

# Wokingham Remembers

Exploring our heritage with [wokinghamremembers.com](http://wokinghamremembers.com)

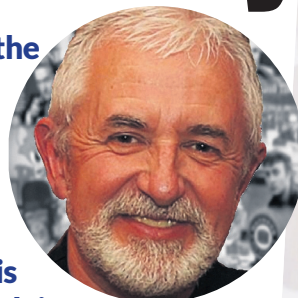
In association with

**TradeMark**  
WINDOWS • DOORS • CONSERVATORIES

## OUR PAST

# Why this Charter was a milestone in Berkshire's history

June 2015 marks the 800th anniversary of the signing of the Magna Carta at Runnymede; just a half hour's drive from Wokingham. Did it have an effect on the people of Wokingham? The answers provide a fascinating look at our place within the Windsor Great Forest and how our history is steeped in forest law. **MIKE CHURCHER** explains.



**A**LTHOUGH the Magna Carta of 1215 is famed as being one of the first stones laid down on the path of democracy, it was a charter largely favoured towards the rights of the barons; not the people, but it did define the limitations of the powers of the King.

What is less known is the 1217 'Charter of the Forest', which provided an affirmation of the rights of a larger group of people (the freemen) and their access to the forest. However, how do we define a forest and did the Charter of the Forest affect our part of Berkshire?

## Wokingham's place in the Royal Forest of Windsor

After the Norman Conquest of 1066, King William I (The Conqueror) created forests in the South of England for the purposes of hunting for his own pleasure.

'Forest' became used as a legal term to define areas which were for royal hunting; they were not just areas of land with trees, they included heathland, wetland and rough gorse.

Prior to the Conquest, land had common access, but these new 'Royal Forests' became increasingly restrictive for ordinary folk. Preventing the use of the forest meant people's livelihoods came under threat and King William II was particularly vicious in responding to anyone who killed the deer, or even scavenged for brushwood to use as fuel.

For transgressors, the penalty was either summary execution or mutilation. The map on this page shows Wokingham and its surrounding area well within the controls of the Windsor Royal Forest and its laws.

It seems that life for the residents was

thoroughly miserable and by 1200 the royal decrees of Kings Richard and John meant one third of the land in the South of England was designated as Royal Forest and with it came Forest Law.

## 1217 Forest Charter: the statute of liberty

The Charter of the Forest is a remarkable document and was incorporated with the Magna Carta in the 'Confirmation of Charters' of 1297.

It dis-afforested large tracts of land, rolled back the royal forests to the time of Henry II (30 years earlier) and banned executions and mutilation for killing deer.

For the freemen who needed the land to simply survive, the Charter was for the common man what the Magna Carta was for the Barons. The Charter enforces this point, stating: "Henceforth every freeman, in his wood or on his land that he has in the forest, may make a

mill, fish-preserve, pond, marl-pit, ditch, or arable in cultivated land outside coverts, provided that no injury is thereby given to any neighbour."

To ensure good practices were maintained, Verderers (forest law men) were installed in the

Royal Forests. Courts were held regularly to hold trials with the appropriate use of evidence and in accordance with the rule of law. 'The Overhangs' building on Peach Street, Wokingham (see photo) is purported to be one of the local forest law courts.

The villages and towns in Middle Berkshire existed for centuries under the dual laws of the Forest and Acts of Parliament. Any royal land sold to the local manors came with the acknowledgment that deer were to run

free and unmolested and the royal hunts had the right to trample through the land with impunity.

## The challenge to Forest Law

The early 1700s saw a challenge to the laws of the Forest. Following the bursting of an economic bubble, depression set in and those who suffered the most were the ordinary people. Many delved into the Royal Forests for sustenance or else took to villainy to survive.

The limitations impressed upon the people were still draconian in spite of the Forest Charter; for instance, only guard dogs were allowed into the realms of the forest and they had their front claws cut off to prevent them from catching deer.

Lawlessness was on the rise and so too were gangs organising themselves to steal deer and attack travellers who



A map of Windsor Forest as it was and the Overhangs Building in Peach Street as it is today. It is thought to be an old Verderers Court used for trying cases of Forest Law Picture: Wokingham Town Council

were passing through the forest. They blackened their faces to protect their identity and locally became known as the 'Wokingham Blacks'.

It was also the rise of the Highwaymen and Dick Turpin and Claude Duval were notorious outlaws who were believed to roam Windsor Forest. Together with the gangs they became a scourge upon the forest law keepers.

## The Black Act of 1723



Blackening the face was used to preserve anonymity of people wanting to steal deer or attack travellers

Lawlessness became so prevalent that such as the 'Wokingham Blacks' inspired the notorious 'Black Act' of 1723. The Act introduced the death penalty for over 50 criminal offences, including being found in a forest with your face blackened! No wonder L.Radzinowicz of the Cambridge Law Journal noted "no other single statute passed during the eighteenth century equalled the Black Act in severity and none appointed the punishment of death in so many cases". It took one hundred years for this act to be repealed.

The Magna Carta is undoubtedly a famous milestone in Berkshire's history, but its sibling the 'Charter of the Forest' had a greater effect on the lives of its ordinary people. The liberties we enjoy today have been hard earned since the Magna Carta and the draconian Black Act provides an example of the many reverses as well as the great forward leaps which have been achieved over the past 800 years

Although Wokingham was a market town serving its surrounding villages, it was also part of a forest network with all its incumbent forest laws. This forest perspective helps us to understand the lives of these past inhabitants; not only their traumas and resilience, but also their reliance on the land to simply survive.

Wokingham's location within the Windsor Royal Forest has provided it with a complex, fluid history; it is multi-layered, thick with tradition and yet over the centuries has reinvented itself and today continues ... as The Great Survivor.

**TradeMark**  
WINDOWS • DOORS • CONSERVATORIES

Windows doors and conservatories that last a lifetime and beyond  
[www.trademarkwindows.co.uk](http://www.trademarkwindows.co.uk)



Unit 20, Headley Park 10 (next to Screwfix), Woodley RG5 4SW 0118 9699322