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The Forest Regard of 1155

Emilie M. Amt

The Forest Charter of 1217 includes the promise that 'Our regarders shall go through the forests to make the regard as they were accustomed to do at the time of the first coronation of the aforesaid King Henry our grandfather...'.\(^1\) Taken at face value, this statement seems to mean that there had been an actual forest regard (an investigation of forest boundaries and encroachments, or assarts) at the time of Henry II's coronation. Granted, the phrase *tempore primae coronationis regis Henrici avi nostri* occurs several times in the Forest Charter and has a formulaic ring.\(^2\) But whether the drafters in 1217 meant it or not, the implication that a forest regard had taken place at the very beginning of Henry II's reign is in fact an accurate one – for we have its results and at least two contemporary references to it as well. One reference is in an early (probably 1155) charter of Henry II to the bishop of Coventry (or Chester), mentioning 'the king's officers and bailiffs, who marked out the bounds between these [assarts] and the king's forest in the presence of his foresters.'\(^3\) The second is in a royal writ of about the same date, which reads:

> Henry king of the English (etc.) ... to his justices and sheriffs and ministers, and to his foresters and to the regarders of his forests (*visoribut forestarum sui*) in Yorkshire, greeting. I concede to Ralph Nobilis and to his heirs fourteen acres quit of assarts in his land of Shipwich. And they are not to be counted among the assarts. ...\(^4\)

By Michaelmas 1155, when the first Pipe Roll of his reign was being written, Henry II's Exchequer was demanding large sums of money for assarts discovered throughout his kingdom. This Pipe Roll is long since lost, but a summarized version survives in the thirteenth-century *Red Book of the

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\(^2\) Ibid., 345–47.


Exchequer, and here we find brief notices of money due from assarts (de assarts) in 15 counties.

This evidence and its implications have been largely unnoticed or ignored by the writers of the standard works on the reign of Henry II and on the royal forest. Professor W.L. Warren mentions Alan de Neville's 1163 regard as the first general investigation of forest revenues under Henry II. Petiet-Dutaillis noted the 1217 reference in passing, but only to show, as he thought, that such practices dated from the early twelfth century. Round misleadingly implied that the 1155 entries were perfectly normal. The most recent and thorough work on the royal forest, by Charles Young, does not use the 1155 records at all. Consequently it will be worthwhile to examine these in some detail, and to explore the whole question of forest in the early years of Henry II.

To carry out a regard in 1155 was no small task for the new royal government. The project must have required a great deal of the administration's time and attention in a year when there were many pressing concerns. That Henry was in a position to carry out such a widespread inquiry so soon after his accession is a clear sign of the importance which he attached to his forest rights. Nor was the outcome insignificant. Because of the inexact nature of the Red Book extracts, we cannot tell how much of the money claimed from assarts was paid into the Treasury or excused from collection; but the total claimed in the Red Book records is £882 8s. 4d. (See table 1, infra, 191). The sum itself is astounding; it makes up almost 12 per cent of the potential royal revenue found in the existing records for the year. Of course, the royal forest was notorious, both for its law and for its revenue. In the forest, which lay under special and arbitrary royal control, all resources -- including game, timber, minerals, agricultural rights, and so on -- were reserved for the king. Vast expanses of England were classified as forest. In the twelfth century the forests may have covered more than a quarter of the kingdom. So one might reasonably expect to find forest revenues playing a prominent role in royal finance. But in fact the 1155 assart accounts are almost unique in the Pipe Rolls of the 1150s and unusual in the Pipe Rolls in general (see table 2, infra, 191).

In the 1156 Pipe Roll, for example, the Exchequer claimed only £111 4s. from assarts; about two-thirds of this, moreover, was probably carry-over from

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10 The Red Book extracts are vague and incomplete, making calculations problematic and most totals inaccurate. There may even have been more assart entries than survive, though I think this unlikely.
12 Young, Royal Forests, 5.
The cess was a set yearly payment, like a farm – indeed, cesses were sometimes called farms. A payment for an assart, according to the Dialogus de Scaccario, was also due annually; it was in effect a rent or a levy on crops:

...there is a common and fixed penalty for [making an assart], to wit a perpetual rent of one shilling for each acre sown with wheat, and sixpence for each sown with oats. These sums make up a total for which the Sheriff must answer at the Exchequer...22

Yet the assart demands in Henry II's Pipe Rolls are clearly for one-time payments; once the debt is paid off, it does not recur in subsequent years.23 As far as can be deduced from the surviving records, these cesses then ceased to concern the Exchequer. They may have become the responsibility of a forest official; but it must be recalled that in many of these counties no forest officials answered to the Exchequer. It seems that the assessments made in the Pipe Rolls were more in the nature of amercements or of fines paid to the king for a new agreement as to who had rights over the land in question. If the new agreement involved an annual rent, an assart payment as described in the Dialogus, this must have become the sheriff's responsibility, and the revenue would then have contributed to the county farm.

The scale of the 1155 assart accounts confirms the impression that a great deal of forest land had slipped out of royal control during the Anarchy. This has always been the received opinion on the forest under Stephen, in part because many of Stephen's royal acta grant away forest land or forest rights.24 While such charters may show a beleaguered king making the best of a bad situation, they may on the other hand show a capable ruler making deliberate political use of his forest rights. We also have charters in which Stephen is carefully guarding his forest rights;25 for example, he was usually very specific about permissible assarts, either in terms of location, or in terms of when the assarts had been made.26 This raises another point which indicates a certain lack of control: many charters granting forest rights were simply recognitions of assarts which the grantee had already made; this is particularly true of Stephen, but it also occurred under Henry and his parents.27

22. Dialogus, 57.
23. See, for example, P.R. 9 Henry II, 10, 37, 60; P.R. 14 Henry II, 201; P.R. 15 Henry II, 79. The exception that proves the rule is the recurring assart account for Stanley in Warwickshire, which is listed under 'Purpuresces.' Purpuresces, which began to appear in the rolls in 1165, did involve annual demands. P.R. 12 Henry II, 69; P.R. 13 Henry II, 163; P.R. 14 Henry II, 57; etc. Furthermore, many of the amounts claimed for assarts in the Pipe Rolls are calculated in marks, and are not evenly divisible by either a shilling or sixpence.
26. Ibid., nos. 137, 318, 351, 561, 565, 655, 657, 932.
27. Ibid., nos. 274, 459, 634–35, and supra, n. 26; Magnum Registrum Album, 345; Cartae Antiquae, no. 426.
The very question of just what was to be regarded as unlawful assarting was a complicated one in 1155. Stephen had promised at the beginning of his reign to disafforest those lands which Henry I had made forest, and this conflicted directly with Henry II's stated policy of restoring the kingdom to its state on the day of his grandfather's death. Assarts which Henry II considered unauthorized may have been the very disafforestation which Stephen had sanctioned as a matter of policy. The distinction between private assarting and the royal disafforestation may have been a grey area for those involved, just as it is for the historian.

No doubt the publication of Henry II's royal acta will provide more information on his forest policy. His ducal charters show his concern with forest rights even before his accession. Once he was king, a forest regard would be immediately set in motion to assert royal control where it had lapsed and to do so at a profit where possible. Actual expansion of forest territory began at about the same time. The king's charter confirming the possessions of Roger of Hereford, for example, reserved the Forest of Dean; and the entire county of Huntingdonshire was made forest soon after Henry's accession. From the beginning of his reign, his administration was alive to the value of the forest and placed a high priority on its protection.

The importance of royal forest went far beyond its role as sporting ground. Henry, of course, loved his hunting, but the forest had other vital functions as well. Thomas K. Keefe has recently put forward the intriguing idea that Henry II's forests formed part of an 'administrative enclave,' with forests tending to cluster in the same parts of England in which royal grants to familiari were most common and where the majority of Henry's royal acta were issued.31 Even clearer in the records is the role of the forest as a source of all sorts of royal revenue. Exploitation of forest resources was already increasing in the first few years of Henry's reign. Venison is the best-known forest product; deer were kept not only for hunting activities of the king and his friends, but also for meat for the royal court. The 1158 Pipe Roll, covering a period which the king spent in England, contains numerous notices of expenditure on the transport of venison (venatio Regis), which was presumably destined for the royal family and household, as well as the transport of live deer (dame Regis).32 Expenditure on the upkeep of the forest and its livestock also shows up in the Pipe Rolls.34 Most of the products which the government took from the forest, however, would presumably never appear in financial records: timber, charcoal, salt, turves, hay, and so on, would be gathered and used as needed by the royal household, the government, or the beneficiaries of royal grants.35 Minerals were something of an exception; the profits of some mines were recorded in the Pipe Rolls, and, although these were not all located in forests, the rising overall revenue claimed by the Exchequer from mining in the 1150s (a fivefold increase in four years) is indicative of rising financial demands on the natural resources available to the crown.

To conclude, I would like to return briefly to the thirteenth century. The situation is not exactly analogous, for after half a century of Angevin rule, royal forest had become a major political issue, and the end of the early thirteenth-century civil war is also much better documented than the end of the Anarchy. Yet it is interesting to note that Henry III when he came of age gave a great deal of attention to the royal forest and refused to accept the status quo during his minority as it pertained to the bounds of the forest.36 In that way, at least, his accession to power was reminiscent of that of his grandfather.

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26 Regestas, § 20, 2/2.
29 Ibid., nos. 180, 459, 600.
32 Young, Royal Forests, 58.
33 P.R. 2, 3, 4 Henry II, 115, 132, 153, 155, 175, 179, 184.
34 P.R. 2, 3, 4 Henry II, 10, 40, 54, 89, 91, 115, 136, 139, 154; P.R. 5 Henry II, 18, 28, 52.
35 Young, Royal Forests, 131–34. For royal forges in the Forest of Dean at the beginning of Henry's reign, see Margaret Bazeley, "The Forest of Dean in Its Relations with the Crown during the Twelfth and Thirteenth Centuries," Transactions of the Bristol and Gloucestershire Archaeological Society 33 (1910): 236.
36 Young, Royal Forests, 71–73.