

Extract from “Commons and Common Fields” by Thomas Edward Scrutton, 1886

From the Conquest to the 14th century we find the same agricultural conditions prevailing over the greater part of England. Small gatherings of houses and cots appear as oases in the moorland and forest, more or less frequent according to the early or late settlement of the district, and its freedom from, or exposure to, the ravages of war and the punishment of rebellion. These oases, townships or vills if of some extent, hamlets if of but a few houses, gather round one or more mansions of superior size and importance, the Manor houses, or abodes of the Lords of the respective Manors. Round each township stretch the great ploughed fields, usually three in number, open and unclosed. Each field is divided into a series of parallel strips a furlong in length, a rod wide, four of which would make an acre, the strips being separated by ridges of turf called balks, while along the head of each series of strips runs a broad band of turf known as a headland, on which the plough is turned, when it does not by custom turn on some fellow-tenant's land, and which serves as a road to the various strips in the fields. These strips are allotted in rotation to a certain number of the dwellers in the township, a very common holding being that known as a virgate or yardland, consisting of about 30 acres, in which case each holder of a virgate would have a number of strips scattered through the open fields in apparent disorder, until the key to the confusion is found in the order of rotation.

Mr Seebohm's exhaustive researches¹ have conclusively connected this system of open fields and rotation of strips with the system of common ploughing, each holder of land providing so many oxen for the common plough, two being the contribution of the holder of a virgate, and eight the normal number drawing the plough, though this would vary with the character of the soil. The three great fields are tilled on a system of rotation of crops, each field in turn lying fallow for a year during which it is open to the cattle of all the holders of land in the fields, while the two fields under cultivation are open to the cattle from the time of harvest till the corn was sown again. At the date of Domesday, (1086), the holders of land in the common fields comprise the Lord; the free tenants, socmanni or liberi homines, when there are any; the villani or Saxon geburs, the holders of virgates or half virgates; and the bordarii or cotarii, holders of small plots of 5 acres or so, who have fewer rights, and fewer duties. Besides ploughing the common-fields, the villani as part of their tenure have to supply the labour necessary to cultivate the arable land that the Lord of the Manor keeps in his own hands as his domain, dominicum, or demesne. There are next the meadows used for hay, divided during the growth of the crop among the villeins and other tenants by a system of shifting rotation, from which they are frequently known as “lot-meadows,” and open as common pasture to their cattle from the time of hay harvest till the ensuing spring. There are also pastures specially appropriated to oxen or sheep, usually held in common by the villeins, sometimes appropriated to particular owners.

On the Lord's domain there are, at any rate at the time of Domesday in the Eastern and Danish counties, free tenants cultivating portions of his land, with rights of common pasture, the origin of which will require further discussion, since they are claimed by some as the source of what is now known as common appendant, the common rights possessed by the villeins being ascribed as at any rate one of the origins of common appurtenant. The rest of the domain is cultivated by the services due in labour from the villeins and cotters to the Lord. Round this cultivated oasis stretch woods in which the pigs of the community feed, and great moorland wastes and marshes, furnishing a poor pasture for cattle, with no boundary marking where the claims of the manor or township end, and giving rise to strayings justified as common pur cause de vicinage.

Large tracts of country are covered by the Forests, or lands preserved for the King's hunting by the forest laws “to the end that the same may be the better preserved and kept for a place of recreation and pastime, meet for the royal dignity of a prince.” The lands in the royal forests do not necessarily belong to the King; but all soil within the forest bounds is subject to oppressive restrictions in its use, the welfare of the King's game and deer being the all important object. The inhabitants and tenants have Common in the waste lands within the forest, except in the fence-month, when the deer are breeding; no old fence at any time may stand more than 4 feet in height, and no new fence can be erected without the crown licence, that the deer may have free run throughout the forest.