

The Social World of Nottingham's Green Spaces
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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, and this could be achieved only by releasing land for development.

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 Lammam Fields (Wellington Circus area) and the West Croft and Burton Leys, were not completed until 1846 and 1848 respectively.

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. Paul Elliott has argued that the leading supporters of enclosure in the 1780s were members of the local intellectual community motivated by Enlightenment ideas and a perception of the interconnection of urban improvement with social and political reform. He has argued that the enclosure of urban common fields was often a controversial matter in Georgian politics and one which was frequently exploited by rival groups employing the rhetoric either of ancient rights and privileges or of progress and improvement. Common land enclosures gathered pace in the second half of the 18th century in response to the economic, aesthetic and social demands of the 'urban renaissance'.

According to Blackner, the common fields and waste lands were the sand and Clay Fields totalling 654 acres together with the Forest (124), Mapperley Hills (57) and other wastelands (4 acres). The burgesses and other members of the corporation also had various commonable rights over other lands, including the Meadows, 283 acres to the south of the town, thrown open for grazing at specific times of the year. (Blackner 29-30) Until the mid-17th century the Sand and Clay Fields were entirely open, being cultivated two years by the plough and every third year by the housekeeper burgesses. It was agreed that proprietors could fence in their respective plots and that the land should be laid down for mowing and pasturage, on condition that two gaps were left

between the middle of August and November for grazing solely by the housekeeper burgesses. Non-burgess housekeepers had the privilege of turning in three head of cattle each in commonable time, although from 1808 this was limited to the freeholder householders. Some landowners constructed buildings on the fields but during the late 18th and early 19th centuries the burgesses took a series of actions against such encroachments. (Blackner 30-1)

In November 1783 the corporation was requested by 56 inhabitants to call a meeting to consider how an improvement bill might be framed. This was held in the town hall on 18 November and a committee of merchants, shopkeepers, professions and clergy was formed to make plans and draw up estimates. Supporters included Rev George Walker of High Pavement chapel, and Rev Dr Charles Wylde of St Nicholas's church, plus many others. This was the start of several years of debate as to what to do. There was talk of an improvement commission, but the potential costs of £16,000 were the major barrier to progress. One way of raising at least some of the money would have been to enclose the open fields and waste lands. This became a matter of serious contention since the burgesses did not wish to be parted from their productive agricultural land in the open fields, and they were supported by the town's social and political elite against the enlightened ideas and intellectual arguments of the supporters of enclosure, predominantly the towns professions (clergy, medical men and attorneys) who were, arguably, more acutely aware of the advantages of urban improvements, but had to give way to the strength of opposition from common burgesses concerned with the loss of a small but steady source of income.¹

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 the 1840s conditions in Nottingham were highlighted both by a local enquiry headed by William Felkin, and by government investigators for the Royal

¹ Paul Elliott, 'The politics of urban improvement in Georgian Nottingham: the enclosure dispute of the 1780s', *Transactions of the Thoroton Society* 110 (2006), 87-102

Commission on the State of Large Towns.² In February 1841 Felkin prompted the corporation to set up a committee to enquire into 'the houses of the poor and the sewerage of streets'. No report has survived, but Felkin pressed on. In May 1842 he told a meeting of the corporation that the registrar general's figures showed that from 1800 until 1820 mortality in Nottingham decreased by 6 per cent, but between 1820 and 1840 it increased by 15½ per cent.³ Felkin described the 'fearful rate of mortality', and argued 'that the average of life was much less in Nottingham than the surrounding towns'. He was as yet, however, a lone voice: the *Review* later admitted that it had refused to believe that he could be correct.⁴

Nationally, concern with poverty, public health, and the state of large towns had never been off the political agenda during the 1830s, but it came to a head with the publication in 1842 of Edwin Chadwick's *Report on the Sanitary Condition of the Labouring Population of Great Britain*. Chadwick, secretary to the Poor Law Commissioners, was deeply interested in the link between epidemic disease and environmental factors. His report drew on evidence gathered by approximately 1,000 Poor Law Medical Officers of Health. Nottingham corporation may have been relieved that the town was given nothing like the prominence of Manchester, Leeds and other new industrial towns, but Chadwick's report was a slighting indictment of urban local government and its unwillingness or inability to ensure even the most basic provisions for the new industrial working classes. It was designed to stimulate government action, and it succeeded, with dramatic results for Nottingham.⁵

In the shock waves reverberating from Chadwick's report, a Royal Commission was established under the chairmanship of the Duke of Buccleuch to investigate the sanitary state of large towns and populous districts. Evidence was taken from experts up and down the country, and Nottingham's water engineer Thomas Hawksley appeared before the commission on 15 February 1844. Hawksley's evidence, backed up with statistics and diagrams, painted a

² Chapman, 251-2; *Royal Commission: State of Large Towns and Populous Districts*, 1st Report, (PP 572 (xvii) 1).

³ *BRN*, IX, p. 29; *Nottingham Mercury* 6 May 1842

⁴ *NR* 6 September 1844; Chapman, 'William Felkin', pp. 251-2

⁵ E. Chadwick, *Report on the Sanitary Condition of the Labouring Population of Great Britain* (1842), ed. M.W. Flinn (1965), p. 193. Chadwick quoted Absolem Barnett whose original evidence was given at slightly greater length in the *Local Reports on the Sanitary Condition of the Labouring Population of England* (1842), p. 155, on which Chadwick drew heavily.

grim picture of the industrial slum which was 1840s Nottingham. In dispassionate language suitable to the occasion he described for the Royal Commission the defective houses, the poor sanitary conditions, the 'absence of regulations ... with respect to new buildings', the 'accumulations of filth and moisture attended with the worst and most fatal consequences', the 'very defective and unsystematic' sewers, the absence of 'proper necessaries' in the smaller houses, and the streets where the poorer inhabitants lived which 'seldom or never receive the slightest attention'.⁶

Two weeks later James Ranald Martin, one of the assistant commissioners, visited Nottingham and his report (dated 1 March) was equally lacking in sentiment. The streets where the working class lived were 'narrow, unpaved, uneven, ill-ventilated, noisome, and damp'. The houses of the poor were

singularly defective ... damp and uncleanly.... The courts are almost always approached through a low-arched tunnel of some 30 or 36 inches wide, about 8 feet high, and from 20 to 30 feet long ... They are noisome, narrow, unprovided with adequate means for the removal of refuse, ill-ventilated, and wretched in the extreme, with a gutter, or surface-drain, running down the centre; they have no back yards, and the privies are common to the whole court; altogether they present scenes of a deplorable character, and of surpassing filth and discomfort. It is just the same with lane and alleys ... In all these confined quarters too, the refuse is allowed to accumulate until, by its mass and its advanced petrification, it shall have acquired value as manure; and thus it is carted away by the 'muck majors' as the collectors of manure are called in Nottingham.⁷

Yet these descriptions of filthy conditions, however powerful, lacked the dramatic effect of Hawksley's statistics of life expectancy in the town. As the *Nottingham Review* noted in an editorial on 6 September:

No one can read Mr Hawksley's report without being convinced that there is a vast, an appalling sacrifice of health and life every year in the

⁶ Hawksley's evidence is in the appendix to the First Report of the Commissioners of Inquiry into the State of Large Towns and Populous Districts: PP 572 (XVII), pp. 130-48

⁷ Royal Commission ... State of Large Towns and Populous Districts, pp. 249-57.

town of Nottingham. This gentleman has proved beyond all doubt that the average duration of life among the males of the town is very little beyond *twenty years*!

Two years earlier, as the *Review* admitted, it had refused to believe Felkin: now, recognising that it had been wrong, the newspaper carried the full text of Hawksley's evidence in weekly instalments through the summer of 1844.⁸

What was to be done? For many years enclosure of the common fields and meadows had been seen by its supporters as the only obvious way of releasing land for building, and thereby offering some relief to the pressure on urban space. A long discussion along these lines took place during the 1833 hearings into the condition of the old corporation.⁹

Hawksley and Martin made the same case in 1844, linking high land prices caused by land shortage to the erection of poor quality housing. Martin placed the blame squarely on the failure to enclose, which was 'one of the greatest evils that can afflict a town':

There is no other circumstance in the history of this great town that has so materially interfered with its moral and physical prosperity, with the proper regulation and construction of both streets and houses; indeed, with the just arrangement of everything above and below ground as these antiquated tenures. At a time when, through manufacturing prosperity, Nottingham would have expanded into the surrounding open spaces, this ancient right stood in the way, and forced the speculators in building, whom I there found to be the owners of the worst quarters, into ingeniously mischievous contrivances for heaping and clubbing buildings upon each other so as to amass the greatest number of dwellings upon the narrowest spaces.¹⁰

It was a claim picked up by the *Review*:

If this be correct, what becomes of the long-repeated cry, that the open fields were necessary for the health and recreation of the inhabitants?

⁸ NR 6 September 1844

⁹ *Report ... into Municipal Corporations*, pp. 157-67

¹⁰ *Royal Commission ... State of Large Towns and Populous Districts*, p. 254

Is it not evidence that these open fields and meadows, which can neither be improved nor built upon, nor brought into the proper service of the town, are the causes of disease and death to thousands? And this is brought about by cooping up the working classes in confined dwellings, and depriving all the families at home of the pure air of heaven, in order that a few and only a few, may gambol in the fields at meal-times.... a remedy for some of these evils ought to be applied without delay.¹¹

Fired with enthusiasm, the *Review* launched what was in effect a press campaign aimed at shaming the corporation and the burgesses into abandoning their entrenched opposition to enclosure. Throughout the autumn it ran leader columns on the subject. Meanwhile Hawksley was busy emphasising his point in evidence to a House of Commons Select Committee. The failure to enclose the Nottingham open fields, he argued, was 'materially' prejudicial to the health of the community: 'the public derive very little benefit from them, as to health, by recreation and exercise, while the town, certainly, at large is very greatly injured'. In the disputes which followed, even the most implacable opponents of a general enclosure recognised the need to release some land for building.¹²

The corporation was unmoved, but in mid-November 1844 an ad hoc group announced in the *Nottingham Journal* their intention to press for an enclosure act. Both the *Journal* and the *Review* welcomed the news - but there were others who did not.¹³ Three days after the first announcement of this private initiative the burgesses met in the town hall. There was a heated discussion in which Hawksley was depicted as the villain of the piece. Nor was this surprising. 'Several influential members of the corporation', he had informed the Royal Commission, '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.'¹⁴ The burgesses believed they could count on the support of the corporation, and they concluded their meeting with a memorial to the effect that 'the freemen and the public at large would be forever deprived of the advantages which they and their families at

¹¹ *NR* 6 September 1844

¹² *NR* 28 February 1845; *Report from the Select Committee on Commons' Inclosure* 1844, PP 583 (V) pp. 223-4.

¹³ *NJ* 15, 22 November 1844; *NR* 15, 22, 29 November 1844

¹⁴ *Royal Commission ... State of Large Towns and Populous Districts*, p. 145

present enjoy in some of the most healthy and delightful walks the loss of which nothing could ever repay'.¹⁵ A struggle was inevitable, and the next six months witnessed something close to open warfare in the town.

The bill was ready by 3 February 1845. The following day the corporation appointed a committee to examine its clauses, and the burgesses held a public meeting on 17 February to condemn the bill and its intentions. The meeting ended in uproar after a motion was passed committing the burgesses to opposing the enclosure proceedings.¹⁶ On 20 February the corporation met in extraordinary session to hear a report from the committee it had set up on 4 February. Thomas Wakefield, for more than twenty years an outspoken opponent of enclosure, launched a bitter attack on the bill. He particularly regretted 'the extinction of the right of the people to stroll over the Meadows ... [and] the fields'. But the tide was turning. The corporation met again on 24 February and on 3 and 4 March to discuss the enclosure issue. Numerous objections were lodged, but in the end it decided to throw in its weight behind the private initiative. Wakefield, having made his last stand, moved the motion in support. A noisy public meeting conducted by the burgesses outside the council chamber failed to sway the corporation.¹⁷ The bill now went to the Commons and passed through the normal parliamentary channels. At each stage in the process the burgesses presented counter-petitions. All were rejected.¹⁸ Sixty years since enclosure had first been proposed, the legislation finally received the Royal Assent at the end of June 1845.

The Nottingham enclosure act comes into a group of private acts passed at the behest of individual towns with a desire to improve the urban environment. The people who framed the legislation regarded it as far more than a measure designed simply to deal with the enclosure of Nottingham's open fields and meadows. In the words of the preamble, it was to be an instrument of 'social, moral, commercial, and agricultural reform'. Many of the clauses were

¹⁵ NR 22 November 1844; NAO CA 3604, fos. 21-2

¹⁶ NAO CA 3604 f. 60; NR 21 February 1845

¹⁷ NR 21, 28 February, 7 March 1845; RBN, IX, p. 44 and note; NAO CA 3601, f.85. The burgesses also conducted a pamphlet war in the town: NUMD A New Song, entitled No inclosure! Or, the Twelfth of August (n.d.); Ann Taylor, Original Poems (London, 1905), cited in E. Bryson, 'Owd Yer Tight (Nottingham, 1967), p. 18

¹⁸ RBN, IX, p. 42; Commons Journals, 100 (1845), pp. 77, 122, 131, 183, 191, 195, 234, 261, 272, 319, 324, 386, 409, 553, 654; Lords Journal, 77 (1845), p. 273

concerned with what could loosely be regarded as town improvement, including the width of new roads, and the standards for new houses.

Passing the Act may have divided the town, and implementing its terms was equally contentious, as a result both of unrealistic expectations and of political differences of opinion. The Whigs, almost permanently the party in power, were pro-enclosure, hence the coverage given by the *Nottingham Review* to Hawksley's evidence in 1844. They chose to regard enclosure as the cure-all for Nottingham's ills.¹⁹ The Whig argument was simple. Large quantities of land would be released for development and the price would fall. Consequently, good quality working-class houses would be erected which would rent relatively cheaply, because land prices would no longer be the restraining forces which had created the slums. Market forces would then come into play: the working classes would move out of the slums into the new houses, the slums would become redundant and redevelopment would follow.

The main point of the legislation was to make available development land to the north of the old town on the Sand (191 acres) and Clay Fields (408 acres), and to the south in the Meadows (241 acres). Prior to the legislation, and again as late as 1852, ideas were discussed with a view to zoning the town by restricting industrial development to the low-lying Meadows area, but such a scheme was never implemented.²⁰

More importantly for the case in hand, the Act was also framed to ensure that the town had 'green lungs'. A government Select Committee reporting in 1833 highlighted the absence of open spaces in many industrial towns, and in 1839 Parliament adopted a standing order decreeing that all future enclosure bills should make provision for recreational space. Hawksley told the 1844 Royal Commission that Nottingham was oddly placed in respect of open spaces. There were no *public* parks, gardens or walks and local people had to travel to find recreation:

At a distance of nearly a mile from the centre of the town there is a plot of land containing 124 acres, called the Nottingham Forest, an unstinted common, the soil of which is claimed by the corporation as lord of the

¹⁹ [NR](#) 28 August 1846

²⁰ [NJ](#) 28 February 1845, 22 July 1853; [Nottingham Mercury](#), 14 May 1852

manor. This is open during the whole year, and is partly applied as a cricket ground, an exercising ground for the military, and a race ground, and partly remains an unreclaimed waste.

At least it was better than Mapperley Plain, a fifty-seven-acre open space, but two miles north of the town 'and therefore too remote for convenient recreation'.²¹

Hawksley was anxious to counter the corporation's claim that keeping the common fields open ensured plenty of recreation space for Nottingham people. As he rightly pointed out, for most of the year they were, technically, trespassing if they crossed the open fields, which were not strictly communal resources but the private property of the burgesses and freeholders.

Hawksley's argument was heard: in 1845 the Forest and Mapperley were not regarded as sufficient to meet the terms of the 1839 standing order and, as a result, when the question of open spaces was discussed by the committee considering the Nottingham enclosure bill it was agreed that 'the quantity to be taken [for places of recreation] should be not less than a proportion after the rate of 5 per cent or 1/20th part of the total land to be enclosed, exclusive of the Forest and Mapperley Hill'.

To fulfil this obligation, the Forest was retained almost intact, the Arboretum was opened in 1852, four acres were set aside for Anglican and nonconformist cemeteries, and various walks were laid out: Elm Avenue, Corporation Oaks, Robin Hood Chase, and Queen's Drive.²²

As a result, it was possible to stroll in a pleasant arc from the Castle, along Park Terrace to Canning Circus (Sion Hill), and then through the new cemetery and arboretum, along Elm Avenue and Robin Hood Chase to St Ann's (although by 1851 the Well was said to be dilapidated).²³

A green 'collar' had been created around the town. As a visiting journalist saw it:

²¹ Nottingham Enclosure Act (1845), clauses 53-4; H. Conway, People's Parks: the design and development of Victorian Parks in Britain (Cambridge, 1991), p. 40; Royal Commission ... State of Large Towns and Populous Districts, p. 133

²² RBN, IX, pp. 42-3, 85, 93; NR 22 May 1852; Enclosure Act clause 53.

²³ RBN, IX, pp. 85, 93; NAO M.23,868, f. 16

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.

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'.²⁴ They certainly included John Wadsworth and Edwin Patchitt, from whose solicitors' office the notice was issued.²⁵ Other leading figures were the banker John Smith Wright, who was named by the *Review*, William Felkin,²⁶ 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 1845.²⁷

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

²⁴ *N(ottingham) R(eview)*, 15 November 1844

²⁵ 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.

²⁶ S.D. Chapman, 'William Felkin, 1795-1874', (University of Nottingham, M.A. thesis, 1960), 254, 256

²⁷ 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)*, CA 7751.

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.²⁸

From 1851, the commissioners 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 loose fitting 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 ...

²⁸ 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; *Nottingham Journal* 9 January 1857.

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

the enclosure will exhibit almost an unique specimen of spirited and liberal provision for the public recreation and welfare.³¹

³¹ *N.R.* 22 May 1852