

Charter of the Forest



Charter of the Forest, 1225 reissue, held by the British Library

The **Charter of the Forest** of 1217 (*Carta de Foresta*) is the charter that re-established rights of access to the royal forest for free men that had been eroded by William the Conqueror and his heirs. Many of its provisions were in force for centuries afterwards.^[1] originally sealed in England by the young King Henry III, acting under the regency of William Marshall, 1st Earl of Pembroke.^[2] A companion document to the Magna Carta, redressing some applications of the Anglo-Norman Forest Law that had been extended and abused by William Rufus.

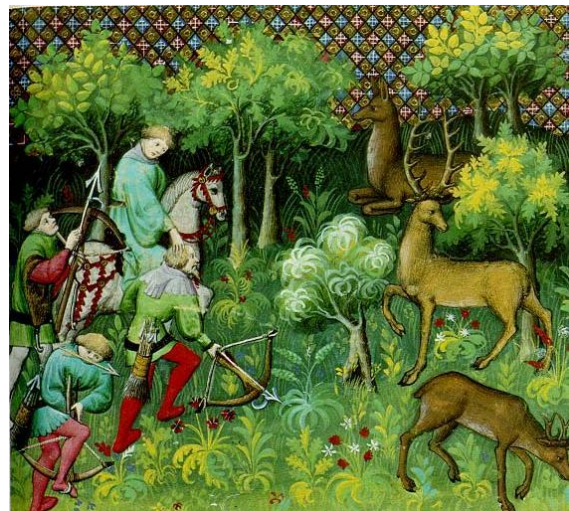
1 History

The Charter of the Forest was first issued on 6 November 1217^[3] as a complementary charter to the Magna Carta from which it had evolved. It was reissued in 1225^[4] with a number of minor changes to wording, and then was joined with Magna Carta in the Confirmation of Charters in 1297.^[5]

In contrast to Magna Carta, which dealt with the rights of barons, it provided some real rights, privileges and protections for the common man against the abuses of the encroaching aristocracy.^[6]

At a time when the royal forests were the most important potential source of fuel for cooking, heating and industries such as charcoal burning, and such hotly defended rights as pannage (pasture for their pigs), estover (collecting firewood), agistment (grazing), or turbary (cutting of turf for fuel),^[7] this charter was almost unique in providing a degree of economic protection for free men, who also used the forest to forage for food and to graze their animals.

2 Contents



A medieval forest, from Livre de chasse (1387) by Gaston III, Count of Foix.

The King was required to “disafforest” Royal Forest, which meant (rather than chopping trees down) a requirement to give up possession of forest land. This might or might not have trees: it could also be heathland. In doing so the land became available to commoners.

The Charter provided a right of common access to (royal) private lands. Only with the Acts of Union 1707 between England and Scotland were these rights equalled within the realm.

It also rolled back the area encompassed by the designation “forest” to that of Henry II's time, essentially freeing up lands that had become more and more restricted as King Richard and King John designated greater and greater areas of land to become royal forest. Since “forest” in this context did not necessarily mean treed areas, but could include fields, moor or even farms and villages,

it became an increasing hardship on the common people to try to farm, forage, and otherwise use the land they lived on. The Charter specifically states that “Henceforth every freeman, in his wood or on his land that he has in the forest, may with impunity 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.”

Clause 10 repealed the death penalty for capturing venison (deer), though transgressors were still subject to fines or imprisonment for the offence; it also abolished mutilation as a lesser punishment.^[8] Special **Verderers’ Courts** were set up within the forests to enforce the laws of the Charter.

3 Development

By Tudor times, most of the laws served mainly to protect the timber in royal forests. However, some clauses in the Laws of Forests remained in force until the 1970s, and the special courts still exist today in the **New Forest** and the **Forest of Dean**. In this respect, the Charter was the statute that remained longest in force in England (from 1217 to 1971), being finally superseded by the **Wild Creatures and Forest Laws Act 1971**.

To mark 800 years of the Charter of the Forest, in 2017 the **Woodland Trust** and more than 50 other cross-sector organisations joined forces to create and launch a Charter for Trees, Woods and People that reflects the modern relationship with trees and woods in the landscape for people in the UK.

4 See also

- English land law
- Forestry in the United Kingdom
- Elinor Ostrom
- *R v Hampden* (1637) 3 Howell State Trials 825, known also as the *Case of Shipmony*, leading to the Ship Money Act 1640

5 Notes

- [1] Henry III’s Charter of the Forest: facsimile and translation
- [2] “William Marshal earl of Pembroke, ruler of us and of our kingdom” is mentioned by name.
- [3] Rothwell, Harry *English Historical Documents 1189-1327* (1995) p337
- [4] Rothwell, Harry *English Historical Documents 1189-1327* (1995) p347

- [5] Rothwell, Harry *English Historical Documents 1189-1327* (1995) p485
- [6] “Forests and Chases: Henry III’s Charter of the Forest”. *St John’s College Oxford*. Retrieved 7 May 2010.
- [7] George C. Homans, *English Villagers of the Thirteenth Century*, 1941.
- [8] cl 10 read, “No one shall henceforth lose life or limb because of our venison, but if anyone has been arrested and convicted of taking venison he shall be fined heavily if he has the means; and if he has not the means, he shall lie in our prison for a year and a day...”

6 References

- GC Homans, *English Villagers of the Thirteenth Century* (1941)
- H Rothwell, *English Historical Documents 1189-1327* (1995)

7 External links

- BBC Radio 4 “The Things We Forgot to Remember,” Series 2 Episode 4, from 6:15 onwards
- British Library article
- The Magna Carta Manifesto Reviewed by Jeffrey Edward Green
- Page on the Charter from St John’s College, Oxford
- Carolyn Harris’ Charter of the Forest, on Magna Carta Canada 2015
- The 2017 Charter for Trees, Woods and People

8 Text and image sources, contributors, and licenses

8.1 Text

- **Charter of the Forest** *Source:* https://en.wikipedia.org/wiki/Charter_of_the_Forest?oldid=766460881 *Contributors:* The Anome, Fred Bauder, Wetman, Ukexpat, Wikidea, Tim!, Kurando, Deucalionite, Mais oui!, Writtenright, Bejnar, Cydebot, Alaibot, Gaimhreadhan, Jllm06, FlieGerFaUstMe262, Cafeturque, Magichands, Emelye, Heatherdoodle, Dmvmward, Niceguyedc, Mceizia2, Atilano I, Dana boomer, Mhockey, Good Olfactory, Stonewhite, Addbot, Luckas-bot, Utinomen, James500, Hhc2009, Wikiain, Cnwilliams, Jesse V., Wikipelli, Ian.w.t.n, Stephanie Lahey, BG19bot, Marcocapelle, Beaylott, Hmainsbot1, MattLarsen-Daw and Anonymous: 12

8.2 Images

- **File:Forest-charter-1225-C13550-78.jpg** *Source:* <https://upload.wikimedia.org/wikipedia/commons/8/84/Forest-charter-1225-C13550-78.jpg> *License:* Public domain *Contributors:* <http://www.bl.uk/collection-items/the-forest-charter-of-1225> *Original artist:* 13th century original is anonymous; photograph by British Library
- **File:Medieval_forest.jpg** *Source:* https://upload.wikimedia.org/wikipedia/commons/6/61/Medieval_forest.jpg *License:* Public domain *Contributors:* <http://forum.sherwood-tavern.net/viewtopic.php?id=2465> *Original artist:* Gaston Phoebus
- **File:Wikisource-logo.svg** *Source:* <https://upload.wikimedia.org/wikipedia/commons/4/4c/Wikisource-logo.svg> *License:* CC BY-SA 3.0 *Contributors:* Rei-artur *Original artist:* Nicholas Moreau

8.3 Content license

- Creative Commons Attribution-Share Alike 3.0