

Commons of Colonial New South Wales

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This year marks the 190th anniversary of the gazetting of the first commons in New South Wales. It is my intention with this paper to bring these places named 'commons' to your attention, to outline a brief history of commons generally in New South Wales up to federation, and to suggest some ways to go about researching the history of your local commons. Now is an opportune time to begin writing histories of those places named 'commons', and to try and assess what such histories could have to contribute to the debates of our time.

Definition of a 'Common'

So, what is a common? A dictionary definition will tell us that it is

...the undivided land belonging to the members of a local community as a whole ... (and also that it is) the profit which a [person] has in the land or waters of another; [such] as that of pasturing cattle, of fishing, of digging turf, or of wood for fire or repairs."¹

The English 'historical ecologist' Oliver Rackham has traced the historical development of commons in England from early medieval times.² By the early thirteenth century the 'wildwood' landscape had largely disappeared from England, and had been replaced by an intricate mosaic of land-use patterns combining urban, rural and 'waste', or un-used, places. Various sorts of 'protected areas' were developed to manage particular natural resources such as pasture grasses, building timber, firewood, game animals and wild foods. These areas were usually named forests, parks or commons. Over time, local land uses would change and this would be reflected in the landscapes of commons. For example, some wood-pasture commons in northern England became treeless when grazing came to a region; while on the other hand in eastern England during the sixteenth century, a decline in pastoralism was associated with an increase in the tree cover on commons.

A historian of the law of English commons, G.D. Gadsden, in his magisterial work on the subject, can tell us that the first law relating to commons was made in 1235 to prevent unilateral enclosures of common land by the lords of manors, and that early civil actions such as one in 1480 laid down a principal that a commoner who grazed stock on common land was liable for their trespass upon adjacent, unfenced land.³ Three hundred years later, the *Inclosure Act* of 1773 was made to regulate the management of commons and their enclosure. This was the first in a series of laws for this purpose, with other major enactments following in the *Inclosure (Consolidation) Act* of 1801, the *Inclosure Act* of

¹ *The Oxford English Dictionary*, Volume IX, Clarendon Press, Oxford, 1933: 690.

² Rackham, O., *Trees and Woodland in the British Landscape*, London 1976

³ Gadsden, G. D., *The Law of Commons*, Sweet & Maxwell, London 1988. The examples are: *Statute of Merton 1235*, 20 Henry III, c. 4; and Anon, (1480) Y.B. 20 Edw. IV, fo. 10, pl. 10; 17 CBNS 251, n (references in Gadsden: xxxi, xlii)

1845 and the *Metropolitan Commons Act* of 1866¹. Gadsden makes the point that within this web of central authority, local commons continued to be managed by local manorial courts according to local customs. There were also several distinct classes of common land that have their own distinct rules. This regional and functional diversity of commons has, in the past and still today, ensured that certain tensions exist in England between local custom and the standard legal model of a common that Gadsden describes as an 'English Elizabethan lowland manor'.²

By the time of the 1866 Act in England, however, a body of colonial law had begun to evolve that defined, and was specifically directed towards, the commons of New South Wales. The landscape diversity and changability, as well as the tensions between local usages and central authorities that Rackham and Gadsden described in England, seems to have been partly true of New South Wales by that time. Although genealogically speaking, the commons of New South Wales are derived from the commons of England, it is worthwhile noting that commons can also be found in places as diverse as France, Germany, Switzerland, Spain, the Philippines and Japan, as well as most of the Australian states and territories and many other former British colonies including parts of the United States.³ In each place commons have been shaped by local needs and customs.

A Brief Overview of the Historical Development of Commons in NSW to Federation

It may be possible to argue that the first common in New South Wales consisted of the fringes of the settlement in Sydney Cove from which building materials, foodstuffs and living spaces were extracted; or that early reserves such as the Crown Reserve of 161 hectares in the vicinity of Petersham Hill, set aside by Governor Phillip in 1789, constitute commons.⁴ However, the first officially created commons were a series of six areas set aside by Governor King in 1804. These were the Nelson, Richmond Hill and Phillip Commons, in the Hawkesbury district, and the Prospect Hill & Toongabbee, Baulkham Hills & Northern Districts and Field of Mars & Eastern Farms Commons to the north and west of Sydney.⁵

Early in 1805, the Judge Advocate published an "Epitome of the existing Laws respecting Commons, for the information of all concerned", as well as the names of three trustees locally elected to manage each common.⁶ The 'Epitome' derived from the laws "...used in that part of Great Britain called England". It named the Governor as the universal lord of the manor in New South Wales, recognised the feeding of "beasts of the plough, or such as manure the ground" as a 'universal right', a "Right of Common ... inseparably incident to the Grant of Lands", authorised the Governor to enclose commons "provided he leaves ... sufficient for such as are entitled to it", and stated that the interests of the Governor, as lord, and of local residents, as commoners, was to be regarded as mutual, with each able to sue the other for damages. It then set out nine rules regarding the depasturing of stock, digging pits and trenches, and allowing commoners

¹ *Inclosure Act 1773*, 13 George III, c. 81; *Inclosure (Consolidation) Act 1801*, 41 George III, c. 109; *Inclosure Act 1845*, 8 & 9 Victoria, c. 118; *Metropolitan Commons Act 1866*, 29 & 30 Victoria, c. 14.

² Gadsden, *op. cit.*: Chapter 1 *passim*.

³ for more on the international examples, see: Ostrom, E., *Governing the Commons: the evolution of institutions for collective action*, Cambridge University Press, Cambridge 1990, for a sophisticated analysis and argument regarding the role of commons in the contemporary world.

⁴ Norman, L.G., *Historical Notes on Newtown*, monograph, City of Sydney 1963: 1; Campbell, J.F., *The Early History of Sydney University Grounds*, *Journal of the Royal Australian Historical Society*, XVI (IV): 274-276.

⁵ General Order, *Sydney Gazette*, 11(90), 12 August 1804: 1

⁶ Judge Advocate's Office, *Sydney Gazette*, 11(99), 20 January 1805: 1

to graze beasts "on the King's highway". The notice also provided for the appointment of trustees able to make local regulations for their commons.

Only a few new commons seem to have been made over the next fifty years: Sydney Common in 1811, Wallambine or St. Alban's Common in the 1820s and the Wollombi Common about the same time¹. Possibly in line with the general trend in England of enclosing and dissolving commons some of the New South Wales commons also began to disappear. The Prospect Hill & Toongabbee and Baukham Hills & Northern Districts commons were initially made for a limited period of 14 years, and in 1818 they ceased to exist². In the 1820s much of Sydney Common was enclosed within the new water reserve over the Lachlan Swamps, and in 1840 the north-western corner was enclosed for the building of Victoria Barracks and nearby housing in Paddington.³ The 'Epitome' appears to have remained the main legal instrument for the regulation of commons. Even the Wallambine and Wollembi Commons referred to before were only surveyed, but not actually gazetted until many years later.⁴ This may also be the case for other commons made at other places during this period.

In 1847, the *Commons Regulation Act* was passed, the first such piece of legislation in the colony.⁵ This Act was intended to overcome certain deficiencies in the law of the 'Epitome', and established trustees as bodies corporate, confirmed their right to make regulations and enforce them by fines, grant leases and distrain stock. The purposes of commons was defined as "...the use of the settlers and cultivators and other inhabitants of [the] parish or district..." (s. 1), and commoners, as inhabitants of such parishes or districts, were to have the same 'rights and remedies' as commoners in England.

Following the making of this law, commons were subjected to greater attention by the authorities in Sydney. The survey of the Field of Mars Common in 1848 was followed by the granting of title deeds to its trustees in 1849⁶. A similar process of surveying and granting began on other established commons, as did a concurrent process of restricting commonage rights outside of commons. In 1850 the Colonial Secretary published a notice stating that private land owners adjacent to crown land did not have any rights of common over such unalienated lands except within townsites, and in 1852 this was further restricted to towns having a population of less than 1 000.⁷ Between 1854 and 1861, the trustees of existing commons at Pitt Town (formerly Nelson), Wallambine, Ham (formerly Richmond Hill), Wilberforce (formerly Phillip) and Field of Mars published annual accounts, from which it is possible to see something of the workings of a common at this time. For example, between 1853 and 1855, the use of Pitt Town Common changed dramatically from sheep grazing to timber and firewood taking, and the trustees quadrupled their income from £25 to £92.⁸ This formalisation of local commons management and the restricting of commonage rights by the central authorities

¹ General Order, *Sydney Gazette*, 5 October 1811; Proudfoot, H., *The Hawkesbury Commons, 1804-1987*, *Heritage Australia*, 6(4), Summer 1987: 23-25; *Government Gazette*, - January 1841: 177

² *Sydney Gazette* 1804, *op cit.*; see also Figure 14 in Jeans, D.N., *A Historical Geography of New South Wales to 1901*, Reed Education, Sydney, 1972: 83

³ For more on the dissolution of Sydney Common see: Black, I., *The Sydney Showgrounds: a case study of heritage issues*, in Metzke, M., (Ed), *Heritage Conservation: local issues and action: proceedings of the Annual Conference of the Royal Australian Historical Society with Affiliated Societies, Sydney, 6-7 October 1990*, RAHS, Sydney, 1990: 28-41.

⁴ Proudfoot, *op. cit.*

⁵ *Commons Regulation Act 1847*, 11° Victoriae, XXXI, assented to 2.10.1847

⁶ McLoughlin, L., *The Middle Lane Cove River: a history and a future*, Macquarie University Centre for Environmental and Urban Studies, Monograph No. 1, North Ryde 1985: 29

⁷ *Crown Lands - Commonage Rights*, *Government Gazette*, 26 July 1850: 1099; *Commonage Right*, *Government Gazette*, 2 November 1852: 1609.

⁸ *Government Gazette*, 20 January 1854: 164 and 25 January 1856: 241.

to places officially named 'commons' continued through the 1850s. Possibly the use of resources on commons near Sydney was also becoming more exploitative at this time.¹

The *Crown Lands Alienation Act* of 1861 allowed this process of consolidation to turn, after 1865, to the rapid expansion of commons in New South Wales. The first common gazetted under this Act, and also possibly the first common west of the Great Divide, was made at Bathurst in 1865². Within two years, commons were being created at a rapid rate. For example, in December 1867 alone, seventeen new commons were gazetted, mainly on the western slopes and the Riverina.³ In the Sydney area, control of the remnants of the Sydney Common was vested in the Sydney City Council in 1866, and the city boundaries were extended to encompass the common in 1870.⁴ The Field of Mars Common, after several inquiries, petitions and much bitter argument, was finally resumed by the Crown in 1874 and subdivided, with the proceeds of the sales going towards the construction of a bridge across the Parramatta River.⁵

The final three decades of the nineteenth century were a time of expansion of the commons estate in the colony and of consolidating the management of commons. Legislatively, a new *Commons Regulation Act* in 1873 made some changes, notably prohibiting the leasing of commons, and required annual accounts to be published in the *Government Gazette*.⁶ Further changes to the law of commons were made in 1886, when commoner's rights were essentially restricted to pasturage and taking fallen timber and firewood, and 1895, when trustees were empowered to restrict access to common lands by carriers, teamsters, travellers and drovers. All these changes were consolidated in a new *Commons Regulation Act* in 1898. This law governed the management of commons in New South Wales until its repeal by the present *Commons Management Act* of 1989.⁷ Commons continued to be made across the colony under *Crown Land Alienation Act 1861*. They were categorised as permanent, temporary or pasturage commons, with each having their own distinct characteristics and rules.

An example of the general pattern of making post-1865 commons is Wellington Common. A Permanent Common of 268 hectares was gazetted in December 1867 between Wellington town and the Macquarie River.⁸ In February 1868 a Temporary Common of two parts, one of about 3 750 hectares and the other of 1 164 hectares, was gazetted adjoining the river, town and Permanent Common. At the same time the commoners boundaries were defined - that is, those "freeholders and householders" mainly living within the "reserve of account of population of the town of Wellington" were recognised as having rights to use the commons.⁹ This was followed by the

1 for example, see McLoughlin, *op. cit.*, for a discussion of Field of Mars Common.

2 *Government Gazette*, 10 January 1865: 69

3 *Government Gazette*, 6 December 1867: 3304

4 Black, *op. cit.*: 30-31; *Sydney Boundaries Amendment Act 1870*, 33° Victoria, IX, assented to 20.4.1870

5 McLoughlin, *op. cit.*: 31-33; see also *Consolidated Index to the Minutes of the Proceedings and Printed Papers [of] Parliament, 1856-1874*, under 'Field of Mars Common', NSW Government Printer, Sydney; and *Field of Mars Common Resumption Act 1874*, 38° Victoria, 111, assented to 25.6.1874.

6 *Commons Regulation Act 1873*, 36° Victoria, XXIII, assented to 25.4.1873.

7 *Commons Regulation Amendment Act 1886*, 50 Victoria, 15, assented to 24.9.1886, *Commons Regulation Amendment Act 1895*, 59 Victoria, 12, assented to 22.11.1895, *Commons Regulation Act 1898*, No. 15 of 1898, assented to 27.7.1898, *Commons Management Act 1989*, No. 13 of 1989, assented to 18.4.1989.

8 *Government Gazette*, 6 December 1867: 3304

9 Commons, Wellington', and 'Temporary Commonage, Wellington', *Government Gazette*, 7 February 1868: 378-379

election, by the commoners, of trustees to manage the commons, with the results being duly gazetted in March 1868¹.

One of the earliest acts of trustees was to write a set of regulations for the common. These generally followed a standard model, providing for the running of meetings of trustees, the appointment of a secretary and a herdsman, commoner's rights of pasturage, travellers rights of pasturage, rules and fees for using the common and for gathering firewood, and prohibiting the dumping of rubbish, polluting of waterways, or leaving open of gates². Local variations include, for example, the regulations for Ham Common that provided, until 1880, a schedule of fees for commoners engaged in brick-making on the common.³

The bureaucrats in the Lands Department in Sydney maintained a framework of control over all the commons through administering the Commons Acts and their regulations. The authority for any significant local changes came from Sydney rather than the commoners, a point that can be illustrated by the example of just two months in 1899, when the *Government Gazette* carried one notice calling for trustees of a common, three notices defining commoner's boundaries, three reserving land for temporary commons, four applying s.25 of the Act to specific commons, nine describing pieces of land 'withdrawn' from commons, and 21 appointing trustees⁴. A total of 41 commons were the subject of official notices in September and October 1899 alone.

A picture can be drawn from all of this in which commons in country areas are considered desirable by local inhabitants and their establishment is readily facilitated by the central government. The management regulations, both central and local, were designed to ensure that the resources of the commons, usually firewood and pasture grasses, were conserved by regulating times, numbers and places of grazing, and the removal of wood, timber, soil and other materials. In order for a common to continue its various functions, trustees had to try and strike a balance between the demands of the commoners, both individually and collectively, and the ability of the commons environment to meet those demands. In effect, local interests in a common negotiated its management arrangements, and presented these as regulations to the government for approval, which endorsed them and provided for their legal enforcement.

The urban commons near Sydney, however, present a different picture. Those parts of Sydney Common not included within Centennial Park in 1888 were developed for various recreational uses, such as Sydney's first zoo, leased out to sporting clubs, or developed as parklands. In 1905, the two remaining sections of Sydney Common were removed from the control of Sydney City Council and placed under the authority of the Chief Secretary.⁵ The Field of Mars Common had been partly sold-off, and parts of it reserved for parks, before the *Resumption Act* of 1874 was repealed in 1897.⁶ Both commons had been partly privatised through the sale of land for housing, and partly converted into urban parks, and they had both been removed from local control. Unlike the active preservation of commons in the urban areas of England after 1866, the commons of Sydney were disappearing, often amid much dissent, from the landscape by

1 *Government Gazette*, 10 March 1868: 637, and 25 May 1869: 1375.

2 for example, 'June Common Regulations', *Government Gazette* 6.10.1899: 7580-7582

3 *Ham Common Rules and Regulations made by the Trustees...*, 1872, 1880, Mitchell Library (MS Room, Ah 103).

4 Index to *Government Gazette* for September-October 1899, in front of Volume September-October 1899; s.25 of the *Commons Regulation Act 1898* restricted pasturage rights for *bonâ fide* travellers to a designated part of the common sufficiently enclosed by a fence.

5 *Sydney Corporation Amendment Act 1905*, No. 39 of 1905.

6 *Field of Mars Resumption Repeal Act 1897*, No. 9 of 1897.

the turn of the century. A similar story for the Pitt Town, Wilberforce and Ham Commons in the Hawkesbury District has been told.¹

There are many things that I have not talked about in this overview that I would have liked to, especially questions about how the landscapes of commons changed over time. However, you can see that, generally, commons will date from after 1865, that there were plenty of bureaucratic requirements that created records that can now be studied - provided that they have survived; and that commons fulfilled significant cultural and resource needs in many communities. This is part of the broader context for the making of commons in New South Wales before federation - a context that should be considered when talking about your local commons.

First: Ask a Question

If you are interested in researching the history of your local common or commons, then you need to begin with a question. A good starting point is to ask "why am I choosing to study the history of our local common?". Your answer may be that it is part of a wider inquiry into your local history, or that it is related to a planned commemoration of an important date or event. It may be that the information is needed for a townscape or heritage study. Perhaps there are proposals afoot to 'develop' the area. Maybe you just like the place and would like to know more about it. You then need to ask yourself "how much information will I be happy with?". This question is important to consider, because your accessibility to the archives containing commons records, and the nature of those archives, will largely determine just how much information you can get.

Finally, you need to ask yourself "what am I going to do with this history once I have written it?". If your Society has a newsletter, try and get it printed in there. Perhaps your local newspaper may be interested. Send a copy of your work to the major libraries - the State Library, the RAHS Library and the National Library. Whatever you do, make sure that other people can be informed by your research. The best knowledge is knowledge that is shared.

What Records are Available for Researching a History of Commons?

The place to begin is at the common. What is it that you see when you take a look around and try some 'landscape reading'? What does the land that is or was your local common look like? How are the trees, bush and grassland arranged? Where are the creeks and swamps? What condition are they in? Can you make some educated guesses as to why the landscape looks like it does rather than something else? Where are the boundaries, the gates, the roads and paths? Why are they where they are and not somewhere else? Are there any ruins of buildings or other relics of habitation? How do they relate to the use of the place as a common?

The next thing is to see if anyone else has already written and published something that may be relevant to what you want to know. Published local histories are a good place to start, although I have found very few that refer to local commons. Back copies of local historical society journals and newsletters may reveal something. Local newspapers may also contain some reminiscences or stories that refer to the common, but the accessibility of such materials will depend upon a combination of whether the newspaper has been indexed and how patient you are. If your common is still managed by trustees, then they may have some records that you can look at.

Having checked upon what has already been done, it is time to sit down in the archives. The imprimatur of central authority within which local commons existed can be seen reflected in the availability of records for research. Overwhelmingly, these are to be found within central archives, most notably the State Library and the Archives Office of NSW. However, it is possible that a wealth of material compiled by local trustees,

¹ Proudfoot, *op. cit.*

especially in places where the local shire or municipal council acted as the trustee, can be unearthed in municipal records or archives. I would be very interested to hear of anyone's experiences in this matter.

State and Mitchell Libraries, Macquarie Street, Sydney.

Your first port of call should be the Mitchell Library, and its collection of the *Government Gazette* commencing in 1832. These are bound in large volumes by year. In the early years, a whole year is contained in one volume, but by the 1880s, a volume contains a quarter of a year, and by 1899, only two or three months. Initially, the sheer number of volumes may be off-putting, but there are some short cuts. There is an index to each year, and usually to each volume. Page numbering begins with page 1 on the first issue for the year, and then continues consecutively throughout the year to something like page 4897 in the last issue for the year.

Generally, you should look under the heading 'Land', which will then have further sub-headings including, sometimes, 'commons' or 'commonages'. Sometimes, 'commons' is a heading in itself. Under the sub-headings will be a listing of place-names and page numbers. Sometimes, place-names themselves are main headings - the system of indexing changes every now and then. Once you have located a reference to your common, simply go to that page in that year's volume, and you will find (hopefully!) an official notice regarding your common - often it will be in a table of reserves being made by the government that will include water reserves, public schools, and so on. Such a notice should tell you the place, county, locality, area (in acres), purpose, and papers number. For example:¹

Place	County	Locality	Area	Purpose	Papers
Wellington	Wellington	on the Macquarie River near Wellington	657 acres	permanent common	66- 13,994

It is important to note the 'papers' number, as this is the number of the Lands Department file that deals with your common. Other information that can be obtained from *Government Gazette* notices includes extensions or 'withdrawals' of land from the common, appointments of trustees, descriptions of commoner's boundaries, calling of nominations for trustees, and of meetings of commoners, and the acceptance of local regulations. The financial accounts of common trustees are also published in the *Gazette*.

Once you have exhausted the *Government Gazette*, but before leaving the State Library, it is worth having a look through the *Consolidated Index to the Proceedings and Printed Papers [of] Parliament*. These commence in 1856, and are particularly useful if your common was the site of some conflict. For example, in Volume I of the Index, covering the period from 1856 to 1874, under the heading 'Field of Mars Common', there are references to petitions, reports from parliamentary committees and inquiries, reports of real estate valuations of the common land, and other interesting documents, all of which can be obtained at the Library.² It is also worth looking under the general heading of 'Commons', but you need to bear in mind that your common may have had a fairly mundane existence, and so never have attracted the attention of parliamentary inquiries! You should also read through the explanatory notes at the beginning of the volume to understand the meanings of the various abbreviations used.

Land Titles Office, Queen's Square, Sydney

You may like to go along to the Land Title's Office and obtain a copy of the Deed of Grant issued to trustees for their common. However, this will not really tell you much

¹ *Government Gazette*, 6 December 1867: 3304

² *Consolidated Index to the Minutes of the Proceedings and Printed Papers (Volumes 1-23), First Session of the First Parliament to Third Session of the Seventh Parliament, 22 May 1856 to 25 June 1874*, NSW Legislative Council, Sydney.

more than the *Government Gazette* notice stating that the deed had been issued except in the detailed description of the boundaries of the common.

Archives Office of NSW, Globe Street, The Rocks and O'Connell Street, Kingswood.

The first thing to say about the State Archives is that most of the records dealing with commons are housed at the Kingswood Search Rooms. Initially, it is worth perusing the *Concise Guide* to the Archive's holdings, particularly under 'Lands Department - Miscellaneous Branch' and 'Surveyor-General' to get some idea of the sort of records that they hold. There are some series dealing with particular commons, but these are very few¹. The most useful items are the seven volumes of Dedication Registers, which cover the period from 1842 to 1979.² In addition to the details provided in the *Government Gazette*, the Register may also provide a reference to a catalogue number of a plan, as well as the date of notification, date of grant and remarks and other references to later resumptions and revocations that will help you determine when and why some parts, or all, of a common were lost.

While all these details can help you work out some broad outlines for a history of your common, the colour to fill in the spaces of such an outline will be more elusive. Having carefully noted all the papers numbers provided in the gazettals and registers, you may find it difficult to actually track down the files in the archives. In fact, I have yet to successfully trace a singly one of the files that I have searched for!

Other useful series include the Parks Register 1867-1950, which provides similar details and may be useful if your common, or part of it, was converted at some stage to a park. The Registers of Reserves other than Recreation Reserves, 1883-1977, and the Register of Areas Allocated as State Forests and Forest Reserves, c1915-1917, may also be similarly useful. Precedent Books 1873-1973 may help provide some explanation of why trustees followed a particular course of action.³

The point about these registers is that they provide a summary of the legal details of a common, and the important 'papers number', which in turn may give you access to the original files dealing with events on your common.

The State Archives also contains one series of records from the trustees of a common, the Wanganella Commons Trust, covering the period between 1900 and 1970.⁴ Included are herdsman's books, a commoner's roll, minute books, letter books, ledgers, cash books, and two maps of the commoner's boundaries in the 1930s. Although these seem to be the only such records held by the Archives, they give an indication of what sort of records were made by commons trustees and how useful you may find them - provided that you can locate any such records for your local common.

Local Government Records and Archives

I can only offer a most general comment on these. It was only after 1919 that local councils were required by law to preserve and protect some of their records. These were minute books, registers of legal documents, legal documents, registers of

¹ *Concise Guide to the State Archives of New South Wales*, Lands Department - Miscellaneous Branch, A(t)(4) Papers concerning Terragong Swamp, 1855-1919 (City 2/1033-34) 2 boxes; A(t)(6) Papers concerning Field of Mars Common, 1863-1874 (Kingswood 7/6056) 1 vol.; A(t)(7) Papers concerning Ham Common, 1867-1874 (Kingswood 7/6056) 1 vol., Archives Office of NSW, Sydney.

² *ibid*, A(t)(28) Dedication Registers, 1842-1979 (Kingswood 11/22028-34) 7 vols.

³ *ibid*, A(t)(29) Parks Registers, 1867-1950 (Kingswood 11/22037-38) 2 vols; A(t)(32) Registers of Reserves other than Recreation Reserves, 1883-1977 (Kingswood 11/22035-36) 2 vols.; A(t)(33) Precedent Books, 1873-1973 (Kingswood 11/21985-95, 3/2938) 12 vols.

⁴ *ibid*, A(t)(43 - 53) Wanganella Commons Trust.

correspondence, registers of returning officer's declarations of elections and of polls, and the declarations of returning officers. Patient searching of minute books may reveal information regarding your local common, as may registers of legal documents. Returning officer's declarations may also cover elections of common trustees.

You should also remember that local councils have been abolished, amalgamated, and resurrected over the years, and their boundaries have often shifted about. If your common has ever been within the jurisdiction of a different council to the present, you may also need to search through their records. All this, of course, presupposes that you are lucky enough to have found a council that has an extensive and well-maintained archives.¹

Conclusions

To conclude this paper, I would like to remind you that the historical development of places named commons in NSW began in 1804. Greater regulation of commons came after 1847, and a broad expansion of the numbers and sizes of commons began after 1865. By the time of federation, an extensive network of commons existed throughout NSW except in the metropolitan area, where commons, often after much dissent, were converted to other public and private uses.

The main avenues for researching commons history can be found in the Mitchell Library and the State Archives Office. These records provide a broad legal and administrative history of particular commons. Records of common trustees may be found among municipal records.

I would argue that now is an opportune time to begin researching and writing histories of commons because questions of cultural identity, and the legacies of past environmental change, are prominent within public debates today. Commons history can contribute to these debates in a number of ways:

- it suggests that there is a significant and interesting element of communalism in the settlement of Australia's landscapes that has long been hidden beneath a focus on the rugged, individualistic pioneer;
- it suggests that English institutions, such as commons, parks and forests, were not uncritically copied in the colony, but rather were naturalised and shaped by local needs and conditions;
- it suggests that some environmental problems have been inherited from the recent rather than more distant past, and that attempts were made in colonial NSW to conserve natural resources for the benefit of the wider community;
- it suggests that commons and common trustees have played a role in the development of institutions for local governance and local resource management, and therefore have a role in local histories that has been overlooked;
- it suggests several new areas for research, for example, why were the commons of Sydney lost to urban development while those in London were retained as parklands and recreation areas?

So, its up to you - if you have become interested in the history of commons in your district, now is the time to begin looking, researching and writing. I would be very pleased to hear of your results. Happy hunting!

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¹ for a discussion of local government records, see Jack, I.R. & Kass, T., *Local Government Records and the Local Historian*, RAHS Technical Information Service, No. 7, February 1987, RAHS Sydney.