

1507:

Deadwencloough and most other Rossendale vaccarries were let in 4 plots held by copyhold of inheritance (Tupling). Cox states that the 1550 decree conferring Parochial Chapel status on Newchurch suggests that there were '20 persons' living in the forest at this time. In 1553, "Rossendall Forrest" apparently supplied 36 men at a Muster of Soldiers.

Tupling (pp. 63-82) suggests:

Gradual, piecemeal enclosure since mid C14th

Enclosure mainly by copyholders, small freeholders and landless, by mutual consent and rearrangement of their fields/pasture, plus some encroachment.

Arable farming existed as closes attached to individual messuages.

Such encroachment was:

- Piecemeal and small scale
- By both tenants and squatters
- Illegal but unchecked until inquiries held to reassert rights or impose fines rather than regain land.

This may have been collaborative, e.g. the 1547 petition in which 'four of the eight tenants of Deadwinclough brought an action against the other four for the division of a certain parcel of land called the Edge belonging to that vaccary. The jury in this case, with the assent of the parties, nominated four of the customary tenants of the manor who were to divide the land in question equally among the tenants.'

Similarly tenants may have agreed to surrender their rights of access to common ground, usually in return for compensation. Alternatively, much of the pressure for enclosure arose from disputes over common ground.

Tendency to subdivision of land over time:

- Amongst children of the owner
- Subdivided and portions sold to non-relatives
- Subletting without formal subdivision, either short or long term
- Informal short term subtenancies formalised at the Halmote (manor court)

Land transfers not common until the second half of C16th
Rise of speculative purchasers thereafter.

In addition each tenant had rights to the ‘mean’ or common ground which could either be used for pasture or for hay/corn production, in which case the other tenants were charged with keeping their animals off these parts. These shares were in proportion to the rents of the tenant but it is unknown precisely how they were distributed. ‘The use of the term “fold” probably implies that the “mean” was surrounded by a fence’. (p. 101). The reference (Clitheroe Court Rolls III p 175, Tupling p. 102) to houses ‘standing in the Meane Fold at Dedwencloough’ implies permanent possession of the portions rather than annual rotation of portions between tenants.

As well as these mean folds for discretionary use, there were common meadows for haymaking, which were divided into portions for haying then common for grazing after the harvest. These portions were known as ‘doles’, e.g. the “Little Flashe Doall” in Deadwencloough (Court roll 60, Tupling p. 102).

A further category of land is common waste, i.e. unimproved land used for shared pasture, with the number of animals permitted to graze being related to the rent. Rights of way often developed as means of accessing these common lands.

Tupling summarises this subdivision (p 235):
Progressive subdivision of copyhold created in 1507
Deadwinclough

1507	4	Clitheroe court rolls II App I 373-7
1527	7	Clitheroe court rolls III App I 405-8
1539	10	Clitheroe court rolls III App III 413-6
1608	15	Dy Lanc D&O No 19
1662	17	Clitheroe court rolls III App V 426-31

James I ruled that the newholdings could not be customary (as they were new, being established at deforestation, and so not of time immemorial and therefore subject to custom. This meant that the new hold tenures subject to the customs of the manor were not

secure and the lord had the right to resume the land.

1600:

Freeholders list for Blackburn Hundred has no armigers or gentlemen in Rossendale. One of each in Haslingden.

(Royal Commission on the historical monuments of England supplementary series:10 'Rural Houses of the Lancashire Pennines 1560-1760")

1608:

Commission and surveys of copyholdings. Tenures ultimately secured as copyhold after payment of fines. This survey demonstrated numerous small scale encroachments together with kilns, forges, oat-houses etc. All < 3 roods, many much smaller.