

NEWCASTLE LAW SCHOOL AND LANCASTER UNIVERSITY HISTORY
DEPARTMENT

BUILDING COMMONS KNOWLEDGE PROJECT

‘COMMONS STORIES’ WORKSHOPS

A TOOLKIT FOR RESEARCHING THE HISTORY OF COMMON LAND IN ENGLAND AND WALES

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‘COMMONS STORIES’ TOOLKIT

PART 1

AIMS AND OBJECTIVES

CONTENTS

1. Introduction: what we are aiming for and why
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1. INTRODUCTION: WHAT WE ARE AIMING FOR AND WHY

The 'Commons Stories' workshops arise out of a major research project, the 'Contested Common Land' project, undertaken in a collaboration between Newcastle Law School and Lancaster University History Department between 2007 and 2010. It was funded by the Arts & Humanities Research Council, which has now provided further funding to enable us to build up a store of knowledge about common land in England and Wales, past and present. The Contested Common Land project adopted a case study approach, focusing on four areas of common land, three of which (*Elan Valley (Powys)*, *Eskdale (Cumbria)* and *Ingleborough (North Yorkshire)*) were extensive upland grazing commons; the fourth (*Brancaster and Thornham (North Norfolk)*) encompassed lowland commons and coastal marshes, with extensive use of common rights for recreational purposes (such as wildfowling). Reports on the history of these commons will be found on the project website (<http://commons.ncl.ac.uk>) and in the book presenting the project's findings: C. P. Rodgers, E. A. Straughton, A. J. L. Winchester and M. Pieraccini, *Contested Common Land: environmental governance, past and present* (Earthscan, 2011).

The current project, which runs until June 2013, is a partnership between the two universities and the Foundation for Common Land and The National Trust. It aims to create an online 'Commons Knowledge Resource Bank', containing both a comprehensive database of research resources on common land and new material on the history of commons in England and Wales. During the previous project we became aware of the lack of knowledge about how common land was used and governed across much of the 20th century. We also recognised that local communities – especially the older generation of commoners – hold a substantial body of memory for this period in the history of commons. Gathering local evidence about customary practices and uses of common land is a central aim of this project and will supply this deficiency. So, our aim is to provide free advice and resources, and to train commoners and others, particularly local historians, to capture the unwritten history of the commons in the 20th century by collecting oral testimony and relevant documentary evidence from members of their local communities. We are hoping to encourage people to begin new common land history projects in their area, or support those who already have an interest. Research outputs and findings submitted back to our project will be archived in the Commons Knowledge Resource Bank as 'Commons Stories', helping to preserve local memory, and making the oral history of the commons available to community groups, researchers, and stakeholders for the first time, thereby creating a valuable research and cultural resource.

In order to achieve this aim, we are running a series of four *Commons Community History Workshops* in Cumbria, North Yorkshire, Powys and Devon, with a focus on how to research and record the history of your common. The workshops will give commoners and local historians a 'toolkit' for recording the histories of their own commons. The 'toolkit' and associated training materials will be posted on the project website, so that people who were unable to come to the four workshops – and, indeed, people in other parts of England and Wales – will be able to benefit from these resources and carry out research into the history

of commons in their areas. Over the coming months, we hope that people will feel able to send us brief histories of their commons, personal recollections, links to their own common land research outputs, and any other material they wish to share – including images, audio recordings and film clips – for inclusion in the Commons Knowledge Resource Bank.

The key questions we hope that those involved will be able to answer include:

- How was your common used and managed across the 20th century?
- What changes have taken place on the common in living memory?
- Did any cultural or social events take place on the common?
- What rules, whether formal regulations or unwritten conventions, governed use of the common?

The aim is therefore to provide the tools for historical research, so that those with a direct interest in the future management of common land– commoners and other members of the local community themselves – can generate a new body of source material on the history of commons, which can then be archived on the project website. The story of common land is an intrinsically interesting (and often important) part of local history. Moreover, there is currently something of a black hole in our knowledge of how common land was used and managed across much of the 20th century, which the ‘Commons Stories’ project seeks to plug. By doing this, we hope that the project will encourage a celebration and sense of ‘ownership’ of the cultural heritage of common land among commoners and local communities across England & Wales.

We hope that you’ll join us in this task!

Angus Winchester

Eleanor Straughton

Lancaster University, September 2012.

2. HOW WE CAN HELP

Building Commons Knowledge

Over the course of the project year, we will be providing support, advice and research resources to those interested in recording the history of their commons. We will be sharing the expertise we have built up through our own research into common land, and hoping to create a network of common land history projects. You may have your own reasons for conducting research into your local common: you may wish to write a piece for a commoners' association website, or perhaps a local history magazine, or an information panel for the common, or perhaps you are a local historian with a research interest. We hope our resources will be useful for a range of people and purposes.

In return, you can help us by contributing histories, testimonies and materials towards our online 'Commons Knowledge Resource Bank'. Essentially, we are hoping that you will compile a brief history of your local common – a 'Commons Story' to be placed alongside others from all over England and Wales, recording how the common has been used and managed in the past. In order to achieve this, this 'toolkit' aims to help you to:

- plan and organise a well-defined and limited piece of research in order to attempt to answer a series of specific Research Questions (see below).
- record the memories of older people about the common, in order to capture something of the unwritten history of common land in the 20th century, which is in danger of being lost.
- explore a limited range of documentary and archive sources, which may involve a visit to your local record office.
- write up your research in the form of a brief report and to submit this for posting on our project website (<http://commons.ncl.ac.uk/>).

You do not have to commit to starting up a common land history project or writing a 'Common Story' in order to come to our workshops – you are very welcome to use our resources for your own 'commons' interests – but it would still be helpful if you let us know which commons you are working on, and any 'commons history' outputs which you think others might like to be aware of (for example, we can make a link to your local history website).

Ways of working.

Before you embark on a community common land history project or begin compiling a 'Commons Story', please give some thought as to how you would prefer to work. We

envisage an array of possibilities, depending on whether you like to work as part of a team or individually. Consider how you would feel most comfortable: working individually would allow you to take full responsibility for the tasks in hand and having the satisfaction of 'ownership' of the material you create. Working as a group might enable the community to share tasks, build a sense of collective ownership and allow individuals to concentrate on those aspects of the research which particularly interest or suit them. Possible arrangements include:

- Working as a group, perhaps as part of a Commoners' Association or a Local History Society
- Forming a working partnership between commoners and local historians
- Working as an individual researcher, carrying out interviews and documentary research yourself
- Recording and contributing your own memories, independently of others (this could be an option where no one else is able to be involved and you do not have the time to carry out interviews or documentary research).

Deadlines.

Our project runs until the end of June 2013 and we hope that an important part of its legacy will be the 'Commons Stories' submitted by commoners and local historians across the country. In order to ensure that your 'Commons Story' is included on the project website, please submit it to us as soon as you are ready to but **no later than 31 May 2013.**

3. SUGGESTED RESEARCH QUESTIONS

You may have your own particular interests in the history of your common, and these will shape your research. Our project is particularly interested in the changes that people have seen on their common, and the local experiences and knowledge that has gone hitherto unrecorded. We would therefore be interested in the answers to three broad questions, tracing the story back as far as possible. This may be no further than the limits of living memory but earlier evidence would be very welcome. The following sets of bullet points are provided as triggers, to prompt memories when you are talking to people in the community and to provide a checklist of topics when you are interrogating historical records.

1. How was the common used and how has the use of the common changed?

This is the central question. Common land has been used for a wide variety of purposes across the centuries and its use has varied greatly from place to place. Grazing, field sports and outdoor pursuits have been the main uses of upland commons; dog-walking, riding and blackberrying some of the uses to which lowland patches of common land have been put. Some commons have been used for military purposes; others for social events, such as fairs. What activities have taken place on your common? How has the use of the common changed? Is it still grazed by livestock? Here is a checklist of uses of common land to act as a start:

- **Grazing:** what types of livestock? How many? Have numbers and types of animals grazing the common changed across time?
- **Other resources** (e.g. peat, bracken, sticks/firewood, berries). Again, have these uses changed over time? If resources such as peat, bracken or firewood are no longer taken from the common, when did they stop being collected? Who took such produce from the common?
- **Field sports:** i.e. grouse shooting; hunting; fishing.
- **Military use.** Has the common been used for military training? If so, when and by whom? Have any military installations been built on the common (e.g. trenches; anti-tank defences; radar masts during the Second World War)?
- **Recreation.** Walking, rambling, rock climbing, paragliding; swimming; bird watching; picnicking. How has recreational use changed?
- **Educational use;** e.g. field excursions for schoolchildren, students and adult education groups (geological, environmental, biological, archaeological, historical)
- **Social events.** Were any organised (or impromptu) social gatherings held on the common, such as fairs, sports days, shows? If so when and for whom?

Who used common?

Another way of looking at this broad question is to ask *who* might be encountered using the common. How many of the following categories of people might have been encountered on the common in the past? How have the numbers in each group changed over time?

- **Graziers:** were these local farmers or people from further afield? Were paid herdsmen employed to look after livestock on the common?
- **Sportsmen**
- **Other members of the local community:** in what capacity? (perhaps as picnickers or as poachers – or lovers!)
- **Military personnel**
- **Tourists:** where did they come from (local towns; elsewhere in UK; overseas)?
- **'Outsiders',** in the sense of people on the margins of mainstream society; for example: travellers (gypsies, tinkers, new age travellers); tramps; etc.

2. How was use of the common regulated?

Were there rules governing how the common could be used? If so, what were they?

- How were the numbers of livestock grazing the common regulated?
- Were there seasonal restrictions on grazing (a 'closed season', for example)?
- Did each commoners put his or her animals on to a particular section of the common?
- Were there rules governing the exploitation of other resources (peat, bracken, sticks etc)?

What institution(s) drew up the rules regulating the use of the common? One of the big questions which this project is hoping to answer is who actually regulated common land in the period c.1850 to c.1970. There are several possibilities (not necessarily mutually exclusive):

- **Manor court.** Before c.1800, the manor court was often the main body which drew up rules governing common land. Many manor courts had faded away by 1850 but some survived until modern times (a few still survive and oversee the use of commons).
- **Parish council.** Sometimes the parish vestry or (after 1894) the civil parish council gained (or assumed) the power to regulate common land.
- **Local commons committees.** These took two forms:
 - **Commoners' association or meeting:** an informal body in which the commoners themselves got together to manage common land. Some (such as the stinholders' meetings found in parts of Yorkshire) can be traced back to the 19th century; many more commoners' associations were founded to

help commoners deal with the requirements of the Commons Registration Act 1965.

- Conservators acting under statutory powers. Some local committees had their origins in acts of Parliament, either general acts such as the Commons Act 1876 (which allowed boards of conservators to be established to make rules governing the use of commons) or local acts specific to a particular area (such as the Malvern Hills Act 1884).
- Informal arrangements. On some commons there appear to have been no formal body in charge. Presumably those with interests on the common came to informal agreements on how to regulate its use. Sometimes there are hints by the mid-20th century of a power vacuum, leading to a free-for-all on the common.

3. How has the common itself changed?

Environments change over time, though the rate of change is sometimes imperceptibly slow. What we are interested in here is how local people perceive the rate and nature of change on the common. The Foundation for Common Land, which is a partner in this project, is particularly interested in this question. We should like you to gather perceptions under three headings:

- ***Vegetation change.*** How has the vegetation of the common changed in living memory? Conservation bodies have expressed concern about the deteriorating ecological condition of many commons (the various agri-environmental schemes, such as ESA and HLS and (in Wales) *tir gofal* and *Glastir*, are attempts to rectify this). Do local perceptions, particularly those of older residents, stretching back 50 or more years, confirm this view? Is it possible to chart vegetation change back beyond living memory, using old photographs, for example?
- ***'Infrastructure'.*** By this we mean the whole array of features built on or over common land, including roads, footpaths, sheepfolds, shooting huts, military buildings, benches, signposts, signs, lighting etc. Which of these features are found on the common you are studying? Is it possible to give approximate dates to when they were built, and to establish by whom they were built and why?
- ***Looking to the future.*** Much contemporary debate about land use and environmental policy focuses on the concept of 'sustainability'. We would be interested to hear the views of commoners and other local residents on how they see the common changing in the future. Do they think the common will be in a better or a worse condition in, say, twenty years time?

4. HOW TO BEGIN YOUR RESEARCH

A common land history project is essentially an exercise in gathering local knowledge, particularly from people who have known the common in question over many years. In seeking answers to the Research Questions listed above, there will be no substitute for capturing the memories of the older generation. If possible, you might also like to investigate relevant written sources, not only formal records such as the Registers of Common Land but also any local records about the common which may survive in private hands. One of the subsidiary aims of the project is to establish more clearly the nature of the surviving archival heritage concerning the history of common land.

Starting points

We suggest that you go to some of the formal records first, to establish some basic factual information about the common.

- **Common land website.** A good starting point for commons in England (but not, sadly, in Wales) is provided by the 'Common Land in England' website, which provides a searchable database of all registered commons and gives some basic information. Go to <http://common-land.com/> and enter the name of the civil parish in which the common you are studying lies in the box beside the 'Search Land' button. (More – see Part 3 of this toolkit)
- **Commons Register.** The Commons Registration Act 1965 required all rights claimed over common land to be registered. The resulting registers, held by the Commons Registration Officer in each local authority, provide full details of modern property rights on common land (More – see Part 3 of this toolkit).
- **Commons Commissioners' decisions.** Where provisional registrations made under the 1965 Act were subject to challenge, the Commons Commissioners took evidence and adjudicated. Their decisions (available online at <http://www.acraew.org.uk/index.php?page=commissioners-decisions>) often contain a wealth of information about the history of common land where registrations were challenged. (More – see Part 3 of this toolkit.)

Research in the local community

Having established the basics, you will be ready to flesh these out from local sources, which fall under three headings:

- Your primary resource will almost certainly be **local memory**, the wealth of knowledge held in the memories of those who have known the common over many

years. A major part of your research will therefore be finding appropriate ways to capture local memory and oral testimony, drawing on (and perhaps recording) the memories of older residents. For [more](#) on capturing local memory see Part 3 of this toolkit.

- Check to see whether relevant **documentary sources** survive, either in your local county record office or in private hands. Manorial and parish records, maps and plans may yield relevant information. Try to ascertain whether any records of informal commoners' meetings/associations survive – if they do, these will probably be the most informative documentary source. For [more](#) on documentary archives, see Part 3 of this toolkit.
- **Photographs**, which will probably mostly survive in private hands, may yield evidence of activities which took place on the common (whether the mundane, such as picnicking or blackberrying, or the exceptional, such as fairs) and may also provide a way to explore the changing face of a common across time. Early photographs may enable you to extend information about the character and use of the common back beyond the limits of living memory. You might attempt a 'then and now' comparison between early photographs and contemporary images.

Once you have gathered as much information about the history of 'your' common as time will allow, we hope you will draw it together into a report presenting information about each of the Research Questions in turn. You may find that there is little to say about some of the questions – that's fine; no two commons are the same!

5. SUBMITTING YOUR FINDINGS

Once you have completed your research, we invite you to send us a Commons Story for the online Commons Knowledge Resource Bank. If you would like to submit some or all of your outputs and findings to the Resource Bank, you will be helping us to increase the sum of knowledge about the common lands of England and Wales and to raise awareness about the heritage and culture of common land. Your material will be of benefit to a wide range of people.

When you are ready to submit your findings, please follow the guidelines spelt out in [Part 4: Submitting Material to the Building Common Knowledge website](#).

If you are unable to contribute a Commons Story, or submit other material, you can still get in touch. You may simply wish to tell us that you are already working on an existing common land history project, or that a new project is underway. Please let us know which commons you are working on and what you hope your outputs will be. We might be able to

put you in touch with similar projects. You may also like to send us links to your websites, or let us know of publications, community displays etc, where your common land research has featured.

How to contact us:

Please contact us by emailing either Eleanor Straughton at e.straughton@lancaster.ac.uk or Angus Winchester at a.winchester@lancaster.ac.uk. If you would like to write to us, our postal address is **Department of History, Lancaster University, Lancaster LA1 4YT**. Angus Winchester's telephone (direct line) is 01524-592559 (but please note that he will only be available by phone on one or two days each week). Urgent messages may be left for us with the administrative team in the Department of History (tel: 01524-593155).

Good luck!

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‘COMMONS STORIES’ TOOLKIT

PART 2

COMMON LAND: BACKGROUND

CONTENTS

1. What is Common Land?
2. Key Historical Themes
3. Further Reading
4. Glossary

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1. WHAT IS COMMON LAND?

1.1 The Extent of Common Land

Over 500,000 hectares of common land exist in England and Wales today, accounting for some 4% of the land area. Much of this land is marginal in character, comprising mountains and moorlands, coastal strips, wetlands and marshes. These landscapes have historically been, and continue to be, of vital importance to commoners and rural communities, and are of exceptional conservation value. Though seeming 'wild', they have a long history of land use and regulation. In addition, some of our most iconic surviving commons are urban, providing much-needed green spaces in our towns and cities.

Pockets of common land survive in almost all counties and boroughs of England and Wales – everyone can potentially find a parcel of common land within reach which is worthy of study. However, common land is concentrated in key areas, particularly the northern uplands (for example, Cumbria and Yorkshire have 31% and 21% of England's common lands respectively) and the South West uplands of England. In Wales, there are high concentrations in the Brecon Beacons, around Snowdonia, and the Gower peninsula. Significant woodlands with common rights include the Forest of Dean (Gloucestershire), New Forest (Hampshire) and Ashdown Forest (Sussex). Coastal commons can be found as far apart as North Norfolk and the Solway Coast (Cumbria).

1.2 The legal status of Common Land

In general terms, common land is land which is owned by one or more parties, over which others have common rights. Much of the common land which survives today was historically deemed 'manorial waste' or 'common waste' – the open, uncultivated and unimproved lands of a manor. Other commons surviving today were originally royal forests, reserved for hunting. Only those lands which were registered as common under the Commons Registration Act 1965 are considered legally common today, though there are exceptions.

1.3 Who owns common land?

There is a general misconception that common land is owned by nobody or, conversely, everybody; in fact, common land is privately owned. A system of property rights which can be traced to the thirteenth century – confirmed by the Statutes of Merton (1235) and Westminster II (1285) – vested ownership of the soil of a common in the lord of the manor, subject to commoners' rights to its products (see below). Whilst some commons are still owned by lords of manors today, others may be owned by private individuals, institutions (e.g. parish or borough councils), charitable trusts (e.g. The National Trust), or the Crown. In some cases, the identity of the owner is unknown. The Common Land Register gives the name of who, if anybody, claimed ownership at the time of registration, though this

information may now be out of date. The owner of common land generally has rights to extract soil, stone and minerals, and rights to kill game on the common (sporting or shooting rights).

1.4 Common Rights

A common right is a right to take or use the natural products of another person's soil. Common rights give individuals different levels of access to common land depending on the nature of the right and the means by which it is limited or quantified. The principal classes of common right are:

- Pasture: a right to graze animals
- Turbary: a right to cut peat or turves
- Estovers: a right to take woody material or vegetation (e.g. bracken or gorse)
- Piscary: the right to take fish
- Pannage: the right to turn out pigs in woodland
- Soil: rights to soil, sand, stone etc.
- Animals *ferae naturae*: a right to take wild animals

The nature of these property rights might vary in detail between different commons.

A common right did not permit the holder to engage in a 'free for all', but only to exercise his or her right as far as was necessary for their own use. Common rights were subject to regulation, particularly to uphold 'good neighbourhood', i.e. friendly relations within the community of commoners. Historically, common rights were generally attached ('appurtenant' or 'appendant') to specific dwellings or fields, and could not be severed, thereby anchoring rights to a resident community. However, some common rights were classed as personal property (rights 'in gross') which could be sold or leased independently of property, showing a looser or more flexible connection between user-community and land.

The quantities of bracken, gorse, stone etc which could be taken were usually governed by domestic need: proportional to the size of the household. Grazing rights might be limited by one of two alternative means: (i) the rule of 'levancy and couchancy', which limited each grazier to the number of animals they could overwinter on the produce of their own land; or (ii) stinting, which put a numerical limit on animals. It was the manor court which traditionally regulated the exercise of common rights, for example, by enforcing 'levancy and couchancy', or by identifying specific areas where an individual commoner could cut peat or bracken. These traditional controls largely eroded over the course of the nineteenth and twentieth centuries, particularly in the wake of the Commons Registration Act 1965, and today, a spectrum of agreements and approaches are implemented by commoners, landowners, agencies and other stakeholders. The Common Land Register lists those who claimed common rights at the time of registration.

2. KEY HISTORICAL THEMES

2.1 Management and regulation: from manor courts to commoners' associations

From the medieval to the modern period, the institution responsible for management of common land in England and Wales was the manor court. The lord of the manor's interests were protected by the presiding steward, with the jurymen and officers drawn from members of the community. The jury dealt with offences presented to the court, levied fines, appointed officers (such as 'pinders' and 'commons lookers'), and issued byelaws or orders for the regulation of resources. The efficacy of a court and the importance given to commons management varied greatly between manors, and the court system is generally believed to have been weaker in Wales than in England. Most manor courts had collapsed by the nineteenth century, though some struggled on into the twentieth, and a handful still operate today.

In the wake of a manor court's decline, the management of common land varied greatly. Some commoners and landowners struggled with an institutional vacuum, while others operated successfully on an informal basis, perhaps holding meetings when matters arose. In other cases, new voluntary institutions were set up, in the form of voluntary commoners' associations, committees or annual meetings, which produced written records such as minute books. Some were formed in response to the Commons Registration Act 1965, which required the registration of all common lands and rights. The actual number of local associations formed in the wake of the manor courts' demise is not currently known on a national scale. There is indeed a general lack of documentary evidence for common land management since the demise of manor courts, and it is often the communities themselves which hold a store of unwritten knowledge and experience, or 'living memory', of how their commons were used and regulated across the twentieth century.

2.2 Land use: from natural resource to green space

Historically, common land provided communities with a wide range of natural resources: pasture for sheep, cattle, horses and geese; and a range of other products used by households, such as peat and turves, bracken (used for thatch, animal bedding and burning for potash), gorse, nuts and berries, soil and stone. Coastal commons might provide reeds and sand, and more specialist products such as samphire. By the twentieth century, many of these more varied uses had fallen away, and grazing had become more specialised – particularly in upland areas – through concentration on sheep. Nevertheless, an older generation of commoners might remember mixed grazing and cutting of bracken; and in some areas, traditional practices are being maintained or reintroduced for conservation

reasons: for example, the grazing of cattle on upland commons in the Lake District, and the cutting of bracken for compost on the Gower Commons in South Wales.

As we have seen, common land was originally deemed to be open 'waste' – the least productive components of the manorial landscape – and of limited use to the lord of the manor. However, methods of enclosure, improvement and land reclamation promised new returns from previously uncultivated land. Piecemeal enclosures were ongoing from the time of the Statute of Merton (1235). However, the greatest impact was made during the era of parliamentary enclosure, between circa 1760 and circa 1860, when vast areas of open arable fields and meadows, and common waste, were enclosed. Common rights were extinguished over some 2.75 million hectares of land – 21% of the land area of England, for example. Parliamentary enclosure was a highly contested process, leading to public protest and legal battles, and leaving a deep imprint on rural society and culture.

By the late nineteenth century, in the wake of widespread losses of commons, and increasing urbanisation, the political ethos began to turn away from enclosure towards preservation of commons. This movement led to the formation in 1865 of the Commons Preservation Society (known today as the Open Spaces Society), which in turn led in 1895 to the formation of a land-holding body, The National Trust, which became a major owner of common land across the country. Some urban commons were the subject of their own acts of preservation and regulation for the benefit of the public, e.g. Wimbledon Common. Thus, the history of conservation and landscape preservation in England and Wales is inextricably linked to the history of common land. More recently, this growing emphasis on public access and recreation culminated in the Countryside and Rights of Way Act 2000, which gave the public a right of access to registered common land and other eligible 'access' lands. A right of public access is a significant and late development in the history of common land, reflecting the nation's affinity for open spaces. Whilst some commons, particularly in urban areas, are now primarily recreational green spaces, and no longer support commoners or active graziers, the popular image of the common as a park or a village green is somewhat misleading: large areas of common land remain in agricultural use, particularly in upland regions of England Wales, and continue to perform a vital role as common pasture and open spaces for rural communities today.

3. FURTHER READING

You may find it helpful to consult some of the key studies of common land, either to provide a wider context to the particular common you are studying or to help you to understand specific aspects of its history. The following is merely a selection of key works.

A good starting point is provided by the report which came out of the Royal Commission on Common Land 1955-1958:

Hoskins, W. G. and Stamp, L. D. (1963) *The Common Lands of England and Wales*, London: Collins

The law and modern issues surrounding common land are laid out and discussed in:

Cousins, E. and Honey, R. (2012), *Gadsden on Commons and Greens* (2nd edition), London: Sweet and Maxwell [the standard work of reference, replacing the earlier edition: Gadsden G. D., *The Law of Commons* (1988)]

Kruse, John (2011), *Common Land: a guide to active usage and exercising your rights*, Preston: The Good Life Press [a brief, popular introduction]

Clayden, P. (2003) *Our common land: the law and history of common land and village greens*, Henley-on-Thames, Open Spaces Society

For an overview of contemporary common land issues, background information and practical advice, you may find Natural England's 'Common Land Toolkit (NE 285)' helpful. This is freely available to download from the Natural England Website:

<http://www.naturalengland.org.uk/ourwork/farming/commonland/default.aspx>

For the history of common land in general, see:

Everitt, A. (2000) 'Common land', in J. Thirsk (ed.), *The English Rural Landscape*, Oxford: Oxford University Press, pp. 210-35

Bowden, M., Brown, G. and Smith, N. (2009) *An Archaeology of Town Commons in England: 'A very fair field indeed'*, Swindon: English Heritage

The importance of common land in lowland England as a resource, particularly for the poor, before it was swept away by enclosure is vividly brought to light in:

Neeson, J. M. (1993) *Commoners: common right, enclosure and social change in England, 1700-1820*, Cambridge: Cambridge University Press

For the regulation and management of common land in the past, the key studies include:

Rodgers, C. P., Straughton, E. A., Winchester, A. J. L. and Pieraccini, M. (2010) *Contested Common Land: Environmental Governance, past and present*, London: Earthscan [charts the history of common land since c.1600 and includes case studies of four commons in Cumbria, North Yorkshire, mid-Wales and Norfolk]

Straughton, E. (2008) *Common Grazing in the Northern English Uplands, 1800-1965: A history of national policy and local practice with special attention to the case of Cumbria*, Lampeter & Lewiston: Edwin Mellen

Winchester, A. J. L. (2000) *The Harvest of the Hills: rural life in northern England and the Scottish Borders, 1400-1700*, Edinburgh: Edinburgh University Press [a study of the governance of common land by manor courts]

You'll find a comprehensive [Bibliography](#) of published work relating to the history of common land in England and Wales on the project website at <http://commons.ncl.ac.uk/>

4. GLOSSARY

Anyone studying common land immediately encounters a host of obscure terms (such as estovers, levancy, appurtenant, beastgate, and so on). The following are some of those you may come across:

Affeeror. The manor court officer who adjusted fines (ameracements) levied by the jury according to each offender's personal circumstances. They usually reduced the level of the fine.

Agistment (also known as *Tack*). The practice of letting grazing land or common pasture rights out for the use of other people's animals.

Amercement: The fine imposed by a manor court jury on those caught breaking the court's byelaws or orders.

Bailiff: The manor bailiff was the officer appointed by the lord to oversee and manage one or more manors.

Beastgate see Stint.

Cattlegate see Stint.

Common in the soil: the right to take products of the soil, such as stone, sand or gravel.

Common pasture: grass land used for common grazing.

Common rights see Common in the soil, Estovers, Pannage, Pasture (Right of), Piscary, Turbary

Common sans nombre: A common pasture right without number but nevertheless usually not unlimited. Pasture rights were often limited by the rule of Levancy and Couchancy (q.v.).

Drift: driving the common to gather together animals grazing there, whether to check them or take them off the common. Also used of a path or routeway for livestock, usually an established route or path from a farm or holding to the common.

Estovers (Right of). the right to take wood and other vegetation (such as bracken, heather, gorse, and rushes) from the common for household needs, repairs and fuel.

Gait/gate see Stint

Grassman see Reeve

Grave/Greave see Reeve

Heaf (also known as: *Heft, Lear, Sheepwalk*). An area of a common or hill grazing associated with the flock of a specific holding which has become acclimatised to this location. The settled flock is said to be 'heafed' or 'hefted'. The system depends on hill breeds with a strong territorial instinct, as the heaf is unfenced. Typical of upland regions of Northern and South West England, and Wales. In Wales the heaf is known as a 'sheepwalk', and in some areas has developed semi-private status.

Levancy and Couchancy, rule of. This provided that commoners could graze as many beasts as they were able to sustain off their own resources over the winter, when grass-growth was too meagre for common grazing.

Pain(e). A byelaw or order imposed by the manor court jury in order to regulate activities within a manor, including the exercise of common rights.

Pannage (Right of). the right to run pigs in woodland, usually to feed on acorns and beech-mast.

Pasture (common of): the right to put livestock on common land. The numbers of animals which could be grazed was usually governed either by the rule of Levancy and Couchancy or by Stint.

Pinder (also known as: *Pounder*). A manorial or community officer with powers to impound stray or trespassing livestock, shutting them in the village enclosure (the 'pound' or 'pinfold') and levying a fine for their release. Sometimes also expected to monitor stocking levels and act as a herdsman during the grazing season.

Piscary (Right of): the right to take fish from waters where common rights apply.

Pounder see Pinder

Profit à prendre. A legal term which indicates a right to take some part of, or the produce of, another person's land. The term defines the legal nature of a common right.

Reeve. A manorial or community officer involved in the managing and policing of agrarian resources and common land. Terms and duties varied between manors. For example, a 'common reeve' was usually appointed to manage and police stock on the common; a 'moss reeve' would police the cutting of peat for fuel. Some manor courts appointed a number of resource-specific officers known as 'lookers': e.g. a 'hedge looker' to check that boundaries were maintained, or a 'peat looker' to regulate the taking of peat.

Sheepwalk see Heaf

Stint (also known as: *Beastgate, Cattlegate, or simply as Gate/Gait*). A 'stint' or 'gait' is a pasture right defined as a fixed number of animals. Thus a common or pasture may be said

to be 'stinted': each grazier holds a certain number of stints, often expressed in terms of 'beastgates' or 'cattlegates' (each giving the right to graze one horned beast on the common). A formula was often used to convert 'beastgates' into rights for different categories of livestock (one beastgate might give the right to graze one horned beast or 10 sheep or half a horse, for example). The stinting formulae vary between commons and pastures.

Tack see Agistment

Turbary (Right of): the right to dig or cut peat or turves from common land.

Vicinage: the right of commoners on contiguous unfenced commons to allow their animals to stray over the boundary without facing a penalty. Sometimes expressed as a common right '*pur cause de vicinage*'.

NEWCASTLE LAW SCHOOL AND LANCASTER UNIVERSITY HISTORY
DEPARTMENT

BUILDING COMMONS KNOWLEDGE PROJECT

'COMMONS STORIES' TOOLKIT

PART 3: SOURCES FOR THE HISTORY OF COMMON LAND

CONTENTS

1. Documentary Sources
2. Local Memory and Oral Testimony

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1. DOCUMENTARY SOURCES

1.1 Common Land Online Database

The 'Common Land in England' website provides a searchable database of all registered commons in England (though, sadly, not in Wales), drawn from the Common Land Registers – you will need to look at the original registers to obtain full information of property rights on the common. To access the basic data on the 'Common Land in England' site, go to <http://common-land.com/> and

- Enter the name of the civil parish in which the common you are studying lies in the box; then press the 'Search Land' button. That brings up a list of commons in or near the place in question.
- Click on the name of a common on the list to access some basic information. This includes very brief summaries of the Ownership and Rights sections of the register; acreage; location; and (important when it comes to consulting the Common Land Register itself), the reference number of the common. This is called 'TVG Reg #' on the website: on the Common Land Register this same number will appear as the 'CL' [= Common Land] number, which is the reference number unique to each common in a county.

Having obtained the 'CL' number and the basic data, you should then move on to consult the Common Land Register:

1.2 Common Land Registers

The Commons Registration Act 1965 required all rights claimed over common land to be registered. The resulting registers, held by the Commons Registration Officer of each county council, provide full details of modern property rights on common land. To find the contact details of the registration office for the common you are studying, go to <http://www.acraew.org.uk/index.php?page=commons-registration-authorities-contact-details> The registers are public documents but you should phone or email to make an appointment before visiting. To save a journey to your county town, it would be worth enquiring locally to see whether copies of the Commons Register for the common you are studying are held locally (by the local commoners' association, if there is one, for example).

The Register is divided into two sections (see Fig. 1), the **Land section**, in which ownership rights over the common are registered, and the **Rights section**, in which common use rights (rights of pasture, turbary and estovers, for example) are registered.

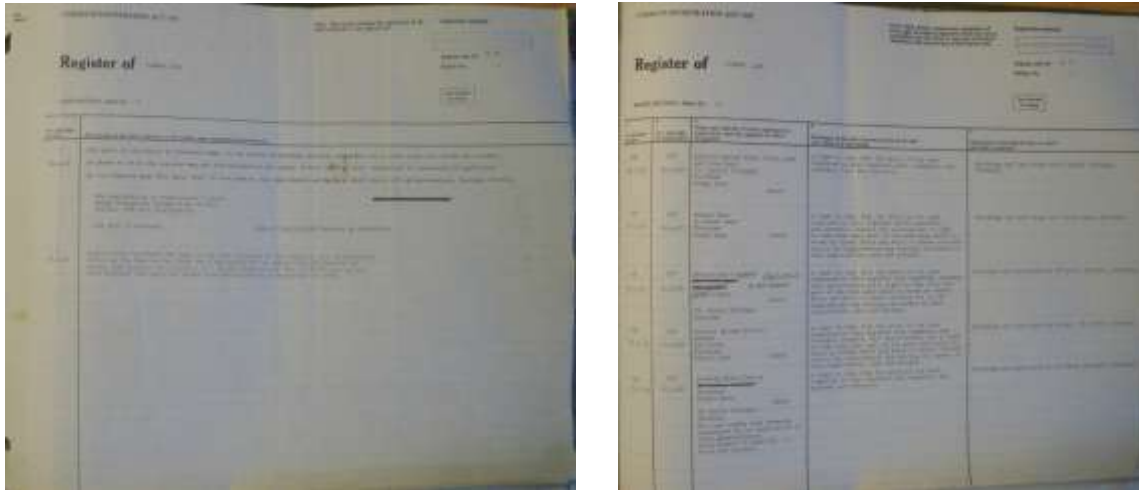


Figure 1: Example of pages from a Common Land Register: Land Section (left); Rights Section (right). Note that the 'CL' number (here called 'Register unit No.') is given below the name of the Registration Authority in the top right-hand corner of each page.

In both Land and Rights sections, each entry is given a number, which is recorded, with the date of registration, in the left hand column. Entries in the **Land section** then give 'Description of the land, reference to the register map, registration particulars etc' – in other words, they define the common, giving its name and referring to the accompanying map which shows its boundaries, and they give the name and address of the person claiming ownership.

Information in the **Rights section** is divided into three columns, as below (Fig. 2):

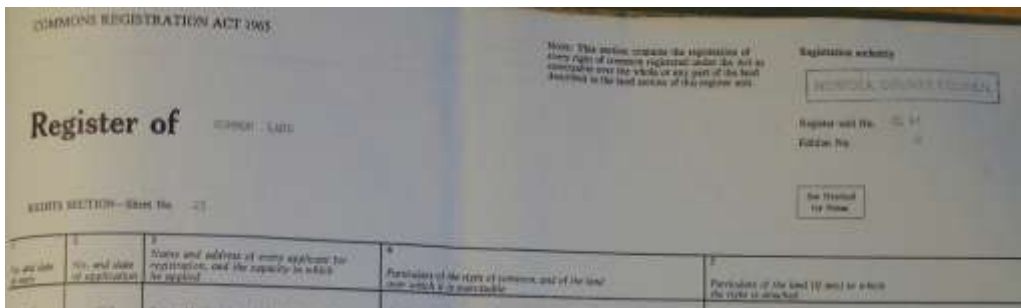


Figure 2: Information recorded in the Rights Section of a Common Land Register

Column 3: name and address of the person registering the right(s)

Column 4: 'Particulars of the right of common and of the land over which it is exercisable'. The class of common right (a right to graze so many sheep; a right of turbarry; a right to take bracken, for example) will be spelt out as well as the area over which it is claimed (usually 'from the whole of the land comprised in this register unit' – i.e. over the whole common)

Column 5: 'Particulars of the land (if any) to which the right is attached'. Most common rights were appurtenant to a holding of land or to a dwelling, details of which will be specified here. If nothing is entered in this column, the common right is presumably 'in gross', i.e. a personal right not attached to a particular property.

Registrations were initially provisional. If unchallenged, they became final and a note to this effect will be entered on the Register. Where a claim was challenged the matter was resolved by the Commons Commissioners, whose decision will be recorded on the Register. As rights changed hands, these changes could be registered, though many were not, with the result that many registers do not give an up-to-date view of ownership of property rights on a common. Many are, in effect, a snapshot of rights as they existed in the late 1960s (the final date for registration was 31 July 1970), amended by Commissioners' decisions, mostly dating from the 1970s and 1980s.

1.3 Commons Commissioners' Decisions

Where provisional registrations made under the 1965 Act were subject to challenge, the Commons Commissioners took evidence and adjudicated. Their decisions are available online on the ACRAEW (Association of Commons Registration Authorities) website at <http://www.acraew.org.uk/index.php?page=commissioners-decisions>. Clicking on the name of the county brings up a list of all the decisions for that county. These lists are arranged by the title of the decision – which is not always easy to use, as an entry such as 'The Quabbs, Llanfair Waterdine' is listed under 'T' for 'The' rather than 'L' for Llanfair (or 'Q' for Quabbs)! Clicking on the title brings up a PDF of the decision (Fig. 3)

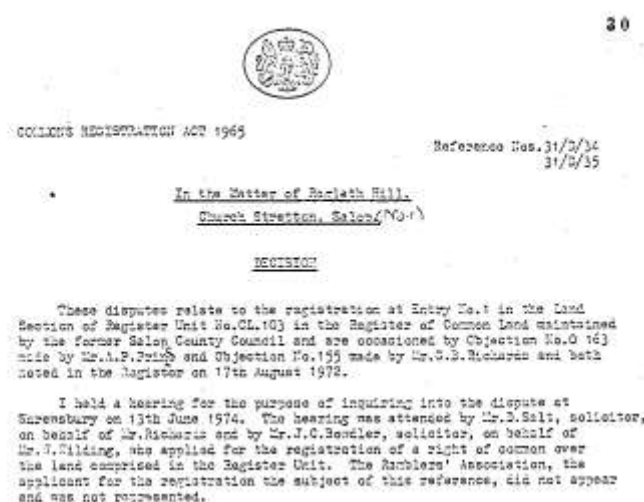


Figure 3: Part of a Commons Commissioner's Decision re Ragleth Hill, Shropshire, 1974

Commons commissioners' decisions vary widely in length and detail, depending largely on the nature of the challenge or dispute being considered. Some are of considerable interest to someone researching the history of a common, as they can contain a wealth of information about past use and property rights on the common. They often include summaries of oral evidence given during the hearing to decide the case, which can be extremely informative. Now that they are available online, it is well worth checking to see whether there are any commissioners' decisions for the common you are studying.

1.4 Rules governing the use of common land

Having carried out the initial research in the three sources described above, you will probably move on to gathering local oral evidence (for guidance, see below). We would also like you to try to ascertain whether any records survive recording local rules governing the use of the common in the period c.1850 to the present day. If you have time (and relevant records survive – which is by no means always the case) you might like to look at these in some detail to see what conclusions you can draw about how use of the common was regulated in the past.

Many historic documents will be found in your local record office or archive centre or in your local studies library. Some counties have more than one record office, so you may need to check which one holds the records relevant to your common. To search for your nearest record office(s), look at your County Council website, and/or visit the national directory of archives covering England and Wales:

<http://www.nationalarchives.gov.uk/archon/>. These sites will provide you with opening hours, contact details and online catalogues, where they exist.

The classes of record most relevant to the history of common land fall under four main headings:

Manor court records. Manor courts were the main bodies drawing up byelaws (or 'pains' as they were often called) to govern the use of common land in the period 1550-1750. The courts declined during the 18th and early 19th centuries and comparatively few continued to meet – let alone to actively manage common land – by 1850. Some did, however. To find out whether manor court records survive from the estate which owned the common you are studying, search the online Manorial Documents Register (<http://www.nationalarchives.gov.uk/mdr/>) or (where the online register has not yet been compiled for the county in question) your local record office. Manor court records contain much obsolete, technical legal language: you'll find a guide to this in the glossary and examples of classes of records on the Cumbrian Manorial Records website (<http://www.lancs.ac.uk/fass/projects/manorialrecords/index.htm>)

Parish council records Parish institutions also sometimes played a regulatory role over common land, and this is more likely to have occurred after a manor court's demise. The full extent of parochial involvement is not known, and whilst the records of one parish may contain substantial information, another parish may make no reference at all to common land. The parish has been both an ecclesiastical and civic unit of administration, and data might be found in a range of records, such as churchwardens' accounts, and the records of parish charities, overseers of the poor, the vestry, and parish councils. Nineteenth-century legislation introduced new parochial bodies (e.g. the Municipal Corporations Act 1835 and Local Government Act 1894) and these too might play a role in common land management or in issues of public access and recreation. Historic parochial records are usually now available for consultation in the local county record office, but some may still be in the hands of the relevant parish church or parish council.

Statutory bodies and local authority regulation of commons. Some commons have been regulated by bodies established under Acts of Parliament, particularly in the later 19th century. Where part of a common was retained as a shared pasture (often a stinted pasture) under the terms of an enclosure award, a local committee was sometimes created to manage this. Other commons underwent schemes of regulation, such as those established under the terms of the Metropolitan Commons Act of 1866, the Commons Act of 1876, or the Commons Act of 1899. Approximately 200 commons were subject to regulation under the 1899 Act. Defra has published an online list of the 36 commons regulated under the 1876 Act:

<http://archive.defra.gov.uk/rural/documents/protected/common-land/1876commonsact.pdf>.

Regulation typically involved the introduction of boards of conservators, public access, schemes of byelaws, and often also stinting of rights. As with enclosure awards, the original or facsimile acts, awards and maps can be found in local and national archive offices. The National Archives (TNA), London, has copies of the majority of awards and also holds files of correspondence relating to regulation. See the TNA online research guide for more information:

<http://www.nationalarchives.gov.uk/records/research-guides/enclosure.htm>. In a handful of cases, boards of conservators were established under local acts specific to a particular area, such as the Malvern Hills Act 1884. In other cases, the local National Park Authority, or the district, borough, county or city council has played a key role in managing commons, often as the result of a regulatory act. You may therefore wish to look at the council or local authority minutes and papers held by your local record office.

Commoners' associations and similar informal local bodies. On some commons (we don't know how many, as no one has yet explored this) informal bodies were founded in which the commoners themselves got together to manage common land. Some (such as the stintheolders' meetings found in parts of Yorkshire – see Fig. 4) can be traced back to the 19th century; many more, often called 'commoners' associations' were founded to help commoners deal with the requirements of the Commons Registration Act 1965 (see Fig. 5).

It would be worth making enquiries locally to see whether any documents recording the decisions and regulations laid down by bodies such as these survive for the common you are studying.

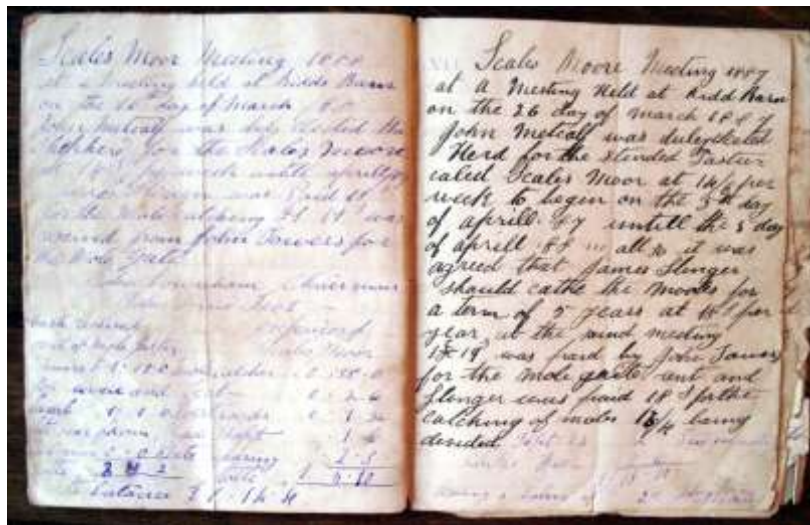


Figure 4: Minutes of an early informal commoners' meeting: Scales Moor (North Yorkshire) stinholders' meeting. This page records minutes from the meetings in 1887 and 1888 – the main business was electing a herdsman and appointing a mole catcher, whose work was paid for by income from letting one of the stints (known as the 'molegate'). This is a remarkable document, shedding light on grassroots regulation of common land.

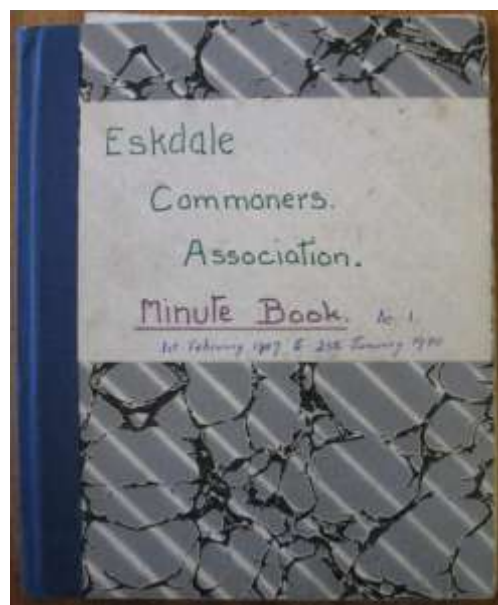


Figure 5: Minute book of the Eskdale Commoners' Association (Cumberland), established in 1967.

1.5 Ministry of Agriculture, Fisheries and Food ('MAF') Files in The National Archives

The National Archives, at Kew, hold numerous state records relating to common land. Indeed, simply typing the name of your common into the TNA website search engine may reveal the existence of documents (<http://www.nationalarchives.gov.uk>). The majority of common land records can be found in the files of the Agriculture, Fisheries and Food departments (MAF files). Thus, for example, the main set of common land files are in MAF 25 (covering the history of individual commons, maps, orders etc.) and general policy files are found in MAF 48. Many files deal with regulation of commons, under various statutes: for example, files relating to regulation of commons under the Enclosure Acts 1845-1899 can be found in MAF 1, with schemes of regulation enacted under the Metropolitan Commons Act 1866-98 in MAF 4; documentation relating to regulation under the Commons Acts 1876 and 1899 (including schemes of byelaws) can be found in MAF 30; and byelaws issued under the Corporation of London (Open Spaces) Act 1878 are in WORK 16. Many more files of papers, minutes and correspondence exist, covering a range of subjects, including improvement schemes, animal disease and public access issues. The National Archives has produced a guide to the common land sources in its holdings, from which the information above is drawn: <http://www.nationalarchives.gov.uk/records/research-guides/common-land.htm>.

1.6 Maps and plans

Maps are useful for establishing the boundaries of a common and for charting some aspects of the changing face of common land. We suggest that you seek out and consult the following categories of cartographic evidence:

Maps accompanying Commons Registers. These maps, prepared under the requirements of the Commons Registration Act 1965, are the definitive maps showing the boundaries of the CL units. They are held with the registers by the Commons Registration Officer for each county.

Ordnance Survey Six-Inch (1:10,560) maps. In most counties, the first edition of these maps were surveyed and published in the mid-/later decades of the 19th century and subsequent revisions provide a series of later editions across the 20th century. Detailed comparison of successive editions of the Ordnance Survey Six-Inch maps can allow you to chart some changes to 'infrastructure' on common land, such as the construction of roads and new sheepfolds. The first edition of the series is available online on the British History Online website (<http://www.british-history.ac.uk/map.aspx?pubid=270>); good collections of later editions are often held by county record offices and local studies libraries.

Maps and plans showing management units (sheepwalks, heafs, for example) on a common. These will only exist for some commons but, where they do, can shed important light on past use and management of common land. They are most likely to survive in private hands or in estate collections or solicitors' papers in connection with disputes.

1.7 Images

In the course of your research, you might find historic photographs, sketches, or paintings of your common, in private hands, or perhaps in local archives, which could shed valuable evidence on how the face of a common has changed. These images might show historic features or activities (e.g. shepherds' meets, sports, fairs etc) or may relate to specific events (e.g. an archived newspaper article).

You may like to take photographs of the common as it is today in order to illustrate your research. In particular, you might wish to take photographs of the general topography and key features such as historic or archaeological structures, sheepfolds, lime kilns, way-markers etc. If you also have historic photographs, you could attempt to produce a 'then and now' comparison.

2. LOCAL MEMORY AND ORAL TESTIMONY

1. Why are local memory and oral testimony important?

One important source of information for the history of common land is the people themselves: those who have used or managed the common over the years. There are likely to be people in the community – particularly older members – with a store of memories, knowledge and experiences, and they may be able to illuminate those periods when documentary evidence is lacking. They may have specialist knowledge which does not appear in the formal record and has gone unrecognised beyond the common. One of the main purposes of our project is to help communities to capture these rich, often hidden, seams of local knowledge and culture, before they are lost. Possible contributors may include commoners, landowners, wardens or conservationists, game keepers, military personnel (where the common has been used for military purposes) and members of the community for whom the common is a familiar place of recreation. You might have memories of your own that you would like to share by writing or recording a personal testimony, or by speaking to someone who can do this for you.

2. What do we mean by capturing local memory?

There are many ways to capture local memory and oral testimony, ranging from informal and anecdotal conversations, to more formal, recorded interviews. You may be most comfortable simply taking notes while chatting to a friend or neighbour who knows the common well, over a cup of tea; you might like to gather a group of people together for a conversation about their memories and experiences; or ask people to note down their own personal recollections. Alternatively, you may wish to work in a way that is more formal or generates more ‘hard’ data, perhaps by sending out a survey with your key questions, conducting recorded interviews with individuals or groups, or by making short film clips of members of the community talking about the common. You will need to decide which of these approaches are most appropriate for you and your community. At whatever level you operate, it is important to respect the rights and integrity of the people you are talking to, to be aware of sensitive topics and issues of confidentiality and copyright, and you will need to acknowledge or credit your source when reporting or presenting material gathered from the community (unless they have requested anonymity – see below).

3. Recording and filming oral testimonies

You may wish to record, transcribe or film conversations, interviews or testimonies, as this means that you do not miss anything that is said and helps preserve the person's testimony for the benefit of others, including future generations. This process requires careful preparation and handling of recorded material, and there are a number of practical and ethical issues to consider. In this guide we give some simple pointers. However, should you wish to carry out recorded interviews, we strongly recommend that you visit the Oral History Society's website (<http://www.oralhistory.org.uk>), read through their excellent online guidance on 'Practical Advice' and 'Ethics', and consult their reading list. We recommend that anyone undertaking an oral history project abides by the Oral History Society Ethical Guidelines, which detail the responsibilities of interviewers before, during, and after an interview has taken place. This will put your work on an ethically sound footing, and make the interview process a rewarding experience for both you and your contributors.

3.1 Recording Equipment

Although digital recordings are preferable, not everyone has access to digital recording equipment. If all you have access to is an old-fashioned tape recorder or dictaphone, these are still better than nothing, provided that the sound quality is sufficient for you to listen back and make transcripts. If you wish to preserve the recording, you will eventually need to have the tape converted into a digital file before it degrades or becomes obsolete. If you have access to a portable digital audio recorder, that would be a more versatile and durable means of recording. Some local historians, local history societies and oral history projects have recorders, so you may be able to borrow or hire one. For detailed technical advice, please see the Oral History Society's 'Practical Advice' page (<http://www.oralhistory.org.uk>). If, after recording your material, you wish to make transcripts, bear in mind that transcribing interviews can take a long time. You can also use a digital film camera, should you have one, to film individuals or groups talking about the common; indeed, you may wish to film people speaking on the common itself. This may be a very effective way of capturing the community's relationship with, and knowledge of, the common. However, you will need to make sure that everyone is happy to appear on film. Bear in mind also that the sound quality may be poorer, and you will need to make sure that the camera is held steady, preferably on a tripod or fixed surface. It would be a good idea to practice first! Whatever equipment you use, remember to:

- Make sure you have sufficient battery power and memory space with you to complete the task,
- Record a short 'test' piece before beginning the formal recording in order to check that it is working, switched on, and at the right distance to pick up sound.
- Make sure you have the informed consent of all those participating (see below)

3.2 Informed Consent

If you are making recordings, films and/or transcripts, you will need to seek the informed consent of contributors for the uses you intend to make of their recorded or transcribed speech. You need to be explicit about what you intend to do, and both you and the contributor will need to sign one or more consent forms at the conclusion of an interview. For example, if you are carrying out this research for your own or your community's use (e.g. for your own research, a community film, or local history website etc), you will need to create a form which explains these uses. A good specimen form is available on the Oral History Society website. In addition, if you think you might submit recorded material to our online Common Resource Bank, then your contributors will need to be informed about the project and sign a copy of our 'Contributors' Consent Form' (a copy is included in Part 4 of this Toolkit and additional copies can be downloaded from our website). For more information, you can direct them to our website <http://commons.ncl.ac.uk>, preferably in advance. As the owner of the actual recording, you or your organisation will also need to give us your consent to make the material available in the Resource Bank. Again, we strongly recommend that you familiarise yourself with the ethics and 'good practice' of conducting oral history interviews, and in particular, read the Oral History Society's Ethical Guidelines and explanation of copyright law and consent. Discussions of copyright and consent forms may seem rather daunting, but they are there to ensure that contributors are fully aware of, and comfortable with, the public use of their comments. If you have any doubts, please seek professional advice.

3.4 Tips on conducting an interview

For detailed advice, please look at the principal oral history text books, talk to local historians who have experience of oral history interviews, and consult the Oral History Society website (<http://www.oralhistory.org.uk>). Here are just a few simple tips:

- Agree a comfortable and acceptable place to meet (preferably somewhere quiet!).
- Make sure you understand your contributors' roles and relationship to the common, and which area of land you are going to discuss with them (it would be a good idea to take an Ordnance Survey map with you to confirm this and to identify specific places and features mentioned during the interview).
- Think about the themes you want to cover. Make a short list of essential preliminary questions (e.g. the contributor's name, date of birth, occupation, and relationship to the common), followed by some simple, thematic questions that you would like to ask over the course of the conversation (you can use our project Research Questions as a starting point – see Part 1 of this Toolkit).
- Before you begin the recording, explain how you are going to conduct and record the interview, and the uses to which the recorded material will eventually be put. If you intend to send material to our 'Commons Resource Bank', please explain the project to them.
- Make sure your recording equipment is working and at the right distance.

- Remember your questions, but allow the conversation to flow naturally, allow the contributor plenty of time to speak, and let them speak for themselves. Don't be afraid to explore unplanned topics or trains of thought.
- At the end of the recording, talk your contributor through the content and purpose of the consent form(s), and give them opportunity to sign; of course, they are free to decline or put limitations on the use of the material.
- Make sure you exchange contact details, so that if contributors have any doubts or queries, they can get in touch.
- Let your contributors know if/when their material is made publicly available (e.g. appears on your website).

4. Privacy and Anonymity

Many contributors will be happy to be named and credited in reports drawn up following informal conversations, or in sound files, films and transcripts, and this is preferable as it gives the information validity and a sense of identity. However, if they wish, contributors can remain anonymous in any publicly available material. As the researcher/interviewer, you will need to keep a record of your contributors' names and contact details, but you can make sure that all the material made public remains anonymous by editing their names out of reports, copies of recordings or transcripts. You may also need to consider the privacy and interests of any third parties who are mentioned during the course of an interview (please see the 'Ethics' advice provided on the Oral History Society website for more information on this - (<http://www.oralhistory.org.uk>)).

5. Using Oral Testimony in your 'Commons Story'

'Secondary' use

You may simply wish to draw on the oral testimonies you have gathered to inform your own research by summarising or quoting speech in the body of your written report. In this case, please make sure you acknowledge your sources (unless they have requested anonymity) in your text. If you have carried out interviews and/or recorded interviews, audio testimonies and made films, etc., then your contributors will need to have given *you* their consent and signed an agreement with *you* to say that you could use their interviews in your research and writing; however, if you are only sending us your own written report then it is unlikely that we would need your contributors to complete a consent form for us. Please do get in touch if you are unsure.

'Primary' use: submitting raw data, recordings and transcripts

If you would like to archive your material in our online Common Resource Bank, alongside other community's memories and testimonies, that would help us build up a body of publicly available 'commons knowledge'. If submitting raw data – oral testimonies as digital

audio files, film files and/or as a written transcripts – for display in the online Commons Resource Bank, please adhere to the [guidelines given in Part 4](#). Your contributors will need to provide their consent for this and your material must be accompanied by a signed copy of our '[Contributors' Consent Form](#)'. We cannot guarantee that all sound/video files submitted will be posted online as there may be issues of sound quality or confidentiality; however, we are aiming to make selected sound and film files available, so if you think you have a good recording/film, and your interviewee is happy for it to go 'live', please do consider submitting it along with your report.

And finally...

If the practicalities and permissions of capturing local memory and oral testimony sound daunting, please don't be put off! People are often very happy to share their recollections, and this may prove to be the most important and interesting aspect of your research, capturing a community's relationship with its common land before this vital source of knowledge and experience disappears. You may well find that you prefer to gather evidence through informal conversations and to make 'secondary' use of it, rather than creating and archiving full oral history recordings.

NEWCASTLE LAW SCHOOL AND LANCASTER UNIVERSITY HISTORY
DEPARTMENT

BUILDING COMMONS KNOWLEDGE PROJECT

‘COMMONS STORIES’ TOOLKIT

PART 4

SUBMITTING MATERIAL TO THE ‘BUILDING COMMONS KNOWLEDGE’ WEBSITE

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1. Submitting your Findings
2. Submitting Audio or Video Material
3. Submitting Images
4. Cover sheet
5. Contributor’s consent form

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Dr. Eleanor Straughton (e.straughton@lancaster.ac.uk)



Department of History,
Lancaster University
Lancaster LA1 4YT

1. Submitting Your Findings

We hope that you will wish to send us your Commons Story for inclusion in the online Resource Bank. When you are ready to submit your findings, please adhere to the following guidelines if at all possible:

What to submit. We hope that your research will have enabled you to provide answers to as many of the Research Questions (listed in Part 1 of this Toolkit) as possible. Please write the answers up in the form of a brief report; short paragraphs under subheadings for each question or topic would be ideal. You may also have images to send us, or audio recordings, films or transcripts. Please note that we cannot guarantee to upload everything you send us onto the Resource Bank (for example, there may be issues of sound quality or confidentiality).

When you are ready, the key ground rules are as follows:

- Please submit your material electronically, if at all possible, sending your report as a Word document (or, failing that, as an RTF file).
- If you are submitting images or audio or video recordings, please follow the guidelines given separately below.
- Please also submit a completed cover sheet, giving us permission to post your Commons Story on our website.
- If you are sending audio or film clips, or transcripts, please ensure that all your contributors (e.g. interviewees) have understood and signed the Contributor's consent form, giving us permission to post these on our website; you will need to send us copies of these forms.

Sending your report:

- *Cover sheet and text* of your report: please send these as email attachments to e.straighton@lancaster.ac.uk
- *Images and audio/video material*: please send on a CD or DVD by post to Dr Eleanor Straighton, Department of History, Lancaster University, Lancaster LA1 4YT
- If you are unable to submit material electronically, please send hard copy by post to Dr Eleanor Straighton, Department of History, Lancaster University, Lancaster LA1 4YT

Deadline: Please submit your material as soon as you have completed your work and **no later than 31 May 2013**.

2. Submitting Audio or Video Material

If you wish to submit raw data collected as oral testimony – as digital audio or video files, and/or as written transcripts – for display in the online Commons Resource Bank, please adhere to the following guidelines:

- your interviewees must have provided their consent for their testimony to be published online, so any raw audio or video material or transcripts **must** be accompanied by a signed copy of our [Contributor's consent form](#) for each interviewee (please send this by post)
- please submit digital audio recordings in a standard digital format (such as a WAV file) and video clips as MPEG files. Transcripts should be sent as Word files if at all possible. **Please send us a copy of your files only, and not the original digital file or transcript.**

We cannot guarantee that all sound/video files submitted will be posted online as there may be issues of sound quality or confidentiality; however, we are aiming to make selected sound and film files available, so if you think you have a good recording/film, and your interviewee is happy for it to go 'live', please do let us know.

3. Submitting Images

You might like to submit some of your images to our online Commons Resource Bank, as freestanding items of interest, or perhaps to illustrate your text. You may simply wish to embed images in your 'Commons Story', in which case please include clear labels and acknowledgement of ownership/copyright. Alternatively, you may wish to send us images separately, in which case, please adhere to the following guidelines:

- Please send digital images as JPEG files (most digital cameras and computers do this automatically) and post them to us on a CD/DVD with your text).
- If you wish to send a copy of a historic/hard image, please scan the images and send them digitally as JPEG files, saved to a CD/DVD.
- **Please do not send us your original images or hard copies.** They will be archived online; hence we can only work with digital images, and unfortunately, we cannot guarantee the safe delivery/return of original copies sent in the post
- Please only send us images that you and/or the owner are happy to see publicly accessible online. So, please remember to seek the owner's permission before copying, embedding or sending an image.
- With each image, please:
 - provide a caption, clearly labelling it with the name of the common and feature shown (e.g. Second World War Radar Station, Barrow Common) and any additional information you think is helpful
 - tell us who took the image (if known)
 - tell us who owns or keeps the image
 - tell us who should be acknowledged with copyright of the image.

‘Commons Stories’ Project

Cover sheet for submitting your findings

Name of Common:			
Parish:			
County:			
CL number(s)			
Acreage [Please state whether acres or hectares!]			
Checklist of what you are submitting:			
<ul style="list-style-type: none"> • Written report [Please tick one box to show the format] 	Word document	Other electronic	Hard copy
<ul style="list-style-type: none"> • Oral recordings 	Number:	Format:	Permissions [please attach]
<ul style="list-style-type: none"> • Images 	Number:	Format:	Permission to reproduce [please attach]
Compiled by [your name]			
Contact details:	Address: Phone: Email:		
I consent to material submitted with this cover sheet being posted online on the ‘Building Commons Knowledge’ website. Signed: _____ Date: _____			

Please complete this form and send it, along with your report on the history of the common you are researching, to e.straughton@lancaster.ac.uk (or by post to Dr Eleanor Straughton, Department of History, Lancaster University, Lancaster LA1 4YT)

BUILDING COMMONS KNOWLEDGE PROJECT

CONTRIBUTOR'S CONSENT FORM

*Interviewers, please print off both pages of this form for your contributor to read and sign, and return **a completed form for each interviewee** by post to the address given below.*

INFORMATION FOR CONTRIBUTORS:

Thank you for agreeing to be interviewed by a local researcher as part of the Building Commons Knowledge project. We are hoping to preserve as many of the recorded interviews compiled during the project as possible, by archiving them online on the Commons Knowledge Resource Bank, and we are therefore seeking your consent to make the recorded material publicly available in this way. Please therefore complete and sign the second page of this form and hand it to your interviewer.

The Building Commons Knowledge Project is a partnership between the Universities of Newcastle and Lancaster, The Foundation for Common Land, and The National Trust, and is funded by the Arts & Humanities Research Council. One of the project's principal aims is to encourage communities to carry out common land history projects and to preserve the 'local memory' of common land. Local researchers' findings, either in the form of historical briefings or original data – such as recordings, films and transcripts – can be submitted to the project for archiving in our online 'Commons Knowledge Resource Bank' on our website (<http://commons.ncl.ac.uk>), if researchers and contributors so wish. The material will then be accessible to the public, and will be of particular interest to other common land communities, stakeholders and historians. The project itself will run for one year (July 2012- June 2013), whilst the resources and material created will remain available online for the foreseeable future. For more information, please see the project website: <http://commons.ncl.ac.uk>.

Please note that whilst in the first instance the material will be archived on our project website, which has the following address (<http://commons.ncl.ac.uk>), and is hosted by Newcastle University, we reserve the right to transfer the material to another appropriate online or 'hard' data store belonging to Newcastle University, the University of Lancaster, or our project partners, The Foundation for Common Land or The National Trust, should this become necessary or desirable in the future.

If you have any queries, please do not hesitate to get in touch via the following address: **Building Commons Knowledge Project, Department of History, Lancaster University, Lancaster, LA1 4YT.** Email: a.winchester@lancaster.ac.uk or e.straighton@lancaster.ac.uk.

**BUILDING COMMONS KNOWLEDGE PROJECT
CONTRIBUTOR'S CONSENT FORM**

Interviewee

Name:.....
Address:.....
Telephone:.....
Email:.....

Interviewer

Name:.....
Address:.....
Telephone:.....
Email:.....

In regard to the interview/s which took place on:

Date/s:.....

Regarding the following common(s):.....

Declaration by the Interviewee:

I confirm that I consented to take part in the recording and give my consent for the recorded material to be made publicly available in the online Commons Knowledge Resource Bank of the Building Commons Knowledge Project, and archived by the Universities of Newcastle and Lancaster and project partners in any other way deemed appropriate for the future.

Signed by Interviewee:

Name in block capitals:.....Date:.....