WHEN THE LAW MADE ILLEGAL ENCLOSURES RE-'VERT' TO FOREST

Iain Wakeford 2014

Last week, I mentioned that the poor quality of the soil in our area possibly led in medieval times to an increase in the number of 'assarts' in the area. For those not familiar with the terms of the medieval Forest Laws, I should perhaps have explained what an 'assart' was. It was an area of land where the trees had not just been felled, but were rooted up as well, allowing the land to be cultivated with crops or grazed by animals.

The strict Forest Laws of Windsor Forest (which at one time covered virtually the whole of North-West Surrey), meant that not only could you not enclose land without permission, but worse if you were caught killing one of the king's animals, the chances are you would suffer the same fate.

In July 1269 the Forest Court (the Eyre) met at Guilford to hear local cases. Gilbert Baldwin and William Woodchek, both of Pyrford, had to pay a shilling fine 'for vert' – the destruction of the 'greenery' of the forest. Modern conservationists might wish that 'vert' was still a crime - although many of the fields that they are trying to protect from modern development are probably the same ones that the Eyre of 1269 was looking to prevent in the first place! Now we have to rely on EEC directives protecting the habitats of the Dartford Warbler and other rare heathland birds (and plants) to try to restrict development, although in practice most developers get around this legislation by paying extra money to the local authority for 'conservation projects'.

In effect that is what happened in medieval times too, as although technically it was against the law to enclose local forest, in reality anyone who did so usually got away with it by paying a 'fine' to legitimise their new landholding. That is almost certainly what Robert le Coliere of Woking and Gilbert de Colier de Crowstoke did in 1269. Their names suggest that they were colliers – people who made charcoal or small coals - so it may be that

Portions of Westfield Common (above) have been encroached upon for centuries, with little areas built on with squatter huts and then and then extended like the old thatched cottage in Smarts Heath Road (below), before it was enlarged in the latter part of the last century.

they were merely coppicing the woodland, rather than completely cutting it down and rooting it up.

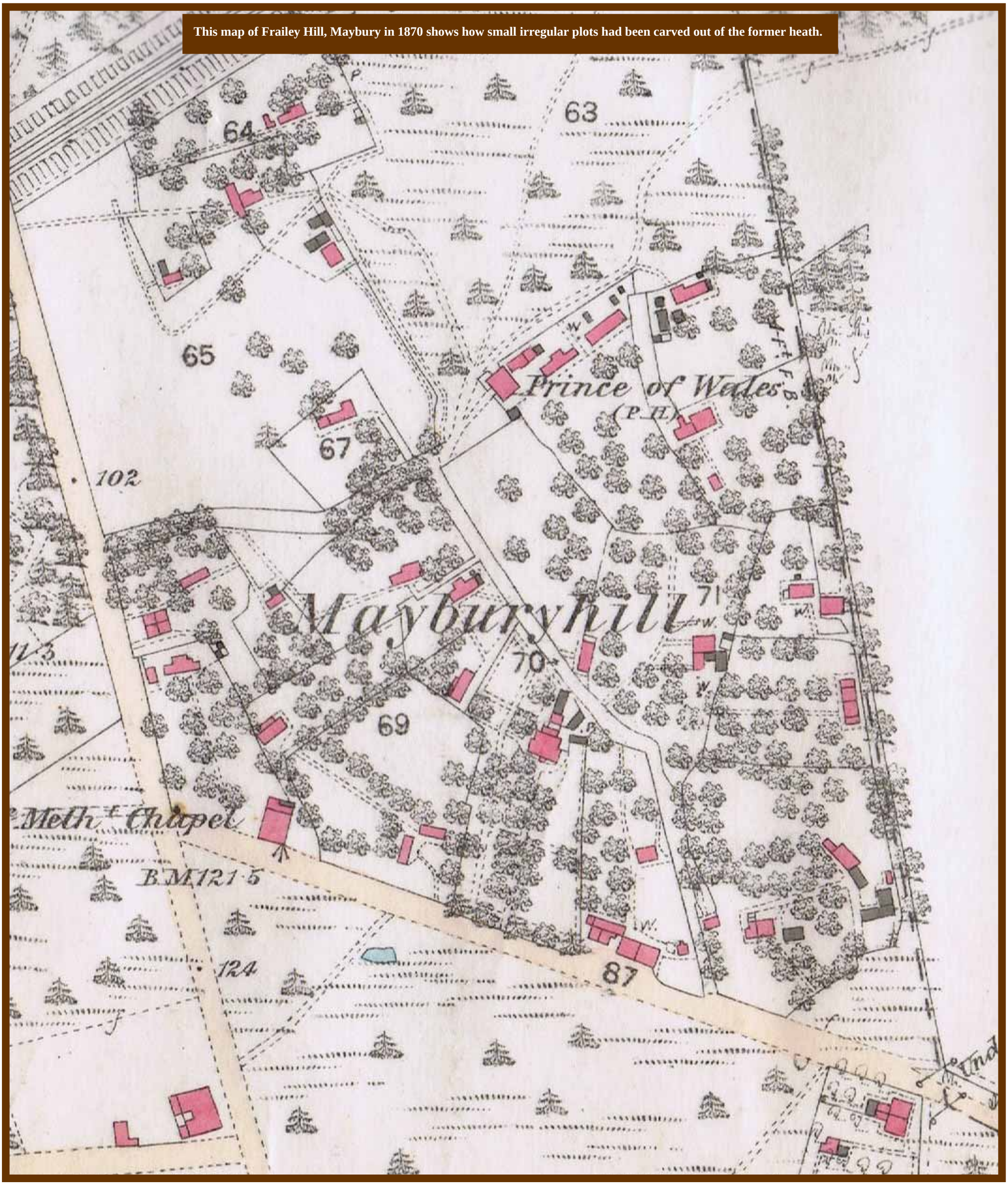
Others were not so lucky as the Collier's with Gilbert Atterhurn, Adam le Busche and Henry le French, accused of making wrongful enclosures at Mayford and 'raising dwellings there to the harm of the forest'. They were ordered to tear down their houses.

In the 17th century Mathew Dilton, a yeoman farmer in Woking, was a little more fortunate. According to a forester called Edward Byne, Dilton 'rooted up and dug up wood and underwood in sixty acres of woodland in Brookewood called New Ground', which had been reserved as forest since at least 1543. But Dilton 'put the said sixty acres into tillage' and was ordered to pay £120 (i.e. £2 per acre) for his new farmland.

'New Ground' was apparently off Blackhorse Road, where some of the houses appear to have once been 'squatter' settlements carved out of the nearby Hook Heath and the ancient Brook Wood.

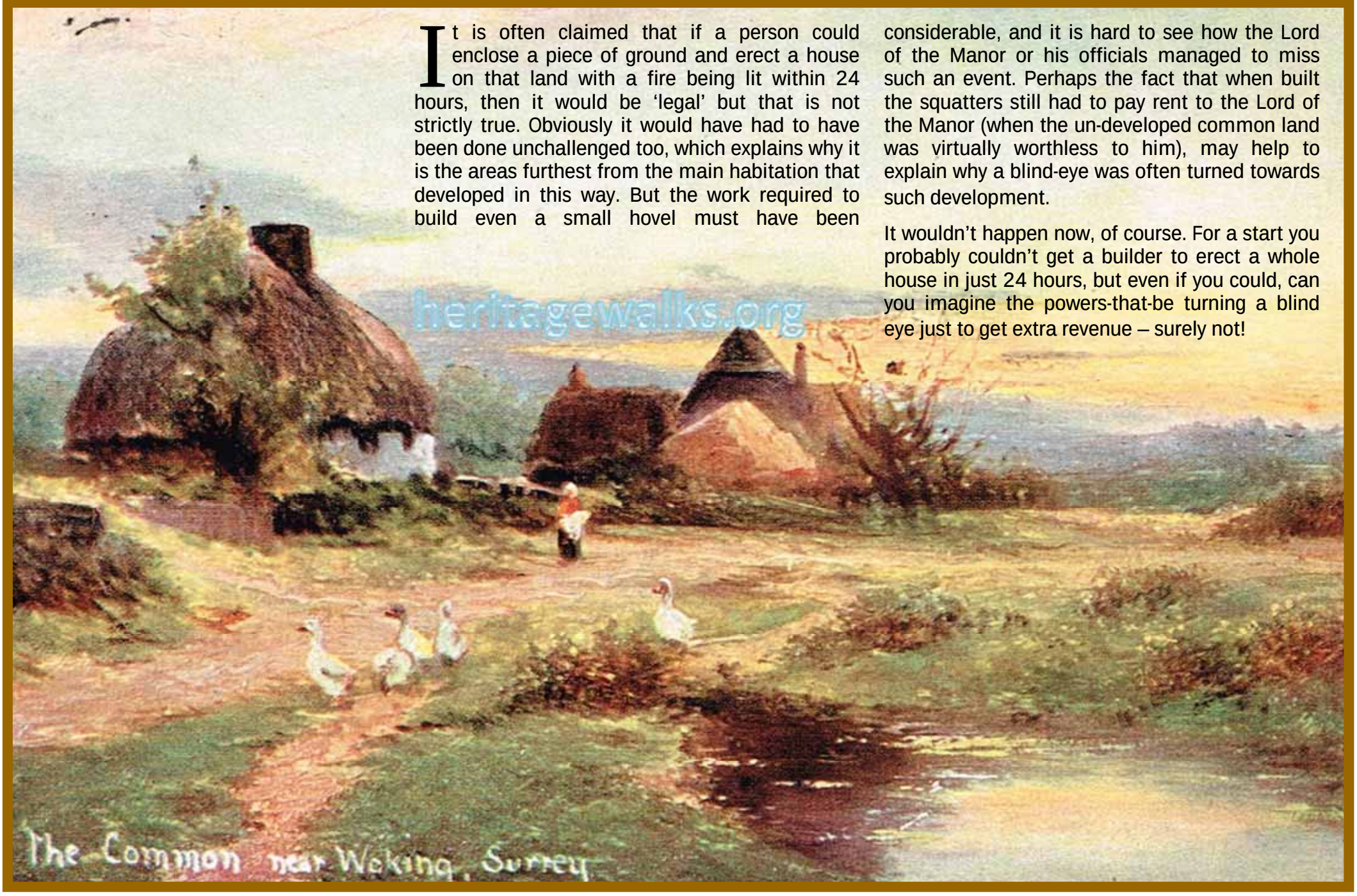
In nearby Mayford, the Old Thatched Cottage in Smarts Heath Road shows how one of the original houses may have looked (before being added to and extended in the latter part of the last century).

Anthony's on Horsell Common, Frailey Hill at Maybury and even the top of Anchor Hill in Knaphill all appear to have been 'squatter settlements' in the past, and the piecemeal nature of Westfield Common is a clear indicator that there the local inhabitants were used to enclosing (and extending) their landholdings into the common whenever they could.



This map of Frailey Hill, Maybury in 1870 shows how small irregular plots had been carved out of the former heath.

FROM HEATH TO HOUSE IN ONE EASY MOVE



It is often claimed that if a person could enclose a piece of ground and erect a house on that land with a fire being lit within 24 hours, then it would be 'legal' but that is not strictly true. Obviously it would have had to have been done unchallenged too, which explains why it is the areas furthest from the main habitation that developed in this way. But the work required to build even a small hovel must have been considerable, and it is hard to see how the Lord of the Manor or his officials managed to miss such an event. Perhaps the fact that when built the squatters still had to pay rent to the Lord of the Manor (when the un-developed common land was virtually worthless to him), may help to explain why a blind-eye was often turned towards such development.

It wouldn't happen now, of course. For a start you probably couldn't get a builder to erect a whole house in just 24 hours, but even if you could, can you imagine the powers-that-be turning a blind eye just to get extra revenue – surely not!

THE DONKEY TOWN DEVELOPMENT OF 1815

The 'Westend' of Chobham first appears on the maps in 1680, with little pockets of occupation being carved out of the vast Chobham Common at Fellow Green, Lucas Green and, after the Napoleonic Wars, at Donkey Town.

Here in 1815 the Lord of the Manor, the Earl of Onslow, signed an agreement for the development of what became known as Donkey Town, where gradually over the years the little huts and hovels have been extended or replaced by more substantial properties.

In 1879 most of West End Common, from the edge of Donkey Town towards the Chobham Ridges and Frimley, was taken over by the military and like most of the villages in this area, the locals lost their common rights.