

The Development of the Smallholding and Cottage Stock-keeping Economy of the New Forest¹

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THE NEW FOREST is the largest single tract in England where a smallholding economy, involving the use of common grazings, is the major agricultural feature. Of nearly 2,000 holdings, the majority under fifty acres, approximately two-thirds represent the main source of livelihood to their occupiers. The profitable management of these holdings, particularly of the smaller ones, rests largely on the exercise of rights of grazing and mast over about 38,000 acres of heath and rough pasture, and 5,000 acres of woodland. The purpose of this article is to demonstrate the antiquity of this state of affairs; to trace the factors affecting the exercise and value of common rights over the New Forest, mainly during the eighteenth, nineteenth, and present centuries, with particular attention to the demands of silviculture; to emphasize the necessity of the common lands to smallholders and cottage stock-keepers; and to sketch the characteristics of this economy in the nineteenth and twentieth centuries, using the few available figures. Despite modifications to the system, the smallholding and cottage stock-keeping economy of the New Forest has persisted remarkably intact, because the common rights of grazing and mast have been strenuously maintained.

I

Common rights may in general be regarded as having originated in the customary exploitation of the natural resources of lands deemed to be held in common ownership, during Anglo-Saxon and previous times.²

With the gradual appropriation of land by the Crown and by manorial lords, which was to form the basis of the feudal system, and with increasing pressure on land accompanying increases in the population, these customary,

¹ I am indebted to E. L. Jones and J. W. Y. Higgs for commenting on a draft of this paper.

² W. G. Hoskins, 'History of Common Lands and Common Rights', *Report of the Royal Commission on Common Lands*, Cmnd. 462, 1955-8, Appendix III, pp. 149-53, gives a clear picture of the origin and early history of common rights.

general, rights became closely defined and limited. What, in early English settlements, had been the unquestioned use of the common wastes, in mediæval times became rights over the wastes exercised under privilege, and claimed by immemorial prescription, or grant. Eventually these were to become known as common rights.

The exercise of such rights, as an integral part of the rural economy, has survived in few areas of England today. With the trend towards farming in severalty, which involved the enclosure of the commons, and which culminated in the parliamentary enclosure movement of the eighteenth and nineteenth centuries, agricultural systems, dependent wholly or in part on the use of common lands by a class of cottager-smallholders, largely disappeared. The survival of such a system in the New Forest may be attributed to the legal accident that the area was royal forest, and was therefore bypassed by enclosure.

In the case of lands appropriated by the later Anglo-Saxon and Norman kings as royal forest, the exercise of common rights became limited and regulated by forest law, which was specifically designed for the protection of deer and all that the deer required.¹ During the midsummer fence month² and winter heyning³ domestic stock were supposed to be removed from the forest. The period during which pigs might be turned out was restricted to about two months during the autumn.⁴ Provisions were made for the strict preservation of vert, great and small.⁵

The act of afforestation did not necessarily involve changes in the ownership of the soil, nor did it necessarily imply a tree covering. It was based on the prerogative of the sovereign that all wild animals were in his possession. Persons whose freehold lands were included in a forest had to recognize the sovereign's right to the vert and venison therein, which in practice meant that they could not fence, cultivate, or fell timber on them, without the royal assent. The enforcement of such restrictions was one of the purposes of forest law.

Domesday Book shows that the greater part of the New Forest had been in the possession of the Crown some considerable time before the Conquest, and that changes which may be attributed to William I were an extension of

¹ Manwood (Manwode), *Treatise and Discourse on the Laws of the Forest*, 1589, 1615, 1665: the standard work on Forest Law.

² Defined by various dates at various times: by the nineteenth century accepted as 20 June–20 July, during which period the deer were dropping their fawns.

³ Defined by various dates at various times: by the nineteenth century accepted as 22 November–4 May, between which dates the deer were worst-pressed for food.

⁴ Defined by the nineteenth century as 25 September–22 November.

⁵ Timber trees and underwood respectively.

its area to include freehold lands over which the sovereign exercised his prerogative.

Until the seventeenth century, the extent to which the exercise of common rights was an integral part of the rural economy of the New Forest and its immediate area is reflected only in various grants of rights and presentments to the Forest Courts concerning their abuse. In 1670, however, all claims to common rights were registered before a Justice Seat for the Forest. This register was translated from the original Latin, and published for the Office of Woods, in 1853.¹ The entries are long and detailed, and by implication give a clear picture of the importance of common rights to the local economy.

A total of 307 claims were registered, appertaining to about 65,000 acres of private lands, both within and outside the current perambulation, but this relatively small number of claims refers to many times that number of holdings because the owners of a number of large estates submitted single claims in respect of all their tenants, each tenant's holding being described in the general claim. In the Register of Claims made in pursuance of the New Forest Deer Removal Act, 1851, about 1,200 separate claims were recognized, reflecting the conversion of numerous parcels of the large estates into small freeholdings.²

Most of the claims registered in 1670 refer to holdings of between one and fifty acres, and to rights of common of pasture for commonable beasts (cattle and ponies), rights of common of mast,³ turbary,⁴ estovers,⁵ and marl. The manors of Cadland and Beaulieu claimed rights of common of grazing for sheep, which appear to have been derived from grants of such rights to the Cistercian Abbey of Beaulieu. Turbary often appears from the context to include the taking of "furze faggots," and fern (for bedding or litter), whilst sometimes a right to take "furze, heath, and fern" is claimed separately. All but a very small number of claims are in respect of each right apart from that of grazing for sheep.

Most claims to pasture rights either state that the right is claimed "for all times of the year except the fence month" or "at all fit and proper times of the year according to the assize of the Forest." The winter heyning is never mentioned as such. Certain claims, mainly those derived from Letters Patent, specify the right of pasture to include the fence month. Similarly,

¹ *An Abstract of Claims in the New Forest*, 1853.

² *New Forest Register of Decisions on Claims to Forest Rights* (Commissioners acting under Act of 17 & 18. Vict., ch. 9), 1858.

³ Right to turn out pigs during the pannage season (25 September–22 November).

⁴ Right to take turf for fuel.

⁵ Right to take wood for fuel.

claims to rights of common of mast are not always confined to the pannage season: some are claimed for all times of the year, sometimes excepting the fence month. Theoretically at least, the rule of *levancy* and *couchancy* is admitted in the claims.¹

Rights of common of turbary and estovers were limited to that amount of turf and wood fuel respectively which was "reasonably necessary" to the claimant. Such rights were not to be exercised for profit by re-sale. Abuse of this stipulation later led to the close definition of the quantities which might be taken in respect of individual rights.

The Register shows that there were three main classes of persons who might exercise rights of common over the New Forest in the seventeenth century: the lords of the manors in or adjacent to the forest, owning the large estates; the very numerous customary tenants and copyholders of the manors, mostly with cottages and small pieces of ground attached, or with holdings of a few acres; and a class of freeholders with holdings not usually exceeding 50 acres, and more often of less than 20 acres.

The 1670 *Abstract* implies that the economy of the smallholdings and cottages, which comprised the bulk of the enclosed land in, and on the fringes of, the forest, was one of stock-keeping based on the use of the common lands. The judicious exercise of rights of grazing and mast, supplemented by those of turbary, estovers, and marl, the cutting of bracken for bedding and litter, and gorse for fodder, enabled the small farmer or cottager to maintain himself in a state of independence or semi-independence, impossible of attainment without his rights.

The extent to which this economy was dependent on common rights over the wastes is demonstrated by the complaint of certain copyholders of the Manor of Cadnam and Winsor, adjacent to the forest, to the Court of Chancery in 1591. This concerned the attempts of the lord of the manor to enclose the manorial waste.² The complainants deposed that they were "poore coppieholders of the manor of Cadnam and Winsor, and their whole estates and livynge" depended on their use of the common, "soo that yf they should be abrydged of their annycnt customes it would be their utter undoing." The complainants received a favourable hearing.

II

The value of common rights over the New Forest appears to have become

¹ The limitation of the number of animals which might be turned out in summer to that which could be maintained on the holding during the winter.

² Quoted by G. E. Briscoe Eyre, *The New Forest, its Common Rights and Cottage Stock-Keepers*, 1883, p. 40.

considerably enhanced during the sixteenth, seventeenth, and eighteenth centuries by the increasing lack of interest shown by succeeding sovereigns in the preservation of the deer, and by the consequent laxity of forest administration. By late Tudor times little personal contact with the New Forest was maintained by the Crown, and interest was only subsequently to see a brief revival, as far as the deer were concerned, during the reign of Charles II. By the late sixteenth century, the forest courts were held only very irregularly, and it was uncertain precisely what offences were punishable by forest law.¹ The returns of the regarders of the forest to articles of inquiry into its condition, during the reigns of Elizabeth I, James I, and Charles II, show that stock was turned on to the forest and turf, timber, bracken, and furze cut almost without restriction. The fence month, winter heyning, and pannage season were disregarded. In addition, the keepers responsible for the day-to-day prevention of forest offences were themselves making a comfortable living from stock-keeping in the forest.² A report tendered to Parliament in 1789, and another in 1848, show the persistence of this state of affairs.³

The purpose of the Crown in the New Forest shows a gradual change from deer preservation to silviculture, beginning as early as the later fifteenth century, prompted during the seventeenth, eighteenth, and early nineteenth centuries by the demand for oak for the construction of warships, and culminating in the New Forest Deer Removal Act of 1851, by which the Crown relinquished its right in the deer and statutorily established its interests in forestry.

Successful silviculture demanded the enclosure of land against browsing by deer and commonable stock. Enclosure involved reductions in the area over which stock might range. It also, generally, involved the enclosure of the better soils, which in turn provided the best grazings. It was opposed, by commoners and Crown officials alike, at first more or less passively, later, in the nineteenth century, with the activity and bitterness of a class who foresaw the loss of their source of livelihood.

The early, medieval, enclosures—"encoppicements"—were usually farmed out on lease by the Crown, and since the tenants were usually local landowners with vested interests in the grazings, the coppices frequently de-

¹ Manwood, *op. cit.*, intended to clarify this situation.

² Public Record Office, E. 178, 2007, 3101, 3098, 2047, 3097, & 6453. Other, similar, returns, which I was unable to trace in the P.R.O., are quoted in a MS. document, 1875, examined by kind permission of the Forestry Commission, Lyndhurst, Hants.

³ 5th Report of H.M. Commissioners of Woods, Forests, and Land Revenues, 1789; Select Committee on the Woods, Forests, and Land Revenues of the Crown, *Report & Minutes of Evidence*, 1848.

generated into convenient stock-pounds or paddocks.¹ Depredations by the commoners and by minor Crown officials—the removal of hedges, the surreptitious felling of timber and clearing of underwood, the grazing of stock—were the subjects of constant presentments by the regarders, to inquiries by the Exchequer.² By the mid-seventeenth century it was clear that encoppicement was ineffectual for the purpose of timber conservation.³

The need for systematic, large-scale enclosure for the growth of timber was first met by an Act of 1698, which took powers to enclose 2,000 acres immediately, followed by 200 acres annually for twenty years. These enclosures were to be thrown open, once out of danger from browsing, and further enclosures made with the limitation that not more than 6,000 acres might be enclosed at any one time.⁴ Clearly, if the “rolling power” of enclosure was carried to its logical conclusion, the rights of the commoners would have been rendered valueless. I have been unable to trace any contemporary record of petitions against the Bill, but Briscoe Eyre, without stating his source, says that commoners’ petitions “describe the Forest as immemorially ‘a great nursery for breeding cattle’ and speak of ‘many thousands’ as ‘dependent’ on their rights of ‘pasture, turbary and pannage’ in it.”⁵ The Act, perhaps in consequence of such petitions, gave the commoners the first statutory recognition of their rights, and, further, provided that the land to be enclosed should be that which could be best spared from the common grazings. In fact, only 3,296 acres were ever enclosed as a result of the Act, and the plantations that were made received only brief periods of attention. By the closing decade of the eighteenth century three of the enclosures, totalling 735 acres, had been converted into rabbit warrens by the keepers, and the remainder were mostly in a state of degeneration.⁶

A further Act of 1808 provided for the re-enclosure of the 1698 plantations and the further enclosure of land up to a total of 6,000 acres at any one time behind fences.⁷ Between 1808 and 1848, 6,701 acres were planted.

Evidence before a Select Committee of the House of Commons in 1848

¹ The Hon. Gerald Lascelles, *Thirty-Five Years in the New Forest*, 1915, and Heywood Sumner, ‘J. Norden’s Survey of Mediaeval Encoppicements in the New Forest’, *Proc. Hants Field Club & Arch. Soc.*, 1928, pp. 95–7, give good general accounts of coppice management.

² See e.g. P.R.O. E.127, 2007, 3101, 3098, 2047, 3097.

³ See esp. P.R.O. E.127, 3097.

⁴ An Act for the Increase and Preservation of Timber in New Forest, 9 & 10. Will. III, 1698.

⁵ Briscoe Eyre, *op. cit.*, p. 40.

⁶ 5th *Report of Commissioners . . . to enquire into . . . Woods, Forests, and Land Revenues*, 1789, pp. 19–24.

⁷ An Act for the Increase and Preservation of Timber in Dean and New Forests, 9 & 10. William III, 1698.

showed that the deer, although still maintained in large numbers in the New Forest, were an expensive anachronism, incompatible with silviculture.¹ Evidence was also given to the effect that the deer competed with the commoners' stock on the grazings. The New Forest Deer Removal Act followed in 1851, and provided for the enclosure of 10,000 acres for silviculture, in addition to that enclosed in pursuance of the 1808 Act, and the "removal" of the deer within three years. The Act had far-reaching implications for the commoners, and there is some obscurity as to how it was 'bulldozed' through Parliament without their views being heard.

III

The Deer Removal Act was the subject of bitter agitations among the commoners. The Crown—as represented by the Office of Woods—claimed a "rolling power" of enclosure which could ultimately reduce their rights to a negligible value. In evidence before a Select Committee of 1868 it was freely admitted by the Chief Commissioner of Woods that this was in fact intended.² The enclosures made following the Act took in much of the better grazings: it was claimed that the commoners had neither prior warning of, nor the opportunity to object to, the siting of new enclosures. Further, although the deer had been "removed," the Crown still reserved to itself its old forestal rights, and attempts were made to enforce the fence month and winter heyning.³

The removal of the deer had in itself upset the equilibrium in the biotic control of the vegetation. The scrub, which they had formerly browsed down, particularly in winter when keep was short, encroached rapidly across the grazings. Partly in consequence of this, drainage became impeded, and the grazings on the lower ground deteriorated further. Money from the sale of forest land for the construction of the London and Dorchester Railway, which had been statutorily designated for the provision of drains in the forest, had never been used for that purpose by the Office of Woods.

This was some of the substance of complaint: but the most general cause for bitterness was the avowed intention of the Office of Woods to reduce the real value of common rights by a policy of enclosing and planting as much of

¹ Select Committee on the New Forest, *Minutes of Evidence*, 1868, Question 319 quotes this evidence and comments on it.

² Select Committee on the New Forest, *loc. cit.*, q. 807.

³ Select Committee on the New Forest, *loc. cit.*, q. 424-5, 433-5. It is doubtful whether either the winter heyning or fence month had been enforced successfully in the New Forest since about the sixteenth century. An Act of 1819, providing for the exclusion of cattle and ponies from the New Forest in winter (but apparently never implemented), implies that existing powers were insufficient.

the better grazing as possible, in order that compensation to the commoners in the event of disafforestation and partition should be as little as possible.¹

Petitions to the House of Lords in 1867 resulted in the appointment of a Select Committee to inquire into the causes for complaint. Its report, however, proved unfavourable to the commoners, and the minutes of evidence reveal a distinct prejudice on the part of their lordships towards a class of independent smallholder-commoners. The complaints of the commoners were further voiced before a Select Committee of the House of Commons in 1875. In a more radical atmosphere, legislation followed. The New Forest Act, 1877, assigned a statutory area of 39,946 acres of heathland and rough pasture and 5,000 acres of woodland, over which common rights might be exercised under the supervision of a verderer's court, reconstituted to fulfil that purpose.

The minutes of evidence of the Select Committees of 1867 and 1875 clearly show the value of common rights, the extent to which those exercising such rights were dependent upon them, and the overall depreciation in their value resulting from sylvicultural enclosures. *The Register of Decisions of Claims to Rights of Common*, published in 1857, Briscoe Eyre's study, and keepers' diaries and account books for the periods 1839-52, 1853-6, 1855-62, and 1864-71,² are further major contemporary sources which provide a picture of the smallholding economy of the New Forest during the middle and latter parts of the nineteenth century.

The preamble to the *Register of Decisions of Claims* . . . 1857, makes it clear that although the Crown had relinquished its interest in deer preservation, the exercise of common rights remained subject to the restrictions of the fence month, winter heyning, and pannage season. The former two restrictions, a bone of contention between Crown and commoners, were finally removed by a provision of the New Forest Act, 1877.

Turbary rights were limited by the Register to specified numbers of turves in respect of each right. This right, and those of estovers and marl, were to be exercised only "by the view and allowance of the foresters"—in practice the keepers employed by the Office of Woods.

The commissioners responsible for the Register considered 1,311 claims, almost every one for rights of pasture, turbary, estovers, and mast, many also for marl, and a few for rights of common of pasture for sheep. Approximately

¹ A letter from the Deputy Surveyor of the Forest to the Chief Commissioner of Woods, dated 31 December 1853, which was produced as evidence before the Select Committees of 1868 and 1875, explicitly advises this course.

² I am indebted to the Deputy Surveyor of the New Forest, Mr Arthur Cadman, for making these available to me.

1,200 claims were allowed, but in no case were they allowed for all the rights claimed. The intention seems to have been a "tightening up" of the former, almost unrestricted, use of the open forest.

In evidence before the Select Committee of 1875, Mr W. C. D. Esdaile, J.P., analysed the Register as follows:

"I find that the smaller commoners come out . . .

"207 own 1 acre,

"200 ,, 1-4 acres,

"126 ,, 4-10 acres,

"51 ,, 10-20 acres,

"44 ,, 20-30 acres,

"beyond which I have taken them to be larger holders."¹ These figures referred to freeholders only. Of the "larger holders"—i.e. the 571 claims allowed in the Register, making up the difference between the 629 claims above and the total of 1,200—the majority of claims were in respect of holdings of less than 80 acres: a number were for the larger estates, each of which submitted single claims for up to 150 tenants. On Minstead Manor, for example, there were 105 tenants with common rights, each occupying holdings of less than 50 acres, and mostly of less than 20 acres.

It is worth comparing these figures with those of Kenchington in 1944. He gives the total number of agricultural holdings in New Forest parishes as 1,995, subdivided as follows: 731 under 5 acres; 316 between 5 and 10 acres; 274 between 10 and 20 acres; 287 between 20 and 50 acres; 178 between 50 and 100 acres; and 218 over 100 acres.² Not all these holdings had common rights attached to them, but an Act of 1879 empowered the verderers to issue licences for the depasturing of stock to non-commoners. Of the total, Kenchington estimated that approximately two-thirds of the holdings were the main source of livelihood to their occupiers. He states that "holdings smaller than 50 acres . . . account for approximately 23 per cent of the total area of agricultural land," but that they represented 81 per cent of the total number of holdings. His description of these smaller holdings may broadly be considered to hold good today: "Many of these tiny holdings are equipped and stocked not as smallholdings proper, but as miniature farms. Most engage in cattle keeping, either as cowkeepers or as rearers of young horned stock, using the holdings as a source of winter forage and pasturage, and a winter base for stock running on the Forest".

The extent to which the "small commoner" was dependent on the use of the open forest in the nineteenth century is made abundantly clear by evi-

¹ Select Committee on the New Forest, *Minutes of Evidence*, 1875, q. 1648.

² F. E. Kenchington, *The Commoners' New Forest*, 1944, pp. 145-6.

dence given before the Select Committees of 1868 and 1875, and, again, in the twentieth century, by evidence given before the New Forest Committee, 1947. The tenor of evidence given before the earlier two committees was that the right of common of grazing enabled a commoner to maintain about three times as many cattle as he would be able to maintain without the right. Before the 1947 committee one commoner stated that "he could keep three times as many cattle on a holding in the forest as on 50 acres in the Midlands."¹

IV

The precise value of common rights has never been legally determined. In evidence before the Select Committee of 1848, it was estimated that in the event of disafforestation the interest of the commoners was about one-half the area of Crown lands. It was later suggested, before the committees of 1868 and 1875, that it lay at between one half and two-thirds. In fact, as a result of the enclosure of much of the better grazings following the Act of 1851, the real value was considered to have considerably depreciated. It was estimated that if the Office of Woods exercised its claimed "rolling power" of enclosure to take in the remaining areas of good grazings, stated to be about 11,000 acres, the real value would be reduced to about one-sixth.

Mr W. C. D. Esdaile, in evidence before the committee of 1865, stated that it was felt among the smaller commoners that "to lose the common rights . . . would be simply ruin; they would not be able to manage their land in the way they do now . . . I have never been able to find a small owner who would be willing to be compensated for the right which he has."² A considerable weight of evidence, tendered mainly by Messrs Esdaile, Castleton, Lovell, Compton, and Egerton, was given in confirmation. It was stated, for example, that "The 'turning out' belonging to the 'small places' was as valuable as the places themselves pretty near," and that "the place would be no use (without common rights) . . . not worth the value to sell."³ A small commoner, asked if he could live on his $3\frac{1}{2}$ acres without the right of turning out cattle on the forest, answered with a simple "No."⁴ It was strongly emphasized that the partition of the forest and allotment between the interested parties—Crown, or Office of Woods, and commoners—would involve the displacement of the larger proportion of small commoners. It was considered that the allotment of the waste in severalty, should disafforestation and general enclosure take place, would be negligible compensation to the commoner for his share in the joint enjoyment of the common lands of the forest as a whole. The events of

¹ New Forest Committee, *Report*, Cmnd. 7245, 1947, p. 46.

² Select Committee on the New Forest, *loc. cit.*, 1875, q. 1648.

³ *Ibid.*, qq. 3299, 3063. ⁴ *Ibid.*, q. 3303.

the early decades of the nineteenth century showed that, in practice, enclosure and allotment deprived similar classes of their livelihood.

Briscoe Eyre enlarges on the value of the wide range provided by the forest for stock, as follows. "Attention should perhaps be drawn to some elements which make this region a type of what commonable pasture land should be. It combines an extended range with considerable variety of soil and of water-supply, and with, perhaps, every variety of shelter and exposure. Any deficiency in one section, especially in running water, is supplied by sufficiency or excess in another; constant change of ground (essential to success in stock-management) is ensured." Briscoe Eyre notes that "the region is characterized by a moderate but widespread prosperity, even in these hard times, and by the low percentage of pauperism . . . and this can be distinctly traced to the judicious exercise of common rights." He describes the wastes as the "cottager's farm," the source of his livelihood and of a modest capital.¹

The right of common of turbary was allowed in respect of about 1,500 dwellings by the *Register of Decisions of Claims* . . . 1857. The manuscript account book of George Cooper Jnr, Keeper of Boldrewood and Castlemalwood Walks for the years 1853-6, shows an average of 518,000 turves cut annually during that period.² The manuscript account book of Harry Cooper, Keeper of Eyeworth and Bramblehill Walks for the years 1864-71, shows an average of 233,570 turves cut annually. There were fifteen walks in the forest at the time.

Briscoe Eyre states that "A single right averages about 4,000 turves . . . and with its necessary complement of a few faggots or a little stump-wood, keeps a cottager in fuel through the winter. The value of such a right is estimated roughly at 10s. to £1 per annum, but as is the case with all common rights, the indirect value is very great and very difficult to define; when combined with a right of fuel-wood each right greatly enhances the value of the other."³

Estover rights were satisfied by the cutting and assignment of a specified number of cords of wood by forest officials. The policy of the Office of Woods had always been to reduce the numbers of such rights by purchase. Briscoe Eyre gives a total annual assignment of 376 cords, consisting of seven "large" rights totalling 94 cords, and a large number of "small" rights of a few cords each. Lascelles states that the annual assignment was reduced by purchase, from 840 cords in 1815 to 370 in 1880 and, further, to 240 in 1915.⁴

¹ Briscoe Eyre, *op. cit.*, pp. 41-2.

² In the possession of the Forestry Commission, Lyndhurst, Hants.

³ Briscoe Eyre, *op. cit.*, p. 43.

⁴ Briscoe Eyre, *op. cit.*, p. 44; Lascelles, *op. cit.*, p. 70.

The importance of turbary and estover rights dwindled with increasing labour costs and the opening-up of the forest by roads and railways in the late nineteenth and present centuries. It is doubtful whether either right could be considered an integral part of the smallholder's economy by 1915, but unfortunately no records appear to have been kept which might demonstrate the decreasing importance of these rights. So far as I am aware, turves are cut on the forest at the present time by no more than about a dozen right-holders. Rights of estover have been further reduced in number by purchase: in 1947 only 108 such rights remained.¹

The exercise of rights of common of marl appears to have lapsed by the late nineteenth century. Keepers' diaries and account books contain no reference to the right. Trimmer, writing in 1856, drew attention to the agricultural importance of the marls of the New Forest, but his whole essay gives the impression that little advantage was taken of them. Spooner, writing in 1871, gives the impression that the right had not then been exercised for some time. Williamson and Briscoe Eyre mention the existence of the right only in passing.²

The cutting of bracken for bedding and litter was a widespread and valuable custom in the New Forest during the eighteenth and nineteenth centuries, exercised by immemorial prescription, but not recognized as a right of common, although in certain cases it was claimed as such in the Register of Claims made in 1670. It was not recognized as a right in the 1857 Register, and according to Briscoe Eyre "fern" was subsequently sold by the Office of Woods "under conditions generally considered to be prohibitive." He adds that it was bought "chiefly from necessity."³ The testimony of smallholders in the forest today is that "fern" was cut in large quantities until recent times. At present it is cut at a nominal fee charged by the Forestry Commission. In 1962 about 100 acres of bracken were cut on the forest, and on a number of commons—wastes of various manors—adjacent to the forest.

The cutting of gorse for fodder appears also to have been a widespread practice, although not recognized as a right of common. Briscoe Eyre refers to the gathering of "furze tops" in winter. There appears to be no evidence for its deliberate cultivation in or near the New Forest, although it was certainly cultivated elsewhere in England during and previous to the nineteenth

¹ New Forest Committee, *Report*, Cmnd. 7245, 1947, p. 49.

² Joshua Trimmer, 'On the Agricultural Relations of the Western Tertiary District of Hampshire and the Agricultural Importance of the Marls of the New Forest', *JRASE*, VIII, 1856; W. C. Spooner, 'On the Agricultural Capabilities of the New Forest', *JRASE*, 2nd Ser., VIII, 1871, p. 255; John Williamson, 'The Farming of Hampshire', *JRASE*, XXII, 1861, p. 335; Briscoe Eyre, *op. cit.*, p. 42.

³ Briscoe Eyre, *op. cit.*, p. 42.

century. Gilpin mentions the cutting of gorse faggots in the forest for firing pottery kilns, and it would seem that the cutting and carting of "furze and heath faggots" for the kilns was a frequent "sideline" of numbers of cottager-commoners.¹ The manuscript account book of George Cooper Jnr., a forest keeper, contains references to sales of quantities of up to 4,000 "furze faggots" at between 3d. and 6d. per hundred, between 1853 and 1855, although there is no indication as to their use or destination.

The exercise of the rights of turbary, estovers, and marl, and the customs of bracken- and gorse-cutting, may be regarded as reducing or eliminating heating costs, and reducing necessary overhead costs of manuring and stock-keeping on the holding. The rights of grazing and pannage fulfilled an even more important function in that they reduced both overhead costs of stock-keeping and capital expenditure on land. To this last function may be largely attributed the survival of the smallholding economy of the forest into modern times. The rights of grazing and mast continued to be of major importance, whilst other rights lapsed.

v

The New Forest commoner, dependent or partly dependent on his common rights in the nineteenth century, belonged to a class of producer which did not normally keep accounts. Most of the occupiers of the smaller holdings had two or three sources of livelihood, inextricably intermixed, revolving round, but not necessarily wholly dependent on, their common rights. The direct financial advantages of the rights are therefore difficult to isolate and assess at any given period. Briscoe Eyre attempts to do so for the 1870's from his special local knowledge.

The value of the right of mast he describes as varying with the season and with the capital available to the commoner for buying in "early and cheap, as many pigs as he can hope to keep until September 25th." He estimates that at the end of the average pannage season "they return bettered to the value of about 10s. to 20s. a head, and fit for immediate sale." In a good mast year "£5 thus laid out may be doubled in three months . . . cottagers have been known to make £20 a year by their pigs."²

Spooner considered that the right of mast was of more comparative value than that of grazing. He also gives the only nineteenth-century figures, which

¹ Briscoe Eyre, *op. cit.*, p. 47; Thomas Page, 'On the Culture of Furze', *Annals of Agric.*, ix, 1788, pp. 215-17; Sandham Elly, 'On the Cultivation and Preparation of Gorse as Food for Cattle', *JRASE*, 1st Ser., vi, 1846, pp. 523-28; William Gilpin, *Remarks on Forest Scenery*, II, 1834 edn., p. 39; Briscoe Eyre, *op. cit.*, p. 48.

² Briscoe Eyre, *op. cit.*, p. 45.

I have been able to trace, for the total numbers of pigs turned out in the forest. These are for the period 1865-9, and are as follows: 1865, 1,575; 1866, 5,893; 1867, 3,475; 1868, 5,139; 1869, 3,721. The considerable annual fluctuations most probably reflect variations in the quality of the mast year, although the very low figure for 1865 may reflect a marked price movement. The figures in general compare with those of the numbers of pigs turned out at the present time.¹

It is clear from Briscoe Eyre's evidence that overhead costs were most reduced in the case of ponies, which required the minimum of labour and superintendence. He gives the price of yearling fillies as between £4 10s. and £6, and the total cost of running them on the forest as 5s. 5d. per annum, including marking fees. "The fillies . . ." he says, "run with the mares, and in their fourth year breed a good colt. Brood mares are much valued and are rarely sold; a very good one will fetch £15." He gives the average annual profit on a troop of five ponies as £20.²

He takes the cost of a heifer as between £2 and £4, and describes them as "nearly as self-maintaining as pony stock, until they have their calf . . . in the spring they may be sold with calf at side for £10 to £14 each."³

It is tempting to quote at length on particular aspects of the economy from Briscoe Eyre's admirable study, but it is here proposed to confine further detail to a passage citing the accounts of an exceptional smallholder who kept records, and to a short summarizing passage. "It is possible to give the actual profits of a twelvemonth's stock-keeping on a little place of six acres, with cottage, cowpen, and pigstye," he states. The stock kept on this holding was three cows, a heifer, and a weanling calf: 24 pigs were also bought in for the pannage season and subsequently sold. The accounts included the labour bill for all rough work, haymaking, and cleaning and emptying the pens and styes. The profits "on the cow kind—made by the sale of butter, new milk at 4d. per quart, skim-milk (to oblige) at 1d. a quart—amounted to £39 18s. 6d." The profits on the pigs amounted to £21 13s. 3d., making a net profit of £61 13s. 3d. He adds that the maximum profit made by this holding in any year was £77 5s. 11d., and the minimum profit £59. It will be noted that no reference is made to ponies.

Eyre sums up as follows: "The profits of his holding will compare with those of a farm in an enclosed country of about thrice the size and of about twice the rent. The cow provides the weekly, the pig a quarterly, and the heifer or pony an annual income, which can be re-invested . . . at a good or even high rate of interest."⁴

¹ Spooner, *loc. cit.*, p. 228.

² Briscoe Eyre, *op. cit.*, p. 46.

³ *Ibid.*

⁴ *Ibid.*, pp. 49-51.

The only records for the total numbers of stock on the forest previous to 1910 are for 1871, 1879, and 1884. There is thus little information to show the overall reactions of the commoners to depreciations in the value of their rights resulting from silviculture, enclosures, or fluctuations in market prices in the nineteenth century.

It was claimed before the Select Committees of 1868 and 1875 that the numbers of cattle turned out had, indeed, decreased as a result of enclosure of some of the grazings, but no data were produced to substantiate this.

Spooner, writing in 1871, gives a figure of "about 3,000 ponies, heifers, and cows" turned out annually at that time. He adds that "there used to be many more." A census of stock numbers made in 1875 gives 2,903 ponies, 2,220 cattle, and 438 sheep: a total of 5,561 head of stock.¹ A further census, in 1884, gives 2,250 ponies and 3,450 cattle: a total of 5,700 head. The reduction in the number of ponies between 1878 and 1884 may possibly be related to the falling market for pit-ponies consequent upon features introduced into the breed by crossing with Arab stallions at this time, and the rise in the number of cattle to increasing market prices for dairy produce during the same period, but it is difficult to draw conclusions, however tentative, from the sparse data.

VI

It is convenient at this point to consider the markets found by the New Forest pony, and the unsatisfactory changes to which the breed was subjected during the late nineteenth century.

Brief reference has already been made to the introduction of Arab blood. It has proved surprisingly difficult to trace any precise description of the breed prior to the use of Arab stallions, which began during the 1870's, although there are numerous general accounts. These refer to a stocky animal of eleven or twelve hands, hardy, and well able to over-winter on the forest unattended. Wise, in 1863, for example, describes the forest pony as "strong and hardy, living on nothing in the winter but the furze. . . ."² The arguments are too long to enter into here, but various considerations lead me to believe that the breed may have borne a close resemblance to the primitive strain of southern Sweden.

Williamson, Spooner, and other writers of the 1850's and 1860's commented that the breed was degenerating owing to the lack of care in the choice of stallions.³ Whether this was so, or whether such writers were in-

¹ Spooner, *loc. cit.*, p. 227; New Forest Committee, *Report*, 1947, p. 50. The reference to sheep is the last which refers to the extensive use of sheep rights.

² John R. Wise, *The New Forest, its History and Scenery*, 1863, p. 259.

³ Williamson, *loc. cit.*, pp. 236-7; Spooner, *loc. cit.*, pp. 279-80.

fluenced by the late Victorian enthusiasm for "improvement," and the markets which a taller, slenderer animal might find as saddle horses, is open to debate. The introduction of Arab blood was advocated, and Arab stallions were used in the 1870's and 1880's. The visible results were, generally, an increase in height and a tendency to throw a spindly, slender animal. More important, a temperamental strain was introduced, and also the breed lost much of its hardiness and ability to over-winter on the forest without assistance: it was no longer functional in its semi-natural environment. The market for small, quiet colliery ponies dropped, and only the better-looking animals found a market as saddle horses. Light road transport continued to take them, however, until the adoption of the motor-car after the war of 1914-18. After that, trade slumped, and by the mid-1930's outlets could be found only by a minority of large dealers making a wholesale trade at low prices and narrow profit margins. The war of 1939-45 saw a new outlet in the horse-flesh trade, and after 1942 market prices started to rise, a trend which has continued since with the increasing demands for riding ponies.

Certain attempts were made early in this century to "breed back" to the "original" forest pony. In more recent years, the careful choice of stallions has undoubtedly improved the strain, particularly its ability to survive the winter unaided, but it must be admitted that the present New Forest pony retains many defects.

VII

Figures given in 1947 show that the total number of stock on the forest averaged 3,595 head annually during the period 1910-14. In 1915 it stood at 3,200, and in 1916 at 3,130. Mounting market prices after 1917 are reflected in a corresponding rise in stock numbers—mainly cattle—to a peak of 4,550 in 1920. Thereafter there was a steady decline, following falling market prices, until at the outbreak of war in 1939 there were only 1,757 animals on the forest, of which 1,000 were cattle.¹ A particularly serious blow to the smallholder-commoner during the inter-war period was the loss of the farmhouse-butter trade in the face of wholesale imports, mainly from New Zealand and Australia. The importation of Danish bacon was similarly serious. The national trend to liquid milk production appears to have been followed by a large proportion of the commoners. Kenchington, commenting on the effects of the inter-war period on the small commoner, noted that "Cheap corn and cake well suited the grazier, stockman, pigman, and poultry-man side of the forester's agriculture. . ."² The low overheads made possible by the use of the commons enabled the commoners as a class to "get by," the

¹ New Forest Committee, *Report*, 1947, pp. 51-2.

² Kenchington, *op. cit.*, p. 124.

profits of the family holding often being supplemented by work in the growing light-industry zone of Southampton.

In 1940 the stock figure stood at 1,485: 571 ponies and 908 cattle. Thereafter, with rising market prices for heifers and dairy produce—one of the commoners' main lines of production—and the new trade in horse-flesh, the number of stock on the forest rose steadily. In 1946 it stood at 3,082 cattle and 775 ponies.

The period 1944-8 saw the first deliberate efforts to improve the forest grazings. During the inter-war period they had suffered a deterioration into scrub, and with the drive to encourage the rearing of dairy stock it was apparent that some reclamation was necessary. Accordingly, between 1944 and 1948 some 1,000 acres were cropped and finally reseeded, most of the sites having remained in fairly good condition since.¹ The New Forest Act, 1949, provided for further, similar improvements by the verderers. It is beyond the scope of this paper to consider the present rural economy of the New Forest, but it is worth noting, as a reflection of a fairly sound modern pastoral industry, that limited advantage has been taken of this provision. It is, finally, of interest to note that the numbers of stock at present depastured on the New Forest compare favourably with those given in the census of 1884.

¹ D. R. Browning, 'The New Forest Pastoral Development Scheme', *Agriculture*, LVII, 1951, pp. 226-33.

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