

THE HASKINS SOCIETY JOURNAL

STUDIES IN MEDIEVAL HISTORY

EDITED BY ROBERT B. PATTERSON

VOLUME 2 1990

THE HAMBLEDON PRESS  
LONDON AND RIO GRANDE

Published by The Hambledon Press, 1990

102 Gloucester Avenue, London NW1 8HX (U.K.)

P.O. Box 162, Rio Grande, Ohio 45672 (U.S.A.)

ISBN 1 85285 059 0

© The Contributors 1990

A description of this title is available  
from the British Library and the Library  
of Congress

## Contents

Editor's Introduction	ix
Abbreviations	xi
1 St. Germanus and the <i>Adventus Saxonum</i> <i>Michael E. Jones</i>	1
2 The Questions of King Arthur's Existence and of Romano-British Naval Operations <i>Bernard S. Bachrach</i>	13
3 The <i>Historia Ecclesiastica</i> : Bede's Agenda and Ours <i>Walter Goffart</i>	29
4 Early Anglo-Saxon Penitentials and the Position of Women <i>Marc A. Meyer</i>	47
5 Eight Men In: Rouennais Traditions of Archiepiscopal Sanctity <i>Felice Lifshitz</i>	63
6 What Lanfranc Taught, What Anselm Learned <i>Suzanne J. Nelis</i>	75
7 St. Anselm and Women <i>Sally N. Vaughn</i>	83
8 Hastings: An Unusual Battle <i>Stephen Morillo</i>	95
9 Women in Orderic Vitalis <i>Marjorie Chibnall</i>	105
10 Geoffrey Brito, Archbishop of Rouen (1111–28) <i>David S. Spear</i>	123

11	Hugh of Amiens, Archbishop of Rouen (1130–64), The Norman Abbots, and the Papacy: The Foundation of a 'Textual Community' <i>Thomas G. Waldman</i>	139
12	William Earl of York and Royal Authority in Yorkshire in the Reign of Stephen <i>Paul Dalton</i>	155
13	The Foundation of Pipewell Abbey, Northamptonshire <i>Edmund King</i>	167
14	Place-Date Distribution of Royal Charters and the Historical Geography of Patronage Strategies at the Court of King Henry II Plantagenet <i>Thomas K. Keefe</i>	179
15	The Forest Regard of 1155 <i>Emilie Amt</i>	189
16	'Multis Vigiliis Excogitatam et Inventam': Henry II and the Creation of the English Common Law <i>Paul Brand</i>	197
17	The Households of the Justiciars of Richard I: An Inquiry into the Second Level of Medieval English Government <i>Richard Heiser</i>	223
18	Proper Behavior for Knights and Kings: The Hagiography of Matthew Paris, Monk of St. Albans <i>Cynthia Hahn</i>	237

## 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. . . .’<sup>1</sup> 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.<sup>2</sup> 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.’<sup>3</sup> 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 (*visoribus forestarum suarum*) 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. . . .<sup>4</sup>

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*

<sup>1</sup> *Select Charters and Other Illustrations of English Constitutional History*, ed. William Stubbs, rev. by H.W.C. Davis (Oxford, 1913), 345.

<sup>2</sup> *Ibid.*, 345–47.

<sup>3</sup> *Magnum Registrum Album*, in *Collections for a History of Staffordshire*, ed. H.E. Savage, William Salt Archaeological Society (1924): 9.

<sup>4</sup> *Cartae Antiquae, Rolls 11–20*, ed. J. Conway Davies, P.R.S. n.s. 33 (1957), no. 426.

*Exchequer*, and here we find brief notices of money due from assarts (*de assartis*) in 15 counties.<sup>5</sup>

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.<sup>6</sup> Petit-Dutaillis noted the 1217 reference in passing, but only to show, as he thought, that such practices dated from the early twelfth century.<sup>7</sup> Round misleadingly implied that the 1155 entries were perfectly normal.<sup>8</sup> The most recent and thorough work on the royal forest, by Charles Young, does not use the 1155 records at all.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> Vast expanses of England were classified as forest. In the twelfth century the forests may have covered more than a quarter of the kingdom.<sup>12</sup> 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

<sup>5</sup> P.R.O., E. 164/2, fols. 184d–85d; printed in *The Red Book of the Exchequer*, ed. Hubert Hall, R.S. (London, 1897), 648–58.

<sup>6</sup> W.L. Warren, *Henry II* (London, 1973), 285.

<sup>7</sup> Charles Petit-Dutaillis, *Studies Supplementary to Stubbs' Constitutional History*, trans. W.T. Waugh, 2 (Manchester, 1914), 173.

<sup>8</sup> J.H. Round, 'The Forest of Essex,' *Journal of the British Archaeological Association*, n.s. 3 (1897): 39.

<sup>9</sup> Charles R. Young, *The Royal Forests of Medieval England* (Leicester, 1979), 33–34.

<sup>10</sup> 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.

<sup>11</sup> Richard Fitz Nigel, *Dialogus de Scaccario*, ed. Charles Johnson (Oxford, 1983), 59–60; Young, *Royal Forests*, 131–34. See Warren, *Henry II*, 390, for the contemporary criticism of the forest.

<sup>12</sup> Young, *Royal Forests*, 5.

Table 1

Assart Accounts in 1155 (Red Book of the Exchequer)

Amount claimed	£	s.	d.
County			
Berkshire	19	7	6
Dorset	6	12	0
Essex	215	18	0
Hampshire	27	5	0
Leicestershire	3	2	0
Northamptonshire	65	16	10
Nottinghamshire and Derbyshire	95	10	0
Oxfordshire	10	10	0
Shropshire	60	0	0
Somerset	6	10	0
Staffordshire	127	0	0
Wiltshire	41	16	0
Worcestershire	88	16	0
Yorkshire	114	5	0
Total	882	8	4

Table 2

Assart Accounts in Following Years (Pipe Rolls)

Regnal year	Number of new accounts	Total £	s.	d.
2 HII: 1155–56	2	38	1	6
3 HII: 1156–57	1	6	16	0
4 HII: 1157–58	2	2	0	0
5 HII: 1158–59	0			
6 HII: 1159–60	9	143	11	4
7 HII: 1160–61	0			
8 HII: 1161–62	0			
9 HII: 1162–63	3	3	0	0
10 HII: 1163–64	2	0	13	4
11 HII: 1164–65	0			
12 HII: 1165–66	1	0	17	6
13 HII: 1166–67	3	15	0	0
14 HII: 1167–68	1	160	16	4
15 HII: 1168–69	1	2	0	0
16 HII: 1169–70	20	1248	12	1

the previous years's accounts, with only two counties' assarts (amounting to £38 1s. 6d.) being new claims.<sup>13</sup> Over the next few years, there were only a few new entries for assarts. In 1160 there was increased activity, with seven sheriffs and two other individuals accounting for some £143 from assarts.<sup>14</sup> But the next new assart accounts occur in 1163, the year of Alan de Neville's first forest regard, and even then they are not numerous.<sup>15</sup> Not until 1170 did anything resembling the 1155 inquiry take place; in this year the sheriffs of twenty counties were held responsible at the Exchequer for some £1248 from 'assarts and waste of the forest and pleas of the forest.'<sup>16</sup> Clearly the 1155 assart accounts represent no ordinary procedure, but a special activity undertaken only from time to time.

The 1155 records contain assart accounts for 15 counties. In most cases, the account was rendered by the sheriff. One exception was the bishop of Chester, who was charged with £100 *pro essartis suis* in the Staffordshire accounts; the sheriff was charged separately for £27 *de aliis assartis*.<sup>17</sup> The other non-*viscontiel* accountant was Walter Waleram, who, under the heading of Wiltshire, accounted for £27 5s. *de assartis Novae Forestae* (Hants.) and for £41 6s. *de assartis aliis comitatus*. Walter was also responsible that year for the ordinary forest account, or 'cess,' of the New Forest (for which he continued to account in subsequent years).<sup>18</sup> One might well expect forest cess accounts to be closely related to the assart accounts or at least to occur in similar numbers in the records, but in fact the 1155 records contain only four accounts for forest cesses. The following year there were a dozen cess accounts totalling £111, and these remained fairly consistent for the next few years. It seems most unlikely that a royal inquiry dealing with encroachments in forest areas would ignore the question of which forest cesses were to be accounted for at the Exchequer. Presumably the new administration was just as interested in this as it was in the assarts. But apparently the most that could be done in many forest areas in the first year of the reign was the assessment of assarts, to be accounted for (by the sheriffs) immediately, and the installation or confirmation of a forest official who would begin to account for the cess the following year.<sup>19</sup> Nor did the Exchequer demand cesses from every forest; many of the 1155 assart accounts are for counties where no forest cesses were rendered even in subsequent years.<sup>20</sup>

<sup>13</sup> *P.R. 2,3,4 Henry II*, 11, 13, 17, 27, 39.

<sup>14</sup> *P.R. 6 Henry II*, 7, 24, 27, 29, 34, 37, 39, 44.

<sup>15</sup> *P.R. 9 Henry II*, 10, 22, 37, 60.

<sup>16</sup> *P.R. 16 Henry II*, 23, 24, 30, 32, 41, 49, 56, 59, 63–64, 69, 72, 84–85, 89, 95, 107, 125, 131, 133. The next year saw the eyre continue in Dorset and Somerset; *P.R. 17 Henry II*, 17, 29.

<sup>17</sup> *Red Book*, 652. The bishop's assarts were presumably those confirmed in the charter cited supra, n. 3.

<sup>18</sup> *Red Book*, 649.

<sup>19</sup> The regard continued into the following year in Hunts. and Surrey, with the resulting assessments appearing for the first time in the Pipe Roll of 1156; *P.R. 2,3,4 Henry II*, 11, 13.

<sup>20</sup> Essex, Dorset, Leics., Notts., Derby, Salop., Somerset, Staffs., Yorks.

The cess was a set yearly payment, like a farm – indeed, cesses were sometimes called farms.<sup>21</sup> 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. . . .<sup>22</sup>

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.<sup>23</sup> As far as can be deduced from the surviving records, these assarts 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.<sup>24</sup> 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;<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup>

<sup>21</sup> *P.R. 2,3,4 Henry II*, 36, 62.

<sup>22</sup> *Dialogus*, 57.

<sup>23</sup> 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 'Purprestures.' Purprestures, 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.

<sup>24</sup> *Regesta*, 3: nos. 271, 337, 382, 422–23, 598, 831, 838, 851, 853, 992; Young, *Royal Forests*, 16–19, 72; Round, 'Forest of Essex,' 37–9.

<sup>25</sup> *Regesta*, 3: nos. 271, 337, 724, 966, 976.

<sup>26</sup> *Ibid.*, nos. 137, 318, 351, 561, 565, 655, 657, 932.

<sup>27</sup> *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.<sup>28</sup> 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 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.<sup>29</sup> Once he was king, a forest regard was 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.<sup>30</sup> 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 a 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 *familiares* were most common and where the majority of Henry's royal *acta* were issued.<sup>31</sup> 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.<sup>32</sup> 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*).<sup>33</sup> Expenditure on the upkeep of the forest and its livestock also shows

up in the Pipe Rolls.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup> In that way, at least, his accession to power was reminiscent of that of his grandfather.

Washington College

<sup>28</sup> *Regesta*, 3: no. 271.

<sup>29</sup> *Ibid.*, nos. 180, 459, 600.

<sup>30</sup> *Rouli Chartarum in Turri Londoniensi Asservati, i, Pars I*, ed. T.D. Hardy (London, 1835), 53; H.C. Darby, *The Domesday Geography of Eastern England* (Cambridge, 1952), 338. For new afforestation in other counties, see Young, *Royal Forests*, 19–20; *Victoria History of the County of Leicester*, ed. William Page, 2 vols. (London, 1907), 2: 265; *Victoria History of the County of Stafford*, ed. William Page, 2 vols. (London, 1908), 2: 335, 348; *Victoria History of the County of Surrey*, ed. H.E. Malden, 4 vols. (London, 1902–12), 2: 563.

<sup>31</sup> An area including the Thames valley, London, Winchester, and Northampton; Thomas K. Keefe, 'The Significance of Place-Date Distribution in the *Acta* of Henry II,' *supra*, 182–84.

<sup>32</sup> Young, *Royal Forests*, 58.

<sup>33</sup> *P.R. 2,3,4 Henry II*, 115, 132, 153, 155, 175, 179, 184.

<sup>34</sup> *P.R. 2,3,4 Henry II*, 10, 40, 54, 89, 91, 115, 136, 139, 154; *P.R. 5 Henry II*, 18, 28, 52.

<sup>35</sup> 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.

<sup>36</sup> Young, *Royal Forests*, 71–73.