

Commoners Rights & The Bucklebury Commoners Association

The commoners of Bucklebury have enjoyed the rights on Common land for a considerable time and hopefully many of us will continue to upkeep this valuable resource.

The Bucklebury Commoners Association (BCA) was formed in 1965 as a direct result of the requirement to register, and therefore protect all those with holding and ancient rights, that resulted from the Commons Registration Act, 1965 and the subsequent Commons Commissioners Regulations, 1971. The other factor, which has now been largely forgotten, is that Bradfield District Council which regulated the common after 1929, failed to include a list of Commoners Rights although it protected the right of the Lord of the Manor and the commoners. The Commons Registration Act 1965 corrected this oversight.

We will be forever indebted to Air Commodore J. H. D. Ker and the Association, the Farmers Union and the Commons Preservation Society (Mr. Humfrey Baker MA.), for their assistance in ensuring these ancient rights and tenures were preserved, as if they were not registered, they would have been lost forever.

This included the three commons in the parish; Bucklebury, Westrop Green and Bushnells Green which amounted to approximately 320 Hectares (800 Acres). The registration period started on 1st January 1966, and they were approved to 126 holdings (properties) in Bucklebury on 27th July 1979. This confirmed their rights, including the number and type of livestock that were allowed to graze the Common.

So what are these rights? Basically, these fall into five categories although only three are relevant:

- a. **Common of Pasture**, this is the right to turn-out livestock including; horses, cattle, sheep, pigs, goats, ducks and hens all of which are commonable. The allocation of grazing rights was proportionate to the number of outbuildings that could accommodate and support the livestock during the winter months. In the allocation of grazing rights, it should be noted the number of horses, cattle and sheep was limited to the holdings ability to maintain and support these animals during winter.
- b. **Common of Estovers**, this is the right to cut or take wood for the purpose of domestic heating. Wood could also be taken for the repair of buildings and fences. This is the most widely used right that is still upheld by commoners. The Common of Estovers also includes the practice of cutting heather and bracken for litter and furze (gorse) and brushwood. The commoners also have the right to lop and top trees felled by the Lord of the Manor. As this is still very prevalent, the actual wording is thus, "the *right to take timber for repairs, to top all the pollards which have been usually topped, to have hedgebote and firebote and to take furze and bracken*".
- c. **Common of Turbary**, this is the right to cut and dig turf but there is no evidence to suggest that this was ever implemented in Bucklebury, so currently this is not relevant.
- d. **Common of Piscary**, this is the right to take fish from rivers, ponds and streams. No reference has been found to support this right on the Court Rolls
- e. **Common in the Soil**, this is the right to take stone and gravel to maintain and repair paths leading to Commoners holdings. This was an ancient right and the Steward at the Court Leet

put an end to this practice in 1928. The extraction of water for drinking and for livestock is covered under this right and water can be drawn from springs and ponds the common. Blind Johns Spring has recently been restored but currently an analysis of the water has yet to be taken.

The commoners that had registered their rights were issued with a cast plaque. I can clearly remember as a boy being asked to paint the casting for my grandparents and neighbours. Before long it seemed, everyone was asking if I could paint their plaques. It is a real testimony to the quality of the castings and the lead in original Humbrol (modelling) paint that many are still in good condition after 43 years. The chances are that if you own a plaque with a white background, black edge and lettering with a green leaf, this is one of my originals. If they need retouching, I still have some of my original paint!

Court Leet - sometimes referred to as the **Court Baron**

This was an ancient court that was setup to oversee the management of the Common and to prevent the illegal encroachment and could only be convened by the Lord of the Manor. However, it is very important to note that any Commoner who has reason to register a complaint with the Lord of the Manor would result in the Court being convened.

Originally the court used to take place at the Manor House but up until 1960's it resided at a room at The Bladebone. The court took place every three years although previously there had been an annual meeting to resolve issues arising from Commoners Rights and was presided over by the Steward of the Manor, (the current office occupied by Alasdair Jones -Perrott) and up to four experienced members of the parish and, in the case of a dispute, a jury of ten to twenty "Commoners".

Interestingly the court appointed various officers: the Bailiff (to assign timber for repairs); two Tythingmen (to oversee the finances, fines etc.); and Haywards (to oversee that Rights were not abused and to collect stray livestock which were impounded in two pounds, one in the Slade near Haycroft and the other in the remaining pound that can be found adjacent to Brown's Gate.

The BCA agreed that with the suspension of the Court Leet a Commons Advisory Committee should be setup which should include two Commoners on the Committee.

Terms

Tythingmen - officer appointed to collect tithes and act as constables to keep the peace. This is similar to the Hungerford Tuttimen but currently we can find no record of a court being held at Hocktide.

firebote (fyrbote, fyerbote) – (1325) the right of a tenant to take from the land occupied by him a reasonable amount of wood for maintaining fires in his house and in the houses of his servants, the wood or fuel used for this purpose

hedgebote (haybote, haibote) – (1260) the right of a tenant or commoner to take woods and thorn from the lord's land to repair hedges and fences.