

1750 and involved the construction of miles of drystone walls which are such a feature of the landscape today.

Enclosures (Life and Labour in Rural England 1760–1850, Pamela Horn, Macmillan)

According to Pamela Horn half of England was already enclosed by the middle of the 18th. Century. The Parliamentary enclosure award became significant after 1750 and 1000 acts of enclosure were passed between 1760 and 1800; 800 were passed between 1800 and 1815. Only 130 parliamentary awards were on the statute book prior to 1760. An estimated 7,000,000 acres were covered by enclosure awards between 1760 and 1815.

Supporters of enclosures argued that more efficient farming would result and more employment for hedgers, wallers, ditchers and other workers. The common and open arable land around villages was converted into individual holdings; new farmhouses were constructed amongst fields remote from the ancient centres of villages; (a pattern clearly reflected in the area around Orton).

The Orton Commons Enclosure Act of 1769

What follows is a tale of mismanagement, questionable ethics, and, personal misfortune in what should have been a relatively straightforward process.

The act of enclosure was obtained in 1769 and commissioners appointed to implement it. These were John Burn of Orton, Thomas Gibson of Oddendale in the Parish of Crosby Ravensworth and James Richardson of Birks.

Significant at the time of the enclosure act, in particular to one Richard Capstick of Raisbeck, was the separate Turbary rights—the right to cut peats—held by certain tenants of Raisbeck.

Since land and Turbary rights could only be allocated to freeholders, and seeking advantage to themselves, two of the commissioners, John Burn and Thomas Gibson, bought lands and tenements in Orton at the time of the act. This gave them a personal interest in the division of the commons and clearly made them less than impartial.

The commissioners then announced their intention of allotting a large part of the commons in Raisbeck to owners of lands in Orton, even though the commons in question were in separate manors. The full details of the allocations made by the commissioners were presented in writing on a certain date at Orton Parish Church. It is evident from studying the legal documents relating to the Raisbeck challenge to the allocations, that Richard Capstick could not read or write. He signed the document drawn up by the notary with a cross alongside his name which had been written in for him.

The Challenge from Raisbeck

The freeholders of Raisbeck were understandably aggrieved by the allocations made by the commissioners and mounted a full legal challenge. They assembled deeds and records to support their rightful claim to the land taken from them.

Dated 1775, the legal document that gives notice of the intention to challenge the decisions of the commissioners mentions the purchase of land by Orton tenants from Lord Arundel who kept his court at Raisgill Hall. The document is long and detailed but there are a few significant quotes which I will make because they help to give a clear insight into the nature of the dispute

" The inhabitants of Orton have fenced in several parcels of ye most valuable parts of their common and built a great number of cottages on ye wastes within the township to ye great improvement of their particular estates and now want to have the right of common throughout both manors. "

" They have cut up their own common to the great oppression of their neighbours. "