



# The Hidden History of Burrington Ham



## Management of the commons



Burrington was part of the Saxon Manor of Wrington. In 926 King Athelstan granted it to Duke Athelstan, who, in turn, gave it to Glastonbury Abbey on becoming a monk. At the dissolution of the monasteries it passed to King Henry VIII, who sold it to Sir Henry Capel, whose family became the Earls of Essex. In 1726 it was sold to William Pultney, who became Earl of Bath in 1742. It then passed to the first Duke of Cleveland, who succeeded to the manor in 1808. In 1895 the last Duke died, and the estate was sold at auction. A number of lots, including Havyat Lodge, were bought by James Thornton Gibson, who was born in Brighton and lived in Herefordshire. With this lot came the lordship of Wrington and over 1,000 acres of common land, including Burrington Ham.

In 1899 Gibson became unpopular with his tenants by prosecuting Samuel Brown, of Church Farm, Burrington for shooting rabbits on Burrington Ham. In his defence Brown argued that as the occupant of an ancient "auster" tenement on the edge of the Ham he had the right to take rabbits for his own use. He went on to explain that the Ham was overrun with rabbits, and that their numbers needed reducing. The magistrates disagreed, and fined him 3s. 6d. Gibson later prosecuted another local resident, James Virgo, for poaching, and in the following year Brown, Virgo, and two other residents applied for an injunction against Gibson interfering with them in the exercise of their commoners' rights.

A public meeting was held in Burrington to protest against Gibson's actions and he eventually agreed to submit the question of common rights to arbitration. In 1900 a legal opinion was sought from local solicitor, Frederick Wood of Wrington. He concluded that a number of rights seemed to exist, including right to



*Burrington Ham in the 1890s.*

pasture animals on the Ham and take stone for the tenant's own use, but that no clear statement of these existed. In the absence of such a statement the arbitrators recommended that the people of Burrington obtained a provisional order under the Commons Act of 1876.

This legislation made provision for the statutory regulation of common land, and was a reflection of a growing interest in preserving and improving, rather than extinguishing, the nation's surviving commons. It was designed to fill the vacuum left by the decline of the manor courts, which for centuries had regulated many aspects of village life, including the management of common land. For those landowners and commoners who applied for, and were granted, local regulation acts it established a new management framework, including the introduction of "stints" (apportioning a certain number of common rights to each commoner) and boards of "conservators".

In April 1909 Gibson sold his Havyat Lodge Estate at auction, lot 6 being the 1,033 acres of common land on Burrington Ham and Black Down. This was bought by William Wills, 1st Baron Winterstoke, for £2,050. Lord Winterstoke was keen to preserve Burrington Combe and recognised the need to clarify the commoners' rights. To this end he sought a provisional order to better regulate the common land. An inquiry was held by the Board of Agriculture and Fisheries at Langford in December 1909. The question of dealing with the plague of rabbits was raised, and it was said that no fewer than 3,000 had been destroyed in November and December of that year, and it was planned to kill 5,000 by the end of the winter. On the subject of public access to the land, it was stated that Lord Winterstoke was happy to allow access to the general public, as well as locals with commoners' rights, but that some restrictions on activities by visitors would be needed to preserve the beauty of the area.

The outcome was the Commons Regulation (Burrington) Provisional Order Confirmation Act of 1911, which laid down bye-laws and regulations for the better management of the common land. This put the management of the Burrington Ham and Black Down in the hands of elected “conservators”, an arrangement which continues to this day. To regulate grazing by commoners, the land was divided into 2,500 stints, a sheep being defined as one stint, a cow as equivalent to five stints, and a horse to seven stints. The number of stints allocated to each resident of Burrington varied according to the land they owned or occupied. The village National School was awarded eight stints, while some local farmers were allocated over 100.



*The village pound in Burrington close to the edge of the Ham.*

An important purpose of the Act of 1911 was to allow people to enjoy the beauties of Burrington Ham, while protecting it from the damage caused by the increasing number of day trippers who were flocking to the area. The bye-laws and regulations banned swearing, the lighting of fires, camping, and the playing of sports without permission. They also prohibited the unauthorised trapping of birds and animals. In the decades that followed the rabbit population continued to grow, despite the efforts of the Lord Winterstoke’s gamekeepers, and photographs of the area taken before World War II show an area almost devoid of trees. One local resident recalls that when driving at night in the early 1950s his car headlights would reveal a hill side alive with thousands of rabbits. However, in 1953 myxomatosis – a viral disease deadly to rabbits - arrived in the UK from France and the population went into decline. By the 1970s Burrington Ham was becoming covered with trees, scrub and bracken. In recent years goats, cattle and horse have, at various times, been grazed on the common land to strike a balance between open moorland and woodland.



Local residents, Alan Green and Dudley Porch, describe the change from open grassland to the mainly wooded Ham we see today. Alan remembers picnicing and play in the 1940s up on the Ham and enjoy uninterrupted views from Long Rock to the village, counting every house in Burrington. The large resident rabbit population were responsible for maintaining this extensive open grassland habitat. Dudley describes how when driving home at night along the Ham Link, the lane adjacent to the Ham, ‘We would see the Ham moving – it was sheer volume of rabbits moving away as the car headlights shone towards the Ham.’

*Burrington Combe in the early 20th century before the arrival of myxomatosis.*