

FROM THE KING'S WILL TO
THE LAW OF THE LAND:
ENGLISH FOREST LITIGATION IN
THE *CURIA REGIS ROLLS*, 1199-1243

A THESIS IN
History

Presented to the Faculty of the University
of Missouri-Kansas City in partial fulfillment of
the requirements for the degree

MASTER OF ARTS

by
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B.A. with Honors, Missouri Western State University, 2018

Kansas City, Missouri
2020

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ABSTRACT

While regulations governing the use of Medieval English land and game previously existed, William I implemented a distinct Anglo-Norman version of forest law after the Norman Conquest in 1066. Forests as a legal term, however, did not solely mean wooded lands. Forests covered many terrains, including pasture or meadow. Forest law evolved from regulations that changed with the king's will to a bureaucratic system that became law of the land. That shift came slowly through the reigns of King John (r. 1199-1216) and Henry III (r. 1216-1272). While discord dominated John's relationship with his barons, once his son Henry reached majority he responded favorably to critiques of his reign by the nobles. The forest cases in the *Curia Regis Rolls*, litigation records from the English central court, highlight the complex legal negotiations between the king, the elites, and those who operated in the forests. Nobles who had access to the king's court confirmed or maintained their rights to land and its resources through these suits. In this way, the *Curia Regis Rolls* demonstrate how the elite used forest rights for personal gain, through management of the natural resources and protections of the liberties and exemptions for themselves and their heirs.

APPROVAL PAGE

The faculty listed below, appointed by the Dean of the College of Arts and Sciences, have examined a thesis titled “From the King’s Will to the Law of the Land: English Forest Litigation in the *Curia Regis Rolls*, 1199-1243,” presented by Paula Ann Hayward, candidate for Master of Arts in History degree, and certify that in their opinion it is worthy of acceptance.

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ACKNOWLEDGEMENTS

I would like to thank Dr. Linda Mitchell for her direction, critiques, and mentorship. She has challenged me to think deeper about the source material and solidified to me the importance of medieval studies to the field of history.

I would also like to thank Dr. Massimiliano Vitiello and Dr. David Freeman for their encouragement and patience.

I would also like to thank Dr. Jay Lemanski for teaching me to Battle my way through Latin as part of my undergraduate studies.

I would like to thank my mother Bessie Hayward, who taught me how to read and is one of the strongest women I know. I would like to thank my son, David Sullivan, for being my sounding board over the years and for never quitting asking why about everything. Finally, for my late father, William Hayward, who took me to the library, made sure we always had books, and taught me to cherish their contents.

CHAPTER 1

INTRODUCTION

Late medieval and early modern myths conjure up images of merry outlaws blithely usurping the laws and boundaries of the king's forest. They crafted a fictional memory based upon the very real dissatisfaction of nobles and commoners with the regulations and fines over the man-made environmental boundary known as forest. The administration of forest law evolved during the twelfth and thirteenth centuries from regulations that changed with the whim of the king to a more bureaucratic system. That shift came slowly yet is seen distinctly in the reigns of King John (r. 1199-1216) and Henry III (r. 1216-1272). While discord dominated John's relationship with his barons, once his son Henry reached his majority he responded favorably to critiques of his reign by the nobles. The forest cases in the *Curia Regis Rolls*, litigation records from the English central court, highlight the legal negotiations between the king, the elites, and those who operated in the forests. Nobles who had access to the king's court confirmed or maintained their rights to land and its resources in suits recorded in the *Curia Regis*. In this way, the *Curia Regis Rolls* demonstrate how the elite used forest rights for personal gain, through management of the natural resources and protections of the liberties and exemptions for themselves and their heirs.

To fully understand how English kings administered forests it is important to define forest. In a legal connotation, royal forest applies to land under the control of the king, not

simply treed woodlands.¹ Hence, forest could encompass other types of landscape including pasture and meadow. The king then appointed officers to oversee the economic and judicial administration.² The concept of forests solely as king's hunting grounds is too simplistic, as forests regulations developed into a complex administrative system. For example, barons could hold lands where they could mete out some of the same rights and privileges as the king. They were known as chases or private forests. The difference between the application of forest law in chases and forests is not clearly defined in the sources and scholars continue to debate the minutiae of the distinction.³ A hierarchy of forest officials oversaw the "administrative, economic, and judicial functions" of the forest.⁴ Regulations pertaining to both the vert and the venison guided what activities could be undertaken in forested lands. Fines from violations created revenue for the king's treasury. Sometimes individuals would pay for the liberty to undertake activities in the forest. Charles Young credits the evolution of forest law through the twelfth and thirteenth centuries with the "creation of a large

¹ John Langton and Graham Jones, "Deconstructing and Reconstructing the Forests: Some Preliminary Matters," in *Forest and Chases of Medieval England and Wales c. 1000-c. 1500: Towards a survey and analysis*, eds. John Langton and Graham Jones (Oxford: St. John's College Research Centre, 2010), 4.

² Ibid.

³ John Langton, "Medieval Forests and Chases: Another Realm?" in *Forest and Chases of Medieval England and Wales c. 1000-c. 1500: Towards a survey and analysis* (Oxford: St. John's College Research Centre, 2010), 24. "Chases and private forests had institutions and officers to protect vert and venison." Langton details the analysis of Leonard Cantor who called the lines between forests and chases as "somewhat blurred," while David Crouch takes a stronger stance, arguing that there is "no distinction between royal and comital forests."

⁴ Charles R. Young, *The Royal Forests of Medieval England* (Philadelphia: University of Pennsylvania Press, 1979), 164.

administrative class.”⁵ Forest regulations were oppressive for many, limiting their access, either legally or economically, to natural resources that were necessary for everyday living.

A Brief History of Forest Law

Oppressive forest regulations originated in 1066 when William (r. 1066-1087), then duke of Normandy, exercised his tenuous claim to the English throne, creating a distinct Anglo-Norman version of English forest law.⁶ While laws governing the use of land and game were not new, William I established what would become English forest law, declaring lands as royal forests and regulating their use. As part of this, the king granted benefices of the forest to both secular and ecclesiastical nobles, usually for a fee. These benefices granted license to undertake certain activities within the forest. Forest boundaries, and therefore those fines and exemptions, continued to be negotiated between the king and individuals within each subsequent reign as a way to assert authority or maintain rights.

Once forest law was established, a chief forester was assigned by and reported directly to the king, while local officials known as foresters and verderers oversaw the legal compliance and the many exemptions provided to both secular and ecclesiastical nobles.⁷

⁵ Ibid.

⁶ Dolly Jørgenson, “The Roots of the English Royal Forest,” in *Anglo-Norman Studies* 32, ed. C.P. Lewis (Woodbridge UK: The Boydell Press, 2010), 115.

⁷ John Langton and Graham Jones, “A Glossary of Terms and Definitions,” *Forests and Chases in England and Wales, c. 1000 to c. 1850*, accessed September 28, 2019, <http://info.sjc.ox.ac.uk/forests/glossary.htm>. Foresters were appointed to preserve vert and venison...present offenders at courts and to lead regarders on inspection of forest. Verderers were responsible for the care of the vert and the venison and held inquests on deer found dead in the forest.

Forest regulations outlined how land and game, known as the vert and venison, could be used by those other than the king in royal forests.⁸

Many forest activities required the king's license involving both the vert and the venison. One important regulation was the assart, the act of removing trees and underwood to make pasture or arable land.⁹ Waste, defined as the felling of trees and other destruction in areas subject to royal forest law, was another common punishable offense.¹⁰ During the time of Henry I (r. 1100-1135), felling trees within a king's forest without license was subject to a fine at least four times as great as illegal cutting outside the king's property.¹¹ Rights of the venison did include regulations on the variety of deer such as red and fallow, but more commonly focused on licensed rights, including the rights of pannage and free warren.¹² Pannage rights were necessary as pigs can wreak havoc on the delicate balance of the forest. Free warren referred to small game such as rabbits, pheasants, and partridges.

Through William's reign and that of his son William II (r. 1087-1100), the amount of land claimed by the throne rose in a process known as afforestation. The New Forest, located

⁸ Langton and Jones, "A Glossary of Terms and Definitions." Vert is from Latin *viriditate* 'greenness' and means habitat for deer; trees and underwood; all vegetation in a forest. Venison is from Latin *venatio*, originally all beasts of the chase, effectively red deer, fallow deer, roe deer, and wild boar; every beast of the forest.

⁹ Ibid.

¹⁰ *Magna Carta*, edited by David Carpenter (London: Penguin Books, 2015), 470.

¹¹ *Leges Henrici Primi*, ed. & trans. L.J. Downer (Oxford: Oxford University Press, 1972), 145, c. 37. Both 37.1 and 37.2 refer to *pudehepet* (cutting of wood). 37.1 notes that offenses *preter parcum et forestam* (outside of park and forest) are subject to fines of five *mancesses*. 37.2 notes that offenses *in parco regis vel forest* (in the king's park or forest) are subject to penalties of twenty *mancesses* "unless a stricter prohibitive rule demands a greater penalty."

¹² Langton and Jones, "A Glossary of Terms and Definitions." Pannage is the pasturage of swine (also payment for): acorns, beech-mast, etc., as food for swine; right to graze pigs [in autumn] in woodland. Free warren refers to the right to hunt certain animals such as rabbits, pheasants, and partridges.

in Hampshire, became one of the earliest forests under William I.¹³ Henry of Huntingdon, a twelfth-century chronicler, had harsh criticism for William's action, stating that William "had villages rooted out and people removed and made it habitable for wild beasts. When he robbed men of their property... from his excessive greed, they were embittered and consumed in their innermost hearts."¹⁴ Forests became a playground for the power struggles between the king and his nobility.

The conflicting actions of King Henry I (r. 1100-1135) and King Stephen (r. 1135-1155) demonstrate how forest law could be manipulated based upon the whim of the king. Henry I had increased the amount of royal forests during his reign, while Stephen, after taking the throne, sought to disafforest those same lands.

Nobles' dissatisfaction with the excessive forest law enforcement rose through the later part of the twelfth century and into the thirteenth and can be seen in three particular documents that deal with standardizing forest regulations. Henry II (r. 1154-1189), one of the most powerful kings of the medieval era, issued the Assize of Woodstock in 1184, one of the earliest documents that deals solely with forest regulations.¹⁵ Charles Young asserts that this Assize sets a tone of creating law, not a document that "rested solely upon the king's will."¹⁶

¹³ Brian Golding, *Conquest and Colonisation: The Normans in Britain, 1066-1100* (Basingstoke, UK: Palgrave MacMillian, 1993), 99. Edward the Confessor (r. 1042-1066), an eleventh-century English king, had hunting grounds there, and Robert Torigini, a twelfth-century monk and chronicler, argued that the New Forest was simply an "extension of a pre-existing preserve.

¹⁴ Henry of Huntingdon, *The History of the English People 1000-1154*, trans. Diana Greenway (Oxford: Oxford University Press, 1972), 32.

¹⁵ Langton, "Medieval Forests and Chases: Another Realm," 15.

¹⁶ Young, *The Royal Forests*, 28.

Although Henry II's enforcement of forest offenses were more strict, they were less severe than his grandfather's.¹⁷ Those enforcements highlight how forest law could be seen as oppressive, as illustrated in action of Henry II's Chief Forester, Alan de Neville, who in 1175 served fines amounting to £12,305 for forest offenses, an amount several times more than in previous or subsequent years.¹⁸ Either way, the excessive fines and stricter enforcement spiraled into bitterness among the nobility.

When John became king, he had many challenges maintaining allegiance among his nobility. That bitterness brought forth the second document, the well-known Magna Carta, reluctantly sealed by King John in 1215. Several chapters of Magna Carta specifically address forest law.¹⁹ John died the following year, leaving the nine-year-old Henry III as ruler.

In 1217 forest regulations were separated from Magna Carta and given their own charter, The Charter of the Forest, issued by the regents of Henry III. Chapter one locates the origin of oppressive forest laws in the reign of Henry II, and proposes the disafforestation of

¹⁷ *Select Charters and Other Illustrations of English Constitutional History*, ed. William Stubbs, (Oxford: Clarendon Press, 1921), 186.

¹⁸ Young, *The Royal Forests*, 38; *Magna Carta*, ed. Carpenter, 192. Historians debate whether that amount stems from punishment from the 1173 to 1174 rebellion against Henry II. Young cites Doris M. Stenton that Henry II collected fines from both his supporters and those that rebelled against him, while Carpenter proposes that the extensive revenue was as "punishment" for the rebellion.

¹⁹ *Magna Carta*, ed. Carpenter, 54-55. Chapters 47 and 48 call for immediate action, retracting lands that John had afforested and abolishing "all evil customs" in each county.

land that Richard and John may have taken unjustly.²⁰ Once reaching his majority, Henry III reconfirmed both Magna Carta and the Charter of the Forest.²¹

Over a period of a hundred and fifty years, the landscape of English forests changed legally and physically. The Norman Conquest created upheaval throughout society and each king had to carefully negotiate the allegiance of his nobles. The Charter of the Forest brought the minority of Henry III and the nobility into an agreement that the king would himself reconfirm once he reached adulthood. Twelfth- and thirteenth-century forest law became a complex series of negotiated rights with increase standardization in reign of Henry III. This paper will explore how litigation over royal forests and lands held by nobles affected the power dynamics both in status and the physical landscape. These dynamics are seen in the *Curia Regis Rolls*, thirteenth-century litigation records that outline cases brought before the king's court.

The Curia Regis Rolls

The *Curia Regis Rolls* record litigation argued in the central courts.²² Forest suits often originated in the forest eyres, proceedings that were held about every three years. From those courts, cases could be referred to the King's Bench. Raymond Grant writes that not only did secular and ecclesiastical nobles have the "privilege" to have forest eyre cases

²⁰ Henry III, *Charter of the Forest*, 1217, Chapter 1. Chapter 10 states that no one will be sentenced to death for taking venison but keeps heavy fines, prison time, or exile as punishment.

²¹ David Carpenter, *The Minority of Henry III* (Berkeley, CA: University of California Press, 1990), 63.

²² The *Curia Regis Rolls* (CRR) contain manuscripts from both the *Coram Rege* and the King's Bench. There are twenty transcribed volumes, of which this analysis uses volumes I to XVII.

moved to the Curia Regis, but so did members of the royal household and the king’s judges.²³ John Hudson outlines the ways in which a case might find itself in central court.²⁴ Either litigants paid for the proceedings to take place in the central court or it might be the “defendant’s privilege of only answering before the king.”²⁵

Table 1. English Counties of East Midlands, East Anglia, and the South East

Region	Counties
East Midlands	Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire, and Rutland
East Anglia	Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, and Suffolk
South East	Berkshire, Buckinghamshire, Kent, Oxfordshire, Hampshire, Surrey, and Sussex

The focus of this thesis will be on cases sued between 1199 and 1243 during the reign of John (r. 1199-1216) and in the first half of the reign of Henry III (r. 1216-1272), divided between his twelve year minority and the first fifteen years of his majority.²⁶ Three regions of England will be analyzed, the East Midlands, East Anglia, and the South East-- as they most clearly define what was happening in English forest law during those years.

²³ Raymond Grant, *The Royal Forests of England*, (Stroud UK, Alan Sutton Publishing Limited, 1991), 73.

²⁴ John Hudson, *The Formation of the English Common Law: Law & Society in England from King Alfred to Magna Carta*, 2nd ed. (London: Routledge, 2018), 182.

²⁵ Ibid.

²⁶ John’s reign: 1199-1216, volumes I-VII, Henry’s minority: 1216-1233, volumes VIII-XIV, Henry’s majority, 1233-1243, volumes XV-XVII.

The *Curia Regis Rolls* are indexed by subject, using the broad category of forest. A challenge became deciding which entries might pertain to forest in the legal sense. Apparently, many times forests were referred to as forests of nearby villages rather than by the given forest name.²⁷ I opted to view cases of the king, individuals (many of whom were nobles), and ecclesiastical houses, which wielded great power in their communities. Regardless, the application of forest law, both in rights and violations, pertains to the cases presented here.

The *Curia Regis Rolls* serve as a starting point for research, providing a wealth of information albeit in a fractured format. The records are not, however, an end point. There are many avenues to take in conducting research on forest law.

Survey of Literature

Forests existed both as habitats and as part of the medieval economy.²⁸ By carving legal boundaries from the natural landscapes of England, forested lands became a microcosm of English society in the twelfth and thirteenth centuries. As with any complex society, modern scholars have studied that space in a number of ways. Forests have historically been viewed in three ways, including the literary nature of the forest culture, the environmental

²⁷ William Richard Fisher, *The Forest of Essex: Its History, Laws, Administration and Ancient Customs* (London: 1887), 15.

²⁸ Langton and Jones, "Deconstructing and Reconstructing," 4.

happenstance of medieval conservation, and the legal history involving violations and disputes over forested lands.²⁹

For instance, the English antiquarians of the nineteenth century are owed a debt of gratitude for their meticulous efforts to transcribe manuscripts buried in county archives.³⁰ The Selden Society, founded in 1887 by Fredric William Maitland, himself a renown English legal historian, publishes volumes focused on English legal history. Two volumes, in particular, were instrumental to this analysis, *The Select Pleas of the Forest*, edited by G. J. Turner, and *The Introduction to the Curia Regis Rolls*, edited by Cyril T. Flower.³¹

While a wealth of primary sources exists, up until recently the current study of Medieval English forest law has focused more on the environmental aspects. Scholars have touched on the social history of forests, yet the foundational monograph from Charles Young, *The Royal Forests of Medieval England*, dates from 1979.³² Judith Green wrote in 2013 regarding a new crop of forest law scholars, including her own works on Henry I.³³ Other current scholars approached forest law from a landscape or environmental perspective rather than legal or social history. Ecologist Oliver Rackham's body of work detailed the

²⁹ This paper utilized many of the legal and environmental sources, whereas the literary culture will be reserved for future research.

³⁰ British History Online has made many of the volumes available online with indexing for easier searching. <https://www.british-history.ac.uk/>.

³¹ G. J. Turner, *Select Pleas of the Forest*, (London: Selden Society, 1901); Cyril T. Flower, *Introduction to the Curia Regis Rolls, 1199-1230 A.D.* (London: Selden Society, 1944).

³² Young, *The Royal Forests*.

³³ *The Great Roll of the Pipe for the Thirty First Year of the Reign of King Henry I: Michaelmas 1130*, translated by Judith A. Green. London: The Pipe Roll Society, 2012; Judith Green, "Forest laws in England and Normandy in the 12th century," *Historical Research* 86, no. 233 (2013): 416- 431.

British landscape. For my purposes, *The Illustrated History of the Countryside* provided definition and visual aids for many of the terms used in the *Curia Regis Rolls*.³⁴

The modern study of medieval forests, however, is truly an interdisciplinary field. Historian John Langton and geographer Graham Jones partnered to create a “study and analysis” of forest and chases from c. 1000 to c. 1850. Their text and accompanying website include not only the mapping of medieval forests but include a breadth of scholars who touch on all aspects of forests from the macro to the micro level.³⁵

The study of forest law once divided between legal history and environmental studies now stands at a crossroads. The interdisciplinary research on forests headed by Langton and Jones created a plethora of data and new interpretation on subjects such as the power of hunting and woodland management. Most recent research, such as landscape historian Hadrian Cook’s *New Forest: The Forging of a Landscape* provide a micro approach to the landscapes of forest law, both in the legal and environmental sense.³⁶ More broadly, books such as Ellen Arnold’s *Negotiating the Landscape*, although written about France, provide a template on examining the power structures of those who spent their everyday lives in the forest.³⁷ The study of Medieval English forests is moving out of the woods and into the realm of interdisciplinary studies.

³⁴ Oliver Rackham with photographs by Tom Mackie, *The Illustrated History of the Countryside* (New York: Weidenfield & Nicholson), 2003.

³⁵ Langton & Jones, “A Glossary of Terms and Definitions.”

³⁶ Hadrian Cook, *New Forest: The Forging of a Landscape* (Oxford: Windgather Press, 2018).

³⁷ Ellen Arnold, *Negotiating the Landscape: Environment and Monastic Identity in the Medieval Ardennes* (Philadelphia: University of Pennsylvania Press, 2013).

CHAPTER 2

THE *CURIA REGIS ROLLS* IN THE REIGN OF KING JOHN

King John is an ideal starting point for this examination of the *Curia Regis Rolls* not simply based on the availability of the documents. The nature of John's administration and his methods of rule created dissatisfaction and, ultimately, rebellion among the barons, repercussions of which were felt into his son's reign. W. L. Warren writes that while King Richard was fascinated with war, his brother John was fascinated with everyday governing.¹ Richard's prowess in battle endeared him to his men, but according to Warren, John kept his barons loyal "by fear not affection."² John also used the courts as a means of control over his barons, including forest cases found in the *Curia Regis Rolls* which highlight "typical baronial behavior."³ James Holt writes that John punished forest offenders "solely from the King's will," sometimes "mercilessly," so that the forest became a "fruitful source of revenue for the crown."⁴ Ryan Rowberry echoes that sentiment, stating that John's "savage overexploitation of forest law revenues" was a factor leading to the discontent embodied in Magna Carta.⁵

¹ W. L. Warren, *King John* (Berkeley: University of California Press, 1978), 133.

² *Ibid.*, 181.

³ *Ibid.*, 176; James C. Holt, *The Northerners* (Oxford: Clarendon Press, 1961; reprint, Oxford: Clarendon Paperbacks, 1992), 18.

⁴ Holt, *The Northerners*, 159-160; Warren, *King John*, 151.

⁵ Ryan Rowberry, "Forest Eyre Justices in the Reign of Henry III (1216-1272)," *William & Mary Bill of Rights Journal*, 25 no. 2 (2016): 513-548 at 519.

John, however, was not the only candidate for king upon Richard's death. Warren quotes William Marshal's biographer, who credits the Marshal's influence as the deciding factor in naming John as king over Arthur of Brittany, John's nephew.⁶ While the biographer's bias could force one to be suspicious of the Marshal's influence, his involvement is not in question. Richard had been in England only a handful of months in his ten-year reign, and after Richard's death, John inherited a kingdom in disarray.

A *Curia Regis* case heard in the Hilary Term of 1199, the final term of Richard's reign, highlights the tensions among men that John inherited. Cyril Flower outlines a case in Hampshire as a John and Nicholas were assaulted while heading into the forest by Robert de Warneford, his three sons, and two other men.⁷ The entry details the injuries sustained by the men, which then all men of the hundred were sent to view.⁸ Nicholas had injuries to his head and some fingers were cut to the bone, while John de Warneford, one of Robert's sons, was apparently scalped.⁹ The Warneford family held lands in Hampshire, and it is unsure what forest in the county is referred to in the suit.

⁶ Warren, *King John*, 49. Arthur was a viable candidate for king. He was the son of Geoffrey, who was son of Henry III and Eleanor of Aquitaine, brother to Richard and John.

⁷ Flower, *Introduction to the CRR*, 304; *CRR*, vol. I, 91. *Post missam auditam equitarent versus forestam domini regis ut superviderent dampnum domini regis, venerunt predicti Robertus et Helias et Helias (sic) filius et alii secum et assultaverunt eos and vulneraverunt and maimaverunt.* "After hearing mass they were riding toward the forest of the king to survey damage of the lord king, they came to aforementioned Robert et al. and assaulted them and wounded and maimed them." Unless otherwise noted, all Latin translations are by author.

⁸ *CRR*, vol. I, 91. The entry names Herbert de Proill', Gervasius de Nort', John de Vatort, Gaufridus de Froill', Henry Waleis, Hugh de Hernam as well as "omnes homines hundredi regis."

⁹ *Ibid.*; Flower, *Introduction the CRR*, 304. *Testa capitis scissa est.* "The crown of his head was cut."

A similar case from Hertfordshire in the Easter 1206 term describes the robbery of forty marks of forest dues from the home of Simon de Stukeley by Hugh Hairun.¹⁰ According to Adam, the servant of Simon, Hugh imprisoned him for two days and stole money and a sword.¹¹ Furthermore, Simon stated that Hugh shot him in the hand with an arrow and the fresh wound was shown when the case was in the country court.¹² Hugh paid to have an inquest and a jury of knights were assembled.¹³ The case continued through 1206 and the final entry showed that both Simon and Hugh were amerced for ten shillings and one mark respectively.¹⁴ Charles Young outlines how serving as a forest official could involve danger, including as detailed below, threats and injury to themselves or their families.¹⁵

In Bedfordshire, another case of rights and violence occurred over fallen oaks and another home invasion.¹⁶ Henry Buniun accused Richard Everand and nine other men of cutting down 340 oak trees.¹⁷ A day was set for which they were to reach a concord, but Richard and his men broke into Henry's home, dragged out his wife and son, robbed him of a

¹⁰ *CRR*, vol. IV, 147-148; *Select Pleas of the Crown*, ed. F. W. Maitland (London: Selden Society, 1888), 50-51. English translation is included in the Selden Society book.

¹¹ *Select Pleas of the Crown*, ed. Maitland, 50-51.

¹² *Ibid.*

¹³ *Ibid.* Juries were investigative bodies in the Middle ages. They determined the details of a suit through inquiry of the witnesses and litigating parties.

¹⁴ *CRR* vol. IV, 246. *Misericordia Simonis x. solidi: misericordia Hugonis j marca*. The transcribed entry is incomplete as the manuscript entry was located at the end of a membrane [m. 5d].

¹⁵ Young, *The Royal Forests*, 51.

¹⁶ *CRR*, vol. III, 151-152. The case is dated to the Trinity Term of 1204.

¹⁷ *Ibid.* Few of the men accused appeared in court on the initial claim regarding the oaks.

cloak and a sword, and did damage worth forty marks. Richard denied the attack.¹⁸ The real dispute was over the land around Pulloxhill that was held by Pirot, Henry's father; apparently Henry had paid one mark sterling for the right to be named as his father's heir.¹⁹ Richard claimed the land was assigned to him for ten years.²⁰ Each side claimed to have proof and the case continued to the Easter 1205 term, when Richard was called to answer for the robbery and paid one mark to have an inquisition into the case.²¹ The status of the men involved cannot be determined, yet the clerk in the 1204 entry took great care to outline the particulars of this case, as the entry is quite long and takes up over a page and a half of printed text. Flower notes in the preface to this volume that the 1204 rolls, which were pleas before the king, hold "peculiarities" such as wide range of subjects, "timidity on the part of the court," and a focus on local cases.²² In 1227 Henry Bunion gave Woburn Abbey eight acres of land in Pulloxhill, showing that he, or perhaps a son, still held land in the community well into the reign of Henry III.²³

¹⁸ *CRR*, vol. III, 151-152; Hudson, *Formation of the English Common Law*, 209. Hudson defines final concord as "an agreement, generally one made in the king's court or the record of such an agreement."

¹⁹ *Ibid.* *Henricus dedit Roberto de Aubenn 1 marcas sterlingorum ut reconoscatur eum esse heredem patris sui de terra quam habuit apud Pullokeshull.* "Henry gave Robert of Aubenn one mark sterling so that he would be recognized to be the heir of his his father regarding the land that he held around Pulloxhill." Robert is possibly translated Robert de Albin, a family which had been associated with the manor of Pulloxhill since the Domesday survey.

²⁰ *Ibid.*

²¹ *CRR*, vol. III, 304.

²² *CRR*, vol. III, v-vii.

²³ "Parishes: Pulloxhill," in *A History of the County of Bedford: Volume 2*, ed. William Page (London: Victoria County History, 1908), 376-381. British History Online, accessed June 18, 2020, <http://www.british-history.ac.uk/vch/beds/vol2/pp376-381>.



Figure 1. 11th-12th Century Manuscript Depicting Pannage. Cotton Tiberius B V f 7r.

Not all suits contain physical violence, many were about the rights to the land, including rights to the resources from the land for use or for revenue. A 1203 entry from Kent outlines a dispute over the theft of pigs.²⁴ Four men were accused of entering the woods and taking a total of eleven pigs. Almaricus de Boxe, the defendant, claimed that he and his men were masting their own pigs in the woods of Penge, which were held by his lord, the abbot of Westminster.²⁵ Richard de Flich, who was serving as attorney for the plaintiff refuted Almaricus' claim, arguing the men were in the Beckenham, the park of his lord William de Gisney.²⁶ The case was referred to a hearing, and again, no follow up is listed in

²⁴ *CRR*, vol. II, 231.

²⁵ *Ibid.* *Aumaricus...dicit quod dominus suus abbas de Westmonasterio habet boscum quendam vocatum Peenge et illo bosco cepit porcos illos.* "Almaricus said that his lord the abbot of Westminster had woods which are called Penge, and in those woods, he seized those pigs." Masting refers to the act of feeding pigs the fruits of oak and beech trees, either collected for them or eating from the ground.

²⁶ *Ibid.* The other men involved in this case were Radulf de Witcroft who called Adam de Derherst, Hamo de Hig' who called Richard Ruffus, and Stephan de Hevernland who called Paganus Prepostius; Stephen D. Church, *Household Knights of King John* (Cambridge, Cambridge University Press, 1999), 91-92. While the status of the men bringing suit cannot be ascertained, Stephen Church records a William de Gisney, a rebel against the king, had lands in Leicester seized during the wars late in John's reign. Those lands were then granted to Robert Perverel, one of John's household knights.

the *Curia Regis*. The modern areas of Penge and Beckenham are about two miles apart, and no details on any boundaries between the woods, either natural or man-made, was provided in the entry. The rights of pannage were an important aspect of raising pigs, as masting allowed the them to fatten before slaughter. Despite the truth of this particular matter, losing livestock either through theft or illegal seizure based upon false claims was a costly enterprise, one that might allow ill-will between neighboring lords to fester.

Suits were not just about the right of pasturing or hunting animals in the forest but could involve the vert as well. Notley Abbey in Buckinghamshire and Louth Park Abbey in Lincolnshire brought similar suits regarding right to a spinney (a thorny shelter for game birds) and cartloads of wood.²⁷ Peter de Ireford, attorney for the abbot of Louth Park, argued in 1204 that Alan de Boideles owed the abbey twelve cartloads of firewood annually from the woods of Neubell.²⁸ Through three continuances over the next several months, pledges for Alan did not appear. Finally, in November of 1205, a final concord was reached between the abbot and the parents of Alan, Helthe de Boisdele and Idonia his wife.²⁹ A charter, which was witnessed by Helthe, stated that monks would receive the loads of wood yearly “in pure

²⁷ *CRR*, vol. III, 172, 233, 263, 317, vol. IV, 153, 252.

²⁸ *CRR*, vol. III, 172.

²⁹ *Abstracts of Final Concords Temp. Richard I, John, and Henry III*, vol. 1, ed. W. Boyd & W.O. Massingberd (London, 1896), 66. These abstracts are printed in English.

and perpetual alms.”³⁰ It should also be noted that the Louth Park chronicler alleged that by 1210 King John had extorted 1,680 marks from the abbey.³¹

The case in Notley Abbey was not so quickly decided. Agnes Wake claimed rights to the spinney in the middle of the village of Wichedon, yet the abbot claimed right as it was granted to him by king.³² One clue as to why Agnes was claiming right is in a previous entry, also in 1206. King John himself inquired as to how long a Baldwin Wake had been in his service across the sea with horse and arms.³³ Apparently, Agnes was the daughter of the constable in Normandy and received the land in Wichedon as part of her marriage gift to Baldwin.³⁴ In 1221 the case was again before the court, and according to the history of Notley Abbey, the abbot did not relinquish the land to the Wake family until 1238.³⁵ Whether the Boideles family acquiesced to the pressure of abbot of Louth Park or not, the tenacious litigation habits of these two monasteries point to the power they held in their communities.

Dissatisfaction with John’s rule grew over the years, and the power and position of families involved in the rebellion against King John are exhibited in the *Curia Regis Rolls*. Such is the case in Hertfordshire between Katerina, who was wife of John de Munfichet, and

³⁰ *Abstracts of Final Concords*, vol. 1, eds. Boyd & Massingberd, 66.

³¹ "Houses of Cistercian Monks: The Abbey of Louth Park," in *A History of the County of Lincoln: Volume 2*, ed. William Page (London: Victoria County History, 1906), 138-141. British History Online, accessed June 20, 2020, <http://www.british-history.ac.uk/vch/lincs/vol2/pp138-141>.

³² *CRR*, vol. IV, 252.

³³ *CRR*, vol. IV, 153. *J. dei gratia etc...Mandamus vobis quod...quam diu Baldwinus Wach fuerit in servitio nostro ultra mare cum equis et armis.*

³⁴ *CRR*, vol X, 29.

³⁵ *Ibid.*; "Houses of Austin Canons: The Abbey of Nutley," in *A History of the County of Buckingham: Volume 1*, ed. William Page (London: Victoria County History, 1905), 377-380. British History Online, accessed June 18, 2020, <http://www.british-history.ac.uk/vch/bucks/vol1/pp377-380>.

Richard de Munfichet.³⁶ In 1205, a jury sided with Katerina that she had been unjustly disseised by Richard of her free holding to the amount of thirty-five marks and that her garden, woods, and home had been damaged, her horses and cows were sold, and that even a chest and clothes were taken.³⁷ The sheriff stated that her goods should be restored to her. The relationship between John and Richard is not explained, yet a Richard de Munfichet served as sheriff of Essex and Hertfordshire until his death in 1203. Richard's son, likely the Richard of this case, served King John nearly until the end of his reign when he rebelled.³⁸ He ultimately became one of the twenty-five barons named in clause sixty-one of Magna Carta who were to “with all their strength observe, keep and cause to be observed, the peace and liberties which have granted to them, and have confirmed by this our present charter.”³⁹

The Interdict to Magna Carta

Fiscal and papal challenges plagued John's reign. In the beginning of 1204, he reached out to “all his subjects” to raise money against the king of France's “unwarranted aggression” as he fought to maintain Normandy.⁴⁰ Normandy, however, would never be regained. Tensions between John and the Church rose as Pope Innocent III, one of the most

³⁶ *CRR*, vol III, 287.

³⁷ *Ibid.* *Dampnum ad valorem xxxv marcarum tam in exstripatione gardini et bosci et domorum et venditione equorum et bovum et aliorum animalium et ablatione arcarum et vestium suarum.*

³⁸ Nigel Saul, “Richard de Montfichet,” *Magna Carta Trust*, 2015, accessed June 17, 2020, <https://magnacarta800th.com/schools/biographies/the-25-barons-of-magna-carta/richard-de-montfichet/>.

³⁹ *Ibid.*; *Magna Carta*, ed. Carpenter, 63.

⁴⁰ Stephen Church, *King John and the Road to Magna Carta* (New York: Basic Book, 2015), 120.

influential medieval popes, asserted his authority in England. By 1208 the whole of England was under papal interdict as a result of John's refusal to install Stephen Langton as Archbishop of Canterbury.⁴¹ In retaliation John confiscated church property, part of the circumstances that hastened the overall "discontent with John's rule."⁴² John needed to raise money. According to John Maddicott, in the six years of the interdict around £100,000 were raised from church lands.⁴³ The revenue of the pipe rolls from 1199 to 1209 varied from £22,183 to £36,086, so the income from church lands was significant.⁴⁴ Doris Stenton notes the by 1209 "treason was already in the air."⁴⁵

Just as Alan de Neville as chief forester had played a role in carrying out oppressive forest regulations during Henry II's reign, Alan's grandson, Hugh de Neville did the same under John. Hugh was in charge of the forest eyre, which began in 1207 and raised somewhere between £8,500 and £15,000 for the king.⁴⁶ Young records that the Assize of 1198 raised £1,980 and the pipe roll of 1212 shows £4,486 collected from the forest eyres, all

⁴¹ Church, *King John*, 149.

⁴² J. R. Maddicott, "The Oath of Marlborough, 1209: Gear, Government, and Popular Allegiance in the Reign of King John," in *The English Historical Review*, 126, no. 519 (2011): 281-318 at 288-289.

⁴³ *Ibid.*, 292.

⁴⁴ Nick Barratt, "The Revenue of King John," in *The English Historical Review*, 111 no. 443 (1996): 835-855 at 839-840. These pages detail the pipe roll revenue, both county and escheat revenue, along with monies raised during the Interdict. See page 839 for rationale for the £100,000 from church lands.

⁴⁵ Doris M. Stenton, *English Justice Between the Norman Conquest and the Great Charter, 1066-1215* (London: The American Philosophical Society, 1964), 101.

⁴⁶ Charles Young, *The Making of the Neville Family* (Woodbridge UK: The Boydell Press, 1996.) 29; Church, *King John*, 181. Young names the amount as £15,000, while Church states a more conservative amount of £8,500 to £9,000.

years that Hugh de Neville served as chief forester.⁴⁷ He had standing as “a close advisor and trusted agent of the king,” and Young asserts that Hugh had “complete discretion” granted by John to manage the “exemptions and privileges” of forest administration.⁴⁸ Yet, Hugh’s loyalties wavered after the death of John when he provided his castle to Prince Louis of France. It was not until 1224 that he regained the position of chief forester.⁴⁹ Hugh was a visible name in the *Curia Regis* in the administration of both John and Henry III.

Hugh was involved in a 1210 case in Nottinghamshire. The abbot of Rufford and three men, William, William, and Gaufridus, argued over rights to common pasture between the Welhag and Grymston.⁵⁰ The abbot asserted that letters from King John proved the abbey’s right not only to the pasture, but to build homes and create a bank between their woods of Besehall and Welhag.⁵¹ The abbot further argued that because Grymston and Welhag belonged to two separate barons they could not have common pasture.⁵² In the mid-twelfth century, Robert de Cundi had held Grymston, while Gilbert Gant had founded Rufford Abbey.⁵³ The plea was argued before Hugh de Neville as chief justiciar, and Simon

⁴⁷ Young, *The Royal Forests*, 39. The 1198 Assize also showed Geoffrey fitz Peter as chief forester. Alan de Neville had collected £502 in the 1166 forest eyre and £12,305 in the 1175 forest eyre as described in the introduction.

⁴⁸ Charles Young, *Neville Family*, 24; Young, *The Royal Forests*, 50.

⁴⁹ Young, *Neville Family*, 32.

⁵⁰ *CRR*, vol VI, 104. Welhag is now known as Wellow.

⁵¹ "House of Cistercian Monks: The Abbey of Rufford," in *A History of the County of Nottingham: Volume 2*, ed. William Page (London: Victoria County History, 1910), 101-105. British History Online, accessed June 15, 2020, <http://www.british-history.ac.uk/vch/notts/vol2/pp101-105>.

⁵² *CRR*, vol. VI, 104.

⁵³ Condi is also known as Robert de Condet.

de Pateshull.⁵⁴ Simon had previously been sheriff of Nottinghamshire and served as a justice for the court. The abbot had appealed his rights before the king and also to two of the highest officials in the court. The three defendants were ordered to pay damages to the abbot, and they asked for a jury.⁵⁵ Landholdings and the liberties, or rights, to those activities within those lands were complex. The liberty to undertake certain activities on the land, such as pasturing or waste, could be dependent upon the landholder's permission. Those permissions could change when an heir took control of the land.

A curious case of waste in 1210 show the complexity of land holdings, personal relationships, and court recording in the late twelfth and early thirteenth centuries. William de Einesford accused Hugh de Bello Campo of waste in the woods of Acle, woods William claimed Hugh's wife, Alienora, held in dower.⁵⁶ There are two areas of text that are missing or illegible in the original manuscript, however, the case was continued multiple time from the Easter 1210 term to the Trinity 1212 term.⁵⁷ Flower summarizes the dispute, writing that William finally dropped the suit in Trinity 1212.⁵⁸ It is likely that this William de Einesford is the same Kentish lord who rebelled against John before the king's death.⁵⁹ If so, he became one of the four knights of Kent who oversaw the "election of the twelve knights empowered

⁵⁴ "The Abbey of Rufford," British History Online; *CRR*, vol. VI, 104.

⁵⁵ *CRR*, vol. VI, 104.

⁵⁶ *CRR*, vol. VI, 42. Alternative spellings include: Eynesford, Beauchamp for Bello Campo, and Eleanor or Alienor.

⁵⁷ *CRR*, vol. VI, 42, 92, 127, 209, 302.

⁵⁸ Flower, *Introduction to the CRR*, 194.

⁵⁹ *Magna Carta*, ed. Carpenter, 384.

to abolish abuses” according to the ruling of Magna Carta.⁶⁰ Flowers argues that waste cases were often quite literally about the wasting of resources by tenants or wards, resources that landholders wished to preserve.⁶¹ Each subsequent generation could end up in court to affirm or defend their landholdings and liberties.

The Trinity 1214 term was a time of “disquiet” for King John.⁶² Not only was John in Poitou, where he would suffer defeat, there was a new chief justiciar in Peter des Roches, the bishop-elect of Winchester.⁶³ Des Roches would be rise to prominence in the minority of Henry III. The three forest cases of the Trinity 1214 term pertain to rights of common pasture in Hampshire, a dispute over a warren in Kent, and a case of waste in the woods of Sutton in Essex.⁶⁴ The case of warren and the one of waste were fairly straightforward. The warren case was settled when the plaintiff was found “*in misericordia*.”⁶⁵ In Essex, the custody of the land was disputed by both parties, an inquisition was requested, and the case was continued for a hearing.⁶⁶

⁶⁰ *Magna Carta*, ed. Carpenter, 385.

⁶¹ Flower, *Introduction to the CRR*, 194.

⁶² Nicholas Vincent, “A Letter of 9 July 1214 Showing King John’s Disquiet,” *The Magna Carta Project*, Sept 2014, accessed June 15, 2020, https://magnacarta.cmp.uea.ac.uk/read/feature_of_the_month/Sep_2014_2.

⁶³ Stenton, *English Justice*, 113.

⁶⁴ *CRR*, vol. VII, 126, 189, 209, 232, 250-251.

⁶⁵ *CRR*, vol. VII, 209. The term “*in misericordia*” describes the penalty the losing side was subjected to. In English the term would be “amerced,” but it is often translated “in mercy.” In this case, the plaintiff was amerced (penalized) for making a false claim.

⁶⁶ *CRR*, vol. VII, 250-251.

The remaining entry shows the prior of Merton suing Robert de Saint Manefeo for not holding to the agreement of common woods in Hegfeld.⁶⁷ It contains the phrase “*fruit ad ostendendum quare ipse non tenet finem factum... per cirographum.*”⁶⁸ Flower explains how final concords might be part of litigation.⁶⁹ John Hudson credits Hubert Walter, chief justiciar of England under Richard I, with creating the first triplicate chirograph in 1195, the bottom portion known as the foot would become part of the “feet of fine” rolls. According to records, in 1208 Robert had granted the prior of Merton land as heir from his brother Adam.⁷⁰ It is not stated if any portion of the chirograph was shown at court, but Robert pleaded guilty and paid one mark for the transgression.⁷¹ Again, this demonstrates the intricacy of litigation in the early thirteenth century. Chirographs were designed to prove agreement between two parties, yet it was not until the third part, the “foot” was created that you see the court emphasizing “royal records.”⁷² Hudson asserts that the courts archiving of a “regular series” and “multiple copying” of records are “essential characteristics of bureaucratization.”⁷³ More significantly, the chirograph was an agreement not made by deed

⁶⁷ *CRR*, vol. VII, 126.

⁶⁸ *CRR* vol. VII, 126, 189, 232; Hudson, *Formation of the English Common Law*, 133. “because he had not held by making a fine but by a chirograph.”

⁶⁹ Flower, *Introduction to the CRR*, 271-272; Hudson, *Formation of the English Common Law*, 209. Hudson defines final concord as “an agreement, generally one made in the king’s court or the record of such an agreement.”

⁷⁰ “Parishes: Heckfield,” in *A History of the County of Hampshire*: vol 4, ed. William Page (London, 1911) 44-51 British History Online, accessed June 17, 2020, <https://www.british-history.ac.uk/vch/hants/vol4/pp44-51>.

⁷¹ *Ibid.*

⁷² Hudson, *Formation of English Common Law*, 133.

⁷³ *Ibid.*

or “custom” but was an unassailable document, which could not be cancelled, superseded, or altered. Robert had not abided by this agreement.

John’s Legacy

Doris Stenton calls it “significant” that “one of the king’s first acts” upon returning to England in 1214 was to have Simon de Pattishall “put a plea before him.”⁷⁴ Stenton credits John with attempts to create “the illusion of a stable court” from 1209 to 1212.⁷⁵ By all accounts John was an intelligent man, yet he lacked the skill of artful negotiation that his father enjoyed. In June 1215, as the dissatisfaction of the barons reached its height, John sealed Magna Carta giving rights and protections to his barons, including the clauses regarding forest law. John, however, did not wish to abide by those stipulations. Therefore, England’s stability wavered as the Baron’s War, aided by Prince Louis of France, threatened John’s position. He died in 1216 before a resolution could be reached.

The application of forest law under John suffered as he dealt with challenges from his barons and the Church. The resolutions would be left to the advisors of his young son and heir, beginning with forest law obtaining its own charter.

⁷⁴ Stenton, *English Justice*, 113.

⁷⁵ *Ibid.*, 114.

CHAPTER 3

THE *CURIA REGIS ROLLS* IN THE MINORITY OF HENRY III

After John's death, England needed a stalwart leader to hold the kingdom until Henry III reached his majority. William Marshal, earl of Pembroke, sought to fill that role. While the Marshal's own biographer stated that the earl accepted the role of regent "reluctantly," David Crouch outlines the strategic steps Marshal took to secure the role just days after the death of John.¹ The years of Henry III's minority required king's counselors to oversee the running of the kingdom. Crouch notes that thirteen men were entrusted as the king's council, and of the three barons listed, all were allies of Marshal and executors of King John's will.² In the midst of working to bring about peace in the kingdom, it took only a year for the council to reissue Magna Carta and split off the Charter of the Forest into its own document.³

The 1217 Charter of the Forest

The Charter became the written law of the forest rather than simply a jurisdiction subject to the king's will. According to David Carpenter, parts of the charter appeased former rebels enough to "think that they had emerged victorious from the war."⁴ Marshal saw that

¹ David Crouch, *William Marshal* 3rd ed (London: Routledge, 2016), 160. In Medieval time chroniclers might write that an individual reluctantly accepted a position of power at the behest of others. This might imply an individual's sense of humility in assuming power.

² Ibid, 159. The three barons were William Briwerre, John of Monmouth, and Walter de Lacy.

³ Ibid., 162. Both the 1217 reissuance of Magna Carta and the Charter of the Forest were sealed by William Marshal and Guala, the papal legate of England and one of the thirteen of the king's council.

⁴ Carpenter, *The Minority*, 63.

appeasement as part of his task to reunite England.⁵ The Charter gave rights to the residents of the forest as well as represented “interests of the state.”⁶ Hadrian Cook provides an overview of rights given to commoners including the right to pasture animals, rights of pannage, and right to collect firewood.⁷

The Charter of the Forest required that lands afforested by John and Richard should be immediately disafforested.⁸ The lands afforested by Henry II were set to be surveyed “*per bonos et legales homines*” to decide what should be removed from forested boundaries.⁹ The counties of Nottinghamshire and Huntingdonshire, in particular, attempted to take advantage of this clause.¹⁰ Nottinghamshire officials claimed all of the country had been afforested by the three previous kings, thereby requiring disafforestation of the entire county.¹¹ Huntingdonshire officials did likewise allowing for three demesne woods to remain, but claiming Henry II had afforested the rest.¹² According to Carpenter, there was a loophole in

⁵ Carpenter, *Minority*, 50.

⁶ Cook, *New Forest*, 109.

⁷ *Ibid.*, 112; *Charter of the Forest*, clause 9. *Unusquisque liber homo agistet boscum suum in forest pro voluntate sua et habeat pannagium suum.* “Any free man may agist his woods in his forest for his will and shall have his pannage.”

⁸ *Charter of the Forest*, clause 3. *Omnes autem bosci qui fuerunt afforestati per regem Richardum avunculum nostum, vel per regem Johannem patrem nostrum usque ad primam coronacionem nostrum, statim deafforestentur, nisi fuerit Dominicus boscus noster.* “But any woods that were afforested by King Richard our uncle, or by King John our father and up to our first coronation, immediately will be disafforested unless they were our demesne woods.”

⁹ *Charter of the Forest*, clause 1. “Through good and lawful men.”

¹⁰ Carpenter, *Minority*, 89-90.

¹¹ *Ibid.*, 90.

¹² Carpenter, *Minority*, 90.

the Charter surrounding the restoration of forested land by Henry II after the Civil War.¹³ The issue in Huntingdonshire was not resolved until 1227, when most of the county was subsumed back under royal control.¹⁴

Aside from the political reason to oppose the forest boundaries, there were practical considerations. Rising populations meant more people to feed and more money that could be made from forested lands.¹⁵ Without the ability to utilize the lands held in the forest, the landholders-- the secular and ecclesiastical nobility-- lost revenue.¹⁶ Once the *Curia Regis* for Henry III commenced, suits from all over the three regions examined in this paper found their way to the King's Bench.

The Return of the *Curia Regis*

The Baron's War had taken its toll on the government. The chancery survived, but it was not until Michaelmas 1218 that the exchequer began to operate.¹⁷ The *Curia Regis* itself did not operate until the Trinity 1219 term, the third year of Henry III's reign.¹⁸ Marshal had died in May of that year and the power had shifted to the chief justiciar, Hubert de Burgh, along with Pandulf, the papal legate who succeeded Guala, and Peter des Roches, who was

¹³ Carpenter, *Minority*, 90. The loophole pertains to whether lands had been newly afforested by Henry II or whether they previously had been forest and then were reclaimed by him after the Civil War of King Stephen and Empress Matilda.

¹⁴ *Ibid.*, 91.

¹⁵ *Ibid.*, 62.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, 52, 93. Michaelmas term began September 29th.

¹⁸ *CRR*, vol. VIII, ix. The Trinity term begins in June.

bishop of Winchester and tutor of Henry.¹⁹ They orchestrated a second coronation for Henry in spring of 1220 to correct, as Stephen Church describes, not only the particulars of his first coronation, such as location and officiant, but to elevate their own power.²⁰ Disputes over the implementation and compliance to the Charter of the Forest continued through the reign of Henry III. John Marshal, nephew of William, was named as chief justice of the forest in 1217 and in the following year, he and many of the sheriffs set out to ensure the Charter was “sworn to...and fully observed.”²¹ The cases that found their way into *Curia Regis* from 1219 through 1224 show a variety of litigation. While some cases pertain solely to forest violations, many cases are not clear violations but a legal challenge over who holds rights to the land and the forest activities in them.²²

Entries from East Anglia and the south east regions of England demonstrate those claims. In Norfolk in 1219 Albert de Neville brought a case against Hamon Le Enveyse and his wife Matilda claiming they had created “*vastum et exilium de bosco de Hethhull.*”²³ In this case there are two similar words recorded, that of *vastum* and *exilium*. In a broad sense, these terms translate similarly, as waste or destruction. They hold, however, separate

¹⁹ Carpenter, *Minority*, 135.

²⁰ Stephen Church, *Henry III: A Simple and God-Fearing King* (London: Penguin, 2019), 13. Both Church and Carpenter use the term *triumvirate* to describe the rule by the justiciar, the legate, and the bishop. Although a technically correct term, the connotation is one of a short-lived antagonistic partnership.

²¹ Carpenter, *Minority*, 81.

²² As with the reign of King John, this analysis focuses on eastern and northern England, specifically the regions of East Anglia, East Midlands, the south east.

²³ *CRR*, Volume XVIII, 69; Flower, *Introduction to the CRR*, 48. Charles Young in his book on the Neville family does not list an Albert in his genealogical charts. “Waste and destruction of germins in the woods of Hethhull.”

meanings. Waste, as outlined in the introduction, is a fairly common violation brought to the courts, holding particular legal meaning. According to Henry Bracton, a thirteenth-century jurist, waste is an act committed on property that is not held freely.²⁴ Waste can be charged in a few different ways, when someone holds land in wardship, in dower, or when the act is committed on another's property without license.²⁵

Exilium clarifies that the charge includes destruction of the “germins,” or “young shoots from a stool or stump.”²⁶ Ecologist Oliver Rackham notes that some trees, such as the ash and oak, will regrow from a stump, so the act of *exilium* harms the new growth of the woodland.²⁷ Bracton further explains that *exilium* occurs when damage is done to “shade trees and fruit trees growing in the court or around the houses.”²⁸ Hamon and Matilda were tenants of the land. C. T. Flower details the ruling, stating that Albert gave Hamon and Matilda the right only of *husbote* and *heibote* and any other activity had to be overseen by Albert's forester.²⁹

²⁴ Henry Bracton, *De Legibus Et Consuetudinibus Angliae* (Bracton on the Laws and Customs of England attributed to Henry of Bratton, c. 1210-1268) vol. III, 408-410, in *Bracton Online, Harvard Law School Library*, accessed June 8, 2020, <https://amesfoundation.law.harvard.edu/Bracton/>.

²⁵ *Ibid.*, 408-409. Flower, *Introduction to the CRR*, 48.

²⁶ Langton and Jones, “A Glossary of Term and Definitions”; Bracton, *De Legibus*, 410.

²⁷ Oliver Rackham, *An Illustrated History of the Countryside*, 33.

²⁸ Bracton, *De Legibus*, 410.

²⁹ Flower, *Introduction the CRR*, 48. The phrasing is *Albertus habeat forestarium suum, et ipsi Hamon et Matillis nichil capiant nisi per visum forestarii*. “Albert has his forester, and Hamon and Matilda take nothing without view of the forester.” Bracton notes that since Matilda held the land in dower, de Neville has the right to install his own forester to oversee further actions on the land. *Husbote* refers to the rights of tenants to take wood for making and repairing buildings, while *heibote* is the right to take wood for making or repairing fences and hedges.

Also in 1219, a case from Kent outlines a claim of *vastum et exilium* against Robert Arsic, committed “*contra consuetudinem regni.*”³⁰ The case was settled with a license of concord and Robert paid a one mark penalty.³¹ In Surrey, Thomas Kyriel charged Maria de Talewurth with “*vastum et destructionem*” of apple and pear trees as well as oaks.³² The case devolved into an exchange over who held the land and was continued to later that year when an agreement was reached.³³ Waste cases were not always settled in favor of the landholder, however. In 1225, Radulf de Berneres responded to a complaint of *vastum et exilium* by John of Newenham.³⁴ Radulf defended his innocence and a view of the property by four men showed that “*nullam fecit destructionem de bosco*” and Radulf was acquitted.³⁵

A survey of the waste cases listed throughout this paper shows that of the forty-eight cases, just under half of those involve *vastum et exilium*. Of those cases, half again, a total of twelve, exist in the minority of Henry. Cook sees a shift in the reign of Henry III, noting that forest officials “vigorously” prosecuted “interference with the vert such as the felling of saplings.”³⁶ This would account for the increase of cases in the minority of Henry as landholders asserted their rights to property and collected revenue from the fines.

³⁰ *CRR*, vol. VIII, 68. “Against the custom of royal authority.”

³¹ *Ibid.*

³² *CRR*, Vol. VIII, 358. This case took place in 1220. “Waste and destruction.”

³³ *Ibid.*; *CRR*, vol. IX, 156. The plea was satisfied through *visum legalium hominum* “view of legal men.”

³⁴ *CRR*, vol. XII:610, 122. Beginning with volume XII, the entries are individually numbered. Formatting refers to VOL:entry, page.

³⁵ *Ibid.* “No destruction was made in the wood.”

³⁶ Cook, *New Forest*, 87.

Table 2. Waste Entries in East Midlands, East Anglia, and the South East Regions, 1200-1243

	Total entries	<i>Vastum only</i>	<i>Vastum et exilium</i>	<i>Vastum et other</i>
John	9	4	2	3 ³⁷
Henry (minority)	23	8	12	3 ³⁸
Henry (majority)	16	2	9	5 ³⁹
Total	48	14	23	11

Another case of waste from Essex ran through the entire legal year of 1220 and into the Trinity term of 1222.⁴⁰ This case highlights one challenge of the thirteenth-century court system, actually getting defendants to court. In the Hilary term Richard de Elmham charged Robert de Cornevill with waste in the woods of *Parva Toulleshunt*, to which Robert failed to appear.⁴¹ Richard de Elmham served as a church canon as well as a clerk in the house of Peter des Roches.⁴² It is not until the third of six entries regarding this case, in Trinity of

³⁷ *CRR*, vol. IV, 23, 85. These entries are the same case and are listed as *plea bosci* “plea of the woods” and *boscum illium destruebant* “woods that were destroyed”; Vol. VII, 38 This entry reads *vastavit et maximum dapnum* “wasted and greatest damage.”

³⁸ *CRR*, vol. VIII, 358. This entry reads as *vastum et destructionem* “waste and destruction”; vol. XI, 81. This transcription is incomplete as the original is illegible or missing. Parts read *dampnis et destruccionibus* “damage and destruction”; vol. XII:607, 121. This reads *injuriam et dampnorum* “injury and damage”.

³⁹ *CRR*, vol. XV:348, 209-210, vol. XVII:9, 45. These entries read *vastum et destruccionem* “waste and destruction”; vol. XV:238, 53. This entry reads only *destruccionem* “destruction”.

⁴⁰ *CRR*, vol. VIII, 267, 392-393, vol. IX, 20-21, 154, vol. X, 271, 338-339.

⁴¹ *CRR*, vol. VIII, 267; Nicholas Vincent, “The Will of Richard of Elmham (d. 1228),” in *Institute of Historical Research*, 70, no 171 (1997): 110-120 at 112. Vincent notes the English name of the wood as Tolleshunt Knights.

⁴² Vincent, “The Will of Richard.” 111. Vincent places Elmham in “a position on the fringes of the royal court.”

1220, that Corneville showed up to defend himself.⁴³ Elmham claimed that Corneville cut down oaks during the previous war and that later his livestock destroyed the saplings.⁴⁴ Nicholas Vincent outlines the resolutions of the case, that Corneville conceded that Elmham held rights and was to pay a yearly sum to him for life.⁴⁵ This case highlights the continued bickering about the war after its conclusion, disputes that had plagued Marshal as he sought to build a peaceful England.

As in the reign of King John, however, at times tensions turned to acts of violence. Those acts of violence could take place in forests or involve forest officials. One challenge of this study is that the records themselves may not provide all the details of a case, making it hard to ascertain what actually transpired. Many times, there is a vague entry with no further references to the suit in the rolls themselves. For instance, a case in Kent in 1220 notes that the Bishop of Ely represented a William de Sumenir or William de Regherlund against four men for “*de placito transgressionis de foresta.*”⁴⁶ No previous or future cases can be found in the *Curia Regis Rolls* to explain the trespass or report the findings of the court.

Another goal of Marshal’s had been to restore the repentant rebels of John’s reign to their lands.⁴⁷ That task was still being accomplished even after the regent’s death. A 1221

⁴³ *CRR*, Vol. IX, 20.

⁴⁴ Vincent, “The Will of Richard,” 112. Despite the claim of destruction of saplings, this case does not use the word *exilium*.

⁴⁵ *Ibid.*, 112.

⁴⁶ *CRR*, vol. IX, 208. “by plea of trespass in the forest.” The clerk uses *vel*, translated as or, between the plaintiff’s names. There is no clarification if this presumes two Williams or that one William goes by two names.

⁴⁷ Carpenter, *Minority*, 50.

entry adds as a memo that Walter de Preston held the manor of Greton from the king.⁴⁸

William Farrer names Preston as a rebel against and prisoner of John in 1216.⁴⁹ Preston had served as sheriff of Northamptonshire from 1206 to 1208.⁵⁰ In the reign of Henry III, Preston found his way back into king's favor and was allowed to hunt deer for the king in 1219 and in 1226, along with the rights to keep six live deer for his own lands.⁵¹

The de Neville family, as discussed previously, had a long relationship to the crown. Hugh de Neville's brother William was one of the numerous family members who assumed royal offices, being named sheriff of Wiltshire in 1209.⁵² Additionally, he was named as forester of the New Forest upon the death of his father-in-law, Walter Waleran, a family that had held that position since the time of Henry I.⁵³ A dispute regarding the appointment of de Neville arose between Isabelle, William's wife, and her family, which led to several entries in the *Curia Regis*.⁵⁴ The Fine Rolls of 1218 show that the New Forest was taken into the hands of the king by the sheriff of Hampshire until the dispute could be resolved.⁵⁵ The first

⁴⁸ *CRR*, vol. X, 68.

⁴⁹ William Farrer, *Honors and Knight's Fee*, vol. 1 (Manchester, UK: Manchester University Press, 1925), 96.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Young, *Neville Family*, 18.

⁵³ *Ibid.*, 34. Young credits the influence of his brother Hugh at helping secure the marriage to Isabelle, Walter's daughter, and hence William's position in the New Forest.

⁵⁴ *CRR*, vol. VIII 93, 156, 327, vol. IX 173, 204-205.

⁵⁵ *Calendar of Fine Rolls (CFR)*, Fine Roll C 60/9, 2 Henry III (1217-1218), membrane 8, 78, Henry III Fine Rolls Project, https://finerollshenry3.org.uk/content/calendar/roll_009.html#it078_006 (accessed June 10, 2020).

entry names William as the only defendant against John and Cecilie, Isabella's sister, to which William replied that his wife must be present as this was her inheritance.⁵⁶ One of the final entries notes that they will have a reasonable agreement "*per consilium domini regis.*"⁵⁷ Charles Young argues that these were strategic marriages by the de Neville family to maintain royal offices associated with the forests.⁵⁸ This case shows the tensions between noble families and the power of inherited positions in the forest official hierarchy.

Some entries derive from the king himself seeking to maintain control. For instance, a 1223 entry from Hampshire details a "*quo warranto*" charge from the king for a William who was hunting in the forests of Yateley and Windsor without license.⁵⁹ The *quo warranto* cases are inquired by the king to determine by what authority a right is held, in this case it was the right of the hunt.⁶⁰ There are five *quo warranto* cases regarding forests that appear in the *Curia Regis* for the years examined in this paper, the earliest being 1223 and the latest 1238. A resolution is not provided for this case, yet it shows the king's interest in regulating liberties in forested lands.

The suits brought before the *Curia Regis* during the early years of Henry's minority demonstrate that tensions still existed between nobles and nobles and their tenants over the

⁵⁶ *CRR*, vol. VIII, 93.

⁵⁷ *CRR*, Vol. IX, 173. "Through the king's council." No resolution is stated here or in other entries.

⁵⁸ Young, *Neville Family*, 46.

⁵⁹ *CRR*, vol. XI:1177, 238. The forests in the Latin are named as *Watingel* and *Windlesore*.

⁶⁰ "What is Quo Warranto?" in *The Law Dictionary Featuring Black's Law Dictionary Free Online Legal Dictionary* 2nd ed., accessed June 9, 2020, <https://thelawdictionary.org/quo-warranto/>; Carpenter, "King, Magnates, and Society: The Personal Rule of King Henry III, 1234-1258," in *Speculum* 60, no. 1 (1985): 39-70 at 52. Carpenter notes that the *quo warranto* cases of Henry III did not usually involve "the liberties of great men," unlike the *quo warranto* hearings of Henry's son, Edward I.

rights and liberties of the forest. As Henry moved toward adulthood, there was a shift toward him asserting power in his own name. That is seen in the *quo warranto* cases and more clearly in the reissuance of the Charter of the Forest and Magna Carta.

The 1225 Charter of the Forest

By February of 1225, Henry reissued both the Charter of the Forest and Magna Carta, changing the proem to reflect its issuance by the king's authority rather than that of a council.⁶¹ In October of 1224, Henry restored Hugh de Neville to chief forester, so, his involvement was again seen in the court.⁶² Again, cases of disputed holding and liberties find their way to the *Curia Regis* as Henry moved toward his majority.

In 1225 in Suffolk, a dispute arose between Ivo de la Jaylle (aka Yalle) and John, parson of Netelfeld, over who held rights to the wood of Netelfeld.⁶³ John defended himself against the claim of Ivo, bringing in a charter to prove his right to the woods. Ivo claimed he held the land via a writ from the king through the sheriff of Suffolk. Once the sheriff provided letters that Ivo (here written as Eudo) never held and John was the legitimate holder, John was acquitted.⁶⁴ While it seems rather clear cut from the case that Ivo did not hold the land, the reality is not so. A November 1225 entry from the Fine Rolls shows an

⁶¹ Carpenter, *Minority*, 382; *New Forest Documents A.D. 1244-A.D. 1334*, ed. D. J. Stagg (Hampshire UK: Hampshire County Council, 1979), 10. Stagg argues that Henry did not have the influence to “repudiate” the charters and anger the pope.

⁶² Young, *The Royal Forests*, 50.

⁶³ *CRR*, vol. XII:1334, 272. The case is in the Michaelmas term of 1225.

⁶⁴ *CRR*, vol. XII:1334, 272.

additional layer of intrigue as the king orders the sheriff to set aside the summons by the Exchequer for Eudo to pay “the Jewish debts” on that lands of Nettlestead.⁶⁵ Those debts were originally owed by Albert, who seems to be the Albert de Willeham whose charter is described in the *Curia Regis Rolls*, showing that Ivo (Eudo) did not hold rights to Netelfeld in the first place.⁶⁶ Since John was a parson of the church, the right was probably connected to his clerical living.

In the same Michaelmas term in Essex, Robert Marshal and Simon Blundus argued over a common pasture in Gynges.⁶⁷ On that day a recognizance was to convene, yet of the twenty-four men, only five came, ten provided *essoins*, an excuse for non-appearance, and the rest did not show.⁶⁸ *Essoins* were also useful as stalling tactics to delay proceedings. Ironically, Simon claimed a license from the king, to which Hugh de Neville, chief forester, testified.⁶⁹ The case was continued to Easter 1226 when Simon again claimed license from the king.⁷⁰ Although this is the last entry in the case, the case was adjourned until the arrival of the justices in eyre as not enough men came to make up a *recognitio*.⁷¹ Forest litigation

⁶⁵ *CFR*, C 60/24, 10 Henry III, no. 2, p. 59. Nettlestead is an alternative spelling for Netelfeld. The issue of debts to the Jews is a complex issue which is beyond the scope of this paper. The Fine Roll is specifically dated November 2, 1225.

⁶⁶ *CRR*, vol. 12:1334, 272.

⁶⁷ *CRR*, vol. 12:1410, 287.

⁶⁸ *Ibid.*, Hudson, *The Formation of the English Common Law*, 208, 210. Recognizance or *recognitio* is defined as “a body of neighbors gave a true answer to a question put to them by the public official who had summoned them.”

⁶⁹ *CRR*, vol XII:1210, 287. *Simon dicit quod essartavit pasturam illiam per licentiam domini regis de foresta sua, sicut Hugo de Neovilla coram banco testatus est* “Simon said that he assarted the pasture through license of the king in his forest, just as Hugh de Neville testified in the court.”

⁷⁰ *CRR*, vol. XII:2184, 441-442.

⁷¹ *CRR*, vol. XII:2184, 441-442.

relied on the communities of the forest, both those in official forest roles and the *legales homines* who served as witnesses.

The End of the Minority of Henry III

By 1227 the leadership of the country began to fracture. Some scholars assert that the majority of Henry III began around that year. For example, Carpenter argues that while Henry did not turn twenty-one until October of 1228, he was “in full possession of regnal powers” by the beginning of 1227.⁷² At a council in Oxford in January, Henry had “declared himself of full age.”⁷³ He also dismissed Peter des Roches and confirmed de Burgh as justiciar, perhaps fueling the animosity between the two.⁷⁴ Henry did begin to assert some authority, moving toward a standardizing of the administration of the forest. That shift is seen in the forest regard proclamations of 1229.

Part of regulating the forest is the regard that was to take place every three years. The perambulations or regard is an inquest into trespasses of the vert, originally to “prevent destruction of the trees, bushes, and other forms of vegetation which afforded food and shelter for the king’s deer,” yet evolved into a “detailed record of sources of royal revenue in the forest, arising...from breaches of the law relating to the vert.”⁷⁵ While requirements of

⁷² Carpenter, *The Minority*, 389.

⁷³ Matthew Lewis, *Henry III: The Son of a Magna Carta* (Stroud, UK: Amberley Publishing, 2018), 116.

⁷⁴ *Ibid.*, 116-117.

⁷⁵ Grant, *The Royal Forests of England*, 42-43

regard were outlined during the reign of Henry II, Raymond Grant notes that it was not until Henry III's reign that those articles became more standardized.⁷⁶ They are published in the Patent Rolls for 1229, issued first to the sheriffs of Rutland and copied to the sheriffs, foresters, and regarders in counties throughout England.⁷⁷ The articles addressed assarts and waste, noting that stumps of oak and beech cut down after the second year of Henry's reign were to be counted and recorded.⁷⁸ Another clause dealt with perprestures, which were unlicensed improvements such as buildings or enclosures that hindered the movement of the deer.⁷⁹

Enclosures were another area of conflict, which appeared in an Essex case in the 1225 and 1226 *Curia Regis*. Richard, abbot of Waltham, conceded to Henry III that certain lands in Essex that had been disafforested through perambulations would revert back to forest, except that the church was to hold certain liberties in the woods of Nasinges and Eppinges.⁸⁰ In the Hilary term of the same year, the abbot came to court claiming a number of men tore down a dike that the abbot had built around the wood of Nasinges.⁸¹ The case continued into

⁷⁶ Ibid.

⁷⁷ *Patent Rolls of the Reign of Henry III A.D. 1225-1232* (London:Public Records Office, 1903), 285-287. The counties which are listed in this regard include Essex and Huntingdonshire in East Anglia, all counties in the South East except Sussex and Kent, and all counties in the East Midlands.

⁷⁸ Ibid; Grant, *The Royal Forests of England*, 44. The Latin reads *Et videndi sunt dominici bosci domini regis et quilibet ceppus de quercu et de fago factus post principium secundi anni prime coronationis predicat regis H. sive post ultimum regardum. Si quid postea factum fuerit, debet diligenter numerari, et per se scribi.*

⁷⁹ Grant, *The Royal Forests of England*, 44.

⁸⁰ *CPR*, 69-70. Langton & Jones, *Forest and Chases*. These woods are labeled as Nazing and Epping in the Langton & Jones atlas, <http://info.sjc.ox.ac.uk/forests/>.

⁸¹ *CRR*, vol XII:2139, 434.

the Easter 1226 term, at which time a Richard and Adam, tenants of Robert, argued that the land was common and they were well allowed to tear it down.⁸² Richard de Muntfichet, forester of the king, read the charter in which the king granted these rights to the abbot.⁸³ Furthermore, the Fine Rolls show evidence of these liberties being granted in the time of King Richard.⁸⁴ In the 1228 and 1229 Fine Rolls the abbot paid the king fifteen marks for “enclosing the woods of Nazeing and Epping.”⁸⁵ Ditches around forested lands created a “secure barrier” and sometimes held water to either drain fields or connect them to “natural watercourses.”⁸⁶ Access to water and the ability to control movement of livestock and deer played a large role in maintaining the vert and the venison of the forest.

Forest officials could be called as witness to offenses, such as in a 1231 case in Huntingdonshire. William de Bainville and Thomas de Herst were verderers of the earl of Huntingdon.⁸⁷ Along with the foresters Jordan Foliot and John de la Hose, they were called to testify as to why they seized men of Ely in the forest.⁸⁸ The entry details finding twenty-

⁸² *CRR*, vol XII:2353, 471. *In communa eorum quam semper habuerunt* “in their common which they always held.”

⁸³ *Ibid.*

⁸⁴ *CFR*, 11 Henry no. 162. <https://finerollshenry3.org.uk/home.html>. “Confirmation of King Richard concerning his [abbot of Waltham] liberties and his land...confirms to them their wood of Nazeing and their other woods.”

⁸⁵ *CFR*, 13 Henry no. 351. <https://finerollshenry3.org.uk/home.html>. No date is provided beyond the regnal year, membrane 3.

⁸⁶ Gerry Barnes & Tom Williamson, *Hedgerow History: Ecology, History, & Landscape Character*, Bollington, UK: Windgather Press, 2006), 9-10.

⁸⁷ *CRR*, vol. XIV:1924, 412.

⁸⁸ *Ibid.* *Ad testificandum qualiter et cum quibus armis ceperunt homines prioris Elyensis in foresta* “to testify how and with what arms they seized the men of prior of Ely.” It is unclear whether the foresters of this case are under the authority of the abbot or the earl.

three armed men with crossbows, along with other bows and arrows, noting that they were inside the boundary of the forest in Brocton (Broughton).⁸⁹ The entry closes without resolution and provides a summons to Stephan, marshal to the priors of Ely and Ramsey.⁹⁰ Apparently, Ramsey abbey and the bishop of Ely were in “perpetual warfare on the subject of boundaries and revenues” from the late twelfth century through the late fourteenth century.⁹¹ The Domesday Book lists Broughton as part of the lands of Ramsey Abbey in the Hurstingstone hundred.⁹² Ely and Ramsey are referred to as two of the “great fenland monasteries,” along with Petersborough, Thorney, and Crowland.⁹³ Fenlands are part of the wetlands of England, providing abundant natural resources such as grass, salt, and peat.⁹⁴ While it cannot be determined what precipitated this particular event, it is clear that the resources of forests and chases were worth the continued skirmishes between the monasteries.

Another *quo warranto* case from Michaelmas 1233 summoned fourteen individuals regarding land in Gomshall.⁹⁵ In a related case, five of them claimed common rights to the land through Eustace de Esse (also de Eys or d’Ash), who had held the manor since the time

⁸⁹ Ibid. The *Curia Regis Rolls* index correct Brocton to Broughton.

⁹⁰ Ibid.

⁹¹ “Houses of Benedictine Monks: The Abbey of Ramsey,” in *A History of the County of Huntingdon*, vol. 1, ed. William Page, Granville Proby and H.E. Norris (London, 1926): 377-385.

⁹² *Domesday Book*, ed. Williams & Martin, 554. Langton and Jones map the lands of Ramsey Abbey as “Ramsey Chase.”

⁹³ Ibid; Rackham, *The Illustrated History of the Countryside*, 173.

⁹⁴ Rackham, *The Illustrated History of the Countryside*, 183.

⁹⁵ *CRR*, vol. XV:516, 106-107. The name is written as Gumeshelve in the plea.

of King Richard.⁹⁶ The case was given to a hearing, which is not detailed in the records. At some point between 1233 and 1242, Gomshall moved from the hands of d’Ash to Matthew Bezill (Besilie). A charter of October 18, 1242 shows the “whole land of Gumeshull which he held in Surrey of the king’s gift” granted to the abbot and convent of Netley.⁹⁷ While it cannot be determined how the manor found its way back to the king, it is significant that Netley abbey was its recipient. The abbey was founded in 1238 by Peter des Roches, though he did not live to see it completed.⁹⁸ Gomshall was one of several gifts in the charter, which also allowed the abbey to avoid inspections of foresters, verderers, and regarders.⁹⁹ So, the king bestowed gifts to the abbey, another portion of the legacy of des Roches.

Perhaps this brought some closure to Henry over long-standing strife between the bishop and the chief justiciar. By July 1232 des Roches had used his influence to remove de Burgh, accusing him of administrative wrongdoings along with “poisoning, witchcraft, and treason.”¹⁰⁰ De Burgh was removed from office and Henry confiscated de Burgh’s wealth as “judgment.”¹⁰¹ In 1233-1234 Earl Richard Marshal, son of William and a supporter of de

⁹⁶ *CRR*, vol. XV:846., 179-180. *qui manerium de Gumeshlf tenuit de ballio regis Ricardi avunculi domini regis* “which manor of Gomshall he held from the...FINISH”; At the time of the Domesday survey, William I held the land in demesne after seizing it from Harold Godwinson’s land.

⁹⁷ *Calendar of the Patent Rolls, Henry III, A.D. 1232-1247* (London: Public Records Office, 1906), 333. Netley is a Cistercian house.

⁹⁸ “History of Netley Abbey,” in *English Heritage*, accessed June 16, 2020, <https://www.english-heritage.org.uk/visit/places/netley-abbey/history/>.

⁹⁹ *CPR, Henry III*, 333.

¹⁰⁰ Michael T. Clanchy, *England and Its Rulers, 1066-1307*, 4th ed. (Chichester, UK: Wiley Blackwell, 2014), 229.

¹⁰¹ *Ibid.*

Burgh, led a revolt that ultimately drove Henry to remove the bishop.¹⁰² Under pressure, the king relieved des Roches from his position, showing that unlike his father, Henry could negotiate with his barons to keep the peace. From this period of instability, Henry moved into what Carpenter suggests is a “new spirit” of cooperation for Henry’s governing style.¹⁰³

¹⁰² Carpenter, *Minority*, 393-394; Clanchy, *England and Its Rulers*, 232.

¹⁰³ Ibid. This supports Carpenter’s argument that Henry’s veneration of Edward the Confessor affected his spiritual life and governing style.

CHAPTER 4

THE *CURIA REGIS ROLLS* IN THE MAJORITY OF HENRY III

From this “new spirit” of cooperation with the barons, Henry implemented advances in his governing, including negotiations in May 1234 at Gloucester to appoint a new head of the *coram rege* court.¹ Cooperation may have been the ideal, but conflicts between forest and other officials at the county level still existed. For instance, Englelard de Cigogné, who was constable of Windsor, questioned Reginald de Wautham, a forester of Windsor, as to why he had so many men in the forest.² The forest of Windsor spanned the counties of Surrey and Berkshire. The verderer stated that his grandfather had two walking foresters and his father had one riding forester and two walking foresters.³ While the verderers and the forester are two separate offices, it seems possible in this case that either Reginald served as both or the clerk incorrectly recorded his title. According to Turner, verderers were elected and answered to the king, and foresters were appointed by the wardens.⁴ Turner classifies bailiffs as “wardens,” writing that wardens could be described as “stewards” or “chief foresters” as

¹ William de Raley, as head of the king’s court, influenced Bracton, the writer of *De Legibus et Consuetudinibus Angliae*. William was also partially responsible for the Statute of Merton in 1235, a document which will be examined in further research.

² *CRR* vol. XV:1359, 342. In the entry Englelard is referred to as “*Ingelardo de Atye*”; *Magna Carta*, ed. Carpenter, 57. The *de Atye* is a confusion probably because of Englelard’s association with Gerard d’Athée, possibly a relative. Gerard along with Englelard are named in clause fifty of Magna Carta as “alien knights..come...to the harm of the kingdom.”

³ *CRR*, vol. XV:1359. “*Et viridarii dicunt quod viderunt avum suum habere in ballia illa duos homines ad pedes ambulantes ad servandum forestam illam et patrem ipsius Reginaldi habere unum hominem equitantem et duos homines ad pedes ambulantes.*”

⁴ Turner, *Select Pleas of the Forest*, xix-xxi.

well.⁵ He also lists two types of foresters, riding and walking, adding that there was no rule as to how many could be employed in the forest.⁶ Graham Jones writes that castle constables, such as de Cigogné, often worked in conjunction with forest officials for supplies and protection of the castle.⁷

Even the activities of those who held position in the royal lands were subject to inquisition. A 1234 inquiry by the sherrif in Essex asked what right John Hurel held as parkkeeper of the royal park of Havering that allowed him to gather wood.⁸ The park was a “small” and “well-stocked” one-thousand-acre park that produced “about forty fallow deer a year in the earlier thirteenth century.”⁹ John stated that his ancestors held the right and the king ultimately conceded that John could retain that right.¹⁰

As in the earlier years examined in this paper, pleas of pannage found their way to the *Curia Regis* in Henry’s majority. A case in 1234 and 1235 also highlights the position of forest officials in Windsor. In late 1234, Gregory de la Dun charged Gilbert Basset for not allowing him to pannage his pigs in the woods of Brocwude.¹¹ Gregory claimed that during the time of King Richard an agreement had been made between William, his father, and

⁵ Turner, *Select Pleas of the Forest*, xvii.

⁶ *Ibid.*, xxii.

⁷ Graham Jones, “A Common of Hunting? Forests, Lordship, and Community Before and After the Conquest,” in *Forest and Chases of Medieval England and Wales c. 1000-c. 1500: Towards a Survey and Analysis*, eds. John Langton and Graham Jones (Oxford: St. John’s College Research Centre, 2010), 61.

⁸ *CRR*, vol. XV:1156, 282.

⁹ Mileson, *Parks in Medieval England*, 79, no. 227.

¹⁰ *CRR*, vol. XV:1156, 282.

¹¹ *CRR*, vol. XV:1260, 313. *Brucwude*, now Brookwood.

Alan, father of Gilbert, to allow such.¹² Gilbert did not appear in court until April 1235 when he asserted that Gregory did not have the right either from the king, the earl of Surrey, or from William le Brun his master.¹³ The courts freed Gilbert of the charges and Gregory was amerced.¹⁴ It should be noted that as of 1236, Gregory served as bailiff for the forest of Windsor.¹⁵ It is not clear if Gregory was bailiff of the forest at the time of the case, and there is no wording in the text to imply that he was operating as a forest official at the time.

In 1234 and 1237, we see additional forest officials confirming their rights to hold office, again both inherited positions. Both were summoned to answer “*quo warranto tene[n]t*” custody in the forest.¹⁶ Wibert de Toucestr (Towchester) was bailiff of Whitlewude forest in Northamptonshire.¹⁷ He claimed hereditary right to the office, all the way back to a Walwanus at the time of Henry I, yet an Alvredi de Whitleburry claimed rights to the same office through the same lineage and from his father Albert the Forester.¹⁸ Apparently, Walwanus had four sons and held the office of bailiff as part of a fief. Prior to his death, he transferred the fief to his eldest son, also named Wibert.¹⁹ Despite Wibert’s reluctance, he named Albricus, the youngest son, as bailiff, serving that office for Wibert, but not gaining it

¹² *CRR*, vol. XV:1260, 313

¹³ *CRR*, vol. XV:1349, 1433, 339, 370-371.

¹⁴ *CRR*, vol. XV:1433, 370-371.

¹⁵ *Close Rolls of the Reign of Henry III, A. D. 1234-1237* (London, Public Records Office, 1908): 394.

¹⁶ *CRR*, vol. XV:1075, 243-244; *CRR*, vol. XVI nos. 103, 105, 25-26. “By what right he [they] held.”

¹⁷ *CRR* vol. XV:1075, 243-244

¹⁸ *Ibid.*, 244. The current villages of Towchester and Whitleburry are around eight miles apart.

¹⁹ *CRR* vol. XV:1075, 243-244.

as a fief.²⁰ In the end, the court found that Wilbert could retain his holding and Alvredo was amerced for making a false claim.²¹

The other case in late September 1237 is a summons by the king to Robert de Everynham and his wife Isabel to show “*quo waranto tenant custodiam foreste de Shyrwod.*”²² The suit is clearly meant for both parties, Robert and Isabel, as the use of *tenant* is third person plural, a phrase repeated in both entries of the case.²³ The entry lies at the end of a manuscript membrane and the transcription is missing several words. Apparently, Isabel inherited the custody through her brother Thomas, who left no heirs. Robert had married into the position, and in the court their attorney claimed the right as part of Isabel’s inheritance dating back to Henry II.²⁴ In Hilary Term 1238 a hearing was set but no follow up was given.

In August of 1234 the men of Rotherwick complained that Gilbert de Eversley, as forester of fee, exacted too much of their oats than was customary.²⁵ Gilbert claimed that he is asked for the same amount as his father and grandfather when they held the bailey. There are missing words in this manuscript as well, but the final remarks show Gilbert stating that he did not know who his heir will be.²⁶ Both Rotherwick and Eversley lie in what was the forest of Eversley. The Victoria County History records that the bailiwick of Eversley “from

²⁰ Ibid.

²¹ Ibid.

²² *CRR*, vol. XVI:103 & 105, 25-26. “By what warranty do they hold custody of Sherwood Forest.”

²³ Ibid. Entry no. 105 also uses third person plural: *summoniti fuerunt...veniunt et dicunt* “they were summoned...they came and said.”

²⁴ *CRR*, vol. XVI:103 & 105, 25-26.

²⁵ *CRR*, vol. XV:1099, 252.

²⁶ *CRR*, vol. XV:1099, 252.

time immemorial was held by the ancestors of Gilbert.”²⁷ It further notes that Gilbert’s son, Walter, succeeded his father.²⁸

It is no wonder that confusion over inherited titles existed. Many factors were at play, including marriages between prominent land or office holding families, wars that saw nobles lose or gain rights and properties based upon their loyalty, and the varied and possibly confusing titles held by forest officials.

The Provision of the Forest and Beyond

In 1237 and 1238 Henry III sought to clarify forest administration issues. Henry implemented a geographic change in 1238 as the River Trent became the boundary of the two provinces of forest law administration²⁹ He named two individuals as chief foresters, each one taking the region above or below the Trent. Turner explains that the terms *citra Trentam* (on this side of the Trent) and *ultra Trentam* (beyond the Trent) applied based upon the location of the king not as static office titles.³⁰ Additionally, a general statement to the justices was given in 1237 to clear up jurisdictional issues between the justice of the forest and a bailiff.³¹

²⁷ "Parishes: Eversley," in *A History of the County of Hampshire: Volume 4*, ed. William Page (London: Victoria County History, 1911), 32-41. British History Online, accessed June 23, 2020, <http://www.british-history.ac.uk/vch/hants/vol4/pp32-41>.

²⁸ Ibid.

²⁹ Turner, *Select Pleas*, xiv.

³⁰ G. J. Turner, "The Justices of the Forest South of Trent," *The English Historical Review*, 18 no. 69 (1903): 112-116 at 113.

³¹ Young, *The Royal Forests*, 76.

The Provision of the Forest was issued in the *Curia Regis Rolls* in February 1237 as well as the *Close Rolls* in that year.³² The provision clarifies the positions of the justice of the forest and bailiff of “royal demesne manors and the woods that lay within forests.”³³ In April 1238, the provision was issued as Letters Patent, stipulating that the bailiffs can have the proceeds of nuts, honey, pannage, and agistment from the royal demesne.³⁴ Furthermore, the bailiffs can provide their own foresters, but they are not allowed to carry bow and arrow.³⁵ Only the justice is allowed to appoint a forester with bow and arrow and “not in great numbers than is necessary.”³⁶ Young comments that disputes between the forest justices and bailiffs had to go through the *curia regis*.³⁷ The 1237 to 1238 issuance of the Provisions of the Forest was another step toward the standardizing at least of the rights, privileges, and accountability of forest officials, the confusion of which was detailed previously.

While forest offices were subject to legal clarification, personal disputes could not be legislated. For example, the case of Richard de Saint John, who was accused of making waste and burning dwellings in the wood of Stansted, Essex, for which he held custody.³⁸ The land was held in wardship by the king for Roger de Muchanesy.³⁹ Richard was accused of cutting

³² *CRR*, vol. XVI:14, 5; *CCR Henry III*, vol. 3, 521-522.

³³ Young, *The Royal Forests*, 76.

³⁴ *CPR Henry III, A.D. 1232-1247*, 216. Entry is dated to April 10, 1238. Agistment is admitting cattle to the forest for a given period or taking in cattle to graze for a certain rate.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Young, *The Royal Forests*, 76.

³⁸ *CRR*, vol. XVI:1641, 324. *combussit domos et vastavit bosco quos habet in custodia in Stansted.*

³⁹ *Ibid.* See also *CRR*, vol. XVI:1708, 341.

down thirty-two oaks, twenty-six ash trees, and twenty hedges.⁴⁰ The case was continued through the 1240 to 1241 court terms, to which Richard defended himself.⁴¹ A curious twist is recorded when Richard called the previous inquisition unjust, as it involved William de Blavinny an under-sheriff, who was the great enemy of Richard.⁴² Ricard further claimed that the twelve men who comprised the jury were men and relatives of Roger.⁴³ After a final round of bickering, the court resolved that Richard should retain custody for ten years and the charges were dropped.⁴⁴

A case that also involved waste and custody was heard in the 1242 to 1243 session. Philip Mimekan was accused of making waste in the woods of Schotover by John de Neville.⁴⁵ John de Neville was son of Hugh the former chief forester. John had been named to chief forester in 1235, having previously served as undersheriff for his father in Essex and Hertford.⁴⁶ In the suit John claims that he had been given the control of Schotover from the king, and that John had put Philip in custody when he went on crusade.⁴⁷ Philip defended the claims, stating that it was his ancestors that held custody and John was not the one who gave it to him. Philip further claimed rights given to him by the king upon the death of Philip's

⁴⁰ *CRR*, vol. XVI:1799, 363-364.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *CRR*, vol. XVI:1799, 363-364. See also vol. XVI:1858, 380-381.

⁴⁵ *CRR*, vol. XVII:26, 9-10.

⁴⁶ Young, *Neville Family*, 26, 36-37.

⁴⁷ *CRR* vol. XVII:26, 9-10.

father, for which he paid 100 shillings.⁴⁸ An inquisition was made by the forest justice and twelve-man jury, and they found waste was made only of the vert and it was made before John had any claim to the land.⁴⁹ The court ruled that Philip was to hold his office in peace and John was to be amerced. The editor notes that “*miser cordia*” is crossed out and “*ad iudicium*” is written in the margin, suggesting that John and Philip reached a settlement outside the court.⁵⁰ John, however, was not to have the career of his father. An inquest in 1244 showed that he had taken advantage of his office after returning from crusade, committed “serious transgressions” and was amerced for two thousand marks.⁵¹ He was removed from office and died in 1246.⁵² Philip, however, did shortly thereafter produce a son. In about 1250, an inquisition post-mortem named “Philip, a son, aged 5, as his heir.”⁵³ Additionally, the record noted that Philip held land of the king for the “serjeanty of keeping the forest of Schotover and Stawude.”⁵⁴

The complexity of inherited offices is clearly evidenced in the above cases. Henry made progress early in his rule to bureaucratize forest administration, but the law of the land could not control the actions of the people. Violence was still inherent in the proceedings brought before the courts.

⁴⁸ Ibid.

⁴⁹ Ibid; Young, *Neville Family*, 26, 36-37.

⁵⁰ *CRR*, vol. XVII:26, 9-10; XVII:312, 78.

⁵¹ Young, *Neville Family*, 36-37.

⁵² Ibid.

⁵³ *Calendar of Inquisitions Post Mortem, Henry III*, vol. 1 (London: Public Records Office, 1904), 48. An inquisition post-mortem records the heir and holdings of a king’s tenant.

⁵⁴ Ibid.

The final case examined in this paper took place in Buckinghamshire, running from Michaelmas 1242 to Easter 1243. In the suit the prior of Hermodsworth sued twelve men who came armed into the woods of the prior of Tyngewyk and beat and humiliated the prior and then carried off thirty cartloads, although the contents of those cartloads was not specified.⁵⁵ The twelve men failed to appear in the Michaelmas 1242 or Hilary 1243 term. Finally, in the Easter 1243 term, Roger de Gray appeared to defend himself against the claim. After an inquiry, it was decided that the prior would recover the amount of two marks, the estimated damage to him by Roger.⁵⁶ The remaining eleven men defaulted but were set to owe similar damages as Roger, with the case being continued to Michaelmas.⁵⁷

1242 and 1243 marked another shift in the reign of Henry III. Henry had returned to England from France after a losing a battle to regain the lost Angevin lands. A month previously de Burgh had died, laying to rest a portion of Henry's past. Forest administrative roles were being further defined through cases involving hereditary right. Henry was responsive to litigants of those cases, at times favoring those tenants and abdicating his own rights or privileges. William Marshal crafted a foundational bureaucracy that Henry continued to build, the structure of which was seen more clearly in the *Curia Regis* cases in the first half of Henry's reign.

⁵⁵ *CRR*, vol. XVII: 788, 154 *boscum illum exciderunt et asportaverunt sine licentia* ; no. 1538, 299; no. 2340, 476-477, *illum intravit et scidit et asportavit circa xxx carettatas*. The contents of the carts are not explicitly named, although the use of *exciderunt* implies something was felled. It is possible that these cartloads contained winter fodder for animals.

⁵⁶ *CRR*, vol XVII:2340, 476.

⁵⁷ *Ibid.*

CHAPTER 5

CONCLUSION

The litigation records analyzed throughout this paper show the development of forest administration. The physical forest, including every type of terrain within the forest boundary, held valuable natural resources that needed to be maintained both in the vert and the venison. The legal administration of the forest served as a playground of power for the king and his nobility as they asserted their rights for themselves and their heirs.

The Forest as Habitat¹

The debate over whether the forests were maintained as royal hunting grounds or whether they were concerted conservation efforts is too simplistic and modern.² Graham Jones argues that “the extent to which forests are associated with towns” is often overlooked.³ He calls the equivocating of forest to hunting ground “counter-intuitive,” and that it disregards the populations who lived and operated in the forest boundaries.⁴ It can be both and neither. The term conservation conveys a modern sense of preservation for some future generation to enjoy. Some litigants explored in this paper were concerned with maintaining the forest. Maintenance in the medieval world was not about enjoyment as much

¹ Langton and Jones, “Deconstructing and Reconstructing,” 4.

² Jones, “A Common of Hunting,” 63.

³ *Ibid.*, 38.

⁴ *Ibid.*

as about survival and power. The communities of thirteenth-century England existed in an intimacy with the landscape, well-versed in management of the natural resources. Waste and destruction delays regrowth. Assarting changes the landscape. Trees and fields and pastures were necessary for survival not only for what they directly provided but for the fauna that lived and used the land. Hunting itself was not solely about hunting. It served as a sport that built bonds between nobles, tested their prowess and loyalty as well as providing entertainment.

The Forest as Economy⁵

The network of nobles in thirteenth-century England was tightly connected through long held loyalties and disloyalties to the crown, marriage connections, and negotiated rights to avenues of power. Those connections and the disputes that happened within them led to power plays among the nobility. As seen in the litigation records presented here, many forest disputes were not about violations of the forest but feuds over offices and liberties of the land. Nobles also turned to their tenants and sued when those violations possibly affected the long-term viability of the landscape. They were, in effect, protecting their investment. Sometimes those violations were strictly about power, sometimes they were attempts to conserve the land properly to ensure their tenant's survival as well as their own future interests in the property. In an era when land meant wealth, the preservation of landscape provided a financial inheritance as well as continued status.

⁵ Langton and Jones, "Deconstructing and Reconstructing," 4.

The Forest Today

England today still utilizes some lands as parks that once were royal forests. For instance, the New Forest and the Forest of Dean have never been disafforested.⁶ The Wychwood Project in Wychwood Forest in Oxfordshire is one of the many existing modern county level conservation projects.⁷ Manors listed in *Curia Regis* cases in this paper, some that trace their existence to the Domesday survey of 1086, are still in many instances part of small parishes. Pulloxhill in Bedfordshire is one such village, with a population just under 1,000 people and boasts a twelfth-century Norman church that was restored in the nineteenth century.⁸ Rotherwick and Heckfield, both villages in Hampshire, have populations under 500.

While parks and parishes may retain some of the medieval land use, albeit with boundaries shifted over time, there are still extant ancient trees. As of 2017, there are 117 oak trees in England that date back 800 to 1,000 years.⁹ The Major Oak in Sherwood Forest, Nottinghamshire, dates back that far. Its branches have supports placed under them to help protect the tree, as its legendary status as the tree of Robin Hood make it “too famous a tourist attraction...to fall apart.”¹⁰ In more recent years, the owners of Knepp Castle in Sussex, formerly part of the medieval Knepp Forest, opted to quit farming their 3,500-acre

⁶ Cook, *The New Forest*, ix.

⁷ *The Wychwood Project*, The Oxfordshire County Council. Accessed April 27, 2020, <http://www.wychwoodproject.org/cms/>.

⁸ “Pulloxhill: The Church of St. James the Apostle,” *Geograph*, UK Web Archive Project, accessed July 14, 2020, <https://www.geograph.org.uk/photo/871581>.

⁹ Aljos Farjon, *Ancient Oaks in the English Landscape* (Kew, UK: Kew Publishing, 2017), 6.

¹⁰ *Ibid.*, 21.

estate.¹¹ They set out to preserve their own ancient oaks; farming was robbing the ground of the nutrients the trees needed to survive.¹² Now, they have “re-wilded” the land, allowing nature to take over as it will, providing habitat for a plethora of vert and venison.¹³ The owners of Knepp castle have revived more than oaks in their conservation efforts.

As England has sustained the physical landscape, the preservation efforts of antiquarians provide compiled data to scholars, who may not have time and direct access to numerous archives. Each generation of scholar adds their layer of interpretation to the existing historiography. The study of forest law once divided between legal history and environmental studies now stands at a crossroads. The interdisciplinary research on forests allows scholars access to diverse data and fresh interpretations. The forest cases of the *Curia Regis Rolls* provide a glimpse into the environmental and legal structures surrounding forests in the thirteenth century. They are not simply cases of waste and woods; they are a view into the nature of thirteen-century English society as a whole.

The Relevance of Forest Law in the *Curia Regis Rolls*

This examination of the *Curia Regis Rolls* highlights developments in legal administration, particularly in the reign of Henry III. In John’s administration, he sought to control the barons through the court, and his reign was plagued by tensions between him and his barons. His men fought, sometimes literally, to ensure their forest rights were protected.

¹¹ Roxana Robinson, “Returned to the Wild: a 3,500-acre estate outside London is Ruled by Nature,” The Washington Post, January 4, 2019. Accessed July 13, 2020. https://www.washingtonpost.com/lifestyle/travel/returned-to-the-wild-a-3500-acre-estate-outside-london-is-ruled-by-nature/2019/01/03/5f88bb74-0241-11e9-b6a9-0aa5c2fcc9e4_story.html.

¹² Ibid.

¹³ Ibid.

Those rights were embodied in Magna Carta, which John was forced to seal in 1215. William Marshal pulled together the country after John's death and with the king's council, issued The Charter of the Forest in 1217.

The intricacy of litigation is also displayed throughout this analysis. Through the years of Henry's reign examined here, there is a growing sophistication of definitions and administration of forests. Competent administrators such as Peter des Roches, Hubert de Burgh, and William de Raley aided in those developments. By holding himself accountable to the contents of Magna Carta and the Charter of the Forest, Henry recovered his reputation that seemingly was headed on the same path as his father.¹⁴

Forest suits in the *Curia Regis Rolls* encompassed a variety of complaints and violations. Cases of violence begin and end this examination. Polite agreements might be made in the court, yet legislation cannot subdue personal temperaments. Waste cases are seen throughout the years examined, all the way from issues of dower to the felling of oaks in the war. Litigants might be recalled to court when they did not uphold previous agreements. Monastic holdings were an important part of the landscape, and abbots and priors could be tenacious in pursuit of their rights. Private chases were sought after benefices of the king.

The inheritance of forest land, rights, and offices could be a means of control for the king. Henry III, in particular, used proceedings to further conformity to his position, as seen in the few *quo warranto* cases in this paper. Also, litigants might attempt to control the court through stalling tactics such as *essoins*, which provided a simple but not always truthful excuse of illness. Defendants might argue that they could not answer the claim because they

¹⁴ David Carpenter, "King Henry III and Saint Edward: The Origins of Cult." *The English Historical Review*, 122, no. 498 (2007): 865-891 at 877.

did not hold rights to the land or office, that is seen in the case of William de Neville when he claimed the land belonged not to him but to his wife, Isabella.

In addition to standardizing litigation, the documenting of cases as permanent record increased. Michael Clanchy notes that while from the reign of Henry II more legal documents were being created, “the thirteenth was the century of keeping them.”¹⁵ Developments in the recording of those agreements, such as the triplicate chirograph at the end of Richard I’s reign, made it easier for the courts to verify claims and violations. Although more study needs to be done, it seems forest law served as an experimental playground where process and procedure might be worked out before being applied to other systems of law. The 1235/6 Statute of Merton is one such document that needs further review. The forest litigation in the *Curia Regis Rolls* made for a complex web of rights and violations that challenged generational memory and benefitted from enhanced recordkeeping.

¹⁵ Michael T. Clanchy, *From Memory to Written Record*, 3rd ed. (Chichester, UK: Wiley-Blackwell, 2013): 71.

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VITA

Paula Ann Hayward was born on May 3, 1967 in Saint Joseph, Missouri. She grew up in Kansas City, Missouri and graduated in the top ten percent of her class at Park Hill High School in 1985. Post high school, she worked as a veterinary assistant at Parkville Heights Animal Hospital for five years. She spent another five years as an insurance underwriting assistant for Allstate Insurance.

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Ms. Hayward is a member of the Medieval Academy of America, the Haskins Society, the Society of Medieval Feminist Scholarship, and the State Historical Society of Missouri.