877 there was a further Improvement Act in 1879.

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