

## **NEW FOREST NOTES SEPTEMBER 2010**

### **Misinformation and the origin of common rights**

Last month the "Countrywise" television programme featured the New Forest. There was a harmless item on tree-hugging and identification at Foxlease, and an interview with a couple living in a camper van at Verwood "in the heart of the Forest" - but then what is an error of fifteen miles between friends ? However, the bulk of the programme comprised a discussion with the national park's Director of Information and Visitor Services, in which he explained aspects of the Forest's history and landscape development. He was asked how the ponies came to be on the Forest and his reply was that it was to do with hunting. We were told that the Normans responsible for the management of the Forest found it desirable to form and maintain open areas to assist with hunting. Accordingly they created common rights so that the local people could allow their ponies to open up such glades and keep them grazed. Now there may well be some uncertainty about the origins of rights of common in the New Forest, but the one origin they most definitely did not have was as part of some peculiar mediaeval landscape gardening scheme. Perhaps among some Forest people there is an assumption that a gullible public will swallow any sort of nonsense, but it is really rather sad when an organization dedicated largely towards education purveys this sort of misinformation.

There are in fact two longstanding theories as to how common rights came into existence in the New Forest. The first has its origins chiefly in various 19<sup>th</sup> century legal judgements (mostly relating to Epping Forest), in which it was suggested that the rights were granted at the time of afforestation as a measure of compensation for the severe burdens of the Forest Law. Why the victorious Normans should have had such a sudden rush of compassion is not very clear, but the theory happened to suit the Victorian lawyers who were busy trying to dismantle the New Forest and anxious to depreciate the value of the common rights. So far as I know, the evidence for such an origin is at best scanty. David Stagg, who translated many of the early forest documents, including references to payments for pasture, wrote that "these do nothing to settle the old controversy as to whether common rights are earlier than, or consequent to, the establishment of the Forest . . . "

The alternative and more mundane theory is that from the very earliest period of settled agriculture, farmers would turn out livestock to graze the wastelands between settlements. As land ownership and control became more organized, so the customary grazing practices became codified into a system of common rights which were the direct predecessors of the rights we know today. Far from creating common rights, the Forest Law curtailed them, restricting the periods of the year when animals might be turned out and applying other rules. Such an origin was favoured by the late professor W.G.Hoskins (former president of the Dartmoor Preservation Association), who demonstrated it by reference to the Kentish Weald. It probably has a good claim to acceptance in the New Forest and perhaps in royal forests generally.

The next question and one which, perhaps fortunately, the Director of Information was not asked directly, is "where did the ponies come from ?" , assuming that they were not

in fact produced out of nowhere to fulfil a glade-creating destiny. Back in March I attended a fascinating lecture in Dulverton, given by Dr.Sue Baker, an authority on native horses and, incidentally, a one-time resident of Bartley. She now concentrates on Exmoor ponies. According to her, all native ponies share a common equine ancestry, established in Britain by 12,000 BC and well before the separation from the continent. The distinctive local breeds eventually developed more or less in isolation from each other, but in some cases much modified by the intervention of man. It is therefore reasonable to assume that the New Forest ponies were here long before the Forest. The discovery of pony shoes on Roman sites here is a much-quoted, although not necessarily very convincing, piece of evidence for the antiquity of the breed.

### **Acorns, hay and the pony market**

Like most sectors of British agriculture, the New Forest's system of open grazing goes in for periodic bouts of pessimism. The collapse of pony keeping and the total abandonment of the Forest by its commoners are then confidently foretold. In fact such prophecies of doom have become less frequent in recent years as single farm payments have soothed the empty pockets of farmers across the country and stewardship money has provided a bit of (thin) icing on the cake in the case of New Forest commoners. Now, as the single payment scheme nears its end in 2012, things are once again beginning to look bleak. Small farmers everywhere in Britain are looking hopefully to the fabled militancy of their French counterparts to bludgeon the European Union into allowing a replacement subsidy. In the Forest there is as much ground for pessimism as anywhere. Hay, which last year was selling for £2.50 a bale delivered or less is now £4 or £5 depending on quality, as a result of this summer's prolonged drought. Farmers have been desperately moving cattle about chasing the last blades of grass and praying for an early start to the autumn grass flush. The Forest grazings, where feed held up remarkably well until early August, was also under pressure by the end of the month, when finally the rain arrived. On top of all this there appears to be a very heavy acorn crop in most places, potentially threatening a high rate of poisoning amongst ponies and cattle. The pannage season (when pigs may be turned out to eat acorns) has been fixed rather earlier than average. The dates are 18<sup>th</sup> September to 21<sup>st</sup> November, and if the promise of a heavy acorn crop is fulfilled, we shall no doubt see applications for an extension. I am not convinced that the small number of pigs at pannage these days really achieves a great deal in saving ponies' lives. It was different years ago when the pig numbers could exceed a thousand in a heavy mast year.

Finally there is the big question mark hanging over pony prices this autumn, not least because of the national recession (ponies are a luxury commodity for most people) and the high price of feed. This month sees the first foal sale at Beaulieu Road. If prices are good, more foals will be weaned and sold and a little cash will be recovered with which to pursue scarce feed for retained stock. On the other hand, a crash in foal prices would put serious strain on the system, with the spectre of unwanted colts having to be destroyed becoming, once again, a real possibility.

No doubt the Forest will pull through (it always does), but the sort of uncertainties which face agriculture generally, hit marginal systems of farming such as we have in the New Forest both harder and faster than elsewhere.

### **Ticks**

Although not one of the most pleasant sights of the New Forest, the views of very pink and often over-ample bodies of sunbathing visitors are unavoidable. Such expanses of accessible flesh must be a godsend to the Forest's tick population. How many visitors must return to Birmingham with intensely irritating bites of worse? I always wear wellington boots in the Forest, summer and winter, with a full covering of clothes, yet I am bitten perhaps two or three times a month in summer. One member of my family suffers even worse, with several bites a week and this has continued over many years. This July, for the first time ever, such a bite was accompanied by a large red rash and, as a retired microbiologist, she was well aware of the danger. Antibiotic treatment was started immediately, and when the blood test results came back, they were positive for Lyme disease – the tick-borne bacterial infection first identified in the town of Lyme, Connecticut, in 1975. Fortunately the disease is usually easy to cure if caught early, but if neglected it can result in very serious and sometimes long term illness. I wonder just how many holidaymakers find that an apparently safe visit to the New Forest has had some very unpleasant consequences. If there are any statistics, they are, I am sure, kept well under wraps.

Ticks are not content with their assaults on the human race. The bacteria they carry can cause the potentially fatal disease of "red water" in cattle – a nasty debilitating illness of which one of the symptoms is red urine. It was once thought to arise from grazing wet pastures, but its true origin in ticks has now been recognized. My favourite 19<sup>th</sup> century guide to veterinary medicine describes the symptoms and various remedies then thought appropriate. It concludes by saying: "if a valuable animal be affected, much benefit will be derived from giving port wine, in addition to the eggs and milk." It is a prescription which conjures delightful visions of New Forest commoners with well stocked cellars ready to fight the "moor ill", as it was sometimes known, while fortifying themselves at the same time.

### **The invisible Verderer**

I do not manage to get to as many of the drifts (pony round-ups) as I would like, because this is a busy time of the year for me. The drifts are organized by the Verderers and conducted under the supervision of the agisters. One drift I did attend was at Slufers. On arrival I was approached by a lady wearing a Forestry Commission uniform. She asked if I was there to help, and on my replying no and that I had only come to have a look, she instructed me to keep well out of the way for my own safety and so that I did not interfere with the work. She indicated a nearby clump of gorse where I would cause no trouble and told me that as a member of the public, I was discouraged from attending the drifts for the same reasons.

There are times when being of forgettable appearance can be quite useful, but this complete anonymity was somewhat disconcerting. The lady, who was of mature years, was

only doing her job and doing it in an efficient and friendly manner, but I could not help reflecting that when I first joined the Verderers' Court, she was probably still at primary school. I had clearly made little physical impression on the Forest. Anyhow, I resolved that in future I would wear one of the nice green jackets which were issued to members of the Court last year. Thus clad, any Verderer found skulking around the margins of a drift is likely to be accorded at least the status of a sort of agister's underling.

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