**Glossary**

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| **Animals ferae naturae** | feral, not domesticated |
| **Appendant** | attached to land by privilege of law [generallylinked to land that was used for arable]. |
| **Approvement** | the right of the owner of the soil of a common to inclose any part of the common superfluous to the needs of all the commoners. |
| **Appurtenant** | attached to land by express or implied acts of the parties, usually granted by the owner of the soil ‘appurtaining to a particular holding |
| **Award (Inclosure)** | the final and binding document controlling statutory inclosure or regulation of any, but mainly common lands. The award usually includes details of allotments, boundaries, expenses, adjustment of rights etc. |
| **CL number** | every common in a county is given a unique “CL” reference number under the 1965 Act. |
| **Common Land** | generally [nowadays] manorial waste and other land over which common rights exist. |
| **Commonable** | appertaining to use in common. Commonable animals are those which a right holder may lawfully turn out on to a common. In the case of an appurtenant right the range may be prescribed in the grant. |
| **Contiguous** | where two or more commons adjoin but have no physical dividing boundary. |
| **Copyhold** | a form of customary tenure abolished in 1926 whereby the tenant held his tenement by copy of the manorial court roll, having exclusive possession of their land against the lord of the manor, though the fee simple was invested in the lord. |
| **Custom** | custom may be described as ‘local law’ as distinct from general common law and is the particular law of a locality or manor which has existed from time immemorial [technically predating the start of the reign of Richard 1 in 1189, because the statute of Westminster 1275 was in his reign]. Taken pragmatically as ‘time out of mind’, longer than anyone can remember. |
| **De facto** | something that exists but is not necessarily legally recognised. |
| **De jure** | something that exists by legal right |
| **Demesne** | the land of a manor retained by the lord for his own use. |
| **Distrain** | the lawful extra-judicial seizure of goods including animals. |
| **Dominant tenement** | the land to which the benefit of a right is attached. |
| **Drafting of ewes** | the annual removal of [usually] older ewes and bringing in replacements to maintain a regular age structure in the flock |
| **Enclosure** | a field which has been fenced. |
| **Encroachment** | the unlawful enclosure of part of a common. |
| **ELS** | Entry Level Scheme (part of ES) |
| **ES** | Environmental Stewardship Scheme – a series of funding schemes, managed by Natural England to pay farmers, mainly for environmental benefits. |
| **Estovers** | a right to take tree loppings or gorse, furze, bushes, underwood, heather or fern for fuel to burn in the right holders house, to provide bedding for animals or for the repair of the house, farm buildings, fences and farm implements. Estovers is a term of French origin. The early English equivalent was bote, hence house bote, fire bote, hedge bote etc. |
| **Forest** | land subject to Forest Law under the jurisdiction of forest court which limited hunting and certain other benefits to exploitation by the Crown. |
| **Feoffment** | grant of land in fee, i.e. putting a person in possession. |
| **Furze** | gorse |
| **Gate/Gait****[Alt Leaze or leg]** | a fixed number of animals entitled to graze over a common or stinted pasture. The entitlement may be cattle as in cattle gate [gait], beast or sheep. |
| **Grip blocking** | the blocking of open moorland drains usually on peat. These were put in to provide drier conditions for grazing and are now blocked to retain water for flora and fauna. |
| **Half year land** | land which is occupied, and cultivated in severalty for half of a year with grazing in common for the remainder. |
| **Heafed flock [alt. hefted]** | an upland flock settled on and acclimatised to a recognised part of common grazing by custom and practice. |
| **HLS** | Higher Level Stewardship Scheme (part of ES) |
| **Inbye land** | the enclosed land of an upland farm |
| **In gross** | a right existing independently of attachment to land |
| **Inclosure** | the extinguishment of common and other rights by legal process, by an inclosure award, coupled usually with enclosure of the land into fenced areas. |
| **Lammas land** | land cropped in severalty for hay and opened for grazing in common on Lammas Day, i.e. 1st August. Foreshare rights are related giving a right to take the first cut of grass or graze up to lammas day. |
| **Learing** | see Hefting. |
| **Leet** | see Manorial Courts. |
| **Levant and couchant** | the limitation of numbers of grazing animals by the requirement that they must be maintained on the dominant tenement in winter |
| **Lord of the manor** | one from whom customary tenants held their tenements and to who free tenants rendered dues and obligations. |
| **Manorial court** | private court of the lord of a manor. Formerly there were three such courts, the court baron for the freeholders of the manor, the customary court for customary tenants and the court leet exercising criminal jurisdiction. |
| **Manorial waste** | the unenclosed and uncultivated lands of a manor on which the freehold and customary tenants might have rights of common. Not all manorial waste was subject to common rights. |
| **Mast** | the fruit of the beech oak and chestnut when fallen as food for pigs etc. |
| Mirror rights, [alt split or dual] | an entry on a commons register that is identical to one on another commons register and allows for the rights to be used on both commons. |
| Pannage | a right of common to graze pigs on acorns and beech mast in a wood. |
| Pasturage | the right to use land as pasture. |
| Piscary | a right to fish. |
| Prescription | acquisition of profits and easements by long usage. |
| Profit a prendre | a right to take some part of, the produce or wild animals on land belonging to another. |
| Quasi rights of common | an owner may pasture his own beasts on the common provided the rights of all the commoners have been satisfied. However he may claim other rights ‘pari passu’ with those of other commoners and claim the right to common grazing for the rest of his own land in the manor. Since in theory he cannot be a commoner on his own land such rights are described as quasi rights. Their status is still the subject of discussion. Some have been registered and confirmed under the 1965 Commons Registration Act and became final. Other owners did not register such rights since they were not held by grant. |
| Reeve | official responsible for administration. |
| Regulated common | land controlled by the Metropolitan Commons Act 1866, the Commons Act 1876, 1899 and 1908. |
| Regulated pasture | a pasture owned in undivided shares by the graziers, usually established by an inclosure award. The use is subject to a scheme of management by the stint holders, though the minerals generally belong to the lord of the manor. |
| Royal Forests | large areas set aside especially in Norman times as royal hunting grounds, subject to forest laws. The rights of commoners were reserved to tenants within the forest subject to limitations especially relating to deer. |
| RPA | Rural Payments Agency |
| Sans nombre | a right of common of pasturage not limited by numbers. This effectively disappeared from land covered by the 1965 Commons Registration Act which required specific numbers to be registered. |
| Severalty | exclusive tenure or ownership. |
| SDA | Severely Disadvantaged Area. A specific designation under the Less Favoured Areas Directive of an area of land with severe physical limitations in relation to agricultural production. Disadvantaged Area - a category with less severe natural disadvantages. |
| Shack | a right to graze in common after the harvest of an arable crop in a common field. |
| Sheepwalk | the distinct part of a waste where a hefted flock is established |
| Sole pasture | the right to take a sole profit of pasturage; usually on stinted pastures. |
| Smit marks | woolmarks in varying colours and forms to allow visual identification of sheep from a distance and an aid to shepherding. |
| Stint | stints denote the number and kinds of animals that an individual right holder may graze on a common or stinted pasture. |
| Tenements | land – the term usually refers to a farm holding which may be freehold or from a superior. |
| Turbary | a right of common to take peat or turf for use in the commoners house. |
| UELS | Upland Entry Level Scheme. |
| Undivided shares | land owned collectively by a number of persons each of whom owns a distinct but unidentified portion of the whole. |
| Verderers | a judicial officer of Royal Forest with a particular role in respect of the ‘vert’ or greenery. Other officers may include Agisters who supervise the livestock grazing. Haywards dealt with fencing and supervising the common meadow though the office sometimes carries other responsibilities. The New Forest and Forest of Dean still retain elements of this management and in practice the Verderers may also supervise the grazing arrangements. |