

## COMMON RIGHTS.

### In the Manor of Dorney with Boveney.

#### Introduction.

1. The origin and history of common rights is clearly set out in the Report of the Royal Commission on common land 1955-8 and in particular in the admirable articles therein by Dr W.G. Hoskins M.A. PhD (App. II) and Sir Ivor Jennings (App. III). Against this general background I have tried to show what happened in the Manor of Dorney with Boveney over a period of some 900 years.

The Report says that the evolution of common rights may be viewed as that of an increasing limitation of rights to more sharply defined classes of user. This limitation arose naturally from the rise in population with increased demand for cattle and sheep upon a fixed supply of land.

#### Acreage

2. At the Domesday Survey made in 1086 there was a Manor at Dorney assessed at 3 hides, with a meadow for the horses and land for 3 plough teams, one fishery of 500 eels and woodland to feed 150 swine.

According to Lipscomb, Boveney was separately surveyed in two distinct tenures. One hide was the land of Rainbald, the King's priest, and was reckoned to belong to the Church of Cookham, with land for one team, which was kept there, with one villein, and a carucate of pasture.

Giles, the brother of Ansculf, had three hides. There was land for 2 1/2 teams and two ploughs might have been employed. The woods were sufficient for 60 hogs.

Gradually more and more land was cleared and came under the plough until we reach the following figures

Dorney	1103 acres	1 rood	24 perch	
Boveney incl. Lake End	479 acres	1 rood	23 perch	
Total	1582 acres	3 rood	7 perch	(1844 figure)

In 1727 this acreage may be divided up as follows:-

	Acres	Rood	Perch	
Common fields – arable	1114	0	20	(1727 figure)
Common meadow – Dover Mead	139	2	1	(1734 figure)
Desmesne lands – Lord of Manor	46	0	0	(1786 figure)
Small enclosures	52	1	29	(deduced)
Dorney & Lake End Commons	179	3	18	(1844 figure)
River Thames	39	2	17	(1844 figure)
Roads	11	1	2	(1844 figure)

The boundaries of the Manor were the same as the boundaries for the civil Parishes of Dorney and Boveney before these latter were altered in the 20th century.

The above figures exclude the two detached portions of Dorney now in the Parish of Burnham viz. Dorney Wood and part of Burnham Beeches 418 acres 1 rood 27 perch and elsewhere 22 acres 1 rood 29 perch. None of this land carried rights on Dorney and Lake End Common.

### **The Agricultural System.**

3. For some 750 years up to nearly mid 19th century agricultural management was on what is known as the open or common field system. To begin with there were, I think, three common fields for arable crops, one common meadow for hay and pasture and Dorney and Lake End Commons. There were also the demesne lands at least from the time that Dorney Court was built in the 15th century.

The framework can be detected today because field boundaries, where they existed, were hedges on top of banks with a ditch on one side. The common fields fenced against the common meadow and both fenced against the Commons.

### **Common Fields**

4. Arable cultivation rotated round the common fields; such as North Field and South Field, year by year on a three year cycle, so that in anyone year some would be cropped and the remainder left fallow.

These fields, which had no internal fences, were divided into shotts or veres, which in turn were subdivided into strips. A strip might be 1 rood, 1/2 acre or 1 or more acres. Holdings of strips were all intermingled, so that each person had some good and some bad land. Originally the strips were mainly held and cultivated by the villagers and their households and they took the produce.

On 14 April 1727 Sir Charles Palmer Bart (then aged 20 and having inherited at the age of 7) made a list of the various holdings. This showed that the number of common fields had increased to 139 divided into 81 shotts or veres, subdivided into 889 strips, with a total acreage of about 1114 acres. As an example, Michael Clark had 173 acres 1 rood in 104 strips dispersed in 56 shotts or veres in 13 fields. In this record the individuals were described - 23 as "of the Lords land", 15 as "Freeholder", Widow Harding as "free" and as Church and Chapel lands.

In 1637 it was agreed that the common fields should be kept for winter corn, summer corn and fallow. In 1693 it was agreed that arable land could be ploughed for 3 years together and the 4th year to lie fallow. This revolutionary change in husbandry did not become general practice in England until many years later.

### **Common Meadow or Meadows**

5. After the villagers had taken the hay crop, the common meadow, which had no internal fences, was used for pasture. It also was divided into shotts or veres, sub-divided into strips.

In 1734 Sir Charles Palmer Bart made a list of the various holdings in Dover Mead with a total of 139 acres, 1 1/2 acre, 1 rood and 5 x 3 swarths.

There were 9 shotts or veres with at least 137 strips plus the swarths. The largest holding was 24 acres 1 rood and the smallest 3 swarths. There were 25 holders.

There is no similar record for any other common meadow. Later on the name Dover Mead disappears. In leases c. 1782 common meadows are shown as Roundmoor, Domans Mead and Nine Acre Mead and there are references to areas of meadow ground in the common fields.

## **Animal husbandry.**

6 (a) All the common fields and common meadows were open and unfenced internally and so animals could wander freely over the whole of each area. The timing of the movement of animals to avoid damage to growing crops and the scale of stocking needed careful control to ensure good husbandry. The Manor Courts provided a forum in which the Commoners could express their views and reach agreement among themselves.

(b) The time table, so far as I can work it out, was as follows :

Common Fields.

25 Mar to 29 Sept sheep in fallow fields. No sheep there between 10-25 March.

6 days after the fields rid - cattle and horses to common fields.

14 days after the fields rid - sheep to common fields

OR

24 Aug sheep to wheat stubble fields

29 Sept sheep to barley stubble fields, except one appointed annually.

24 Feb all animals out of fields.

14 days after corn carried - pigs to stubble fields.

Common Meadow.

1 Aug to 15 Mar           cattle and horses.

28 Oct to 10 Mar        sheep

14 Sept to 3 May?       pigs.

Commons.

14 Sept to 3 May        pigs

24 Sept to?            geese

21 Dec to 25 Mar       sheep

1 May to 29 Sept       cattle and horses.

(c) Stocking of the common fields, common meadow and Commons was controlled by common rights.

## **Inclosure .**

In 1737 a record made by Sir Charles Palmer Bart showed that there were then 37 inclosures comprising 154 acres. With a few exceptions these were all small home closes and orchards. Some must have existed for over 100 years.

The farm leases of around 1782 give field names and acreages and show that most farms had part of their holding inclosed and part lying dispersed in the common fields and common meadows.

Eventually, by a continuous process of exchange, or sale, holdings became amalgamated and the ancient open or common field system ended.

Thereafter Manor Courts were concerned only with management of the Commons.

There is a Tithe Map dated 1840 and certified by the Tithe Commissioners on 31 Dec 1846. A similar map was prepared for John Palmer Esq. in 1844 and he made out a book showing tithe number, field name, owner, occupier, cultivation and acreage for the whole of Dorney and Boveney. I think that this book shows the position immediately after the amalgamation of holdings had been completed.

## Common Rights.

8. At first there was abundant land for everyone and so there was no need for rights. These gradually evolved from customary practices and eventually each commoner agreed to a quota.

9. The first mention of such a limitation in our surviving Court Rolls was in 18 Hen VIII (11 Jun 1526 - Richard Hyll being Lord of the Manor), where there appears among the ordinances made by the tenants to be observed and kept from henceforth:-

"The rent of 5/- by the year to keep a cow, a sow, a bacon hog and a youngling, that is to say, a beast under the age of 3 years, a goose and a gander".

Those paying higher rents could keep more beasts, horses and sheep according to scale. I have no record of who got the rents or what they were used for because it was before the Palmers came to Dorney.

This method of limitation lasted just over 100 years more.

10 (a) A further limitation occurred in 13 Chas I (8 Nov 1637 - Sir James Palmer Kt being the first Palmer Lord of the Manor). Control by size of rent was abandoned and the concept of a fixed number of animals based on a sliding scale according to the acreage held with a cottage or house was introduced, i.e. a definite stint.

"Order made for the waste, commons and common fields of Dorney and Boveney by common consent of the Lord of the Manor and tenants of all the Manors there at a Court holden 8 Nov 1637".

"1 Imprimis it is ordered that no lands being held several in inclosure shall be allowed any common in the wastes and commons and fields aforesaid."

"3 Item, that the stint or rate for cattle, horses and beasts shall to each man for his house and land commonable which he has in his own occupation, that is to say, to every cottage, though having no land in the field, one cow and one youngling bullock; and to him that has 3 acres of land with his messuage is further allowed one neat beast and no more; and to him that has 5 acres is allowed for further increase one horse beast and no more; and afterwards the increase of every 5 acres shall increase one neat beast and every 15 acres shall increase one horse and no more; provided that no man shall exceed the number of 9 horses, whatsoever' the quantity of his land shall be".

(b) Since 2 cow commons were attached to a single occupied cottage without land it follows that when 2 or more such cottages are converted into one such house then the total rights attached to it should become the normal 2 cow commons.

It also follows that a stint for a house with land should be cancelled when the land has been disposed of. The house should then have the normal 2 cow commons attached to it.

There are however, some instances in the 1692, 1730 and 1782 schedules where Commoners are shown as having 2 cow and 1 horse rights. Some of these cases evidently refer to parcels of land which are aggregated with other land for purposes of stint" Others may have been a bonus for repairing the Thames Bank, or for mole catching or for some other special reason. It follows that if no special reason can now be advanced the stint should revert to the normal 2 cow commons.

(c) It will be seen from the sliding scale based on the acreage of commonable land that the stints are weighted in favour of the small farmer. It follows that when the size of a holding changes then the size of one or more other holdings must also change and the stints of those holdings must reflect this. In certain circumstances it could mean that the Lord of the Manor's "left overs" (See App. A) would either lose or gain a few rights.

11. At the Court held on 28 Apr 1948 (myself as Lord of the Manor) a further limitation was agreed. It was found when applying the 1637 scale to the then acreage's of holdings that there were insufficient rights to fully satisfy all the stints.

Accordingly all stints for up to 50 acres were satisfied in full. Thereafter 1 cow or bullock was added for every 15 acres and 1 horse for every 20 acres.

The same problem must have arisen at earlier Courts and it is possible to deduce that some form of limitation was agreed for the larger holdings.

Unfortunately the basis for such limitation was not recorded in the surviving Court Rolls.

12. The 1637 scale has been confirmed at all subsequent Courts. Schedules of stint are attached to the Court Rolls for 1692 (44), 1730 (45), 1782 (36) and 1948 (33)) although there are many other lists of rights surviving. The figures in brackets show the number of Commoners.

From at least 1692 until today the total number of rights in existence has amounted to 198 cow and 77 horse commons. This scale of stocking was evidently a practical proposition when it, controlled the number of beasts on the common fields, common meadow and Commons with a total acreage (using my calculation for 1727 in para 2 above) of 1433 acres. It is not realistic nowadays to expect only 1664 acres of Dorney Common and 16 acres of Lake End Common to carry a like number of beasts.

So although the total of rights continues, the actual stocking is limited annually by decision of the Management Committee to what they think the Commons will carry during the coming season.

13. Since the complete amalgamation of agricultural holdings the 1637 scale has been deemed to apply to agricultural land - arable, pasture and homestead, etc, irrespective of whether inclosed or not.

### **Money.**

14 (a) Since our Common land is an integral part of the farming economy in the Manor and Parish and essential to the livelihood of the smaller farmers, let us consider the money aspect.

(b) When a freeholder buys land to which common rights are customarily allotted or a tenant rents such land, the value of the rights is reflected in the price or rent paid. The same applies to property without land to which rights are attached. The basic scale for such rights is that of 1637, although this may be limited from time to time as in 1948. These rights relate solely to the pasturing of beasts on Dorney and Lake End Commons and can be exercised only in accordance with the rules for the good management of the Commons as agreed from time to time and after payment of the common rate agreed annually.

(c) Also any Commoner who wishes to exceed his stint at pasture may at the Annual Market for Rights hire additional rights from other Commoners, who may have rights to spare. Since 1693 cow and horse commons have been deemed to be interchangeable.

The correctness of stints is, therefore, a matter of importance because an over-allotment of rights to a user Commoner reduces his need to hire from other Commoners to their financial detriment.

(d) Commoners are not allowed to hire their rights to strangers; however this transaction may be disguised. Such a Commoner for the good of his own pocket would be allowing a stranger to consume 'the grazing belonging to other Commoners to their financial detriment. For a time after World War II this ancient form of cheating or stealing was somewhat prevalent. The stranger's beasts having no right to be on the Commons had equally no right to be on the highway within the bounds of the Common. If such beasts were involved in a traffic accident, the owner would be liable to prosecution and the Commoner concerned might also be charged with aiding and abetting.

(e) Nowadays the Commoners normally have the use of the grazing for some 7 months of the year and pay a rate towards the upkeep of the pasture and the management expenses of the Common. It is only reasonable to expect others who wish to use the pasture to make a contribution to the "Common Fund" ... for instance riding schools, parking of cars, etc.

The Public go on the pasture for air and exercise by courtesy of the Lord of the Manor and the Commoners.

The rules of the Common are so drawn up that all usage of the Common other than for grazing is forbidden. This enables the Lord of the Manor to negotiate agreements with interested parties on behalf of himself and the Commoners and so secure some contribution to the 'Common Fund' and in appropriate cases for himself. The making of a motorable access way which destroys the grazing and so the common rights on that particular area should, of course, be a matter for such prior agreement.

#### **Authorities.**

15. The above information is my interpretation of the evolution of common rights in the Manor of Dorney with Boveney based on:

- The Report of the Royal Commission on Common Land 1955-8.
- The Court Rolls for the Manor 26 Jun 1514 to 14 Nov 1950, Sir Charles Palmer Bart record of the common fields 1727, common meadow 1734, inclosures 1737.
- Sir Charles Harcourt Palmer Bart leases c.1782.
- Tithe Map 1840.
- John Palmer's map of 1844 with field records.
- And ancient and modern leases and other MSS and maps.

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