

VENVILLE RIGHTS ON DARTMOOR.

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(Read at Plympton, July, 1887.)

THE word venville takes one back to a time before legal memory extends, which mental phenomenon begins to run its imposing course from the reign of Richard I. Venville is doubtless derived from fines villarum, or the fines of the vils; and to understand venville rights it is necessary to know something of the vil.

To have any idea of a benighted time before legal memory lighted up the darkness of the land, it is needful to use that dangerous compound—the imagination. It is necessary to imagine Devonshire owned and occupied by English settlers, who in groups of small communities farmed in their own fashion those parts of the land that suited their purpose best, leaving the remainder waste. These English had driven out the Celts or Welsh, and they governed themselves according to their own customs and laws. They lived in villages or homesteads, ploughed and cultivated a part of their land, grazed cattle on the rest, and fed their swine on the acorns and mast outside the boundaries of the settlement that they claimed as their own. The most fertile and best lands of Devonshire were held by these communities in common as amongst the members of each community, but separately as between one community and another.

In these modern days—the whole of Devonshire being thickly populated, though it has not been so for a century as yet—it is not easy to realize a state of things when large portions of this beautiful hilly county were waste and thicket, and the richest valleys only were occupied by communities living on the produce of the land on which they had settled. But as Dartmoor is the part of Devonshire on which venville rights are claimed, there cannot be a doubt

that in the time of these communities, all around Dartmoor there were vast wastes with wood and dense thickets, or what our colonists would now call "bush." I have avoided the word forest up to this time, for reasons which I will presently give.

Such communities owning their land in common, known as village communities, still flourish in India and Russia. Before the Conquest they were probably known by their English name—wic; and after the Conquest they are known to legal memory by the Norman name of vil. The Normans of course, as conquerors, imposed their laws on the English, and the vils have disappeared altogether under their rule. Even legal memory is not good enough to say whether the manors or the parishes are the modern survivors of the vils; but there is evidence in favour of the manor, the vils having been granted by the crown to lords of the manor; and the parishes, though now partaking much more of the character of the vil, were instituted by the church, probably at a more recent date than that when the manors were granted to the lords.

Dartmoor goes by the name of a forest; but it is a chace, and not a forest. It is a very common mistake to suppose that a forest must necessarily consist of trees, whereas the word forest has but little to do with trees. It has the same derivation as the word foreign, and means land away from home unappropriated for cultivation, on which wild beasts are hunted, and therefore belonging to the crown. Nearly all forest land being covered with trees, except on the very much exposed parts and the marshes, it has not unnaturally followed that some confusion between forests and trees has arisen. All land belongs to the crown, but some of it has been granted to tenants holding of the crown, practically for ever. Land therefore which is not held by any tenant, unused for purposes of cultivation, but over which the king hunts, is forest. A forest granted to a subject for sporting purposes is a chace. Dartmoor forest, therefore, granted to the Black Prince as Duke of Cornwall, and held by the Princes of Wales as Dukes of Cornwall from that time, is a chace. Long custom however makes it necessary still to call it Dartmoor forest, and it is on this so-called forest that the venville rights are claimed and exercised, and have been exercised for a length of time, that it is hardly an abuse of words to call for ever.

The tenants in venville are said to have the right to take anything off Dartmoor that may do them good except green

oak and venison, or more properly vert and venison. Venison being the food of the great men, and hunting the deer their pastime, the communities of the vils, or villeins, were allowed to retain certain of their privileges on forest land as long as they did not interfere with the deer, or their coverts and pasture. They fed their swine in the forest on the acorns and mast that fell from the trees from fifteen days before Michaelmas to forty days after that time.

When the pony was first introduced neither legal memory nor any other memory can tell; but as the pony has been the great asserter of venville rights, he is above all things the particular representative of the venville tenant. The pony then is the best representative of the venville tenant in the commons, if a pun may be excused, whilst the red deer may be regarded as the representative of the lords. In considering the rights of the commoners on the one side, and of the lords of the forest on the other, the House of Lords, it is true, in the person of the red deer, is prematurely extinct; but the deer has left his forest rights behind him, and a great deal more besides. If he had remained in the purlieus of Dartmoor, where he was born and bred centuries before man appeared on the scene to kill him and eat him, and to scatter destruction on every side, calling it civilization, such things as a convict prison with its ugly enclosures would never have disfigured nature; but he has gone, and the convict has come to our sorrow.

Taking the red deer first, with all due deference, as representing the lords, and the pony representing the commoners afterwards, legal memory will remember the cruel and arbitrary forest laws of the Normans imposed upon the people for the purpose of preserving the red deer for the food and sport of the king and the nobles. There is ample evidence that the red deer was the food of man centuries upon centuries before the days of William the Conqueror. But as industrious man cultivated land and bred sheep and oxen, so idle man—a very superior person—clung to hunting and eating venison; and it came to pass that laws and penalties were required to protect the deer. Many a man has been hung for killing a deer, and other cruel punishments have been inflicted for breaches of elaborate hunting rules instituted for the sake of the chase. In the time of King John the whole of Devonshire was disafforested except Dartmoor and Exmoor, making it evident that before that time all Devonshire was a forest, or rather subjected to the forest laws. There were, however, vills and a considerable population before the time

of King John; the forest laws must therefore have been imposed on the whole county for some particular purpose; and it may be that the Devonshire men of those days objected to being conquered, and, unlike their mild, gentle, and law-abiding descendants now, were a fierce, stiff-necked people. Totnes and Barnstaple were a curious exception to the disafforesting of Devonshire, and as these places to this day are famous for their civilization, it may be supposed they had meekly and wisely bowed their neck to the Conqueror, and had never been afforested with the rest.

The whole of Devonshire having been disafforested with the exception of Dartmoor and Exmoor, the forest laws were still in force in those forests. The well-wooded portions of Dartmoor were full of red deer at that time, as indeed they have been to within a century or so of the present day. These deer harboured near Dartmoor, as they now do near Exmoor, and the chase of them from, say, the woody banks of the Plym across the Moor to the thick coverts on the banks of the Dart would be sport for kings, provided their majesties could ride over Dartmoor at the sterns of the hounds. The legend of Child the hunter, probably founded on fact, is an example of such a chase, begun in sport and ending in grief.

Dartmoor was therefore a forest proper and crown land, under the protection of the forest laws. The red deer had his way there, and was a sort of semi-sacred beast, not to be molested by the vulgar.

The pony is the best representative of the vil, as the red deer is the best representative of the lord, because he is a great wanderer, defies all boundaries, lives out on the moors winter and summer, night and day, and the law of levant and couchant, if there is such a thing, is totally inapplicable to him. For hundreds of years he has ranged Dartmoor at will, asking for no care, no shelter, and no winter quarters; and it is he above all others who has exercised the rights of pasturage for the vils.

Bullocks and sheep have their lairs, and want to be levant and couchant, and taken care of in winter; but no such Norman nonsense affects the pony. The vil therefore, in the person of the pony, claims the right of pasturage, by custom from a time long before legal memory began, all over Dartmoor, without let or hindrance.

There was the forest of Dartmoor, and there were the vils, and there came a time, as has been said, when the forest was granted to the Princes of Wales, Dukes of Cornwall. But

what were the boundaries of the forest and the boundaries of the vils respectively? The vils were granted to lords of manors by the Conqueror and his successors, by right of conquest, the people being their villeins, and the parishes were in course of time formed. Afterwards the boundaries of the forest were defined, and were perambulated; and between these forest bounds so defined and the old vils or manors there was a large space, which has been known from very early days as the Devonshire Commons. The present forest is surrounded by these Devonshire commons, and the Devonshire commons are surrounded by the vils or manors, forming a centre of forest, a circle round it of Devonshire commons, and outside them again the vils. The Devonshire commons were once, without doubt, part of the forest; but not having been included in the perambulations, they have long been considered to be outside the forest. These Devonshire commons, having pasturage generally superior to that in the forest, are of great importance to the venville tenants, whose rights over them cannot be questioned. The forest itself is in Lydford parish, and all the other parishes surrounding the forest have, rightly or wrongly, included the Devonshire commons within their bounds, each parish extending its bounds up to the forest bounds, taking a share, more or less, of the Devonshire commons. Within the parishes there are also parish or manor commons, distinct and outside—taking the forest as the centre—the Devonshire commons, doubtless the old common lands of the vils. But there are no fences, and the bounds are known only by marks and maps.

To return to the pony as affording the best example of the exercise of rights of common, he has ranged the whole forest and the whole of the Devonshire commons at will, and has kept up the rights of the vils all over those extensive tracts of land.

Many disputes have arisen from time to time, as may easily be conjectured, on questions of right, but the right of common has always been maintained. The vils paid a fine for their ancient rights in the forest, which was the fines villarum, or venville. The parishes and manors surrounding Dartmoor were said to be in venville, and the freeholders and their servants had venville rights.

The Duchy of Cornwall, the modern representatives of the grantees of the forest, have divided the forest into four quarters—north, east, south, and west—and have placed a moorman, so called, in charge of each quarter. The

venville tenants turn out their ponies, bullocks, and sheep on the Devonshire commons and the forest; and the ponies in particular graze where they will, on mountain or in dale. And the Duchy exercise the right of drift, not only on the forest, but also on the Devonshire commons; and this right of drift needs some notice.

There are many remarkable peculiarities attending the right of drift on the part of the Duchy, which are of importance to the venville tenants. The name "Duchy" must now stand for the original rights of the Crown on the forest of Dartmoor, as those rights were granted to the Princes of Wales, Dukes of Cornwall. It has been the custom of the Duchy to drive the ponies and bullocks on the moor in the fall of the year, the bullocks on an earlier day than the ponies, to a known customary spot, where the owners are expected to assemble and claim their beasts. The ponies are driven later in the year than the bullocks, because they foal on the moor, are never taken care of, and the foals at their side require time to be strong enough for the gallop over the rough ground in the drift. The bullocks, on the other hand, are calved in the homesteads, and are not turned out until they are strong enough to bear the hard moor life; also as they are taken in for the winter, the drift must take place before they leave the moor. The drifts are driven on different days on the different quarters of the forest; and there being two drifts—a bullock and a pony drift—on each, it follows that there should be eight drifts every year, but sometimes one or more are omitted. The drifts are never regular, and are ordered by the Duchy suddenly, and without notice. Ancient practices have fallen of late years into disuse, and the Duchy stand accused of giving up some of their undoubted rights, and of holding too tenaciously to others of a questionable nature. The right of drift, according to ancient usage, ought to be exercised in the following way:

The Duchy fix a day for the drift without giving any notice whatever to anyone. A messenger is sent very early in the morning, about two o'clock, to the moorman of a quarter, ordering him to drive his quarter, say for ponies, or colts as they are called in drift language. The moorman then proceeds to summon the venville tenants to join in the drift by blowing horns on the tors. There was a particular stone in the western quarter with a hole in it, through which it was customary to blow the horn. This stone, like Cæsar's clay, now patches a wall to expel the winter's flaw, and can

be seen built into a hedge. All the ponies or colts on the quarter, including the Devonshire commons, are then driven from every nook and corner by men on horseback and on foot, and with dogs, to the usual well-known place—in the western quarter it is Merrivale Bridge; and a curious sight it is to see herds of these fleet and sure-footed little animals in a great state of alarm at the unusual uproar of hooting, hallooing, and horns sounding, galloping over the moor all in one direction, giving their manes and tails to the wind. The movement of ponies on the tors and the noise proclaim the drift to all the world; the owners of ponies have been on the lookout as the time of the year approaches, and they proceed to the drift to claim their property. The driving having been completed, and a vast number of ponies of all ages, with the men and the dogs, having been collected together by this time in a state of wild confusion, an officer of the Duchy stands upon a stone—the old traditional stone in all probability—and reads a formidable document, with seals attached to it, to the assembly. That ceremony being performed, owners are called upon to claim their ponies. Venville tenants claim theirs, and go free; others pay a fine for each animal, but no one is considered a trespasser—a remarkable fact that will require some explanation. There is also a charge for night rest of a trifle a head, which is singular, and is supposed to have arisen from the custom of not allowing anyone on the forest at night for fear of the poaching of deer. If an animal is not claimed by the owner, he is driven to Dunnebridge Pound, the Duchy Pound in the heart of Dartmoor, where he is kept for some weeks. If claimed his owner has to pay for poundage and for water; but if unclaimed in a given time he is sold, and the money goes to the Duchy. Some of the old customs, such as the blowing of horns to summon the venville tenants to join in the drift, have fallen into disuse. The horn has not been heard since 1843, and the Duchy now let the quarters to the moormen, who make as much as they can of them, no man's cattle being refused pasturage, either on the forest or the Devonshire commons, which is in accordance with old usage; as all Devonshire men, except those of Barnstaple and Totnes, have the right, though not on the same footing as the venville tenants. There have been disputes and riotous behaviour at the drifts, and things are not as they were. Vulgar notions about money have invaded the places, once sacred to the red-deer, and have driven that royal animal out of the forest.

On each quarter of the moor a special ear-mark is required

for the ponies turned out on that quarter, a round hole on the base or the tip, on the near or off ear, making four distinct marks, with a piece of string tied through. Ponies wander widely, a herd will disappear from one place and appear at another like magic, in search of pasture to their taste, of which they are excellent judges; but the moormen of the quarter claim the fines on the ponies belonging to their quarter, and to a certain extent have them in their charge and under their care.

The dictum of limited common, or common levant and couchant, as a point of law, has not, I believe, ever been tried; nor have any fixed number of cattle per acre ever been laid down by authority. But it is clear, as the pony has no winter quarters, and requires no homestead, it cannot be applicable to him.

The venville rights therefore extend over the whole of the forest proper of Dartmoor, now included in the parish of Lydford, the boundaries of which have been perambulated from time to time, and are marked on the Duchy maps; and also over all the Devonshire commons which surround Dartmoor and are now included within the parishes abutting on Dartmoor. Besides the rights of pasturage, they have ancient rights of cutting fuel, and taking stone and sand for their own use.

The rights of the Duchy are also, of course, very extensive. When Devonshire was disafforested, the forest of Dartmoor, which was reserved, included what are now called the Devonshire commons, and the Duchy has never ceased to exercise rights over them, such as the right of drift, the right of taking stone and quarrying, the right of mining, and the right of cutting turf. The Duchy have also enclosed parts of the forest, taking the best of the pasturage, and leaving the worst for the venville tenants and their ponies. The lives of thousands of ponies have been sacrificed for the want of the snug coombs to be found on the moor, out of the wind, now enclosed. The earliest enclosures and buildings on Dartmoor forest are hardly more than a century old, and they are manifest encroachments, to the detriment of the venville tenants.

There is great danger to the water supply of the principal parts of Devonshire from extensive peat-cutting, let out to strangers, and from enclosing and cultivating on the part of the Duchy.

The existing venville tenants are the descendants of settlers on the land in very ancient days, exercising very

extensive rights over the land as village communities. Their rights are very valuable, and are unimpeachable. They have no desire to disturb the Duchy in any possession of great importance, and they would invite the Duchy to hold the drifts, in conformity with ancient usage, and to summon them to the Duchy Courts to pay their venville rents. It would be a great advantage to them if the Duchy would propound a scheme for the management of the Forest of Dartmoor and the Commons of Devonshire, by which the rights of the Duchy and the rights of the venville tenants and commoners would be greatly protected.

As I have shown that all Devonshire men, having been at one time subjected to the harsh Forest Laws, acquired, on the disafforesting of Devonshire, rights on Dartmoor as a consequence, I ask them, one and all, to join the Dartmoor Preservation Association, to protect their own rights. There is much of very great interest on Dartmoor, and it is a fine field for the exercise of mind and body, where both can run riot.

The Totnes and Barnstaple men are welcome guests, and have never been practically excluded, though the fact of their not having been afforested with the rest of Devonshire, and consequently not having been disafforested when the rights on the forest were granted, has in a curious way excluded them from Dartmoor.