

Notes from Local Interest Group Meeting 25th February 20201

Present: Maureen Lloyd (ML), Dainis & Wendy Ozols, John & Margaret Price, Jenny Francis, Eva Morgan, Haydn & Carol Milward, Heather & Colin Pink, Peter & Margaret Joyce, Cherry & Victor Williams, Sue Ievers, Bronwen Jenkins, Allison Joyce, John & Juliet Lewis, Sylvia Illingsworth, Diana Lloyd, Elsa Harflett, Richard Thomas, Sue & Phil Griffiths, Grace Davies, Ann & Howard Dean, Barbara Lloyd, Roy & Avryl Lloyd

ML welcomed everyone and said how lovely it was to see Spring finally on its way (we hope) with some spectacular snowdrops this year and other spring flowers also beginning to show themselves.

ML was the speaker for the evening and she introduced her subject:

The History of Common Land with particular reference to Ireland Moor.

Mo started by giving us an insight into the history of common land in Wales with special emphasis on our local commons. She admitted to having more photographs of our hill (Ireland Moor) and apologised for a shortage of illustrations of some of the other commons. Maybe without lock-down things could have been different as it would have been possible to get out to commons further afield. She started the talk "at the beginning", ie with the Norman conquest, but said she would also comment on earlier times.



Some of the fine heather to be found on Ireland Moor

Prehistoric people moved from place to place. Then, in the Neolithic era, people started to change from hunter gatherers to more settled farmers. At first, they would farm an area and then, when its production declined, they would move to a new one. They would obviously select the best land available and erect fences/boundaries in order to protect their livestock and crops; these were the first enclosures. Celts, Romans, Anglo-Saxons and Vikings followed and they seized territory, either by invasion or assimilation. However, the real changes came with the Normans after 1066.

In medieval times the King owned all land and gave it to his supporters in return for service. Lordships and Manors were set up by the barons and they in turn had free men and unfree men who, in return for arms, were given land to farm. Gradually more and more land was enclosed, some as early as 12th century. Further enclosures took place in Tudor times.

ML then showed us a map of the Lordships of Wales. The area where we live is in Elfael which the Beauchamp family, who were the Earls of Warwick, ruled. Other lordships were: Bohun in Brecon, Hay and Huntington; and, Mortimers in Blaenllynfi, Ewyas Lacy, Clifford and Maelienith. Although they were the lords, they were mostly absentee landlords and the administration of the manor would have been the responsibility of the steward or other official. The manor courts were a means of making money; the unfree peasants could only use the manor courts, while from the end of the thirteenth century the free tenants were able to use the common law. The courts were used for minor infringements and disputes between tenants, as well as encroachments of the waste and to report any death which would lead to a heriot (a tribute) payable to the Lord of the Manor.

Next ML showed us a map of Wales showing that most of the land is above 600ft (or nearly 200m). In many parts of England during Tudor times there was a lot of enclosure, as many of the common fields were split up to form farms. However, as much of Wales was not suitable for large communal arable fields (because of its height and terrain), there were no early enclosures. Thus, the upland commons of Wales were still an important part of rural life. As the centuries progressed, the Manorial system gradually broke down, although it was not completely abolished until the 1920s. By the 18th and 19th centuries the Manors had been superseded by estates, often built up by people who had made their money, either from the industrialised areas of South Wales or from further afield. Many of them still held court leets in their role of Lord of the Manor, although they would not have owned all the land in the Manor.

In the case of the vast majority of enclosures undertaken before 1836, there is usually an individual authorizing Act. From 1836 onwards the legislation offered blanket authorisation for enclosure by agreement, providing that there was support by the owners of at least two-thirds of the land. From 1845 onwards, Parliament resumed control over the enclosure process through the medium of 'Inclosure Commissioners' (they delegated actual division of land to 'valuers'), who vetted schemes on Parliament's behalf and, from 1852, each enclosure was again subject to individual authorization, though normally as one of a batch presented in a single Act by the Commissioners. There were 5341 enclosures in England and 229 in Wales; the first one being at Radipole, in Dorset, in 1604.

Welsh enclosures were, characteristically, late; over 50 per cent of Welsh enclosures took place after 1840. Radnorshire and Breconshire had a very high concentration in the period after 1850, and Parliamentary enclosure was, to all intents and purposes, a product of the legislation of 1845. These were principally concerned with scraps of land too small to justify the expense of enclosure by individual private Act, or areas of waste of such poor quality that the expense could not be justified. Several in Breconshire and Radnorshire fell into this category.

The area of Wales is 2,064,100 ha or 5,101,000 acres and, in the 19th century, about 10% were enclosed. Most of the Breconshire enclosures were small commons, with the exception of the Great Forest of Brecknock which was nearly 16,000 ha. This is the area around Sennybridge, which led to the establishment of places like Cnewr which farms several enclosed hills. Radnorshire enclosures were generally larger, where several large commons were enclosed. ML showed us the enclosure data for each of the counties and the generally larger size of the Radnorshire commons is obvious.

Breconshire in 1819 – Great Forest of Brecknock nearly 16,000 ha; in 1857 – Cwmdu 58 ha; in 1858 – Llyswen 33 ha; in 1861 – Cathedine 213 ha; and, in 1863 – Bronllys 43 ha.

Radnorshire in 1810- Gladestry (Huntington Hill) 400 ha; in 1812 – Diserth (Upper Elfael & Llechryd Manors) 650 ha; in 1813 – Clyro 800 ha; in 1859 – Boughrood 280 ha; in 1862 – Llandrindod 820 ha (this is the enclosure that saw the establishment of Llandrindod as a spa town); in 1880 – Glaschw 475 ha.

ML went on to show us a graph illustrating the areas of the counties of Wales before enclosure and after. It illustrated that, although the largest county is Dyfed, followed by Powys and then Gwynedd, Powys had far more common land and even after enclosure still had a large area. Some counties like Gwent never had much common land. Common land still accounts for nearly 9% of the area of Wales, 185,363 ha in all recorded by the Commons Registration Act. By far the largest area of common land in Wales is in Powys, with more than twice as much as in Dyfed and nearly three times as much as in Gwynedd in North Wales. In fact, 40% of all of the common land in Wales is in Powys.

The next map showed the commons and village greens in Powys. We could see how many more commons there are in Breconshire and Radnorshire when compared with the other counties. Montgomery has several hills with sole grazing rights rather than commons with multiple rights.

From the beginning of the 20th century there was more emphasis on protecting the commons rather than enclosing them. The Law of Property Act 1925, abolished the Manorial system, including copyhold tenure. This granted public right of access to certain (mainly urban) commons, but also to Crown commons. It also placed restrictions on fencing and other works on common land. In 1965, waste land of the manor was included within the definition of common land. Prior to the Act many grazing rights had not been numerically quantified, rather they had been measured in accordance with the rules of levancy and couchancy, which related to the grazing capacity of the dominant tenement. The Act therefore required many applicants for registration to quantify their rights for the first time.

The Countryside and Rights of Way (CROW) Act 2000 covers mountain, moor, heath and down, as well as all common land. The CROW Act gives right of access to the public for walking but the only animal you can take with you is a dog. However, the dog must be on a lead from 1st March to 31st July to prevent disturbance to birds and should be on a lead if there are livestock about. There is no right for horse or cycle riders unless there are the appropriate rights of way over the common. The 2006 Act, much of which has not come into force especially in Wales, is really a cleaning up act in order to correct some of the errors of the 1965 Act and also concerns the management of commons and the local authorities bringing their registers up to date.

Both common land and village greens were registered in the 1965 Act. Village Greens can be added to the register if they have been used by local people for lawful sports and pastimes 'as of right' (i.e. without permission, force or secrecy) for at least 20 years. Although land could not be finally registered as both common and village green, it was possible to register a right of common over a town or village green. In Powys, only Radnorshire has a village green with rights and that is Broadheath Common, near Presteigne. It has rights for grazing sheep, cattle and horses and is still used for sport, for example trotting races have been held there for many years.

All common land is private property, whether the owner is an individual or a corporation. Historically, the owner of the common was the lord of the manor. Today many commons are owned by local authorities, the National Trust and other bodies for the public benefit, but not all commons offer total access to all comers. Some local commons are still owned by lords of the manor. The Glanusk family (who were the Bailey family, iron masters at the Cyfartha and Nantyglo ironworks near Merthyr) purchased Glanusk Park where they lived, as well as the manors of Builth, Aberedw and Upper Elfael. Although the family now only owns the Glanusk estate, they are the owners of a large number of commons; these would be termed the wastes of the manor. Lower Elfael manor was in the hands of the deWinton family from Maesllwch and, until the latter part of the twentieth century, they owned most of the wastes within it. The Crown owns several hills in

Radnorshire. Again, this probably stems from the old manorial system as several of the manors were kept by the Crown. Crown commons gave right of access to people from the 1925 Act and that probably includes riding horses. The National Trust has been given several commons, including the Brecon Beacons, the Begwys and Abergwesyn. Natural Resources Wales (NRW) owns Rhosgoch Bog/Common. In the last 50 years more commons have been purchased by individuals (see later in notes).

ML then went on to concentrate on the Manor of Lower Elfael, and showed us a map of the Manor taken from the recorded boundary in 1853. In the sixteenth century, the Maesllwch estate belonged to the Vaughan family. In 1771, John Wilkins, a Brecon solicitor, purchased the estate for his son, Walter Wilkins, who was returning from India, having made his fortune in the East India Company. He became Lord of the Manor of Lower Elfael. By 1796, the Maesllwch estate consisted of about 5,500 acres, but not all of that was within Lower Elfael. ML showed us some photos of boundary stones which can be seen on the hill. The boundary between Lower Elfael and Aberedw runs along the spine of Ireland Moor, with Aberedw to the west and Glascwm Clas to the north. The boundary stones in the photos mark the boundary between Aberedw Manor and Lower Elfael Manor. Two of the pictures showed both sides of a Manor stone erected in 1882, recording the deWinton ownership on one side and that of Sir Joseph Bailey on the other. These marked the boundary of ownership, and the graziers' rights would also be subject to their own areas.

We were then shown a map of the local commons or wastes of the Manor, with all those within the Manor of Lower Elfael highlighted: Llandeilo Graban to Glascwm Hills (Ireland Moor); Skreen Bank & Garth Hill; the Begwys; Bryngwyn and Newchurch Hills; Disquiffa; and, Rhosgoch Bog. As Lord of the Manor, the Wilkins/DeWinton family would have the ownership and, therefore, the sporting rights of all of these wastes of the Manor. All these commons were part of the Maesllwch estate. Each common has an identification number. Each grazier would have an entry number (ie a grazier on Ireland Moor may have a registered right RCL11 Entry134 which would define exactly what animals they can turn out and what other rights they enjoy). In the past, all of these commons were used by the Lord of the Manor for the shooting of game birds.

The De Winton family were not supporters of the enclosure movement and so most of the common land around here remained un-enclosed. The family were keen on shooting and employed several gamekeepers on the various moors, which included the Begwys, Bryngwyn, Newchurch and Ireland Moor. The estate also gave employment to local people as beaters, carters, etc. From the late 1860s, the estate kept game books; the gamekeeper was Arthur Sharp, who lived at Ireland. He was replaced in the early 1900s by James Price, who was followed by his son, Ben, who continued until 1947. ML showed us a picture of Ireland house after the Price family left and before it was demolished.

ML next showed us some data from the Maesllwch game books in order to illustrate how important the commons were for game shooting in the late 19th and early 20th centuries:

Red Grouse: Maesllwch Estate game books from 1868 – 1935. In 45 of those years, the average bag was 207 per year, with 611 in 1904, and a biggest day total of 220 on 9th September 1913.

Black Grouse: 52 birds shot in 14 years between 1868 – 1911. One was seen in August 1971 on Llandeilo Hill and 1 male on 16th February, 1974

Snipe: The Maesllwch Estate game books record that several visits were made most years (between 1870 and 1935) to Rhosgoch Bog to shoot Snipe. A total of 1,610 birds were shot over 41 seasons, with the most being 112 in 1871 and 86 in 1910. The most shot in a day was 26 on the opening day of the Snipe season (1st August) in 1902. It is likely that well over 100 birds were often present at Rhosgoch Bog during the autumn and winter in those days. The site was also important for breeding birds as 'considerable numbers', as well as a nest with eggs, were found there by members of the Woolhope Naturalists Field Club on 30th May, 1911.

Grey Partridge: Maesllwch Estate game books record grey partridge shooting on the lands between Llowes and Boughrood for 42 of the years between 1870 to 1935. The average was 309 per season. The highest season's total was 1,157 in 1898.

Pheasant: The Maesllwch Estate game books show a total of 28,558 birds shot over 31 years between 1870 and 1935 in the Wye Valley between Boughrood and Llowes, with the highest year being 3,910 in 1905, and a highest day's total 638 on 4th November, 1905. The highest daily total for Radnorshire was 751 birds shot by 7 guns at Clyro Court on 10th November, 1928.

Woodcock: The Maesllwch game books show that the species never seems to have been common, even in winter, in the woodlands and dingles between Boughrood and Llowes, with just 359 birds shot over 40 years between 1870 and 1935, and no more than 19 in any one year.

Duck: Llanbwchllyn pool would be one of several pools which could be used for shooting duck.

Although the Maesllwch estate farms were sold in 1919, the commons remained in the ownership of the DeWinton family until recent times: Ireland Moor was sold in 1989 to a syndicate for a grouse moor; Skreen Bank was sold to the owner of Skreen House in 1985; Garth Hill was sold to three commoners, C Falk, D Price and R Tyler in 1994; the Begwns were gifted to National Trust in 1992; Bryngwyn and Newchurch Hills were sold to Becky Miles in 2015; Disquilfa was sold to Ari Ashley in 2015; and, Rhosgoch Common/Bog was sold to Nature Conservancy Council in 1987.

Ireland Moor still has a lot of heather and, for the last thirty years or so, has again been managed for red grouse, with partridges now released each summer for shooting. The current owner of Ireland Moor is the Duff-Gordon family, Downton, Kington.



Enjoying the fine views from Llanbedr Hill towards the Begwns and the Brecon Beacons

ML went on to talk about the Graziers or occupiers of the commons. She showed us a notice from a Court Leet held in 1894 which sets out some of the rules for the commoners on the wastes of the Manor of Lower Elfael. It was from this document that most of the rights on the hills from Erwood to Glascwm, as well as Bryngwyn and Newchurch and the Begwns, were registered in the 1965 Act.

In the early 1900s, people continued to drift from the countryside; agriculture had been in decline for many years. There are many abandoned homesteads on the edge of the common where people gave up the struggle to survive on a few acres. The land was amalgamated with other farms to make more economical units. WWI saw an upturn for farming, but it was short-lived. The Maesllwch estate was dispersed in 1919. The 1920s and 1930s proved very hard times for farming. Many farms were abandoned as tenants were reluctant to take on farms. They became covered in gorse, bracken and brambles, etc.

At the beginning of the Second World War, the WarAg made farmers plough up a lot more land in a drive for greater self-sufficiency. Any farmer who could not meet the requirements of the WarAg had their farm taken over by the local committee. Both cattle and sheep production became more intensified, with fattening of younger animals, and lamb replaced mutton on the dinner table. This saw the end of wethers kept on the hill (a wether is a castrated ram). The Begwns and Newchurch Hill, like many others, were ploughed during World War II for potatoes, corn, etc.

ML showed us some photos of Ireland Hill taken in the 1940s alongside a similar view taken in 2020. A hundred years ago the ponies would have been slightly stronger but, from the 1960s, the Welsh Mountain Pony has become more refined. In the early 1900s many hill farms kept a herd of ponies on the hills. These ponies would be gathered in the autumn and taken to the local sales at Huntington, Cwmowen, etc., and those not sold would be returned to the hill for another year. The photos also showed that there are probably more trees now than in the 1940s, both small hawthorns scattered about as well as some in the distance at the top of the Bryngwyn dingle. With fewer animals on the hill over the last twenty years, and warmer winters, there are more trees encroaching especially on the lower slopes.

The next photo showed the cutting of bracken using horses in the 1940s. ML explained that there is a long tradition of cutting bracken on the hill with specific references to it in the Court Leet. The bracken is used for bedding but the cutting also controls its growth, which is useful. The country was very close to starvation by the end of the War so the Government put in place measures to protect both adequate and cheap food for everyone. This began with guaranteed prices for agricultural products, as well as grants and subsidies to increase agricultural production. Farmers were encouraged to increase their stocking rates. One way to do this was to improve their in-bye land, using drainage, fertiliser, etc. Another was more use of their common grazing, while in the last quarter of the century many farm buildings were erected so that both cattle and sheep could be housed.

Graziers have six rights on the hill and ML went on to explain these. **Pasturage** is the right to take grass by the mouths of cattle, sheep or horses. **Pannage** (not on our hills) generally is the right to graze pigs in woodland for commoners; this usually only applies during the autumn when the pigs clean up the acorns, nuts, beech mast, etc. **Estovers** is the right to take wood from land one does not own. This can be: greater house-bote (cut trees to repair buildings); lesser house-bote (firewood); plough-bote timber (to mend ploughs, carts and tools); and, hedge-bote (to repair gates, hedges etc). In addition, this right can include gorse, fern, bracken and heather. Trees can be used for repairs to the home farm and buildings as well as firewood. Bracken is cut and baled for bedding for the animals in the home farm buildings. Gorse may be cut for baking ovens and other fires. In some places, gorse was chopped up and used as a feed for horses. Heather or bracken could also be used for thatching. Of these, bracken is really the only resource still taken from the hill. **Turbary** is the right to take turf or peat for burning as fuel. This was a very important right in times gone past, with peat being the most accessible fuel, along with available wood, both of which could often be obtained from the common.

The Mawn Pools are evidence of the taking of peat on our hill in the past. **Piscary** is the right to take fish from pond, lake, stream, or river, and is not applicable locally. Commoners also have **Rights in the Soil**. In early times, this right extended to metals, including gold and silver, but the inclusion of metals today is probably obsolete. A profit, and a right of common, may only exist if the product is part of the soil. Most common amongst these resources are sand, gravel, stone, clay, marl and earth, with coal occasionally mentioned. Most rights to coal were extinguished by the Coal Industry Nationalisation Act 1946, which vested all coal and rights extraction in the National Coal Board. ML thinks that marl was dug near Painscastle in the 1800s to fertilise the soil.



After the bracken cut on Llanbedr Hill

The public now has a right to roam on the commons, although on grouse moors restrictions can be applied to limit access at certain times, especially nesting time, and also there are ancillary restrictions for dogs. The owners of the hill enjoy their sport, however the hills are the graziers' workplace where their stock keep the vegetation in trim and, in this way, assist in the management of the moorland.

ML concluded by saying that she hoped that she had given us an idea of the history of our local commons. The hills mean different things to different people and we should all try to understand how their previous management (over many centuries) has made them what they are today. Even our local commons, which were subject to similar management for decades, still have their own unique characteristics; no two are the same, and that is what makes them so special.

ML then asked if anyone had any questions. Roy Lloyd (RL) thanked her for her most interesting talk and said that he had learned a great deal from it. He also said that he remembers his father and grandfather telling him that the Mawn Pools above Pig's Tail, where peat was dug, were so deep that the men needed a ladder and a half to reach the peat. Since the peat digging ceased, the area has been filled in with vegetation quite naturally. ML added that the fact that there are so many cart tracks coming from that area shows how busy it must have been. Certainly, Kilvert mentions the peat digging in his diary. RL also said that the gorse that was cut for the baking ovens burned very quickly and so quite a bit was taken off the hill. ML added that this had helped to control the gorse, which can be a nuisance. However, if too much was being removed, the

cutting could be controlled through the Court Leet. Furthermore, you were only allowed to take as much gorse as you could carry on your back; you were not allowed to use carts to carry it away. The Lord of the Manor had great control (usually exercised through his Steward) over the use of the common. The Lords and Stewards were very powerful. The importance of the stewards can be evidenced in the quality of their houses; for example, Upper House in Painscastle and The Cilau were both stewards' houses. RL also said that he remembered the house at Ireland, which ML had mentioned, really well, having been in there many times. It was the gamekeeper's house for many years, but ML did not know when it had been built. It was not a big house and was tucked away amongst the trees in the middle of the plot.

DO asked about the game bird numbers that ML had shown us. These had come from the Maesllwch Estate game books, but there is also a great deal of information about the birds in "Birds of Radnorshire" by Pete Jennings and ML would like to acknowledge the author as his book proved very useful in putting together this talk.

John Lewis asked about the future of shooting up on the hill now that the Powys Moorland Partnership (PMP) SMS (Sustainable Management Scheme) has come to an end. ML said that the PMP is looking for new sources of funding from the Welsh Assembly Government, but that she has not heard anything lately so could not answer this question.

ML thanked Walter deWinton for providing many of the facts and some of the old photos for her talk came from the late Walter Price. She also acknowledged the considerable help that she had received from Claire Lewis, the Commons Registration Officer of Powys County Council. She is most grateful to them all for their invaluable input. She also made use of the "commoners' bible", "Gadsden on Commons and Greens 2nd edition", written by Edward F Cousins and Richard Honey.

We must say a very big thank you to ML for all of the work she had put into producing such an interesting and informative talk for us. We will all now certainly look at Ireland Moor in a different light when we go walking up there and we all have a greater understanding of the management of the hill and the rights of the commoners. Everyone thoroughly enjoyed her talk.

The evening ended with the showing of a short film (from the 1990s), by John Price, about Ireland Moor and its management and conservation, featuring former owners, a commoner (Trevor Lloyd from Upper Lundy) and a very young Iolo Williams, then working for the RSPB. This was most interesting and put some of what ML had told us into context. Many thanks to JP for this.

The next meeting, March 25th, will be a talk on Llandeilo Graban School by Cherry Williams. If anyone has ideas for a future meeting, or anyone wanting to offer to do a talk, please get in contact with ML.