THE TOWNSHIP OF LEICESTER BEFORE THE CONQUEST

MAP SHOWING THE OPEN FIELDS

PLATE NO. 1

WALLED TOWN. 132 ACRES
BUILT AREA. 35 ACRES
EXTRA MURAL. 180 ACRES
EAST FIELD. 614 ACRES
SOUTH FIELD. 686 ACRES
WEST FIELD. 60 ACRES
WATER. 60 ACRES

ALBERT HERBERT 1896
ERRATA.

p. 147, l. 20.  For possessions read processions.
p. 155, l. 2 of title.  For (1380) read (1389).
p. 164, footnote 13.  For Kaptoft read Knaptoft.
p. 200, l. 12.  For site read sight.
The Open Fields of Leicester

Leicester is described in Domesday Book as a civitas, that is, a county town, the capital of a shire. Geographically, it was situated almost in the centre of the county, but in a political sense it was not in the county at all, but stood outside all the shire-hundreds, or wapentakes, in its own domain.

This domain of the town, the "township" of Leicester, contained about three thousand acres, and comprised both a House-area and an Agricultural-area. The House-area was the small portion of land on which stood the houses of the townspeople, with their gardens, orchards and crofts. Most of this land, rather less than 160 acres, became enclosed within the town walls and the river, and the remainder included a small suburb on the north beyond the north gate and a larger suburb on the east, while a few houses were to be found, in medieval times, beyond the West Bridge, and one or two outside the south gate. The whole of the House-area in town and suburbs did not, until the last two centuries, exceed three hundred acres. The Agricultural-area was a large belt of land, lying beyond the House-area, from the cultivation of which the townspeople, either wholly or partly, derived their livelihood, and thus it formed an essential part of the township.

Almost from the beginning of the long, unrecorded centuries of Leicester’s early existence, some of the country lying around the small settlement must have been cleared by the settlers and cultivated by them. Fields were probably first opened on the east and south of the town; large clearances were also made on

\[^{1}\text{In the Introduction to the first volume of the Records of the Borough of Leicester, the contents of the walled area are given as "over 130 acres." The length from north to south is stated to be 880 yards, and the width from east to west 733 yards, and the contents appear to have been estimated from the multiplication of these two figures, which produces about 138 acres. As the enclosed area was certainly not a rectangular parallelogram, this method is fallacious. Mr. Herbert puts the contents of the walled space (including the Newarke) at 174 acres.}\]
the west; but on the northern side the dense growth of forest trees was allowed to remain until long after the Norman Conquest.

It is well-known how such fields were cultivated by early English communities. All the cleared land at first lay un-enclosed, but afterwards it became divided generally into two, and then into three great open fields. In these fields the rotation of crops was carried on by the triennial succession of wheat or rye; barley, oats, beans or peas; and fallow (roots being unknown). The fields were divided by balks of turf into a large number of acre or half-acre strips, called selions, and each householder within the township had one or more of these strips in each field. After the crops had been carried, till the next sowing, the fields lay open to the burgesses' cattle, which at all seasons were turned out upon the one field that was lying fallow. Low-lying and well-watered lands were used as meadows, and their pastures were open to the burgesses' animals generally after Lammas\(^1\) according to fixed rules. It was these rights of common in the open fields and meadows which proved so persistent a feature of the old agricultural system, and which often in later days made enclosure difficult and unpopular.

The land lying round the House-area of Leicester seems to have been divided at an early date by the English inhabitants of the town into three great open fields, the West, East and South Fields, which were cultivated by them on this three-field system. The townspeople used also to feed their animals, according to certain rules, in the meadows which lay beside the river Soar. The contents of the Agricultural-area, including both arable land and pasture, were about 2,600 acres; the West Field and meadows containing nearly 800, the East Field and meadows nearly 1,200 and the South Field and meadows about 600. The contents of the whole of the township, including the House-area and a good deal of uncultivated land, marsh, water, and woods, amounted to about 3,000 acres. The boundaries of the township coincided roughly with those of the old 3030-acre borough of Leicester, before it was extended in 1891.

Other county towns of the Midlands contained on the average somewhere about the same quantity of land. The borough of

\(^1\) August 1.
Derby had 1660 acres, Northampton 1520, Bedford 2164, Cambridge 3200, and Nottingham as many as 9610, which, however, included some forest. The Leicester township was, in many respects, similar to that of Cambridge, which also had open fields on all sides but the north, and common pastures. Five hundreds converged on the township of Cambridge, and five hundreds (originally three) converged on Leicester. The number of houses standing in the Cambridge house-area, at the time of the Domesday Survey, was only slightly greater than the number of those at Leicester, and the whole extent of the two townships was very nearly the same.
The West Field

The West Field of the township of Leicester was bounded towards the north by West Goscote hundred; on the west by Leicester forest and Sparkenhoe hundred, on the south by Guthlaxton hundred, and on the east by the river and the Braunston meadows. It was intersected by Braunston gate and the high roads leading to Hinckley and Narborough and the ancient Fosse Way ran through it from north to south.

The Braunston meadows, or "the Holmes," comprising about 140 acres, lay on the west bank of the river, or within its encircling arms, south of the Bedehouse meadow, and included what were known in after days as "the Floodgate meadow," "the Mill meadow," "the Garden meadow," "the Mill close," "Water Cow meadow," and the large "Mill field." The meadow at one time belonging to the Dean and Chapter of the Newarke College known as "Gounfreyholme," or "Maryholme," was one of them. It does not appear that any commonable rights were claimed by the Leicester burgesses over these meadows, or that they ever fed their cattle there after Lammastide. It is possible that, at the time when the West Field lay open, this district was nothing more than a marshy waste; but in any case the burgesses would naturally prefer to pasture their beasts on the safer and more convenient side of the river nearest the town.

The West Fields of Leicester, including some of the Braunston meadows, had been manorialized before the date of the Domesday Survey. The manor was then known as "Brunestanetorp," and was the property of Hugh de Grentemesnil. Brunestanetorp, or Bromkinsthorpe, as it was generally called, was divided, some time after the Norman Conquest, into two nearly equal portions, Welsh or Danet's Hall, on the north-west; and Westcotes, on the south-west. Welsh Hall belonged to the Welsh, or Walsh, family until the end of the fifteenth century; but in the sixteenth century the Danets were located there, and they had owned land in Bromkinsthorpe two or three centuries
AREA ARABLE, APPROX: 650 ACRES 142
PASTURE.

THE WEST FIELD
LEICESTER
AND MEADOW PASTURES

ALBERT HERBERT. 1926.
earlier. In 1422 "Le Welsche Hall and John Danet's land in the lordship of Bromkinsthorpe" were stated to contain 23 acres and two and a half roods. The whole of Bromkinsthorpe was said to comprise, in 1279, 31 virgates (about the same as in 1627), which Miss Bateson, in her Introduction to the first volume of the Records of the Borough of Leicester, took to be "roughly speaking perhaps 930 acres." But her calculation of the average content of the virgate in Leicestershire was too high. She estimated it at thirty acres, which is the general average throughout England, though the acreage of the virgate, or yardland, varied of course greatly in different districts according to the quality of the soil. In most of the good fields of Leicestershire, (and, as old Tusser asked, "What soil can be better than that?"), the acreage seems to have been well below the general average. In Leicestershire manors the yardland was usually a holding of something like five acres in each field, with a piece of meadow of varying dimensions as well, bringing the total up to anything between 16 and 30 acres. In the return to Chancery made by the commissioners of Enclosure in 1517, the average of the virgate, in the Leicestershire return, was as low as 12½ acres.¹ In the South Field of Leicester, where the quality of the soil must have been very similar to that of the adjacent liberty of Bromkinsthorpe, some of the yardlands are stated in documents preserved in the borough records to have contained about 25 or 26 acres, and that must have been about the content of the yardland in the West Fields, which comprised about 792 acres.

Robert FitzParnell, earl of Leicester, to whom Westcotes descended, gave it, in exchange for another manor, to the abbey of St. Mary de pratis. It was leased by the abbey to John Ruding, whose son, after the Dissolution, purchased the manor, which remained in the Ruding family until the latter part of the eighteenth century.

Danet's Hall continued in the possession of the Danets until the beginning of the eighteenth century, when it was acquired by the Watts family, and afterwards passed to other owners.

Lying near the ancient Fosse Way, between Danet's Hall and Westcotes, was an oblong piece of land known as "The

¹ Domesday of Inclosures. 2 vols. London 1897 i. 227 note 2.
Cherry Orchard." On this site a tesselated pavement of the Roman period was accidentally uncovered in the year 1783, and a systematic excavation made later, in 1851, disclosed the remains of a large and beautiful Roman residence. The manor of Bromkinsthorpe was, it may be surmised, a survival from the estate of this important villa.

The open West Field, which was certainly enclosed at a very early date, cannot have been of great extent, and may not have contained as much as 600 acres, although the whole of the manor of Bromkinsthorpe, with the meadows and the land in Leicester forest added to the manor in 1627, covered a much larger area.

That the greater part of this manor was, at some remote time, an open field of the township of Leicester, may be inferred, apart from general considerations, from the following particulars.

(1). It is stated in Domesday that "this land lies in Leicester with all its customs."

(2). When the question was raised in mediæval times, whether Bromkinsthorpe lay within the jurisdiction of the borough authorities or not, it was always held that it did. In the year 1314, for example, a man was charged before the guild merchant with causing 104 woolfells to be washed in Bromkinsthorpe, "in a certain place which is called Dubbersditch, against the liberty of the guild." The accused pleaded that he had caused the said fells to be washed in the said place, "not against the liberty nor in prejudice to the guild, because that place, as he understood, was not within the liberty." The Mayor, however, convinced him of his mistake, showing "by divers reasons that the said place was and is within the liberty of the guild from time immemorial."

(3). Land lying in Bromkinsthorpe was conveyed in the Leicester borough court. Thus, in 1508, Robert Green, son of Thomas Green, of Leicester, deceased, "in the open court of Portmoot," released to one Walter May his rights in the lands of his late father "in the town and fields of Leicester and Bromkinsthorpe."

(4). A slight piece of evidence, possibly indicating that Bromkinsthorpe was at one time cultivated on the three-field system, may perhaps be offered by the name of an old house,
lying between the Narborough road and the river, which was called "The Lynces." This house would probably be so named from its surroundings, and if so these must have consisted of those ancient terraced and banked-up strips of land which are known all over England as lynchets, lynches or lynces. These lynces are considered by Professor Seebohm, (although his conclusions are not universally accepted), to be a peculiar feature of the three-field method of cultivation.

At the time of the enclosure of Leicester forest, in 1627-8, the freeholders of Bromkinsthorpe claimed that ancient rights of common in the forest belonged to their "lands, pastures or cottages in Bromkinsthorpe." They were apparently, as holders of part of the township of Leicester, in the same position as the town burgesses. For there were also ancient rights of common in the forest which belonged to the burgesses as part of their Newarke Grange estate, and the townspeople obtained from it most of their firewood. Moreover, the poor of Leicester used from time immemorial, it is said, "to fetch on their backs" out of the forest "broken, dead, and rotten wood." In satisfaction of these rights, 20 acres of the forest land were allotted to the Corporation in lieu of the burgesses' common, and 40 acres were settled apart "for the benefit of the poor of the town," who to this day receive, by way of compensation for their old rights of picking up dead wood in the forest, certain payments which are known as "Wood and Coal Money." To settle the claims of the Bromkinsthorpe freeholders, 76 acres in Leicester forest were allotted to Walter Ruding and the rest of the freeholders in Bromkinsthorpe, in respect of their 16½ yardlands and cottages, and thirty acres were allotted to John Danet, including five acres appropriated to William Herrick, in respect of their 15 yardlands and cottages, freed from all rights of common whatsoever. The total acreage of the liberty of Bromkinsthorpe was thus increased by 106 acres.
The East Field

The East Field of Leicester was the largest of the open fields of the township of Leicester, and contained nearly 700 acres. It was sometimes called "the Great Field." On one side it was bounded in part by Belgrave gate and the highroad leading to Melton Mowbray, and in part by the southern branch of the river Soar, which divided it from the abbey meadows; on another side it was bounded by the Gallowtree gate, the London road, and the Gartree road, sometimes spoken of as the *Via Devana*; and on the east by the hundreds of East Goscote and Gartree. The line of the boundary between the Leicester township and the Gartree hundred is indicated by the "Mere" road. The field was intersected by the high road leading to Uppingham, which was used as a boundary line when the field became divided into three. For, after the West Field had ceased to be one of the open fields of Leicester, the three-field system of cultivation seems to have been continued within the limits of those fields which still remained open. At any rate there was clearly, as Miss Bateson has pointed out, an early division of the East Field into three separate fields, and the same may be said of the South Field.

The three fields into which the old East Field was partitioned were known as "the Nether Field," "the Middle Field," and another, which, after the conduit head had been built there in the 16th century, was called "the Conduit Field." The Nether Field was the most northerly: the Middle Field lay immediately south of the Uppingham road, and the Conduit Field was between the Middle Field and the London and Gartree roads.

The East Field may have comprised not only the large tract of land lying in the triangle formed by the Belgrave road, the London road and the old borough boundary, but also the piece of ground, lying between the Belgrave road and the southern branch of the river, which became known as "Dent's meadow,"
AREA OF EAST FIELD.
ARABLE, APPROX. 680 ACRES
PASTURE, APPROX. 500

A. THE MOUNT
B. JEWRY WALL
C. S. NICHOLAS CH.
D. THE ABBEY.

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ALBERT HERBERT, 1926
being probably so named after Edward Dent, who appears in the 17th century records of the borough as one of the freeholders in the Bishop's Fee or East Field. The rights of common enjoyed by the burgesses in this meadow were precisely the same as those which they had over the remainder of the East Field, and differed from those rights which affected the great abbey meadows lying near by. When the East Field was enclosed, Dent's meadow was taken to be a part of the Nether Field, and was dealt with by the Award in common with the rest of the field; but no allotment was made of the other lands adjoining or near to the East Field by the river-side, which, undoubtedly, like the East Field, were part of the township of Leicester, and had been used by the burgesses from time immemorial as lammas ground. These lands comprised the Abbey meadow and the Leroes. The great abbey meadow, or meadows, in part of which the modern Abbey Park is situated, lay between the main stream of the Soar and its southern branch, (afterwards the Leicester Navigation Canal,) and extended from the extreme north-eastern limit of the old borough nearly as far as the North gate.

The Leroes were two closes of land, which lay west or south-west of Dent's meadow. One of these closes, (afterwards divided into three closes), known at different times as "Billar's," "Ludlam's" and "Valentine's Leroe," contained nine acres. It was conveyed to the Leicester Navigation Company in 1793, and afterwards purchased from them by the Leicester Corporation, to form part of the Belgrave Gate Gas Works. The other Leroe, known as "Palmer's Leroe," became divided into two closes, which were distinguished as "the Great Leroe," and "the Little Leroe," and lay east of "Valentine's Leroe." Both these closes were conveyed by the Leicester Navigation Company to the Leicester Corporation, and now form the site of the Corporation Electric Generating Station and Refuse Destructor. The Great and Little Leroes contained nearly three acres, and so the total acreage of all the Leroes was about twelve acres.

The old open East Field, like the West Field, seems to have been manorialized before the Domesday Survey. The ten carucates, or ploughlands, of land "in Leicester," which at that time belonged to the bishop of Lincoln were part of it, or per-
haps the whole. The long conflict which ensued between this “Bishop's Fee” and the Leicester borough certainly indicates, as Miss Bateson has pointed out, that his manor must have intruded upon an underlying burghal element. The bishop, although he has his grange near St. Margaret's church, and a group of tenants dwelling in the east suburb, "cannot ignore the ancient fact that the whole area of the fields is within the burghal jurisdiction. His burgess tenants went of old to the burghal court to execute their deeds of conveyance, to bring their actions, and will continue to do so." In fact, the Bishop's Fee, so far as it coincided with the East Fields, did not lie in any hundred of the shire, but within the township of Leicester, and was once part of its agricultural belt.

In the early part of the sixteenth century, disputes arose between the inhabitants of "the high town of Leicester," and the farmer of the Bishop's Fee, concerning the prescriptive rights of the burgesses to pasture their hackney horses "in the meadows called Leicester meadows all times of the year that the same lie open," that is, from August 1st to May 1st. The matter was referred to the arbitration of Henry, duke of Suffolk, whose Award was issued in June, 1552. It provided that hackneys should be admitted to pasture at 4d. a year each, but that they were to be branded as belonging to commoners, and not more than forty should enter: if, however, the mayor and inhabitants could prove their claim to further right, then the award ceased to hold good. Fuller privileges were given to the parishioners of St. Leonard's, who were allowed to pasture their cows on payment of 2d. for every cow, two for each house: occupiers or dwellers who used to go to market with hackney horses were to pay for one horse 4d.

1 The acreage of the ploughland varied, of course, greatly, according to the nature of the soil, the system of tillage, &c., and therefore it seems impossible to ascertain exactly the extent of the Bishop's Fee. Miss Bateson suggested 1200 fiscal acres, "approaching the number of real acres in St. Margaret's Field."

2 The meaning of this phrase "burgess tenants" is not quite clear, for the bishop's tenants, as such, were not full burgesses of Leicester. When members of the guild merchant, they paid scot and lot in matters relating to the guild, but not in matters relating to the town, and no dweller in the Bishop's Fee could be a jurat of the borough.
Nichols, and also James Thompson, in his *History of Leicester*, identified the "Leicester meadows" with the "abbey meadows," and there seems little doubt that they were right in so doing. It will be remembered that, until the year 1742, the annual Leicester town races were held there.

In the 1852 tithe apportionment for Knighton, both the abbey meadows and the Leroes were taken to be in the Knighton chapelry. The abbey meadows were, in fact, part of the ancient manor of Knighton, which had once belonged to the bishop of Lincoln, and they were granted by him to Leicester abbey. The East Field, on the other hand, as well as Dent's meadow, paid tithes to St. Margaret's church, and they were popularly known as "Saint Margaret's Fields."

The East Field remained open until after the middle of the eighteenth century, and the common rights of the burgesses were still exercised. In the plan of the town drawn about the year 1600, and published in the third volume of the *Borough Records*, the East Field is described as "the Bishop's Farm, wherein the Town have commons for horses, kyne and swyne."

But the encroachments upon the common rights of the burgesses, which began in the sixteenth century, continued to increase as much in the East Field as elsewhere. "Separate farms of considerable size had grown up within the three open fields. The records show that there was a serious shortage of pasture, and a good deal of trouble between the commoners and the farmers, with regard to the use made of the common lands." In the year 1633, the governing body of the town passed a resolution "concerning the right of horses and mares in the pasture called St. Margaret's Cow pasture heretofore used by the inhabitants of the town." It was agreed "by the general consent that the inhabitants of the said town should continue their use of common as heretofore they had done." The rights of the town burgesses in the East Fields seem to have become restricted, however, in course of time, to taxpayers of St. Margaret's parish, though how this came about cannot perhaps now be traced.

The Act for enclosing the East Field of Leicester was passed in 1764. It was described as "an Act for dividing and enclosing three several common and open fields lying within the parish of
St. Margaret near the borough of Leicester, called St. Margaret's Fields, distinguished or known by the several names of 'the Conduit field,' 'the Middle field,' and 'the Nether field,' and estimated and computed to contain together about 34 yardlands, besides 4 yardlands or thereabouts of glebeland, and also certain meadows or pieces of lammas ground, adjoining or lying near to the said open fields, called the Abbey meadow, Dent's meadow, Palmer's Leroe and Valentine's Leroe.'

In the Introduction to the first volume of the Borough Records, the 38 yardlands which the East Fields contained, according to the Act, exclusive of Dent's meadow and the lammas ground, are estimated at 1020 acres. But this estimate is too high. Before the Award was issued in pursuance of the Act, a survey was taken, and the East Field and Dent's meadow together were found to measure only 773 acres, 3 roods and 39 perches. This is approximately the amount of land contained in the triangle formed by the Belgrave road on one side, the London road on another side, and the Mere road and the old borough boundary on the third side, and in what was once Dent's meadow, the whole of which land may have been comprised in the original open East Field.

The East Field and Dent's meadow were allotted by the Award, the abbey meadow and the Leroes not being included therein. The addition of those meadows which were not in the Award would bring the total amount comprised in the old open East Field and the lammas pastures to nearly 1200 acres.

In the Enclosure Act, it was stated that the inhabitants within the parish of Saint Margaret, who paid levies and taxes to the said parish, though they had not any land in the fields, had, from time immemorial, enjoyed a right of common over and upon the said open fields and Dent's meadow, jointly with the proprietors thereof respectively, from the open tide, or the time the harvest in the said fields was got in, until the 11th day of December in every year. Allotments were made to satisfy those entitled under the prebendary to the four yardlands of glebe: the inhabitants of the parish paying taxes and levies received the

1 Possibly, however, Dent's meadow was not part of the open East Field, but was used as pasture.
equivalent of their rights of common, the allotment being vested in the churchwardens and overseers of the poor, to be annually let or disposed of at the parish meeting on Easter Tuesday, and the profits to be applied as the majority at the parish meeting should annually direct. The residue of the land was proportionably divided. Provisions were made for preserving the conduit in the fields, and the post roads from Loughborough through Leicester to Harborough, and from Uppingham to Leicester.

A plan showing the division of the land is referred to in the Award, but it is not now attached to it, and has not been heard of for many years.

The abbey meadow and the Leroes, which were not dealt with in the Award of 1765, were purchased by the Leicester Corporation more than a century later. The whole of the abbey meadow was then bought from its various owners; and in 1887 an Agreement was made with the parishioners of St. Margaret's, under which the Corporation paid to them a sum of £2,000, for the extinguishment of all rights of common therein. The freehold of St. Margaret's pasture, at the west end of the abbey meadow, was also purchased, and £350 was paid in extinguishment of all the rights of common therein.
The open South Field of Leicester was far smaller than the East Field, containing about 450 acres. It was bounded towards the north by the house area, towards the east by the London road and the Gartree road, towards the south by the township of Knighton in the Guthlaxton hundred, and towards the west by the ancient Row Dykes, or Raw Dykes, (which once extended much farther south and north than the present remains), and by the high roads leading to Aylestone and Welford. The South Field was at some time partitioned, as the East Field was, into three separate fields, “the Rawdykes field,” “the Gallowtree field,” and “the Middle field,” or “St. Mary’s field.” The meadows lying between the roads and the river, west of the open field, were common pastures, known as “the Burgess Meadows.” The whole area of the open field and these pastures, containing in all upwards of 600 acres, was generally spoken of as “the South Fields,” or “the South Crofts” of Leicester.

That the South Fields were cultivated at one time on the three-field system, is abundantly shown by documents still extant. A large proportion of the 13th and 14th century deeds relating to land in the South Fields contain grants of selions and half-acre strips. Thus, a deed of 1282 refers to half an acre of arable land on Leicester South Field “between the divisa (fence) of the lord earl of Leicester on one side and the land of Henry Goscelin on the other towards Peatlinggate and stretching as far as the Row Dykes.” A deed of 1316 relates to half an acre in Leicester South Field, “on the wong called Galtree Furlong on either side of Oadby Way;” and another document, of the same year, concerns half an acre of arable land in Leicester South Field, “between the Countess’ land and Nicholas the Master’s, and stretching from the Rough Dyke across Peatlingway to the quarentena which leads to the windmills.” A quarentena was the English furlong, or “shot,” a large division of land a
PLATE NO. 4.

AREA OF SOUTH FIELD.

ARABLE APPROX: 445 ACRES

PASTURE: 3000 FEET.

THE SOUTH FIELD.

LEICESTER AND MEADOW PASTURES.

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furrow-long in width. In Leicestershire these divisions are often called "wongs," as in "Dousewong" and Knightcote-wong," mentioned below. In 1349, some land was granted, lying in the south Field of Leicester, "between the countess of Leicester's and the land sometime William Sutton's of Leicester," which was called "Dousewong," and contained 5 selions and 2 pikes—the "pike" of a close being, in Leicestershire phraseology, the end running up into a point, which, in other counties, is generally called a "gore." Again, in 1362, a grant was made of 3 acres of arable land "lying in the South Field of Leicester, of which three half-acres lie together between two balks next the land of the New Hospital of Leicester on one side and a cultura which is called 'Knightscote-wong' on the other; one half-acre lies on 'Langelondes' next the land of the New Hospital and the land sometime Henry of Barkby's; one half-acre lies in 'Le Bothom' next a balk on the one side and the land sometime William of Wakefield's on the other; and one half-acre lies on the Middle furlong between a balk and the land sometime Agnes Gounfrey's."

Such descriptions as these point conclusively to the open three-field system of agriculture, and to the old custom of holding strips of land scattered here and there over each of the three fields.

An erroneous idea has long been prevalent that Simon de Montfort, the great earl of Leicester, made a present to the town burgesses of all the land lying south of the house area, generally known as "the South Fields," including the pastures situated between the Aylestone road and the river. This belief was expressed in the last century by giving the earl's name to a street and square which were carved out of the old fields, and it has found its way into many books written about Leicester (though not into Mr. Skillington's recently published History) and has been popularised in most of the guides and text-books. Thus, in the excellent little hand-book, which was prepared for the use of the British Association in 1907, it is written:—"Among the benefits which he [Simon de Montfort] conferred upon Leicester, in particular was the grant of a large tract of land in the South Fields for the public use of the burgesses, and the present Victoria Park is part of this gift, which successive generations
have handed on through the centuries." And again, in the Cambridge Guide to Leicestershire, published in 1920, Mr. Pingriff writes: "In local affairs Simon ruled as wisely as in those of the nation, and amongst other generous acts must be named his gift to the burgesses of the town of a large area of land on the Southern side of Leicester, which includes what is now the Victoria Park."

These statements, and others like them made by previous writers, involve three propositions:—

1. Simon de Montfort granted to the burgesses of Leicester a large tract of land.

2. This grant was a free and generous gift.

3. The land granted comprised the whole, or the greater part of the South Fields, including the present Victoria Park.

Now Simon de Montfort was by far the most illustrious of the earls of Leicester, and he benefited the town in many ways as well as by throwing over it the prestige of his own greatness. His praise, however, cannot be allowed to rest upon any tradition which is demonstrably false. And not one of the propositions stated above is borne out by the evidence.

1. The earl did not, in fact, grant any land to the burgesses of Leicester. By his charter of May 3rd 1239, which seems to have been the source of the tradition, he did no more than renounce for himself and his heirs for ever all the right and claim which he had or could have to agist or depasture the cattle of himself his heirs and successors in a certain pasture called the "Cowhay." At the same time, he expressly reserved the payment made to his predecessors of 3d. for every beast agisted therein by the burgesses. This release was made to his "free burgesses of Leicester now being and who hereafter shall be to wit those to whom the aforesaid pastures ought to belong."

2. This quit-claim was not a gift, for the burgesses paid the earl in return a colt, or foal, (pullus), of the value of one hundred shillings.
(3). The "Cowhay" pasture, which was the subject of this charter, had been previously granted to the Leicester burgesses by Robert FitzParnell, earl of Leicester, who died in 1204, subject to the before-mentioned payment of 3d. for every cow agisted or pastured therein by them. In this grant of earl Robert, the locality of the "Cowhay" is clearly defined. It lay "outside the South gate," and could be reached only through the earl's demesne. It was situated between his pasture called "Oxhay" "next Amaur Danet's Mill" on one side, and "Taskholme" on the other. The mill which belonged to the Danet family was that which was known as "Mary Mill," or "St. Mary's Mill." Oxhay, otherwise called "Mary Meadow," lay near this mill, south of the Cowhay; on the north and northwest of Oxhay lay Cowhay; and north-west of Cowhay lay the pasture called "Taskholme," a water-meadow which once belonged to Thomas Task, and most of which was afterwards conveyed to Simon de Montfort by Sir Andrew Lutterell. Due north of Cowhay, lay the demesne of the earl, through which ingress was given to Cowhay by the "Cowdrift," and "Cow Lane."

It will be seen from this description, and from the annexed plan, that the Cowhay pasture was far from being co-extensive with the South Fields. The belief that it included the modern Victoria Park is quite incorrect, although many writers have taken it for granted. Thus Doering, in his *Studien zur Verfassungsgeschichte von Leicester*, instanced among the great privileges conferred upon the town by Simon de Montfort, the earl's renouncing his rights in Cowhay, "eine Weide, die an Stelle des heutigen Victoria Park liegt."

The phrasing of these two charters of earl Simon and earl Robert gives little clue to their real meaning. Lawyers, it must always be remembered, are not historians, and their leading object is to make the best of a client's case. Therefore in many of their documents, and especially in those of an early date, the inner meaning of the transaction to which they relate can be gathered only, if at all, from a wide survey of all the circumstances affecting them.

The Norman earls of Leicester, there can be no doubt,
enclosed for their own benefit some of the best land lying in the South Fields, near their castle, especially the rich meadows situated between the Aylestone road and the river, which had been used from time immemorial as pastures fed by the burgesses' animals, and which continued to be known for many centuries as "the Burgess meadows," as the water-meads lying on the northern side of the town, near the East Field, were called "the Leicester meadows." When Robert FitzParnell made his grant of Cowhay, he was, in fact, returning to the burgesses their own property. Other pastures which had been enclosed the earl retained; and, more than two hundred years later, the town was not successful in its claim of pasture in some of these fields. But the Cowhay pasture the earl was obliged to renounce, reserving only a fixed payment of 3d. for each beast agisted there; and, as he, or his predecessors, had enclosed its approaches, he was obliged also to give the burgesses a right of way through the "Cowdrift." Nor did he make these concessions without extorting from the townspeople a certain sum of money as an honorarium—"in Gersuma," as the phrase ran. When Simon de Montfort, for a consideration, undertook not to pasture his own cattle in Cowhay, he still adhered to the rent or tack of 3d. for every beast agisted by the burgesses which had been fixed by his predecessor.

It is clear, moreover, that the burgesses of Leicester did not acquiesce in the deprivation of their ancient rights without a struggle. Disputes about the Cowhay pasture are of frequent occurrence in the 14th century annals of the borough. And, long after the dean and canons of the Newarke College had received in 1330 the Cowhay tack as part of their endowment, differences arose between them and the townspeople. These differences came to a head in the fifteenth century; and there was at the same time a conflict of claims between the Danet family and the tenants of the manor or liberty of Bromkinsthorpe on the one hand and the Newarke College on the other. Both these disputes were referred to arbitration, and the arbitrators issued their awards on June 16th, 1428, and April 24th, 1433.

The mayor, burgesses and community of Leicester made claim "that the town of Leicester is, and from time of which there is no memory was an old borough, and they and all their
predecessors, the mayor burgesses and community of the said town, were seized and possessed from all time always continually peaceably and without interruption of the pasture in the South Field of Leicester called the Cowhay in their demesne as of fee and of right rendering thence yearly for every cow or for every beast pastured or to be pastured there 3d. yearly."

The dean and chapter "of the new collegiate church of the Blessed Mary at Leicester" complained that the town had caused ditches and plantations of willows and other trees to be made in the Cowhay and on the bank of the drain called "the old dyke of the Cowhay"; and they also protested against the burgesses' claim to have "common of pasture for their beasts in time of commoning in the great meadow called Closemeadow, and in a close called Goslingcroft," the dean and canons claiming to have the said pasture, "as in right of their church, as parcel of four carucates of land of the said collegiate church lying in the fields aforesaid and to have for each cow and for each beast agisted in the said pasture 3d. yearly."

The Arbitrators decreed that the town should have the Cowhay, and should enclose it with a ditch on the north side "towards the ground of the said dean and chapter," by the bounds and stones placed there of old, and should plant the borders of the pasture and the banks of the dykes as therein directed. It was also decreed that the causeway leading from Aylestone road to the said pasture should remain for the entry of beasts under certain conditions. The claims of the town to have further common of pasture beyond the Cowhay were not allowed, and it was decreed that "the great meadow within the waters of the Soar called Closemeadow" and the close called Goslingcroft should be enclosed and remain the property of the college.

The lord and tenants of Bromkinsthorpe claimed against the dean and chapter:

(1). A right of way from the Aylestone road over Mary-meadow to Mary mill.
(2). A fishery in the Soar, and
(3). A piece of meadow near the mill.
The college denied all these claims, and themselves put forward a right to carry the crops of their meadow known as Maryholme, "lately called Gounfreyholme," over one of Danet's meadows and thence over the old Soar.

The Arbitrator, who was the Chief Justice of the Common Bench, issued a long award, the effect of which was to give Richard Danet and his heirs a right of way from the highway over Marymeadow to the river and thence over Maryholme on the other side of the river to the mill. The College were allowed to build a bridge over the Soar between Marymeadow and Maryholme, for carrying the crops of Maryholme and driving their cattle to pasture there. Danet was given one half of the piece of meadow near the mill and the college the other half, and he was to have the fishery, unless the college could within a year establish their claim to it.

The privilege of pasturing beasts in Cowhay was at first strictly confined by the guild merchant to resident burgesses. "Ordeigne est que null desormes eit beef ne vasche ne null auer en le Kowhey eit ne seyt burgeys le P' [... Port=town] et auxint que null burgeys eit en mesme la pasture forspris i un beef une vasche issint qui eit deux en mesme la pasture saunz plus."

During the fifteenth and sixteenth centuries the guild merchant and governing body of Leicester passed a number of resolutions with regard to the Cowhay, regulating the stint of the pasture and providing for its fencing and ditching. After the year 1467, the beasts of unenfranchised persons were allowed in the meadow on their paying at a higher rate than the burgesses; and in 1505 the governing body agreed to pasture two of the Black Friars' cows "in their commonalty called the Cowhay," for which privilege the friars paid twenty shillings in cash, and promised their prayers.

Some time after the dissolution of religious houses, the whole of the Grange Farm, which had once belonged to the Newarke College, passed into the hands of the Leicester Corporation, who completed their purchase in the early years of the 17th century. The farm comprised the greater part of the old open South Field, and amounted to 21½ yardlands, or perhaps nearly 550 acres. It included most of the four carucates of land which had
been bestowed upon the college by its founder, the earl of Leicester, in 1330, with the addition of some plots subsequently granted to the college in 1368 and 1392, or otherwise acquired. The conveyance to the town included the ancient tack of cattle that had once been received by the earls of Leicester.

As the East Field was sometimes called "St. Margaret's Field," so the South Field was occasionally known as "St. Mary's Field." It is also frequently referred to in the records of the borough as "the Town Land," or "Townlands."

A distinction is sometimes made between the South Field proper, the "High Town Land," and the low-lying "Burgess Meadows." But after the 16th century the names "Cowpasture" and "South Fields" were used occasionally as synonymous expressions, although in earlier days the name "Cowpasture" had been confined to the Cowhay, or at least to the burgess meadows, which comprised only a portion of the south fields. It was, no doubt, owing to this ambiguity of nomenclature that the Cowhay meadow lying down by the riverside came in the course of time to be confused in the popular mind with the Town Race Course, now the Victoria Park, situated on the top of the hill, three-quarters of a mile distant.

No sooner had the Corporation acquired the South Fields than the burgesses, who for many years past had been harbouring suspicion of "such as have the chief dealing for us," became seriously alarmed lest their old common rights should be taken away from them. In the year 1624, they presented to the mayor and his brethren a petition on the subject, which produced nothing more than a sympathetic resolution passed at a Common Hall, "that we think your ancient privileges of common in the South Fields should be maintained." In spite of this pious declaration, however, the corporation appear to have continued in their own courses, letting out the South Fields to farmers without adequately protecting the rights of the burgesses. On one occasion "the poor freemen of Leicester" sent up another petition, complaining that whereas they had "of antiquity had freedom to depasture their kine after the discharge from your town pasture from Lammas Day," they were then "altogether debarred from the said commons within the said"
fields of St. Mary's alias Grange lands and other so called," because the farmers had ploughed up some of the commons, and did eat up some by sheep, "to the great damage of your petitioners and their posterity."

The shortage of pasture for cattle and sheep during the 17th century was partly owing to the increasing requirements of post-horses, and in 1648 the corporation undertook to set aside the cow pasture for their use, making a new pasture for cattle in what was named "Burgess meadow." This was a large field which had been purchased by the corporation with a sum of £100 given them by Thomas Gilbert, and £10 out of the town chamber, and was charged with the payment of £5 yearly to the Master and Ushers of the Free Grammar School. The Charity Commissioners of 1838, who investigated this payment, were unable "to ascertain exactly the spot called 'Burgess meadow,'" and it cannot now be distinguished from the rest of the Burgess meadows.

The measures taken by the corporation to protect the commoners were so inadequate that, as the years went by, discontent became widespread and deep. About the year 1675, the freemen presented one more petition, setting forth anew the improper conduct of the farmers who rented the town land, whereby, as they said, "the burgesses' ancient privileges were partly destroyed." The grounds of their complaint were then set out in detail, and may be worth noting:

(1). Instead of driving their cattle along the Aylestone road, the farmers used to drive them through the Cowdrift, "whereby the grass of your petitioners is eaten up by their cattle."

(2). The farmers used to water their cattle in the river at the Bull Nook in the Burgess Meadows, "to the damage of the freemen's cattle and spoil of their pasture."

(3). The farmers did not keep a serviceable bull and boar according to ancient custom.

(4). The farmers although not entitled to put any sheep into the meadows before Michaelmas day used to bring them there at or soon after Lammas.
(5) The farmers used to sell or let their commons or pastures to non-freemen, and when the pasture was broken up the farmers not only put in too many of their own beasts, but also put in with them the cattle of non-freemen.

(6) The farmers prevented the freemen from putting horses and cows into the open fields from Michaelmas to Lady Day, and impounded the freemen's cattle which they found there.

The petitioners hoped that their grievances might be redressed without their being forced to use "any other legal way" to procure their rights.

It is clear that the farmers of the South Fields were behaving in a most unjustifiable way, and that the rights of the freemen were trampled upon with the tacit connivance of an oligarchical corporation. Little or no redress seems to have been obtained by the commoners until after the 18th century riots, hereafter mentioned, and little real compensation was received by them until the long-delayed enclosure of the South Fields.

The open-field system of agriculture was already in the 17th century out of date, and the demand for more efficient production began to lead slowly to new methods. In 1708, a year before the first of the modern English Enclosure Acts was passed, the corporation of Leicester decided that the South Fields should be enclosed. This resolution, however, was so exceedingly unpopular that no attempt was made for many years to carry it into effect. Indeed in 1730 the corporation came to the conclusion that they would not be "at any expense whatsoever about enclosing the South Fields." Twelve years later, the annual town races were held, for the first time, in the South Fields, instead of the abbey meadows, and a sum of £6 6s. 0d. was ordered to be paid to the farmers of those fields as compensation every year in which there should be races there.

It was not until the middle of the eighteenth century that a serious attempt was made to carry out the proposed enclosure. This action met with determined opposition from the burgesses. The riotous scenes to which it gave rise are familiar to the readers of James Thompson's History of Leicester in the Eighteenth Century. "The irritation of the freemen," he writes
exceeded endurance. They assembled in the town on the first Monday in September, 1755, and proceeded thence to the South Fields, where they took up and destroyed all the posts and rails separating the closes into which they had been divided. For a fortnight the fires composed of the posts and rails were kept continually blazing. It was felt by the freemen that a tyrannical corporation was trying to rob them of their birthright privileges, and they became reckless of the damage they did while gratifying their determination to resist and punish their oppressors. The authorities were for the moment paralyzed. On the 10th of the month they met in Common Hall, and resolved on taking counsel's opinion how to proceed against the insurgent freemen, and appointed a committee of twenty-four to enforce whatever proceedings might be resolved upon. At the same meeting, they ordered that £41 be paid to Mr. Ayre, £247 to Mr. Phipps, and £223 to Mr. Oliver, for the damages by them respectively sustained in consequence of the proceedings just related. In the following year, "the feeling of popular indignation continued in existence unabated till April, when mobs destroyed the windows in the houses of every member of the corporation, and the town was reduced to an appearance of desolation—many houses having no doors, windows, or window-shutters left by the rioters. A case was drawn up, narrating the riotous proceedings which had occurred in the South Fields, and explaining the terms of the leases and the claims of the freemen, which was laid before Thomas Caldecott, Esq., barrister-at-law, and which he fully answered." The opinion given by Mr. Caldecott may be read in the pages of the historian. The lawyer evidently thought, as Thompson says, that "the freemen were warranted in removing the fences made by the lessees as their rights had been encroached upon by them; but he recommended to the mayor, bailiffs and burgesses that new leases should be drawn reserving to the mayor, bailiffs and burgesses the liberty of permitting such and so many freemen residing within the said borough as they thought fit, to turn each of them two mares and geldings and two cows into the meadows at certain periods specified; this proviso enabling the lessees to bring actions against freemen who turned in without permission of the mayor, bailiffs and burgesses."
"It will have been seen throughout," writes Thompson, "that the corporation assumed a right to select among the freemen as they pleased upon whom to confer the privilege of pasturage, when it was the ancient, undoubted and unalterable birthright of every freeman to turn horses or cattle into the South Fields. The corporation had, strictly speaking, neither the authority to give nor to withhold the 'liberty' of pasturage: their assumption in so doing was purely an act of innovation and usurpation. They, however, acted on the advice of Mr. Caldecott at a Common Hall meeting held on the 2nd of February, 1757." As the corporation's good resolutions were in the main carried into effect, and "as the freemen were not further hindered in their enjoyment of their common rights (for no attempt seems to have been made to exclude any of their number from it), the quarrel ceased and the excitement gradually subsided."

In the year 1785, "a piece of ground ten yards wide from the north end of St. Mary's Field next to the town to the gate opposite the turnpike leading to London" was ordered by the corporation to be set aside, and an avenue planted with trees was made there by public subscription. This avenue was named at first "the Queen's Walk," but it has generally been known ever since as "the New Walk." A great variety of trees, presented by Mr. Cradock, of Gumley, were planted on either side of this promenade, which followed the line of the old Roman Road to Medbourne.

The Act of Parliament for the enclosure of the South Fields was passed in the year 1804.

There were then, according to the Act, three fields within the parish of St. Mary, in or near the borough of Leicester, called The South Fields, said to contain about 490 acres. The names and boundaries of these fields are not given in the Act, but they appear, from the borough records, to have been then known as "Gallowtree field," "St. Mary's field," and "the Rowdyke field." In these fields the resident burgesses of Leicester had the right to depasture two horses, mares or geldings and two cows with a calf called a follower from September 12th till February 13th in each year.

The contents of the three fields seem to have been over-
estimated in the Act, for it appears from the plan and allotment statement attached to the Enclosure Award that the area of the South Field proper, apart from the meadows, allotted or dealt with by the Award was only 445 acres, which, allowing 10 acres for the contents of the New Walk and other roads passing through the field, would bring the total area of the old South Field up to 455 acres. These acres were made up, according to the allotment figures, as under:

The Gallowtree field and St. Mary’s field together came to ... ... ... 282 acres
Gallowtree Furlong came to ... ... ... 9 ,, Gallowtree Furlong came to ... ... ... 9 ,, The Rawdyke field came to ... ... ... 152 ,, Wright’s Close (the small piece of land east of the New Walk at the town end thereof) came to ... ... ... 2 ,, The New Walk and other roads ... ... ... 10 ,, Total 455 acres

The Burgess meadows were said to be divided into the “Near meadow,” or “Nether meadow,” of about 45 acres, the “Upper meadow,” or “Far meadow,” or “St. Mary’s meadow,” of about 28 acres, the “Cowpasture,” or “Freemen’s pasture,” of about 28 acres, and the “Drift” or “Cowdrift,” of about 15 acres. In these meadows the resident freemen or Leicester and their widows had rights of pasture.

By the Statute of 1804, and the Award issued thereunder, the land comprised in the South Field and meadows was dealt with in the following manner:

The meadow known as the “Freemen’s meadow,” and the present “Freemen’s Common,” containing together 125 acres, were allotted to the Leicester Freemen and Freemen’s widows as a full equivalent for their rights of common. Ten acres were allotted to various private persons who were interested in the South Fields: four acres were assigned to Trinity Hospital; and about 12 acres were sold to defray expenses. The New Walk was directed to be kept open for ever for the use of the inhabitants of
THE OPEN FIELDS OF LEICESTER
COPY OF PLAN ATTACHED TO
THE SOUTHFIELD AWARD
DATED 30 MAY 1811.

ALBERT HERBERT, 1926
the town; and the remaining 453 acres were allotted to the Leicester Corporation, freed from all rights of common which had once existed therein.

Few quarrels have had a happier ending than the long dispute between the Corporation of Leicester and the commoners of the South Fields, and few English enclosures have been effected so equitably and so thoroughly, and with so much satisfaction to all concerned.