

WYCOMBE HEATH AND ITS 'CHARTER'

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The history of Wycombe Heath is explored from its beginnings as woodland pasture to its slow end by piecemeal encroachment and enclosure. The so-called 'charter' is analysed in full, and exposed as a seventeenth-century compilation, with probably authentic boundary clauses preserved by tradition and recording some useful place-name information. The bounds are traced in detail, and recorded on a modern map.

Local memory retains hardly a trace of Wycombe Heath and no one who has not pored over nineteenth and eighteenth-century maps of Buckinghamshire is likely to be aware of it. Yet it was a very significant element in the Chilterns landscape only 140 years ago, covering nearly four thousand acres, about four miles long and averaging two wide (Fig. 1). Described as being '12 miles about' (Jenkins 1935, 102) that is, with a perimeter of 12 miles, it was even more significant economically. Its unstinted common grazing for the seven surrounding parishes was a valuable 'selling point' when Hampdens Manor in Penn was sold in about 1650 (Jenkins *loc. cit.*), and enabled families like the Browns and the Bovingdons of Winchmore Hill to live in the style of yeomen although their own resources were adequate only to support husbandmen (Trench 1983).

Bryant's map of 1824 (BRO) clearly shows the extent of the Heath, reaching right up to Great Kingshill on the NW, and with 'ends' marked by Spurlands End, Mop End, Beamond End and Widmer End (Fig. 2.).

When the Heath is mentioned it is generally in terms shrouded in misconception. For this its traditional name is largely to blame. The word 'heath' conjures up a vision of a treeless expanse of heather and gorse and coarse grass. A large part of Wycombe Heath was in fact originally woodland, specifically wood pasture, as defined and described by Oliver Rackham (Rackham 1986, 119–122). Crops of wood were taken from pollarded trees, so that grazing animals could not destroy the

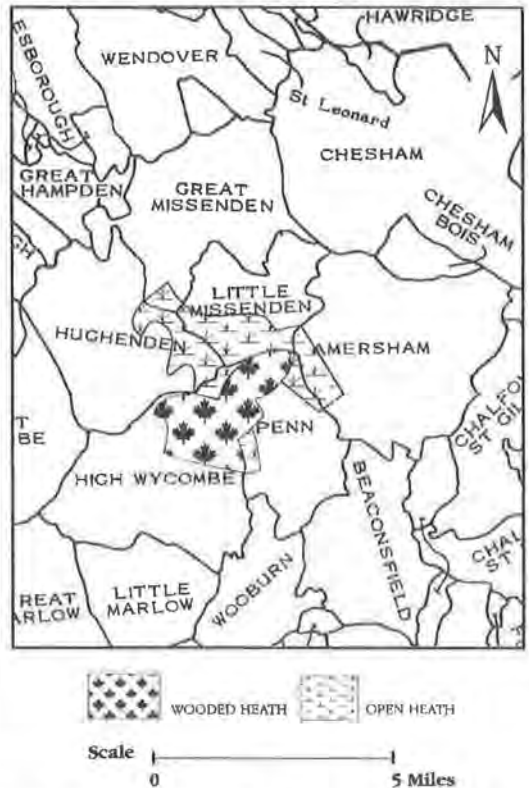


Fig. 1: Wycombe Heath and its setting.

new growth, which sprang from a 'boll' ten or twelve feet above the ground. Such landscape is stable if its delicate balance is not disturbed. If grazing is not controlled, heath in the popular sense can take over, and this undoubtedly happened in some areas, such as St John's Wood in

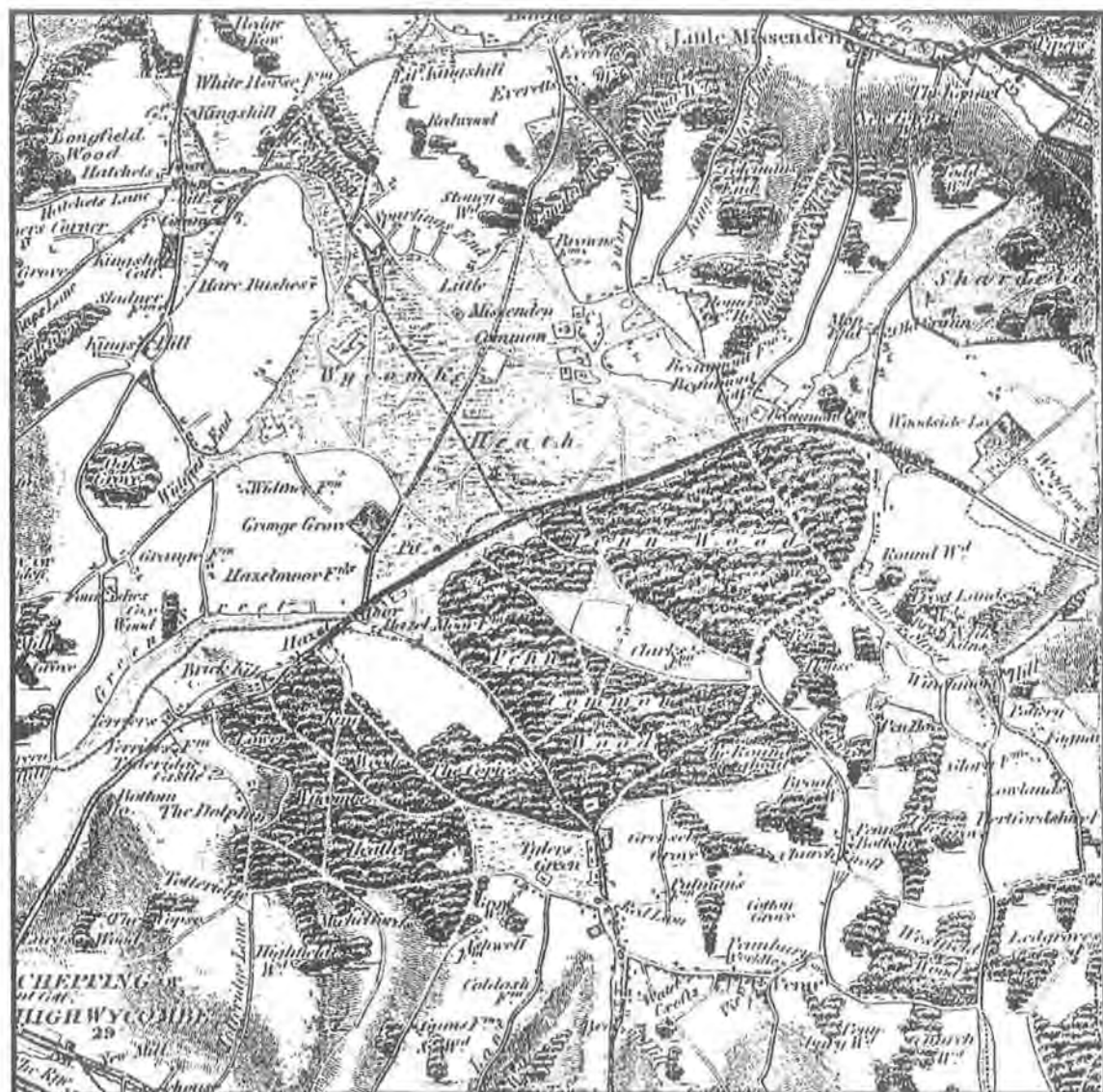


Fig. 2: Part of Bryant's Map of Buckinghamshire, 1824, showing Wycombe Heath. S. of the road the heath is wooded.

1604 (Hepple & Doggett 1994, 180–181). Conversely, if grazing ceases, woodland in the ordinary sense can establish itself.

That parts of Wycombe Heath bore pollarded trees is shown by an engraving from a drawing by one William Todd, dated May 20, 1766 (BL K Top VIII, 35) (Fig. 3). It was drawn from the vantage point of the present Wycombe Lodge at the Mop End corner of the wood and shows the Wycombe Road just before it was turnpiked, with the open Heath to the N. (Green 1995, 16)

By the eighteenth century, if not earlier, it was possible to divide Wycombe Heath into two distinct regimes. South of the main road from Amersham to High Wycombe (the modern A 404) was an area in Wycombe and Penn parishes in which seigneurial control had been effective, and trees had been fostered; this is where there had been pollarding. North of the road the landscape was bare of trees; pollarding had ceased (if it had ever been established), and any new growth had been eaten off. This area was described in 1794 (James & Malcolm 1794, 35) as '1,500 acres, the soil is various, loam, clay flints, gravel etc upon which grow furze, fern, brambles and trees of no value.'

The first notice we have of grazing on the Heath is in Domesday Book, but it does not distinguish between the Heath and other parts of the vill, and so has to be approached obliquely. For example it records that 700 pigs could graze in Taplow woods (Morris 1978), and this can only relate to Penn, which is included silently in the Taplow entry, Taplow being a small parish with minimal woodland. This does not mean that only pigs were grazed: the number of pigs that a wood could carry was simply a measure of its size (Darby roughly equates 700 pigs to 1750 acres) (Darby 1977, 172), and we know that, later, any animals other than mares could graze on the Heath (PRO E134/18 Chas II, Mich 13). These rights are typical of wood pasture (Rackham 1986, 121)

The existence of common rights over Wycombe Heath was a restriction on the landlords' ability to exploit the land, which they found irksome, increasingly so as inflation brought growing pressure on their incomes. They could not convert to arable;

they could not fully exploit the timber, and there were severe limitations on their ability to let or sell the land. All the upland commons came under pressure; and the lords usually had their way in the end; cf. Pitstone Common Wood (Hanley 1987). The tenants' resistance generally took legal form, though both sides stretched the law if they could.

The first record of such a dispute is an agreement dated between 1203 and 1228 made by the two lords of Wycombe, Robert de Vipont and Alan Bassett, with their leading tenants and 'many others seeking common of pasture in the vill of Wycumbe' (PRO E40/404). The agreement came after a century and a half of rising population led to landlords and commoners alike taking assarts from the Heath in Heselmer (Hazlemere) and Russemere (Rushmoor). It accepted the existing assarts, requiring them to be ditched and enclosed, and confirmed the landlords in their right to sell their woods, and the commoners in their right of pasture. It also ensured that the commoners did not have to pay pannage twice over, since Wycombe pigs found in Penn woods were to be quit of pannage, and vice versa. The *termini* of the agreement are the year in which King John divided the manor between the two lords, and the year in which it was granted to the Templars (Ashford 1960, 9).

In 1555 the Lord of Segraves met with furious protest and a legal challenge from the commoners when he tried to enclose and dig up parts of 'Segroves Wodde' and Minchen Wood in Penn which, the commoners claimed, occupied 200 acres of Holmer or Wickham Heath on which they had common of pasture for all cattle (Jenkins 1935, 67). We have no record of the outcome, and we do not know precisely where Segraves Wood lay. However in 1855 there was no 200-acre area in Penn's heath that had been already enclosed.

Enclosing land may be a measure of conservation: in 1864 the Inclosure Commissioner reported that in King's Wood and St. John's Wood the owners claimed the right to inclose portions of the wood for nine years after cutting timber in order to protect young trees. This right was disputed by some commoners (CWPC archives, Letter from Min. of Ag. & Fish., 1 Dec 1921). The lord of Penn was presented in his own manor court in 1767 (AR

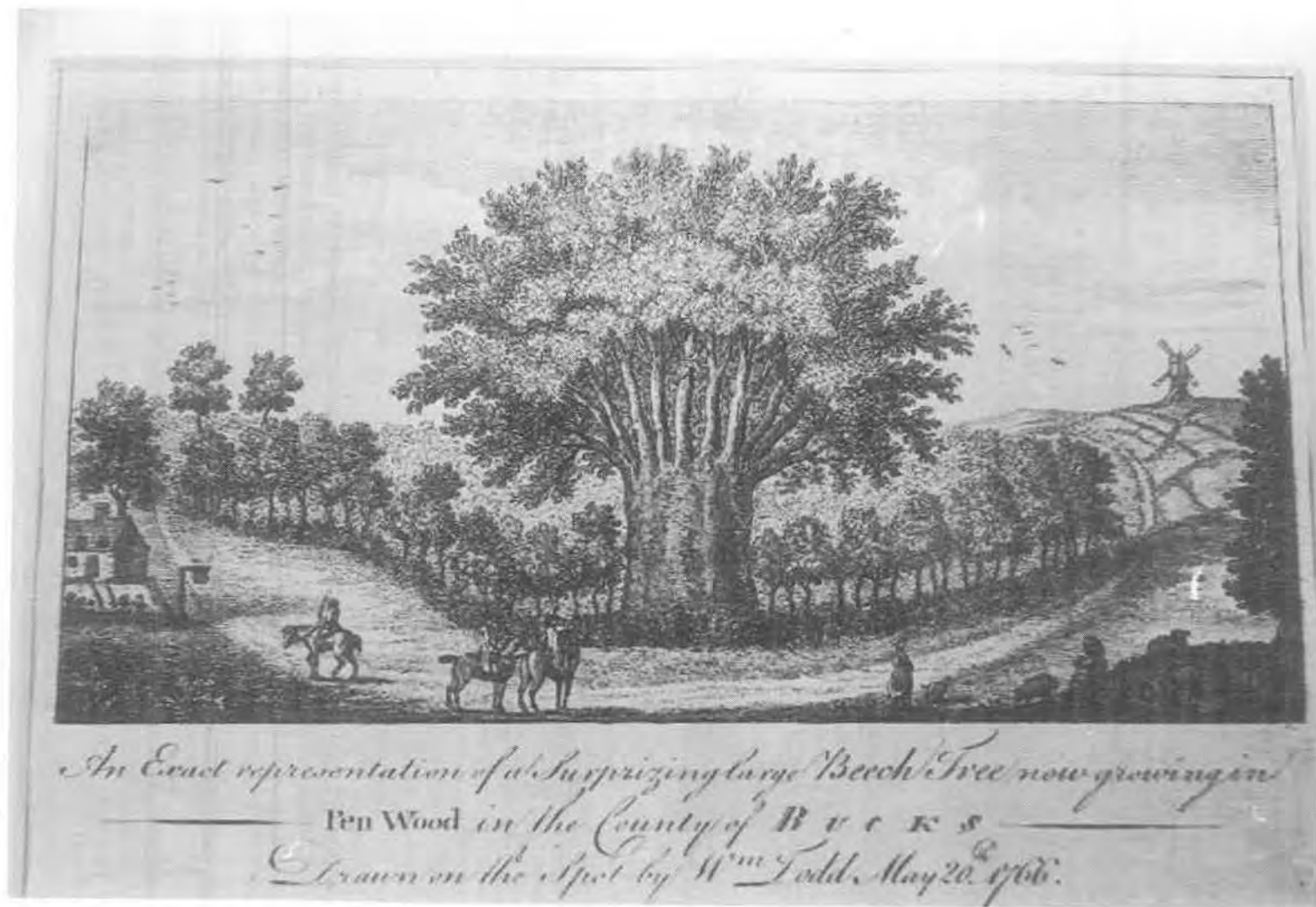


Fig. 3: A pollard beech tree on Wycombe Heath. The engraving is from a drawing by William Todd, dated May 20, 1766 (BL K Top VIII, 35).

94/80/34/11/128) for enclosing 5 acres in a place called Justice Berry, which is shown on the Inclosure award map of 1855 as still having tree cover, on the northern edge of the wood near Inkerman Farm. There is a mound there, now used as a tee for the golf course. Berry may be OE *beorg*, a hill or mound, and Dr Margaret Gelling has suggested that this may possibly be the site of trial by combat (Gelling pers. comm.)

The tenants accepted that they had no right to fell trees, (PRO, E134/18 Chas II, Mich 13) though they often tried to get away with it, and the plea rolls contain pleas of trespass alleging it (e.g. in 1360, CP40/421/557D). It is not clear whether what they felled were mature standards or 'springs' from the bolls. But their rights to graze beasts they defended stoutly. In 1576 and again in 1666, official inquiries or inquests were held, and these are our best source for the rights claimed. (PRO E134/18-19 Eliz Mich 7 and PRO E134/18 Chas II, Mich13)

Both inquiries related to St Johns Wood, which used to lie between Tylers Green and Hazlemere, abutting Kings Wood to the north and east and about twice its size (Fig. 4). Bryants map misnames St Johns Wood as 'Kings Wood' and calls an enlarged Kings Wood 'Lower Wycombe Heath'. In 1576, the Court of Exchequer ordered a Commission to sit at Beaconsfield to take evidence from witnesses from around the Heath concerning the doings of Robert Raunce, who was the lessee of Bassetsbury Manor and lord of the manor of Temple Wycombe which included St Johns Wood. He had enclosed about 12 acres of the Heath by 'Rushmore hill', felled the trees and let the enclosure as pasture, as well as trying to prevent the exercise of common rights elsewhere (Jenkins, 91-2). The 'Interrogatories' were designed to establish whether or not St Johns Wood was part of the Heath and what the rights of common on it were.

In 1666, the crux of the dispute was whether the commoners were to be allowed to continue to take the lops and tops of felled trees as they had done without argument until about 17 years earlier. This time the king himself was landlord of St Johns Wood and was in dispute with 10 local defendants amongst whom the only 'gentleman' noted was Walter Cary of Penn who had headed the list of

petitioners for the 'charter' the previous year (see below), and who 33 years earlier, had been in dispute over the customs of Bassetsbury Manor which included Kings Wood and Tylers Green common amongst its holdings. (Dalton 1957, 358).

Commoners appear to have had access to any part of the Heath, even if it was in a different manor or parish. The Heath itself was divided up and there were seven lords of the Heath in 1576, mostly holding a part contiguous with their own manor, but not always. The Inquiry of 1666 reveals Peterley holding a detached part to the north of St Johns Wood.

The records of both Inquiries make it clear that one part of the Heath was generally known as Holmer Heath and another as Wycombe Heath, with several witnesses regarding St Johns Wood and Kings Wood as separate from the Heath itself, although all were adamant that common rights had always been enjoyed in them. In 1666, one of the questions put was, 'Is there a part of Wycombe Heath between Holmer Heath and St Johns Wood?' Most of the witnesses agreed that there was and the most specific claimed that Holmer Heath was 50 acres, all in one manor, and one mile from St Johns Wood, whilst Wycombe Heath was 2-3000 acres, a quarter of a mile from St Johns Wood. In 1555, the Heath was described as 'Holmer or Wickham Heath' and in 1576 it was 'Holmer Heath alias Wycombe Heath'. It is surprising to find that the 'charter' refers only to Holmer Heath.

The 'Charter'

Two of the witnesses to the 1666 inquiry were clearly quoting from a document that was circulating at the time. This purported to be an exemplification (an official copy), made in June 1665, of an 'Ancient Charter' kept in the Tower of London. It was said to have been produced in response to a petition by local people; 36 are named. A copy of the document, on paper bearing a watermark date of 1806, was in the possession of Frank Winter, of the Winter family of Boot Farm, Little Missenden, and this is set out below; an inferior version is published in Parker's History of High Wycombe (Parker 1878).

Charles II

By the grace of God of England Scotland France and Ireland, King Defender of the Faith, &c

To whome these present letters shall come greetinge. We have beheld a certaine Record remaininge in our White Tower of London in these words an auntient Charter remaininge in the White Tower of London Henry by the Grace of God Kinge of England and of France and Lord of Ireland To all and singular our Lovinge Subjects of England to whom our present charter shall come greeting Know ye that we have given and by this our present charter Confirmed to our beloved Subjects and Commoners wch belong to Holmere Heath In the County of Buckingham to witt the village of Penn the Forrens of Agmersham Little Missenden and the Forrens of Great Missenden, Hitchinden and the Forrens of Cheppinge wicombe and the Forrens of Wendover Eborac: wthall liberties and priviledges under written To witt the metes and Bounds are sett forth as followeth In the first place **Hasselmere, widdmere End and Niminge Chase watts Hatch Hollmers hatch Loxepyines hatch wheldens hatch Samsons hatch with winsmere hill Gawdes takes and so as the way leadeth to woods heeves lyeing and beinge towards the Gatestakes of Pennbury the Manor of Sir Roger Atte Penn Knight Rogmansham hatch garrett green Colmorham, Donon feeiles hatch Totteridge hatch Crendens hatch with Hassellmere** with all the parcels and apptnnces whatsoever belonginge to the Common withall the Liberties freedoms and Immunities of Commoninge belonginge to the said Townes and Villages aforesaid (That is to say) the Towne of Penn the forrens of Agmersham Little Missenden and the Forrens of Great Missenden Hitchinden and the forrens of Cheppinge wicombe and the forrens of Wendover Eborac: with all Libertyes under written (that is to say) Tollage Informat solve, Litoode, vite fleeds vitestroffe Geld, hidgeage stallage,

Misdeminge, Warquint, Borr the Boote to have and to hold all the aforesaid Common withall the Libertyes and priviledges above specified for ever: Now know yea that this our present Charter for us and our heires as much as in us lyeth we have waranted and defended to the aforesaid men and their heires in the aforesaid Townes and villages for ever. In witness whereof &c The Kinge being witness at Westmingster in the day of st Peter In Chaines Now know ye that the Tenor of the aforesaid Records att the desier and request of Walter Cary and Stephen Young Gentlemen, Edward Sparkes, Jeremy Saxton ... (there follow the names of 34 other local men, all yeomen as far as it has been possible to check)

One of the witnesses at the 1666 inquiry, George Long of Penn, gentleman, gave an account of what he said were the rights of common enjoyed for as long as he could remember. They included grazing for all cattle except mares, and liberty to dig chalk and clay, sand and mould, and to all bushes and maple, hazel willow and crab, and no other wood. Neither he nor any other witness knew of any right to any specific number of loads of any kind of wood. Roger Cook, husbandman of Wycombe, claimed that 'the poor tenants, but none of ability, are accustomed to cut hazel and thorn and lop beeches for fuel and hedgeboot, which they carried away on their backs.' He never knew any carried away but what had been voluntarily left for the poor at the time of felling, and never knew them claim the right to take the tops of felled beeches.

The purported charter was not produced in evidence at the enquiry, and no copy of it has been found in the PRO nor any mention of it in any calendar of rolls or charters. The text is in English, whereas a medieval charter would certainly have been in Latin. (Internal evidence in the text hints that parts of it had at one time been in Latin, and it may be significant that these are passages relating to the bounds of the Heath). The privileges it purports to grant were not the King's to grant, but the tenant in chief's. There is no mention of the King's position as overlord of Penn by virtue of his being Duke of Lancaster (as he was after 1399). There is

no mention of the six generally recognised rights of common: pannage, estovers, turbary, piscary, common in the soil or common of pasture and only one of the usual rights to wood: Housebote. Firebote, hedgebote and cartbote are not covered at all. William Child, who signs as having 'examined' the copy, is described in the list of petitioners as clerk (i.e. clerk in holy orders), but no clergyman of that name is known. And finally the privileges are garbled in a way that owes much to contemporary law dictionaries.

The Child family has a later and equivocal link with the charter. James Child of Amersham conspired with others to levy a fraudulent rate in order to raise money to enable some poor people to have a vote in a forthcoming election. Some other rate-payers objected, and the Lord Chief Justice, George Jeffreys, took an interest. What happened then is hard to discern through the fog of partisan passions that surrounded Jeffreys, but it seems that he had been encroaching on the liberties claimed in the charter; he now demanded to see the exemplification. Child said he could not let it out of his hands because he held it only as a trustee, and Jeffreys had him arrested till he surrendered it (BL Pamphlets 1689). He may have feared that it would be exposed as a forgery.

'Grimston' who signs the 'charter' was Sir Harbottle Grimston (1603–1685), later Lord Grimston a judge and MP for Colchester. He was briefly Speaker of the House of Commons and was sitting as such at the time when the House invited Charles II to return from exile in 1660. He sat on the commission that tried the men who condemned Charles I to death, and was appointed Master of the Rolls in 1660, (DNB 8, 700). He was from a puritan family, but was himself a moderate, and loyal to the king. His reported 'tenderness to the Protestant dissenters' does not seem to have influenced him in supporting the charter; Baptists and Quakers do not feature prominently among the signatories; there is only one known Quaker (John Child of Penn) and the first name on the list is that of Walter Cary, who was a leading member of the established church and had his own large pew in Penn church (*Records VII*, 257).

William Rylie (the elder) was a herald and archivist who had devoted his whole life to looking

after, and researching, records kept in the Tower. He was Keeper of the Records and Norroy King of Arms under Cromwell, but was demoted to Deputy Keeper at the Restoration, when he also became Registrar of the College of Arms. (DNB 17, 552)

It is unlikely that two men of such distinction as Grimston and Rylie would have knowingly put their names to such a clumsy forgery. Why then did Walter Cary and his neighbours go to such trouble, inexpert though they were, to fabricate a charter? And why did it still matter sufficiently 24 years later for James Child to accept arrest rather than risk exposing the charter as a forgery? It must surely be that, as we have already noted, the Heath was a very valuable asset to local inhabitants and there was a real fear that they would lose it.

They had good reason to be concerned since enclosure was an important issue of the day and the subject of national debate. In 1663, the House of Commons had rejected a bill entitled 'For the improvement of Commons', but in 1664 the preamble to an Act commended the Inclosure of wastes and their improvement, by which was meant conversion to arable in order to grow more corn. In 1665, a Lords bill, which failed after the first reading, proposed to allow owners of unprofitable wastes to petition the Lord Chancellor or the Chancellor of the Duchy of Lancaster asking for a Commission to divide the commons. In 1666, another bill which reached its Committee stage in the House of Commons, indicated the means whereby for nearly two generations local agreements had been finding legitimation independently of Parliament. The bill proposed to give retrospective blessing to all decrees which had been made during the previous 60 years in the Chancery, Exchequer Chamber or Duchy Court, allowing 'multitudes of Enclosures of Commonable Grounds Wastes Heaths fern-grounds and Marshes by consent of parties therein Interested' (Beresford, M. 1961, 55–6). It was hoped that this bill would encourage further inclosure.

It is necessary to note that the text went through a stage of oral transmission, probably by dictation. The name 'Aton Ball', in the list of those who petitioned for the charter to be issued, must be Nathan Ball, who was tenant of Whelpleys in Coleshill and Amersham in the 1660s (Trench

1983). Parker gives 'Anthony Ball'; there was no such person at the time.

There is no reason to impugn the bounds as given in the charter (Fig. 4): some of them were no longer current in the seventeenth century, one at least was in Latin, and one preserves an Old English usage that had long passed out of use. A version of them may have been current for some years in writing. They are not the most primitive kind of bounds, which proceed from landmark to landmark, nearly always in a clockwise direction ('From A to B and then from B to C'), but clearly presuppose an already settled countryside.

Hasselmere and **Widdmere End** are obvious enough.

Niminge Chase is evidently Ninney Wood Farm (877986), 2½ miles N by W of Hazelmere, and containing the place name element *niming*, (OE *nimung* [land] taken [into cultivation] (OE *niman*, to take) or alternatively *inning* (probably OE, though though not found in this sense before sixteenth century) from 'in' with suffix *-ing* used to form concrete nouns. Just E of it is the suggestively named Heath End. **Watts Hatch** has not been identified; Watchet Lane near Spurlands End is in the right area for it, half way between Ninney Wood Farm and Holmer Green (**Hollmer Hatch**); 'Hatch' from OE *haec(c)*? a gate, is a very common element in charter bounds, particularly for a gate into a forest, chase or park. A name found in eighteenth-century manor court rolls, clearly denoting an area, not a place, is Hollock Green, or Holluck Green, which may contain the same element as 'Hollmer'. The forms are too few and too late to allow any reliable etymology, but it may be permissible to see an analogy with 'Hillock', from Hill work, a Chiltern term for rights exercised in certain woods to extract timber (Baines 1981, 83). If this is right 'Holluck' was *Hollwork, and the name must date from a time when there was tree cover over the hollow that gave its name to Holmer Green.

There were trees in 1576 since the Inquiry of that date records the Queen as lord of Holmer Wood. A 1742 map of Holmer manor shows a group of fields named Holmer Reddings and a Redding Bottom which indicates an area cleared of

trees (BRO BAS maps 54). In the twelfth and thirteenth centuries much of the upland area seems to have been woodland, grazed in common, although Kingshill had 300 acres of Heath (Volans, 215).

The next named bound is **Loxepyines hatch**, and it is suggested that this is a broken-down version of *Lacus Pines*, a Latin version of Pines Pits, which was the name of one of the common fields of Woodrow (BRO, D/Dr/2/54). It will be realised that this involves a false quantity, since *Lacus* is a fourth-declension noun, with a long U in the nominative plural, but we should not expect high standards of latinity in seventeenth-century countrymen (for such must have been those that took down the text from dictation).

Wheldens hatch may be tentatively identified as the point at which Whielden Lane crosses into the area of the heath, approximately at the Queens Head Public House. The next bound is easy: **Samsons hatch** takes its name from an old property, which survives to this day as the Potters Arms, but was known as Sansums in the seventeenth century (BRO, D/A/Wf35/4); the name may come from Samson de Champneys, who was a Winchmore Hill freeholder in 1275 (PRO, C 132/38/7).

We then come to the most difficult name in these bounds: **winsmere hill gawdes takes**. It has long been realised that this is wrongly divided and should be 'gawde stakes', as in the next bound; but why should a low back tense vowel have been heard almost in the same breath as a slack one? We suggest that it is most unlikely, and that what we have here is OE *galge de*, with *de* as an attributive, collective suffix, so that 'galge de stakes' is 'the stakes of the gallows'. The boundary of a village was the traditional place for a gallows, preferably on common land, or road verges, (Baines 1980, 16; and 1981,88).

'**Woods heeves**' is no doubt 'woods eaves'; it shows that the boundary of the heath followed the edge of a wood; the southern edge of Penn and Common Woods was still the southern edge of the heath as shown on the Penn Enclosure map of 1855. The boundary bank is still visible along a small section of Penn Wood, but most of it has

been destroyed by the present road, which was newly established by the Enclosure Award. Along Common Wood Lane, however, the boundary is still marked by a steep bank along the side of the road. In the seventeenth century Woodseaves was a place name, not simply a topographical description: a holding was described as 'Priests Garden in Wood Eves' (AR 94/80/4/3); it was at Penn Street (AR 94/80/5/14).

The Gatestakes of Pennbury The Manor of Sir Roger atte Penn Knight gave us much trouble. For a long time we took it for granted that it must be must be Penbury Farm, the old manor house, at 921993. It has been assumed hitherto that the manor house was moved to Penn House in 1536, the date on a datestone on part of the house, and certainly part of Penn House was medieval or sub-medieval. However, it has recently been realised that the gates of Penn House are almost exactly 200 feet back from the road; a statute of 1285 required a 200-foot clearing between woodland and highway, as a precaution against highwaymen; it seems that this is unlikely to have been done after about 1300 (Rackham 1980, 269). An early date for the move is also supported by the recent discovery of a fourteenth-century windmill site close to Penn House (Records 34, 187) We therefore accept the 'gatestakes' of the manor as the present gate posts and Woods Eves as the settlement that grew up outside them.

Rogmansham hatch is perhaps *ruh merscum*, 'at the rough marshes'. There is a promising site on the hillside above Little Penn House Farm at 917949, where there is a level platform and some now dry ponds., The area is shown as an old enclosure on the 1855 Inclosure Map.

The boundary followed the steep bank of Common Wood to the start of Tylers Green, for which **garrett green** appears to have been an earlier name. This was 'Gerrards Green otherwise Tylers green' in 1753 (AR/94/80/11/226) and there are further references to Gerrards Green in the manor court book, 1804-1878) (AR/94/80/13/2). 'Garratt' appears in the name of fields off Beacon Hill in 1595 (AR/136/79/1/H), and there may be an analogy with Gerrards Cross, earlier Jarrat's Cross.

'Colmorham' is a not uncommon place name

(there is one in Amersham), and seems to contain a dative plural; it may be remembered in the name of Colehatch Farm, now Hilden Hall in Hammersley Lane (BRO D/X852/3; Chepping Wycombe Vestry Minute book 1848-1855). The 'Donon' of **Donon feicles hatch** is probably identical with 'Downham' (Parker, corruptly, has 'Devon Sceles'), containing the dative plural of *dun* OE 'hill'. This is therefore 'the fields at the hills', probably the fields below Ashwells, which were already ploughed in the late twelfth century, (Records 31, 118) when it was not yet usual to have fields on the hill tops. Hereafter it followed the S boundary of Kings Wood, much of which still has a hedge bank. **Totteridge Hatch** must have been near 885938, on the W side of Kings wood, or perhaps a little further S where the edge of the wood turns through a right angle, making a good marker for the perambulation. **Crenden's hatch** was presumably where Crendon Lane, leading up from Wycombe, met the Heath. The circuit then returns to Hazlemere.

This is a clear and entirely orthodox perambulation, without gaps or duplications, returning to its start at the N end of the circuit but there is a marked difference between the north and south of the Heath. To the south the bounds largely follow marked topographical features, often a track along a ridge or valley bottom, whereas to the north we know only the rough location of the maker points with no clear idea of exactly where the boundary ran. This may be because the woods to the south were valuable property whereas the open Heath was not. It would be interesting to discover any trace of physical boundaries to the north.

There are a few indications of the date at which the 'charter' may have been committed to writing: Roger atte Penn is attested in 1384 (PRO, CP 40/487/437 and CP 40/491 608), though not then a knight, and the 'atte' connective is typical of the years around 1400. A date after 1388 is indicated, since it was then that Richard II granted Wendover to Edward Duke of York (VCH ii, 473); not until then therefore, can Wendover have been known as Wendover Eborac. The King Henry referred to may therefore be Henry IV, as was believed by the supporters of James Child in 1689 (BL Pamphlets, 1689). Clearly, though, the bounds had been handed down orally for many years before that:

forms of Amersham with 'l' or 'ug' alternating in the first syllable, as suggested for *galge de* are known from the twelfth century (Mawer & Stenton, 1925).

The rights and privileges that were alleged in the charter for the people of the villis surrounding the Heath bear no relation to those in a genuine letter patent issued by Charles II in his capacity as Duke of Lancaster in 1664 (BRO D/X204). This related to the Chiltern manors in his Duchy of Lancaster, which included Penn but none of the other parishes surrounding the Heat (BRO D/X204). It granted exemption from tolls and dues at fairs and markets throughout England and the only, although perhaps most important, privilege relevant to the Heath was freedom from pannage. Exactly the same letter patent was issued in 1596 (Jenkins, 96) at the height of the national debate about the merits of inclosure which led to the Tillage Act of 1597 (Beresford, 44–7) and, as we have already noted, the period 1662–6 was another highpoint of Parliamentary activity on Inclosures. It seems that in both 1596 and 1664 this letter patent was felt to offer some advantage to Penn's part of the Heath, presumably the freedom from pannage, as well perhaps as reminding all the parties involved of the close involvement of the king as overlord.

It may be that the people had an oral tradition of what had traditionally been theirs, but it is more likely that the whole list was concocted for the occasion, with the help of a Law Dictionary.

Infornat solve seems to contain *informatio*, an accusation of a criminal offence, and part of the verb *solvere*, to pardon or remit sentence; false accusation in the royal courts was punishable by amercement, and it may be this that was supposedly remitted by this clause in the 'charter'. 'Viteflead' is what Blount's Law Dictionary (Blount 1677) gives as 'Fledwite', defined as "a discharge from amercement where a person having been a fugitive came to the place of our lord king of his own accord". 'Strofe' seems to be a mistake for 'strife', so 'witestrofe' would be the penalty for an affray. 'Miskening' is defined in Blount in exactly the same terms as those used at the foot of the charter for 'misdeeming'. 'Wardquint' is evidently a dictation error for 'wardquit' – freedom from the feudal duty of castle

ward, and the same is probably true of 'Borthelboote', *rectius* 'bordboote' a version of 'houseboot', the right to take timber for building a house.

We may fairly conclude that the charter was fabricated, probably with the Inquiry of 1666 in mind, round a core of bounds that was genuine in the sense of reflecting a tradition of an area in which common grazing rights had been exercised for many centuries. To this was added a list of privileges extracted at random from a law dictionary.

Encroachment

The charter bounds that entered into people's consciousness c. 1400 did not define the Heath as it was at its greatest extent. There had already been considerable assarting and enclosure in the heath and woodland around it. Kingshill, on the N border was being assarted and enclosed before the Conquest (Elvey 1960, 347, 360) and in the twelfth and thirteenth centuries it was the fee of Wendover, which included Kingshill Woods and Heath, Birchmere and the waste of Peterley, that was the principal scene of assarting (Vollans 1959). Holmer was also assarted early, much of it before the Conquest: by 1208 there were already four carucates under the plough (perhaps 4–500 acres) (Elvey 1960, 346)

In Wycombe, the agreement of 1203 x 28 seems to have prevented any further encroachments: the Tithe map of 1848 shows only a narrow band of old enclosures alongside the Penn-Hazlemere road, amounting to about 180 acres (75 ha).

In Penn the 'charter' bounds leave a rectangular clearing round Penn House, which looks like an assart and contains the field names Great and Little Readings (Tithe map), meaning land cleared of trees, and there are four '-moor' names, Ashmoor, Shinglemoor, Culvermoor and Horsemoor. Gelling suggests that 'moor' could relate to dry heathland (Gelling 1984, 54). Some of this waste land seems to have survived into the nineteenth century. In 1829 Lady Howe was presented in the manor court for building part of Penn House on the waste of Segraves Manor, and was expected to pay a quit rent (AR 94/80/Penn Encroachments)

Before 1235 lords would have been obliged to

- KEY:**
1. HASSELMERE
 2. WIDMERE END
 3. NIMIGE CHASE
 4. WATTS HATCH
 5. HOLMER HATCH
 11. GARRETT GREEN
 12. COLMORHAM
 13. DONON FEEILES HATCH
 14. TOTTERIDGE
 15. CREDENS HATCH



Fig. 4: Wycombe Heath and its bounds deduced from Bryant's Map of 1824 and the 'charter'. Bounds shown by broken line N of the road, where they are uncertain. Numbered points are listed in the 'charter'.



- KEY:**
- 6. LOXEPIYINES
 - 7. WHELDENS HATCH
 - 8. SAMSONS HATCH WITH WINSMERE HILL GAEDS TAKES
 - 9. WOODS HEEVES/GATESTAKES OF PENNBURY
 - 10. ROGMANSHAM HATCH

secure the agreement of their free tenants before extinguishing common rights, as evidenced by the Wycombe agreement of 1203 x 28, but the Statute of Merton (1236) established that a lord had only to demonstrate that he had left sufficient pasture for their needs. In 1285 another statute extended these provisions to cover commons shared between neighbouring manors or vills (Miller & Hatcher 1992, 39). These statutes enshrined in law the principle that the waste of the manor was the waste of its lord; thus there was no legal obstacle to the de la Pennes moving from their very restricted site at Penbury to the roomier milieu where Penn House was built; in 1838 it had a warren, a dove house and orchards (Tithe Map).

A significant encroachment of this kind would have made the tenants particularly anxious to define the new bounds of the Heath, and this may explain the noticeably more detailed nature of the bounds where they run through Penn. If the initiative for defining the bounds came from Penn it would also explain the unexpectedly dominant role of Penn in the spurious charter. The only two petitioners described as gentlemen, Walter Cary and Stephen Young were both from Penn, as was George Long who gave the most detailed evidence in 1576 (Parish Register 1634, 1667, 1678). Penn heads the list of the towns and villages surrounding the Heath, despite being one of the smallest, and was the only one mentioned in the Letter Patent of 1664.

The hamlet of Penn Street, which was shown on eighteenth-century maps as covering some 100 acres (40 ha), was included in the Heath by the 'charter' bounds. This suggests that it grew up after the move of the manor house and the consequent revision of the bounds. The earliest known reference to Penn Street is in the Parish Register for 1592, but it seems likely that it was established before the Black Death sharply reduced the demand for land after 1348. It was not shown as part of the Heath on the 1855 Inclosure Map.

The Penn Inclosure map of 1885 shows several 'old enclosures'; most are of only a few acres, but there is one of 75 acres (31 ha) in the valley between Penn and Common Woods, and one of 7 acres at the proposed location for Rogmansham hatch. The bulk of the Heath remained intact, and

in 1855 there were still 1061 acres (429 ha) to be enclosed in Penn; but the sharp rise in population during the eighteenth century had resulted in a large number of small encroachments nibbling away at the road verges and lacunae between houses. Three of Penn's hamlets bordered on the Heath, and Penn Street, Winchmore Hill and Tylers (End) Green were affected in this way. The Manor Court Rolls show that these encroachments were tolerated if the encroacher paid a fine; the fine was repeated year after year and was eventually consolidated in the quit-rent roll. Generally the encroachers were ordered to throw the land open to the common again, on pain of a double fine, but it is not clear that this was always enforced. They were expected to sign an acknowledgement that they owed a quit rent for the land (AR 94/80/6/12)

Very often the land enclosed was a very small plot, but if the encroachment was allowed to continue the area could mount up: Ann Sanders, a widow, was presented in 1829 for enclosing 3 poles, but this had to be added to an earlier 15 poles and a yet earlier 48 poles, making a total of 63 poles, or about $\frac{1}{3}$ of an acre, including a cottage (AR/94/80/1//21). Counsel's opinion in 1829 was that an encroachment made 12 or 13 years previously and not checked might be presumed by the jurors to have been made with the lord's consent (AR/94/80/6/12).

In 1647 three men were presented at the Penn manor court (AR, 94/80/1/7) for encroaching on the waste; in 1667 27 men were presented for encroaching, of whom 19 'continuavit' an earlier encroachment; in 1672 again 8 men encroached for the first time; but in 1682 and 1684 only three men in each year. In 1723 there were 7 presentments, but 4 'continuavit'; in 1736 there were 36 presentments, of which 19 were specifically said to be of 'new' encroachments.

Fig. 5 shows the progress of encroachment on the manor of Penn over the eighteenth century, as measured by the numbers of encroachments per year not noted as continued. The Manors of Holmer and Beamond, later Holmer-with-Beamond, would have graphs based on figures so small that they hardly display any variation above zero. Lying wholly N of the road, their histories, as

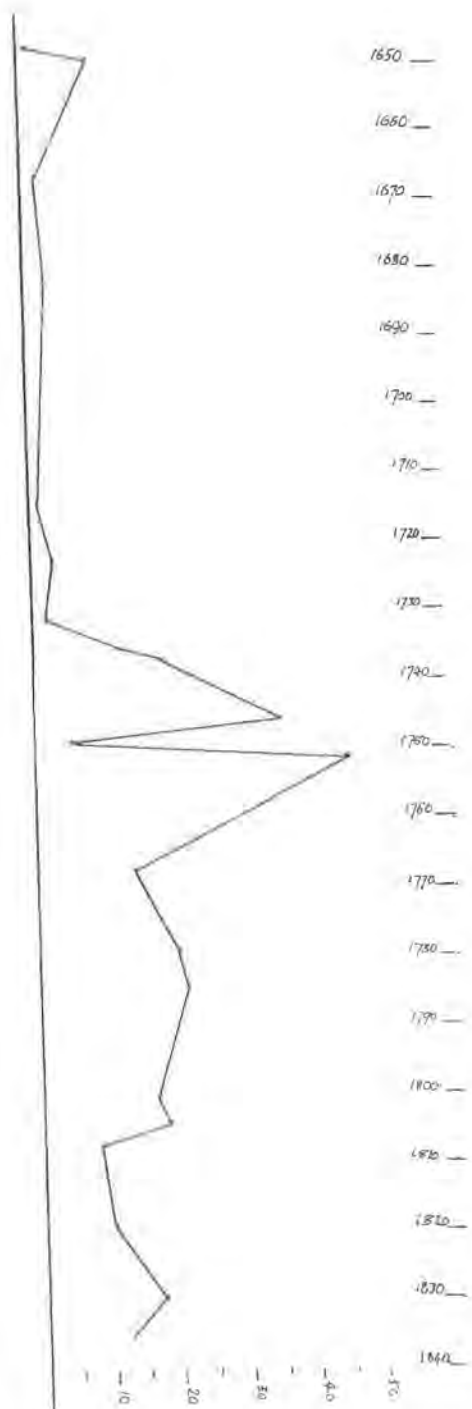


Fig. 5: Manor of Penn: encroachments per year 1650-1840.

noted above, were entirely different from that of Penn. The Manor of Segraves is excluded because its precise bounds are not known; we do not know how much of it lay within the Heath. We do not have a complete run of courts for any of the manors, and they seem to have been held at irregular intervals. Consequently to average the numbers over the years in which no court is recorded would mean serious distortion.

What the record seems to show for Penn is a peak in the middle of the century, followed by steady erosion up to 1800, with another peak in the early nineteenth century. In Holmer and Beamond the process seems to have started earlier and was virtually finished by mid-century; no encroachments at all are noted for the thirty years between 1705 and 1736.

Details of the size of the areas encroached upon are scarce. Only four court rolls give the acreages of all new encroachments: in Penn in 1767 they amounted to 9 acres 83 poles, and ranged from 5 acres to 1 pole (A pole is $30\frac{1}{4}$ sq yds; 160 poles make 1 acre; an acre is 0.4047 ha); in 1800, 105 poles, including one plot of half an acre; and in 1804 26 poles (AR 94/80/18). The actual acreage was often greater than that presented in court: in 1829 William Jarvis was found to have another four poles not mentioned in court; James Sanders had presented three poles but actually had 'nine or ten'; and Ann Sanders had been presented as having fifteen poles but in fact had 63 poles and a cottage. Altogether 33 poles presented in court turned out to be 133.

Very occasionally a tenant was ejected: one, John Ray, because he was 'not a parishioner' (AR 94/80/1/21); another, James Keen, because he had not paid his quit rent (*ibid*); and two more because they had been among 'the prisoners tried at Aylesbury for cutting wood' (*ibid*).

The first map to show the area of the Heath in any detail is that by John Rocque, map maker to the Prince of Wales (BL Map Library, Cat 460). It was surveyed at about 2 ins to the mile, between 1746 and 1751, though not published until 1761. It shows some 17 or 18 houses round 'Homer Green', but is not drawn with sufficient care to allow an accurate estimate of the extent of enclosure. A

military map of 1757 is also on a generous scale; it shows Woodrow with all its arable land to the E and the Heath to the W, criss-crossed with tracks. (BL Add/15532, f/14), as well as Penn Street & its fields, and part of Penn Wood. Jeffreys' map probably surveyed between 1766 and 1768, (at one inch to the mile) is on a smaller scale than Rocque's, and again is not sufficiently careful to allow an accurate estimate of the extent of enclosure (County Ref. Library, Aylesbury). A sketch map made in 1800 by Major Birch of the 16th Queens Light Dragoons shows 23 houses grouped round an area marked 'Homer Green', each in a garden plot (Royal Library). A sketch map made in the same year by a major of the 4th Dragoons corroborates the detail, showing 23 houses in the same area. The surveyor's drawing for the Ordnance Survey, made in 1811 at 2 ins to the mile, shows 31 houses round Holmer Green (BL map 154 W & E).

Final Inclosure

The 1500 acres of open common recorded by James & Malcolm in 1794 (p145) must have been almost all in Hughenden and Little Missenden parishes. In Hughenden, two successive Inclosure Awards in 1855 and 1862 enclosed 488 and 384 acres respectively: in Little Missenden, which included Holmer Green, 430 acres were inclosed in 1854. This makes a total of 1302 acres inclosed, but open fields as well as common land were covered by Inclosure Awards and we have not established how many of the 550 acres of open fields, which were recorded in the two parishes in 1794, survived until Inclosure (Tate 1946, 24-5, 38-9). Houses have since been built over more than half this part of the former Heath and the outlines of the mainly twentieth-century housing estates, which were built on the poor quality land, follow the line of the Heath as it was at Inclosure, with the surviving fields displaying the straight-line hedges set out by the Inclosure Awards (Fig 4).

Frank Winter's grandfather (b. 1820), who lived at Boot Farm on the N edge of the Heath, and owned the copy of the 'charter' quoted above, used to tell his family about sowing thistles and docks after dark in the newly cultivated fields, to demonstrate the strong resentment felt at the 1854 Inclosure (Pers. Comm. and *Bucks and Berks Countryside* 1972).

In Amersham, 890 acres were inclosed in 1817, almost all of which must have been common land since there had been only 100 acres of open fields remaining in 1794. Bryants later map of 1824 therefore does not show any of Amersham's former Heath, but it can be seen on earlier maps, particularly Rocque's and the military map of 1857. In 1794, James & Malcolm recorded 250 acres of common in Amersham separately from the 1500 acres of Wycombe Heath, but from inspection of various maps these acres also seem to have belonged to the Heath (Tate 1946, 24, 26, 37).

Part of Amersham's heath was once wooded: the 1576 Inquiry records that the Earl of Bedford, who held Amersham at that time, was lord of West Wood as part of the Heath. There is a West Wood in Colleshill today, but it is not the same wood; it was called Tomlins Grove in earlier centuries. (BRO/Howe/23/59/2; 23/53/(1720))

Much of the southern half of the Heath still survives today as woodland. Penn Wood, which is the largest single wood in the Chilterns, and Common Wood were both awarded to Earl Howe by the 1855 Inclosure. They have since been sold but are protected by AONB, Green Belt and their recent designation as Ancient Woodland. The owner of Common Wood encourages unrestricted access by the public. Penn Wood has recently been the subject of a Public Inquiry which has allowed the development of a golf course in its centre but in return for more public access on footpaths and bridleways. Thus 'commoners' still enjoy much of Penn's former Heath.

The Heath survived longest in Wycombe parish. When St Johns Wood was inclosed in 1869 there were 338 acres to be allotted (Tate 1946, 39 & BRO IR 42 R) The wood was owned by the Crown and a beautifully drawn map of 1836 (PRO MPE 625) shows that at this earlier date there was a total of 370 acres of which 350 acres were described as wood, 18 acres as enclosures, and 1¼ acres as encroachments. There were 20 of these encroachments, all very small, around the edge of the wood at both the Tylers Green and Hazlemere ends. The boundary crossed the Wycombe-Hazlemere road (A404) for up to 150 yards to include Terriers Green and a brick kiln/yard. Almost all the wood is now occupied by houses and

by the large Equity & Law complex although many trees remain. The most intensive development has been in the south where Tylers Green has grown rapidly since the late 1950s.

Kings Wood, covering 185 acres (74ha), has never been inclosed. When it was sold in 1910 the neighbouring commoners still had the right to turn stock on to it (Vernon & Sons). In 1922 it was purchased from Bassetsbury Manor for £800 by Chepping Wycombe Parish Council, with the help of local subscribers, (CWPC archives) and remains as woodland open to the public.

Nor was Tylers Green ever inclosed. The hamlet grew with the Wycombe chair industry from 1800 onwards and the new houses were almost all illegal encroachments on the waste. Philip Rose wrote to the landlords, the Dean and Canons of Windsor:

'Within living memory Tylers Green was an open common without any houses or building upon it, but small encroachments were from time to time made upon the Waste at the skirt of the great Wood (St Johns Wood) on which mud houses were afterwards built which have gradually given place to buildings of a more substantial nature, until within 40 or 50 years

a population has grown up upon the waste of several hundred souls with houses built closely together wherever a spot of ground could be safely enclosed....a population of nearly 600 is all comprised within a space of a quarter of a mile. It will be difficult to point to any other instance where a population has been collected so rapidly by illegal means and with so little resistance on the part of the owners of the soil.' (Green 1984,4-5).

When Tylers Green common was purchased in 1954, for £100, by Chepping Wycombe Parish Council from the Church Commissioners as the lords of Bassetsbury Manor (CWPC archives), about half the original Common was covered by encroachments, leaving the 25 acres (10.25ha) which survive today as Village Green.

Common rights in Kings Wood and on Tylers Green common, were not extinguished until 1976 when both were registered as Village Greens. No protest was made by the public at the loss of all common rights except those of sports and past-times. The many centuries of conflict between landlords and Commoners had been forgotten and Wycombe Heath in its traditional role was no longer needed.

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