

1970

THE MANORS OF DORNEY WITH BOVENY

COPY OF COURT ROLLS

1. APPOINTMENT of MARK RICHARD HENRY BAILY to be STEWARD of the MANOR
2. REGULATIONS of the MANOR.
- 3 SCHEDULE of REGISTERED STINTS 1st SEPTEMBER
4. DEFINITIONS
5. APPENDICES

KNOW ALL MEN by these Presents that I PHILIP DAYRELL STEWART PALMER JP DL of Dorney Court Dorney in the Parish of Dorney in the County of Buckingham a Lieutenant Colonel (Retired) in His Majesty's Army hereby give and grant unto MARK RICHARD HENRY BAILY of Saddlers' Hall Gutter Lane Cheapside London EC2 Solicitor the office of STEWARD of my Manors of Dorney and Boveney to keep and hold all Courts belonging to the said Manors at the usual times the same have been accustomedly holden and at such other times as the said Mark Richard Henry Baily shall think fit and expedient TO HAVE HOLD AND ENJOY the said office of Steward and to take and receive all fees and profits thereunto belongings by him the said Mark Richard Henry Baily or his sufficient Deputy during such times as the said Steward shall well and faithfully demean and behave himself' in his said Office. IN WITNESS whereof I the said Philip Dayrell Stewart Palmer have hereunto set my hand and seal this 27th day of August One thousand nine hundred and seventy

SIGNED SEALED AND DELIVERED) by the above-named PHILIP DAYRELL STEWART PALMER IN the presence of:-

) (sgd) PDSPalmer

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John Gidney Eton College

Windsor - Estates Manager

Regulations for the keeping of beasts on the Dorney and Lake End Commons of the Manor.

1. Definition of a Common Right

A right of common of pasture appurtenant to graze the above Commons in common with the owner of the soil and other Commoners between dates agreed at the Annual Common Meeting and in accordance with the Common Rules anywhere over the whole of the permanent pasture of Dorney common and Lake End Common in Register Unit No. CL56, CL57 without let or hindrance within stockproof boundaries whose maintenance is the responsibility of frontagers occupying abutting land; to permit own beasts to stray onto the highways within the bounds of the Commons without committing an offence under the Highway Act, 1959, Section 135; to have a pound within the bounds of Dorney Common; to have gates across the Public highway, B.3026, on the Common boundaries in place of cattle grids.

2. Scale for Calculating Stint

The total commons shall be 198 neat beasts and 77 horses.

Commonable cottage without agricultural land	1 cow and 1 youngling bullock
Commonable messuage separated from its agricultural land	1 cow and 1 youngling bullock
Agricultural land - 3 acres	1 neat beast
- 5 acres	add one horse
- every 5 acres above the first 5 acres up to a total of 70 acres	add 1 neat beast
- every 10 acres above a total of 70 acres	add 1 neat beast
- every 15 acres above the first 5 acres	add 1 horse

Sheep - 1½ sheep per acre of agricultural land with rights appurtenant

Hogs - double the number of neat beasts

Geese - 1 goose and 1 gander to each Commoner and no more

3. Definition of a Commoner

A Commoner is defined as a person who occupies within the Manor of Dorney with Boveney a dwelling or land or both with rights of common of pasture on Dorney Common (CL 56) and Lake End Common (CL 57), which rights have been registered under the Commons Registration Act 1965 and its Regulations.

4. Only Commoners to Pasture

No person, other than a Commoner, shall pasture any beasts on Dorney and Lake End Commons, on pain of forfeiture:

To the Lord £5

To the Hayward 5/- per head, when pounded.

5. Commoners to Pasture own Beasts Only

No Commoner shall pasture on the Commons of this Manor any beasts which are not his or her own property, on pain of forfeiture:

To the Lord £5

To the Hayward 5/- per head, when pounded.

6. Commoners not to dispose of Commons to Foreigners, etc.

No Commoner shall let, sell or give up his common rights either openly or under any pretence whatsoever to any person who is not also a Commoner (a "foreigner"), nor use Dorney or Lake End Common for the beasts of such a person, nor shall any Commoner put on either of these commons any beasts which he claims belong to him but which he has purchased from a person who is not a Commoner under a colourable sale agreement whereby it has been agreed between the Commoner and the foreigner that the foreigner is entitled to recover the beasts from the Commoner at some future date.

If it appears to the Overseers either after a normal scrutiny of the common or on receipt of any complaint, that this rule has been broken a Committee of three of the freeholders shall be set up to investigate the alleged breach. If it appears to them that the rule has been broken, the suspected beast or beasts shall be impounded until it shall have been proved to the satisfaction of the said three freeholders that the beasts are the true property of a Commoner. If they are satisfied that the rule has been broken, and that the beasts are not the true property of a Commoner, the beasts shall only be released on payment of such one or more of the following fines and costs as maybe appropriate:-

1. A fine 0£ £5 payable by the Commoner who has so let, sold, or given up his common rights.
2. A fine of £5 payable by the true owner of the beasts.
3. To the Hayward 5/- per head when impounded.
4. All reasonable costs and expenses of feeding and watering the beasts during the time they have been impounded.,

7. Stints not to be exceeded. Letting between Commoners allowed.

Commoners shall not exceed their stints of registered common rights, except that they may let or take their commons from one another at the best price and advantage at a Market for Rights to be held annually before the Commons are open and at which the Hayward shall be present, on pain of forfeiture:-

To the Lord £1 per head in excess of stint

To the Hayward 5/- per head in excess of stint, when pounded.

8. Hayward to be told of lettings

Commoners letting or taking commons one from another shall inform the Hayward, on pain of forfeiture:-

To the Hayward 10/- per head

9. Marking of beasts

For a better certainty to the Hayward to see who transgresses the orders, Commoners shall mark their neat beasts, which they pasture on the Commons of this Manor, by means of a coloured tab to be attached to the right ear of the beast or by such other method of identification as may be agreed at the Annual Common Meeting, on pain of forfeiture:-

To the Hayward 10/- per head when pounded.

10. Scrutiny of the Commons

The Commons shall be driven by the Hayward assisted by the Overseers at times chosen by himself and a scrutiny taken.

11. Opening of the Commons

The Commons of this Manor shall be open from the 1st April until the 31st October unless the Annual Common Meeting on the recommendation of the Management Committee decides to vary the dates. No Commoner shall pasture beasts thereon during any other period, on pain of forfeiture:-

To the Lord £3

To the Hayward 5/- per head, when pounded.

12. What beasts may pasture

No Commoner shall pasture beasts other than neat beasts and horses, other than geldings excluding riggs, on the Commons of this Manor, on pain of forfeiture:-

To the Lord £3

To the Hayward 5/- per head, when pounded.

13. Sick Animals

No Commoner shall pasture sick, diseased, infectious or distempered animals on the Commons of this Manor, on pain of forfeiture:-

To the Lord £5

To the Hayward 5/- per head, when pounded.

14. Sheep

Commoners may fold sheep on the Commons of this Manor from the 1st December until the 31st January unless the Annual Common Meeting decides to vary the dates. All sheep shall be marked with the owner's own brand on pain of forfeiture:-

To the Hayward 1/- per head, when pounded.

15. Hogs

Commoners may put their hogs on the Commons of this Manor from the 1st November until the 28th February. All pigs shall be deemed as hogs which shall be pigged before the 1st May, but all pigged after that date shall not be accounted hogs until the 25th September following. All hogs put on the Commons shall be sufficiently ringed and so kept ringed continually from time to time on pain that if any be found digging and unringed:-

To the Lord 5/- per hog

To the Hayward 2/6d. per hog, when pounded.

16. Geese

Commoners may put geese on the Commons of this Manor when the Common is closed to beasts at pasture and at no other time, on pain of forfeiture:-

To the Lord £1

To the Hayward 1/- per head, when pounded.

17. Horses

No Commoner shall keep above six horses upon the Commons of this Manor on pain of forfeiture.:-

To the Lord £3 per horse in excess

Every Commoner that shall not keep his full stint of horse may have the liberty of keeping a cow in lieu of every horse wanting of his stint.

18. Common Rate.

A rate per head of cattle, horses, sheep, hogs and geese pastured on the Commons of this Manor shall be levied according to the requirements of the said Commons to cover such expenses as the Management Committee recommends and the Annual Common Meeting approves. The full rate shall be paid irrespective of the length of period for which beasts may be pastured. The rate shall be decided at the Annual Common Meeting on the recommendation of the Management Committee. Commoners shall put no beasts on the Commons before they have paid the rates on pain of forfeiture:-

To the Lord £1 per head.

19. Breaking Pound

No person shall remove beasts from the Pound without the authority of the Bailiff, on pain of forfeiture:-

To the Lord and Hayward Treble forfeitures.

20. Non-payment of forfeitures

A person who fails to pay his or her forfeitures shall forfeit treble damages.

21. Fences and Ditches

The custom of fencing and ditching against the Commons of this Manor is confirmed. Occupants of land abutting on the Commons are responsible for maintaining the fences and gates within their own frontage in a stockproof condition and similarly the boundary ditch scoured and cleansed, except those parts for which the Thames Conservancy are responsible.

22. Sporting Rights

It is confirmed that the sporting rights over the Commons of this Manor are reserved to the owner of the soil and no person shall infringe them, on pain of forfeiture.

To the Lord £5

23. Detrimental Acts

No person shall do any act or thing whatsoever which shall harm the pasture or obstruct the beasts grazing or be otherwise detrimental to the rights and privileges of the owner of the soil and of the Commoners, on pain of forfeiture:-

To the Lord Minimum £5. Maximum £25 according to the gravity of the offence.

24. Hayward

The Hayward shall be nominated by the Management Committee and appointed annually by the Annual Common Meeting.

His duties shall be:-

- (a) To take scrutinies to see that the common Rules are complied with.
- (b) To impound beasts found on the Commons without right to be thereon or unmarked or offending the Common Rules.
- (c) To water and feed impounded beasts.

His salary shall be fixed at the Annual Common Meeting on the recommendation of the Management Committee.

25. Overseers

The Overseers shall be nominated by the Management Committee and appointed annually by the Annual Common Meeting.

Each Overseer who finds and presents any transgressions in the Common shall have 1/5th of the forfeiture due to the Lord arising from such transgressions.

26. Bailiff

The Bailiff shall be nominated by the Management Committee and appointed annually by the Annual Common Meeting.

His duties shall be:

- (a) To collect the Common Rate and forfeitures
- (b) To supervise the Hayward
- (c) To authorise removals from the Pound
- (d) To obtain evidence for legal proceedings.

27. Management Committee

The Management committee shall consist of the four Overseers, the Bailiff and a representative of Eton College and of Slough Borough Council with power to co-opt other persons. The Committee shall act in collaboration with the Lord/Owner of the soils but its functions shall not affect his rights.

Its duties shall be :-

- (a) To ensure that the Common Rules are complied with in accordance with their duties as Bailiff and Overseers.
- (b) To take decisions and/or action on matters arising except such as may involve matters of principle or affect the interests of the owner of the soil, non-user Commoners or General Public. Such excluded matters shall be referred to the Lord with their recommendations, if any, and he shall then either give a decision or call a special meeting or Court or take such other action as he may consider expedient.
- (c) To consider and take necessary action on matters referred to them by the Lord/Owner.
- (d) To recommend the Common Rate to the Annual Common Meeting and operate the Common Rate Account.

28. Annual Common Meeting

By convention, as it is not convenient to hold an annual Manor Court there shall be an Annual Common Meeting open to all Commoners, to which the Management Committee will refer any decisions which they have taken, or Licences which have been granted during the preceding year for re-adoption. Members of the Committee who are not Commoners would be entitled to attend the Annual Common Meeting but not to vote. Freeholders with rights appurtenant may attend and vote on matters affecting their interests.

The Annual Common Meeting, on the recommendation of the Management Committee, shall :-

- (a) Appoint a Bailiff and four Overseers.

- (b) Appoint the Management Committee
- (c) Appoint the Hayward and fix his salary.
- (d) Receive and adopt annual accounts.
- (e) Approve of the renewal of Annual Licences.
- (f) Adopt the date for opening and closing the Common, recommended by the Management Committee.
- (g) Receive the recommendation of the Management Committee for expenditure during the ensuing year and confirm the Management Committee's recommendations for the Stocking and Common Rate for the ensuing year
- (h) Conduct the Market for Rights.
- (i) To make decisions, other than on matters of principle, which would require the convening of a Manor Court.

(Note: If an individual Commoner disagrees with the general body of Commoners a decision at the Annual Common Meeting will not deprive him of his legal right to sue a Licensee but he will have to do so at his own expense.)

29. Court Roll

The Steward may alter matters of form in these regulations and orders but not matters of substance and shall engross and attach them to the Court Rolls.

Definition of the Categories shown in the Schedule of Stints [See separate file]

Category

'A' "Commonable cottages". A cottage, with no land in the common fields, which had received an ancient grant of common rights appurtenant - normally 2 cow commons. Such rights were not attached to the land on which the cottage stood and so when such a cottage is demolished its rights are extinguished.

When two or more adjoining commonable cottages are converted into a single dwelling, the stint is held to become 2 cow commons as for a single cottage.

'B' Properties to which a grant of rights appurtenant have been made for special reasons, such as Public Houses, the Village Bakery and Lake End Farm. These rights are not attached to the land on which the property stands. When the special reason ceases, the rights are extinguished.

'C' "Commonable messuages". A house with ground set apart for household use, which has received an ancient grant of common rights appurtenant. Usually such houses were stinted for land in the common fields. But when they become separated from such land, they are held to retain two commons appurtenant to the messuage.

'D' With the complete amalgamation of agricultural holdings the distinction between ancient inclosures with no common rights and land in the common fields and common meadows with rights appurtenant has disappeared. All agricultural land is now treated the same with the ancient inclosures being stinted.

'E' when a new holding of agricultural land with rights appurtenant is created, the two cow commons appurtenant to the commonable messuage with which the land was originally held are retained by that messuage. The house of the occupier of the new agricultural holding does not become commonable and his agricultural land is stinted ex messuage.

'F' When agricultural land with rights appurtenant lies within the bounds of the Manor but its messuage lies outside, the messuage is not commonable and the land is stinted ex messuage.

'G' A commonable messuage with agricultural land with rights appurtenant is stinted according to the 1637 scale, subject however to such limitations as may from time to time prove necessary.

'H' When the acreage of an existing agricultural holding with rights appurtenant is increased, the additional land is stinted at the lower end of the scale.

Corrections on Schedule of Stints

- (a) In heading on all 8 sheets "Gander" instead of "Garden".
- (b) Sheet 1. Cypress Cottage - Remarks Coln. line 4. Insert "o" of "converted"
- (c) Sheet 4. Dorney Cottage - Remarks Coln. lines 7 and 8. Correct to read ".896 acre"
- (d) Sheet 5. Wakehams - Remarks Coln. line 5. "c.1782" instead of "C1782"
- (e) Sheet 6. Pin Garden - Remarks Coln. line 5. "c.1954" instead of "C1954"
- (f) Sheet 7. No. 24 - Remarks Coln. line 3. "Col" instead of "Co."

APPENDIX 'A'

REGULATIONS FOR THE USE OF THE COMMONS BY THE COMMONERS AND THE GENERAL PUBLIC

Dorney Common (CL 56) and Lake End Common (CL 57), the ownership thereof and the common rights thereon have all been registered under the Commons Registration Act 1965 and its Regulations.

The use of these Commons is restricted to the grazing of beasts belonging to the Owner and the Commoners in accordance with Rules laid down by the Manor Courts.

Members of the Public have no common law right to wander at large over the Common. However, by decision of the Manor Court held on 16th March 1949 the Public are allowed to do so by courtesy of the Owner and the Commoners, provided. that they do no damage to the pasture and create no nuisance to the beasts grazing thereon or otherwise.

It is prohibited on Dorney and Lake End Commons without lawful authority to: -

1. Place or deposit and leave thereon road sand, materials for repair of roads, wood, glass, china, earthenware, tin, carton, paper or other refuse or litter so as to affect or tend to affect injuriously the amenities of the Commons.
2. Dig, cut or take turf, sods, gravel, sand, clay or other substance on or from the Commons and to cut, fell or injure any timber or other tree or other plant growing there.
3. Injure, deface or remove fences or notice boards or any works erected and maintained by the Owner.
4. Post or paint bills, placards, advertisements or notices on trees, fences, erections or notice boards.
5. Catch birds, set traps or nets or lay snares for birds or other animals, take birds' eggs or nests.
6. Permit dogs to chase game or other birds or animals or otherwise fail to keep dogs under proper control.
7. Fire or discharge firearms or throw or discharge missiles.
8. Draw, drive or place upon the Commons or any part thereof any carriage, cart, caravan, truck, motor cycle or other vehicle or any aircraft (except in case of accident or other sufficient cause.)
9. Camp or light any fire thereon.
10. Hold or place thereon any show, exhibition, swing, roundabout or other like thing.

11. Erect or place thereon any building, tent, booth, stall, fence, post, railing or other similar structure for any purpose.
12. Make an access way over the pasture.
13. Obstruct the flow of the streams or pollute them.
14. Play organised games such as cricket, football, hockey, golf or other such games.
15. Fly model aircraft.
16. Train, break in, exercise or ride horses.
17. Bathe in any pond or stream.
18. Without being a Commoner turn out or permit to graze thereon any cattle, horses, sheep or other animals.
19. Leave the Common gates open when beasts are grazing.
20. Do any act or thing tending to injure or disfigure the Commons or to interfere with the use thereof by the Owner or the Commoners.

Persons doing any such act or thing may have legal proceedings taken against them.

The above Regulations for the use of the Commons by the Commoners and the Public are laid down by order of the Owner, acting on behalf of himself and the Commoners.

APPENDIX 'B'

FUNCTIONS OF THE MANAGEMENT COMMITTEE AS PROVIDED FOR UNDER REGULATION 27

- (a) To deal with the day to day management of the Common through the Chairman and or Bailiff and Hayward.
- (b) To ensure that the current rules of the Common are complied with.
- (c) To ensure, so far as possible, that the Commons are fully stocked.
- (d) To authorise any necessary cultivations and manuring to maintain and improve the fertility of the permanent pasture.
- (e) To incur such expenditure within the authority given by the Annual Common Meeting and, in addition, to authorise any exceptional expenditure which might arise during the Season which the Annual Common Meeting would be requested to adopt.
- (f) To estimate the cost of the ensuing years management and recommend this to the Annual Common Meeting.
- (g) To recommend to the Annual Common Meeting the Common Rate to be adopted.
- (h) To consider and approve the annual accounts for adoption by the Annual Common Meeting.
- (i) To determine in conjunction with the Lord/Owner the uses of the Common for which it would be appropriate for him to grant a Licence.
- (j) To recommend for approval by the annual Common Meeting the grant and renewal of any Licences by the Lord/Owner.
- (k) To advise the Annual Common Meeting of the dates on which the Common should be opened and closed.
- (l) That the Committee shall meet not less than once in every year
- (m) That until the Committee determine a higher number of members as a quorum, three members shall be a quorum at a formal meeting.
- (n) The Committee shall have powers to delegate authority to any of their members to deal with any particular matters which may arise.
- (o) To consider and take any necessary action on matters affecting the interests of the Commoners referred to them by the Owner of the soil or by the Annual Common Meeting.
- (p) To agree on behalf of the Commoners and to report to the Annual Common Meeting the terms of compensation for any loss or damage to the common grazing caused by any acts of any private or public body which may have been approved of by the Owner of the soil.
- (q) In the event of any change in the Common Rules such change shall not invalidate any prior act of the Management Committee which would have been valid if no such change had been made.
- (r) To have authority to charge to the Common Funds the cost of professional fees for obtaining advice in connection with carrying out any of the above functions.